

Mayor

Yiozet De La Cruz

City Council Members

Chairman Luciano "Lucky" García
Vice Chairman Rolando "Roly" Piña
Council member Jorge A. Merida
Council member Jorge Gutierrez
Council member Elmo L. Urra

PUBLIC NOTICE: TO ALL CONCERNED CITIZENS OF HIALEAH GARDENS, FLORIDA. NOTICE TO BE POSTED AT CITY HALL.

**AGENDA: REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
May 18, 2010 – 7:30 P.M.**

NOTE: In compliance with Robert's Rules of Order, all speakers will be heard only on items which are on the agenda and opened by the Chairperson for discussion by the public. Speakers will be limited to five minutes, unless the Chairperson allows more time for presentation.

ATTENTION ALL LOBBYISTS: Chapter 2, Section 2-308 of the City Code of Hialeah Gardens entitled "Lobbying" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Council, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist's laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

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- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation**
- 4. Pledge of Allegiance**
- 5. Deletions/Emergency Additions**
- 6. Review of Minutes:** May 4, 2010
- 7. Public Comments**
- 8. Recognition of Mater Academy students:**
 - Claudia Capdesuner - Ms. Future Business Leader, Who's Who in FBLA and Florida Scholarship winner
 - Yessenia Hernandez - Parliamentary Procedure – First Place
 - Marcos Gonzalez - Parliamentary Procedure – First Place
 - Meghan Martinez - Parliamentary Procedure – First Place
 - Vladimir Noda - Business Financial Plan – First Place
 - Nathalie Aviles - Community Service Project – First Place
 - Elias Jaime - Accounting II – First Place
 - Nicole Lamazares - Website Development
 - Roxanne Agrello - Introduction to Parliamentary Procedure – First Place
 - Jennifer Gonzalez - E-Business – First Place
- 9. Swearing in ceremony for new police officer and report on Police Department staff promotions:** Chief Van Toth.
- 10. Request for approval of 2 COP alcohol beverage license transfer of ownership for Barbara's Cuban Café, 8050 N.W. 103 Street, Hialeah Gardens, Florida:** Owner, Mr.Yoanner Echenique.

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- 11. Request for approval of expenditures for the construction of three water main extension projects (PW-09-103, PW-09-104, PW-09-105):** Mr. Joe Lopez, Public Works Director.
- 12. Request for approval to purchase pipe materials for the construction of three water main extensions (PW-09-103, PW-09-104, PW-09-105):** Mr. Joe Lopez, Public Works Director.
- 13. Proposed Resolutions:**
 - A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE HAULING OF DEMOLITION DEBRIS IN AN AMOUNT NOT TO EXCEED \$17,510.46; RATIFYING THE AWARDING OF THE CONTRACT TO OVERLAND CARRIERS; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
 - B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE UTILIZATION OF MILLING SERVICES UP TO EIGHT INCHES IN AN AMOUNT NOT TO EXCEED \$21,381.36; RATIFYING THE AWARDING OF THE CONTRACT TO EITHER ASPHALT MILLING SERVICES OR C & R MILLING & PAVING DEPENDING ON PRICE AND AVAILABILITY; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
 - C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING CONCRETE WORK IN AN AMOUNT NOT TO EXCEED \$165,500.50; RATIFYING THE AWARDING OF THE CONTRACT TO EITHER BARREIRO

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CONCRETE CORP OR M & J CONCRETE DEPENDING ON PRICE AND AVAILABILITY; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE PURCHASE OF SIGNAGE AND STRIPING SERVICES IN AN AMOUNT NOT TO EXCEED \$38,367.25; RATIFYING THE AWARDED OF THE CONTRACT TO EITHER J & M PARKING OR HIGH TECH STRIPING DEPENDING ON PRICE AND AVAILABILITY; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE PURCHASE AND INSTALLATION OF BAHIA SOD IN AN AMOUNT NOT TO EXCEED \$11,292.20; RATIFYING THE AWARDED OF THE CONTRACT TO EITHER GROUNDKEEPERS OR GOLD COAST TURF DEPENDING ON PRICE AND AVAILABILITY; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- F) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE INSTALLATION OF GUARDRAILS IN AN AMOUNT NOT TO EXCEED \$71,161.20; RATIFYING THE AWARDED OF THE CONTRACT TO EITHER SOUTHEAST GUARDRAIL OR SUNSHINE GUARDRAIL DEPENDING ON PRICE AND AVAILABILITY; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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- G) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE RENTAL OF EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$100,000.00; RATIFYING THE AWARDED OF THE CONTRACT TO EITHER THE CITY OF HIALEAH GARDENS, GS EQUIPMENT OR NEFF RENTAL MIAMI DEPENDING ON PRICE AND AVAILABILITY; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- H) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE PURCHASE OF DRAINAGE MATERIALS NOT INCLUDING BALLAST IN AN AMOUNT NOT TO EXCEED \$23,679.18; RATIFYING THE AWARDED OF THE CONTRACT TO EITHER BOND SUPPLY, FERGUSON ENTERPRISES OR A & B PIPE DEPENDING ON PRICE AND AVAILABILITY; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- I) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE PURCHASE OF BALLAST ROCK, LIMEROCK AND LBR-40 INCLUDING DELIVERY AND HAULING OF MATERIAL IN AN AMOUNT NOT TO EXCEED \$450,668.79; RATIFYING THE AWARDED OF THE CONTRACT TO OVERLAND CARRIERS; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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- J) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE INSTALLATION OF TYPE III A.C. PAVEMENT IN AN AMOUNT NOT TO EXCEED \$246,637.60; RATIFYING THE AWARDED OF THE CONTRACT TO GENERAL ASPHALT; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- K) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122ND STREET PHASE III; AUTHORIZING THE PURCHASE OF DRAINAGE STRUCTURES IN AN AMOUNT NOT TO EXCEED \$28,988.48; RATIFYING THE AWARDED OF THE CONTRACT TO EITHER PRECAST DEPOT OR US PRECAST DEPENDING ON PRICE AND AVAILABILITY; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

14. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS N.W. 112TH AVE., LEGALLY DESCRIBED AS: A PORTION OF TRACK 57, FLORIDA FRUIT LANDS CO. SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 10.00 FEET OF THE WEST 50.00 FEET OF THE SOUTH ONE-HALF OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST

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ONE-QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA; SAID LANDS SITUATE IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, AND CONTAIN 3,300 SQUARE FEET, MORE OR LESS; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. **(TRC Vote 5-0; P&Z n/a)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR PREFERRED FREEZER HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACK 57, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. LESS AND EXCEPT: THE WEST 40.00 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST. AND ALSO LESS AND EXCEPT: THE EAST 35.00 FEET OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AND THE EXTERNAL AREA OF A 25.00 FEET RADIUS CIRCULAR CURVE, CONCAVE TO THE NORTHWEST AND TANGENT TO A LINE 35 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION. SAID LANDS SITUATE IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, AND CONTAIN 9.459 ACRES, MORE OR LESS, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote 5-0; P&Z Vote n/a)**

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- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS COUNCIL, AMENDING SECTION 78-84 OF THE LAND DEVELOPMENT REGULATIONS CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, FLORIDA, CONDITIONALLY PROVIDING TO ADD METAL, AS ACCEPTABLE RESIDENTIAL ROOFING MATERIAL, EXCEPT IN THE ESTATE RESIDENTIAL DISTRICT, SETTING FORTH THOSE CONDITIONS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

15. Second Reading / Public Hearing for consideration and final adoption of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO UPDATE THE CAPITAL IMPROVEMENTS ELEMENT FIVE YEAR CAPITAL IMPROVEMENTS SCHEDULE PURSUANT TO SECTION 163.3177(3)(b)1., FLORIDA STATUTES (F.S.) AND RULE CHAPTER 9J-5.016(5), FLORIDA ADMINISTRATIVE CODE (F.A.C.); PROVIDING THAT THE TEXT, AS AMENDED OR REVISED, SHALL BE SUBSTITUTED FOR AND REPLACE IN FULL THE EXISTING TEXT IN THE ADOPTED CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR TRANSMITTAL OF THE ADOPTED AMENDMENT TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16. City Attorney's Report**17. Mayor's Report – Miscellaneous****18. Council Members Concerns / Reports / Board Appointments****19. Adjournment**

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Agenda certified by:

Maria L. Joffe
City Clerk

Any person desiring to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

SCHEDULE OF MEETINGS**CITY COUNCIL**

Tuesday, June 1, 2010, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, June 7, 2010, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, June 3, 2010, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, May 25, 2010. 7:00 P.M.

POLICE PENSION BOARD

T.B.A.