ORDINANCE NO. 2015-63

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A FIVE-YEAR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF HIALEAH, AS LESSEE, AND LEASING 2, INC., A FLORIDA CORPORATION, AS LESSOR, TO FINANCE THE PURCHASE OF AN E-ONE SEVENTY-EIGHT (78) FOOT AERIAL FIRE TRUCK, IN THE TOTAL PAYMENT AMOUNT OF $674, 616.25, INCLUDING INTEREST PAYMENTS TOTALING $70,789.25 AT AN ANNUAL INTEREST RATE OF 2.73%, PAYABLE ON A YEARLY BASIS BEGINNING ON MARCH 1, 2016 AND EVERY FIRST DAY OF MARCH THEREAFTER FOR FIVE YEARS, IN THE AMOUNT OF $134,923.25; AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE THE LEASE-PURCHASE AGREEMENT, IN SUBSTANTIAL CONFORMITY WITH THE LEASE-PURCHASE AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1" AND ALL OTHER NECESSARY DOCUMENTS IN FURTHERANCE HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hialeah, a municipal corporation of the State of Florida, is authorized by the laws of the State of Florida to purchase and acquire an E-One seventy-eight (78) foot aerial fire truck as described in the Lease-Purchase Agreement, attached hereto as Exhibit "1" in substantial form; and

WHEREAS, the City Council of the City of Hialeah, as the governing body of the City, has determined that a true and very real need exists for the acquisition of an E-One seventy-eight (78) foot aerial fire truck as described in the Lease-Purchase Agreement with Leasing 2, Inc.; and

WHEREAS, such E-One seventy-eight (78) foot aerial fire truck is essential for the City's performance of its governmental functions, and in particular, the services performed by City of Hialeah Fire Department to the community; and

WHEREAS, the E-One seventy-eight (78) foot aerial fire truck will not be used for private business purposes; and

WHEREAS, the City has taken the necessary steps, including the compliance with all legally binding requirements under applicable law for the acquisition of such equipment; and

WHEREAS, it is in the best interest of the welfare of the community to enter into this Lease-Purchase Agreement with Leasing 2, Inc. to acquire a E-One seventy-eight (78) foot aerial fire truck pursuant to and in accordance with the negotiated terms as set forth in the Lease-Purchase Agreement to improve the City of Hialeah Fire Department's services to the community ensuring outstanding patient care and efficient emergency response.

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 approves a five-year Lease-Purchase Agreement between the City of Hialeah, as lessee, and Leasing 2, Inc., a Florida corporation, as lessor, to finance the purchase of an E-One seventy-eight (78) foot aerial fire truck, in the total payment amount of $674, 616.25, including interest payments totaling $70,789.25 at an annual interest rate of 2.73%, payable on a yearly basis beginning on March 1, 2016 and every first day of March thereafter for five years, in the amount of $134,923.25.

Section 3: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Lease-Purchase Agreement, in substantial conformity with the Lease-Purchase Agreement attached hereto and made a part hereof as Exhibit "1" and all other necessary documents in furtherance hereof.

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 27 day of OCTOBER, 2015.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 3 day of November, 2015.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, City Attorney

S: DDP LEGISLATURE ORDINANCES 2015 equipment lease-purchaseagreement-Fire.docx

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