

ORDINANCE NO. 2015-38

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO A LEASE AGREEMENT BETWEEN THE CITY OF HIALEAH, AS LANDLORD, AND PROGRESSIVE WASTE SOLUTIONS OF FL, INC., A FLORIDA CORPORATION, AS TENANT, FOR USE OF THE SOLID WASTE EQUIPMENT FACILITY LOCATED AT 970 EAST 56 STREET, HIALEAH, FLORIDA, CONSISTING OF 6,570 SQUARE FEET OF OFFICE SPACE, SURFACE PARKING AREA AND EQUIPMENT STORAGE YARD, MORE PARTICULARLY DESCRIBED AS PARCEL F AND PARCEL J IN LOCATION SKETCHES ATTACHED TO THE LEASE AGREEMENT, FOR A TERM BEGINNING ON THE DATE THE TENANT BEGINS TO PROVIDE COLLECTION SERVICES TO THE CITY PURSUANT TO THE EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION OF RESIDENTIAL MUNICIPAL WASTE, AND THEREAFTER COTERMINOUS WITH THE EXCLUSIVE FRANCHISE AGREEMENT, FOR AN ANNUAL BASE RENT AMOUNT OF \$108,000.00 SUBJECT TO AN ANNUAL ADJUSTMENT OF THREE PERCENT (3%) OF THE BASE RENT OR ONE HUNDRED PERCENT (100%) OF ANY UPWARD INCREASE IN THE CONSUMER PRICE INDEX, WHICHEVER AMOUNT IS GREATER, PAYABLE IN EQUAL MONTHLY INSTALLMENTS, IN SUBSTANTIAL CONFORMITY WITH THE AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City issued a request for proposals (“RFP”) for certain types of Solid Waste Collection Services; and

WHEREAS, Progressive Waste Solutions of FL, Inc. (“Progressive Waste”) submitted a proposal in response to the City’s RFP (RFP No. 2014-15-9500-00-002) and as part of its proposal Progressive Waste proposed to lease the City’s Solid Waste Equipment Yard; and

WHEREAS, after evaluating all of the proposals that were submitted in response to the City’s RFP, the City Council determined that Progressive Waste submitted the best proposal for the collection of residential municipal waste; and

WHEREAS, pursuant to Hialeah, Fla. Ordinance _____ (August _____, 2015), the City awarded an exclusive franchise to Progressive Waste for the collection of municipal residential waste and authorized the execution of an exclusive franchise agreement;

WHEREAS, this Lease advances the public purposes of providing its citizens with the best level of municipal solid waste collection service that is environmentally sound and cost-effective, while also making the most efficient use of its facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby authorize the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City of Hialeah, as Landlord, and Progressive Waste Solutions of FL, Inc., a Florida corporation, as Tenant, for use of the solid waste equipment facility located at 970 east 56 street, Hialeah, Florida, consisting of 6,570 square feet of office space, surface parking area and equipment storage yard, more particularly described as Parcel F and Parcel J in location sketches attached to the Lease Agreement, for a term beginning on the date the Tenant begins to provide collection services to the City pursuant to the Exclusive Franchise Agreement for the collection of residential municipal waste, and thereafter coterminous with the Exclusive Franchise Agreement,

for an annual base rent amount of \$108,000.00 subject to an annual adjustment of three percent (3%) of the base rent or one hundred percent (100%) of any upward increase in the Consumer Price Index, whichever amount is greater, payable in equal monthly installments.

Section 3: The City Council hereby approves the terms of the lease in substantial conformity with the terms of the Lease Agreement attached hereto and made a part hereof as "Exhibit 1" and hereby authorizes the Mayor and the City Clerk, as attesting witness, to sign the Lease Agreement on behalf of the City.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation or suspension of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida or at the next regularly

scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

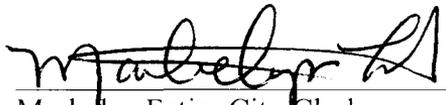
PASSED AND ADOPTED this 11 day of August, 2015.



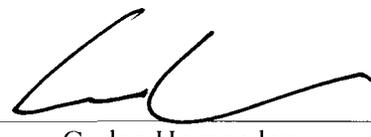
Isis Garcia Martinez
Council President

Attest:

Approved on this 19 day of August, 2015.

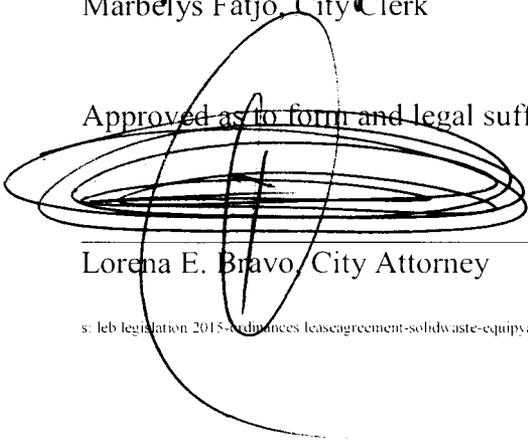


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casáls-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.