

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, MARCH 21, 2006
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:30 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo L. Urra, Councilman Jorge A. Merida and Councilman Rolando Piña. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin. Councilman Jorge Gutierrez joined the meeting at 7:31 p.m.
3. **Invocation:** Chairman Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** March 7, 2006. Chairman Garcia made a motion to approve the minutes of March 7, 2006, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for approval of expenditures from Police Department forfeiture funds:** Chief Van Toth.

Chief Van Toth came forward and gave details of expenditures to be made from forfeiture funds which will go towards the purchase of new software for the Police Department's laptops and upgrades for current software for the department's computers totaling \$19,450.40. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. A resolution will be prepared to memorialize this action.

9. **Authorization to negotiate terms with independent audit firms R.F.P. 2006-02:**
Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, O.M.B. Director came forward and read his memorandum into the record regarding the firms that submitted proposals for auditing services and the selection committee's ranking of said firms. The ranking was as follows:

1. Rachlin, Cohen & Holtz LLP,
2. Alberni, Caballero & Castellanos, L.L.P.
3. Averett, Warmus, Durkee, Bauder & Thompson
4. BKP Garcis & Company

As this time Mr. Piloto requested authorization to enter into negotiations with Rachlin, Cohen & Holtz Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. **Proposed Resolutions:**

B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING AND AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH CITY ELECTRIC, INC., FOR ELECTRICAL REPAIRS AT GOLDEN EAGLE PARK AND WESTLAND GARDENS PARK DUE TO HURRICANE WILMA; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE PAYMENT TO CITY ELECTRIC, INC.; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record and stated that this resolution serves to memorialize the action taken at the last council 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, RATIFYING AND AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH CHENTE ENTERPRISES, INC. D.B.A. CICI'S PIZZA FOR THE CONCESSION STAND ADMINISTRATION AT WESTLAND GARDENS PARK; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; 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 council 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 135TH STREET BETWEEN 98TH AND 99TH AVENUE; AUTHORIZING THE INSTALLATION OF A DRAINAGE SWALE AND THE CONSTRUCTION OF 830 LINEAR FEET OF ROADWAY IN THE AMOUNT NOT TO EXCEED OF \$107,950.00; RATIFYING THE AWARDDING OF THE BID TO GENERAL ASPHALT, H & J ASPHALT AND H & R ASPHALT AND WAIVING COMPETITIVE BIDDING FOR THE PAVING PORTION OF THE PROJECT NOT TO EXCEED \$21,200.00; 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 council 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 135TH STREET BETWEEN 98TH AND 99TH AVENUE; AUTHORIZING THE INSTALLATION OF A DRAINAGE SWALE AND THE CONSTRUCTION OF 830 LINEAR FEET OF ROADWAY IN THE AMOUNT NOT TO EXCEED \$107,950.00; RATIFYING THE AWARDDING OF THE BID TO JUNER TRUCKS, INC. AND OVERLAND CARRIERS AND WAIVING COMPETITIVE BIDDING FOR THE FILL AND BASE PORTION OF THE PROJECT NOT TO EXCEED \$77,900.00; 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 council 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 135TH STREET BETWEEN 98TH AND 99TH AVENUE; AUTHORIZING THE INSTALLATION OF A DRAINAGE SWALE AND THE CONSTRUCTION OF 830 LINEAR FEET OF ROADWAY IN THE AMOUNT NOT TO EXCEED \$107,950.00; RATIFYING THE AWARDDING OF THE BID TO GROUND KEEPERS AND ROUCCO AND SONS AND WAIVING COMPETITIVE BIDDING FOR THE BAHIA SOD PORTION OF THE PROJECT NOT TO EXCEED \$8,850.00; 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 council 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, RATIFYING THE AUTHORIZATION OF THE AWARD OF A CONTRACT FOR THE REMOVAL OF VEGETATIVE DEBRIS FROM THE NORTHEAST CORNER OF WESTLAND GARDENS PARK; AUTHORIZING THE APPROPRIATE CITY OFFICAL TO EXECUTE AN AGREEMENT WITH ALL FLORIDA LAND CLEANING, INC.; 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 council meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- G) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF THE AGREEMENT WITH BELL DAVID PLANNING GROUP, INC., FOR CONSULTING SERVICES FOR THE CITY OF HIALEAH GARDENS ADOPTION OF EVALUATION AND APPRAISAL REPORT BASED AMENDMENTS TO THE COMPREHENSIVE PLAN AND INCLUDE THE NEW FIVE (5) YEAR CAPITAL IMPROVEMENT SCHEDULE REQUIRED BY CHAPTER 163.3191(12)(a); APPROVING AGREEMENTS RELATED TO SAID PAYMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave her recommendation for an extension of the contract with Bell David Planning Group in order to prepare the based amendments for the City's Comprehensive Plan as required by State statute. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

11. **First Reading for consideration of the following ordinance:**

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR CITY OF HIALEAH GARDENS POLICE STATION, CONCERNING PROPERTY LEGALLY DESCRIBED AS:***

ALL OF THAT PORTION OF THE N.W. _ OF THE N.W. _ OF THE SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, DADE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY OF CANAL C-7 EXTENSION AND LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF N.W. 103RD STREET, AS SHOWN BY THE RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 60 AT PAGE 53 OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA; LESS DEDICATIONS, IF ANY. LOCATION: 10303 NW 87 AVE. FOLIOS #: 27-3003-001-0120, 27-3003-001-0410 AND 27-3003-001-0401, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated ordinance. 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 (**Vote 5-0**).

12. **Second Reading / Public Hearing for consideration and final adoption of the following ordinances:**

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE 2005-50 TENTATIVE PLAT FOR JANNETTE COVE III, APPROVING A CHANGE OF NAME TO JEANETTE COVE FIRST ADDITION, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 200 FEET OF TRACT 33 LESS THE NORTH 100 FEET "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE EAST 27 FEET OF THE NORTH 53.20 FEET THEREOF, SUBJECT TO DEDICATIONS, LIMITATIONS, RESERVATIONS, RESTRICTIONS OR EASEMENTS OF RECORD, IF ANY; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin sworn in those who would be testifying on the items for public hearing. Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (5-0). Mr. Carlos Hernandez was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 7:45 p.m. p.m. No one came forward; Chairman Garcia closed the public hearing at 7:45 p.m. p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (Vote 5-0).

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, MANDATING AUTOMOBILE GAS AND/OR SERVICE STATIONS WITHIN THE CITY OF HIALEAH GARDENS HAVE ADEQUATE ALTERNATIVE ENERGY SOURCES FOLLOWING A STATE EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and congratulated Mayor De La Cruz for taking the initiative to be the first city in the county to introduce this type of ordinance requiring gasoline stations to provide generators in cases of state of emergency. Mayor De La Cruz thanked Mrs. Gonzalez for her work on this project. Chairman Garcia opened the public hearing at 7:50 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:50 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approve by individualized voice vote (5-0).

C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, EXEMPTING ITSELF FROM THE PROVISIONS OF SECTION 101.67 F.S. SPECIFICALLY RELATED TO EARLY VOTING; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This ordinance is a result of a recommendation by the Miami Dade Elections Department to all municipalities in order to opt out of early voting as a cost effective measure. Chairman Garcia opened the public hearing at 7:52 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:52 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approve by individualized voice vote (5-0).

13. **City Attorney's Report:** Mr. Citrin had no comments.

14. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.

15. **Council Members Concerns/Reports:** There were no comments from the council members.
16. **Adjournment:** The meeting was adjourned at 7:56 p.m.

Respectfully submitted 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, April 18, 2006, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 10, 2006, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 6, 2006, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, April 25, 2006, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.