

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, MAY 18, 2010**

**CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, and Councilman Elmo L. Urra. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña and Councilman Jorge Gutierrez were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** An addition was made to Item 8.
- 6. Review of Minutes:** May 4, 2010. Chairman Garcia made a motion to approve the minutes of May 4, 2010, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

## 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	1 <sup>st</sup> Place
Marcos Gonzalez	Parliamentary Procedure	1 <sup>st</sup> Place
Meghan Martinez	Parliamentary Procedure	1 <sup>st</sup> Place
Vladimir Noda	Business Financial Plan	1 <sup>st</sup> Place
Nathalie Aviles	Community Service Project	1 <sup>st</sup> Place
Elias Jaime	Accounting II	1 <sup>st</sup> Place
Nicole Lamazares	Website Development	1 <sup>st</sup> Place
Roxanne Agrello	Introduction to Parliamentary Procedure	1 <sup>st</sup> Place
Jennifer Gonzalez	E-Business	1 <sup>st</sup> Place
Ely Arana	E-Business	1 <sup>st</sup> Place
Omar Villar	E-Business	1 <sup>st</sup> Place
Alicia Gonzalez	Local Chapter Business Report	1 <sup>st</sup> Place
Laura Hernandez	Website Development	1 <sup>st</sup> Place
Thiago Hernandez	Website Development	1 <sup>st</sup> Place
Jasmine Paulino	Parliamentary Procedure	1 <sup>st</sup> Place
Marnie Ruiz	Public Speaking	2 <sup>nd</sup> Place
Heaven Soto	Business Plan	2 <sup>nd</sup> Place
Jeffrey Zaballa	Business Plan	2 <sup>nd</sup> Place
Gissele Benitez	American Enterprise	
Ms. Tonya Alvarez	FBLA advisor	
Ms. Daisy Benitez	FBLA advisor	
Mr. Ronny Perez	FBLA advisor	

Mayor De La Cruz presented certificates of recognition to Mater Academy Charter Middle/ High School students and teacher advisors who won awards at the Future Business Leaders of America Conference the took place in Orlando. A short recess was called at this time.

## 9. Swearing in ceremony for new police officer and report on Police Department staff promotions: Chief Van Toth.

The meeting resumed at 7:42 p.m. Chief Toth came forward and introduced the following department promotions:

Reserve Police Officer D. Montano, promoted to full time police officer.

Officer R. Ceballos promoted acting sergeant.

Officer F. Caceres promoted to sergeant.

Officer C. Fojo promoted to lieutenant, patrol division.

Chief Toth gave the oath of office to the officers. A recess was called at this time.

**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.

The following individuals came forward and gave testimony:

Mr. Yoanner Echenique, owner

Mr. Robert Lorenzo, Chief of Business License Tax Department

Mr. Robert Lorenzo, Business License Tax Department Administrator, came forward and read staff's recommendation to approve the transfer of the 2COP alcohol beverage license into the record. Mayor De La Cruz made comments regarding the previous business at the same location which had received code compliance violations for illegal activity. Mayor De La Cruz recommended to the council that the license be approved for a probationary period of six months. Chairman Garcia made a motion to approve as per Mayor De la Cruz's recommendation, and asked staff to monitor the applicant and if there were no violations the approval would become final. The motion was seconded by Councilman Merida and unanimously approved.

**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.

Mr. Jose M. Lopez, Public Works Director came forward and read his memorandum into the record giving details of the construction project including the solicitation of informal bids and cost proposals and recommending to award the bid to the lowest responsive bidder, the city's Public Works Department. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**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.

Mr. Jose M. Lopez, Public Works Director came forward and gave details of the quotes solicited and the costs involved, recommending waiving competitive bidding and purchasing the pipe materials from A & B Pipe and Supply. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**13. Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> STREET PHASE III; AUTHORIZING CONCRETE WORK IN AN AMOUNT NOT TO EXCEED \$165,500.50; RATIFYING THE AWARDING OF THE CONTRACT TO EITHER BARREIRO 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- F) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- G) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- H) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- I) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- J) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- K) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONSTRUCTION OF NW 122<sup>ND</sup> 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.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**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. 112<sup>TH</sup> AVE., LEGALLY DESCRIBED AS: A PORTION OF TRACT 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 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)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Carlos Diaz was present for the applicant. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR PREFERRED FREEZER HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT 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**

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**.

- 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.

Mr. Citrin read the full title of the ordinance into the record. This is a city-initiated request. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**.

**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.

Mr. Citrin swore in all of those who will be giving testimony on the item for second reading and read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave details on the state mandated update of the city's comprehensive plan to amend the capital improvement element. Mr. Jerry Bell, the city's consultant came forward and gave testimony. Chairman Garcia opened the public hearing at 8:13 p.m. No one came forward; therefore, Chairman Garcia closed the public hearing at 8:13 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(3-0)**

**16. City Attorney's Report:** There were no comments from Mr. Citrin.

**17. Mayor's Report – Miscellaneous:**

Mayor De La Cruz commented on the city's performance in the 2010 Census which is currently at a rate of eighty per cent. Hopefully the city will be in the high eighties lower nineties percentile by the end of the census count.

**18. Council Members Concerns / Reports / Board Appointments:**

There were no comments from the council members.

**19. Adjournment:** The meeting was adjourned at 8:15 p.m.

Respectfully submitted by:

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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 15, 2010, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, June 14, 2010, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

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

**WATER AND SEWER BOARD**

Tuesday, June 22, 2010. 7:00 P.M.

**POLICE PENSION BOARD**

Wednesday, July 28, 2020, 5:30 P.M.