

RESOLUTION NO. 2020-189

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF HIALEAH, FLORIDA AND AXON ENTERPRISE, INC. FOR THE PURCHASE OF LAW ENFORCEMENT EQUIPMENT, SPECIFICALLY TASERS 7, CARTRIDGES, AND RELATED SERVICES INCLUDING TRAINING AND WARRANTY, FOR THE HIALEAH POLICE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED \$1,003,610.00 TO BE PAID IN INSTALLMENTS OVER A PERIOD OF FIVE (5) YEARS, BEARING NO INTEREST, BEGINNING WITH A PAYMENT IN THE AMOUNT OF \$100,000.00 FOR THE FIRST YEAR, IN FISCAL YEAR 2021, AND SUBSEQUENT EQUAL PAYMENTS IN THE AMOUNT OF \$225,900.00 FOR YEARS 2-5 SUBJECT TO APPROPRIATIONS, AS SET FORTH IN THE QUOTE DATED DECEMBER 2, 2020, ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; APPROVING THE EXPENDITURE IN AN AMOUNT NOT TO EXCEED \$100,000.00, FROM THE LAW ENFORCEMENT TRUST FUND-STATE TO FUND THE FIRST INSTALLMENT PAYMENT FOR FISCAL YEAR 2021; FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE AN AGREEMENT IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, conducted energy weapons, also known as tasers are commonly used by law enforcement agencies around the nation as a less-lethal means to stop confrontations and de-escalate conflict, while minimizing the officer's risks associated with coming into close contact with a threat; and

WHEREAS, the TASER 7 is the newest generation of tasers, and the most effective conducted energy weapon designed as of today, because it dramatically improves performance including, but not limited to misses, clothing disconnects, and close probe spreads, it includes a two-bay cartridge system and louder warnings, giving officers more confidence to de-escalate or pause dangerous situations and ensure public safety; and

WHEREAS, the Hialeah Police Department has identified an immediate need to transition to the newer and more efficient generation, TASER 7; and

WHEREAS, the TASER 7 is only manufactured and available for purchase from Axon Enterprise, Inc.; and

WHEREAS, Axon Enterprise, Inc. has provided the Hialeah Police Department with a Quote, attached hereto and incorporated herein as Exhibit "A", which provides for the cost of the equipment, cartridges, spared parts, and related services including training and warranty in an amount not to exceed \$1,003,610.00; and

WHEREAS, the Quote provides that the total amount of \$1,003,610.00 could be paid in installments, beginning with a payment in the amount of \$100,000.00 for the first year in Fiscal Year 2021, and subsequent equal payments in the amount of \$225,900.00 for years 2-5, bearing no interest and subject to appropriations; and

WHEREAS, the Quote expires on December 18, 2020, and Axon Enterprises, Inc. cannot extend the price quoted for the products, or the discounts and incentives given to the City after the 2020 calendar year; and

WHEREAS, Axon Enterprises, Inc.'s anticipated cost for the same products and services should the agreement not be executed within the 2020 calendar year is \$1,265,100.00; and

WHEREAS, Section 932.7055, Fla. Stat. (2018), the Florida Contraband and Forfeiture Act, authorizes the expenditure of Law Enforcement Trust Funds for this purpose and the funds are available in the Law Enforcement Trust Fund-*State* account #105.1000.521640 for the Hialeah Police Department; and

WHEREAS, the Chief of Police of the City of Hialeah Police Department has recommended adoption of this resolution and determined that the proposed expenditure complies with the Florida Contraband Forfeiture Act, and all applicable rules, regulations and guidelines governing the expenditure of Law Enforcement Trust Fund-*State*; and

WHEREAS, the City finds the expenditure is in the public interest; and

WHEREAS, it is in the best interest of the City to enter into an Agreement with Axon Enterprises, Inc., for the purchase of the TASER 7, accessories, cartridges, spared parts, and related services including training and warranty, as a transition to the TASER 7 will enable the Hialeah Police Department to better protect the residents of this community, and our police officers, and will allow for enhanced effectiveness in a myriad of dangerous operating conditions.

NOW, THEREFORE, BE IT RESOLVED 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 resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby approves an Agreement between the City of Hialeah, Florida and Axon Enterprise, Inc. for the purchase of law enforcement equipment,

specifically TASERS 7, cartridges, and related services including training and warranty, for the Hialeah Police Department, in an amount not to exceed \$1,003,610.00 to be paid in installments over a period of five (5) years, bearing no interest, beginning with a payment in the amount of \$100,000.00 for the first year, in Fiscal Year 2021, and subsequent equal payments in the amount of \$225,900.00 for years 2-5 subject to appropriations, as set forth in the quote dated December 2, 2020, attached hereto and incorporated herein as Exhibit "A".

Section 3: The City of Hialeah, Florida hereby approves the expenditure in an amount not to exceed \$100,000.00, from the Law Enforcement Trust Fund-*State* to fund the first installment payment for Fiscal Year 2021.

Section 4: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute an Agreement in a form acceptable to the City Attorney.


Section 5: This resolution shall become effective when approved by majority vote of the City Council and signed by the Mayor 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 8 day of December, 2020.



Jesus Tundidor
Council President

Attest:



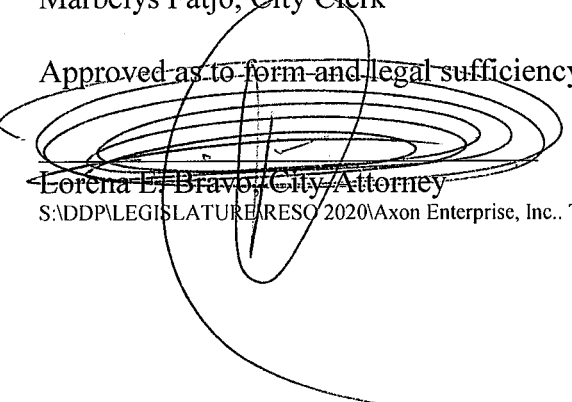
Marbelys Fatjo, City Clerk

Approved on this 16 day of December, 2020.



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Resolution was adopted by 4-0-3 vote with Councilmembers, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member De la Rosa and Council Member Hernandez absent, and Council Member Cue-Fuente recording her vote as "Yes".