

## MINUTES

**CITY OF HIALEAH GARDENS  
TUESDAY, May 1, 2012  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:38 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge Gutierrez Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were Mayor Yioset De La Cruz and Assistant City Attorney Aida Martinez-Ruiz. City Attorney Charles A. Citrin was absent.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions / Emergency Additions:** There were none.
6. **Review of Minutes: April 17, 2012.** Chairman Garcia made a motion to approve the minutes of April 17, 2012 seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** At this time Ms. Arelys Sanchez came forward and expressed her concerns regarding the noise situation at Caution Fit Gym which is located

directly in front of her home at 9113 N.W. 117<sup>th</sup> Terrace, Hialeah Gardens. Mayor Yioiset De La Cruz reported that a Special Master Hearing had been held last night regarding this specific issue. The owners of the gym were cited for violating the noise ordinance and possible solutions to the problem were discussed. The recommendation of the Special Master to the owners was for the gym to operate its activities indoors, and with the doors closed to reduce noise disturbances. As for the issue of the vibration caused by the tossing of weights in the gym, it was suggested that extra matting be put in place if closed doors proved insufficient to resolving the problem. The Special Master's decision will be finalized in 15 days. The Mayor then translated his comments in Spanish for the audience. Chairman Garcia mentioned that Council is not allowed to hear arguments from either side because the issue is currently in the Special Master Hearing proceedings, and it must first be resolved at that level. The Mayor offered to step out and speak with the residents at this time. Chairman Garcia then translated his comments in Spanish for the audience.

## **8. Proposed Resolutions:**

- A) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, EMPLOYING THE SERVICES OF MR. ARMANDO ABREU, EXPERIENCED AND INTERESTED CITIZEN IN THE AFFAIRS OF CODE ENFORCEMENT, PURSUANT TO THE REQUIREMENTS OF CHAPTER 162 OF THE FLORIDA STATUTES AND CITY CODE SECTION 2-240; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Chairman Garcia stated that this resolution would serve to formalize the action taken by the council in the previous meeting. Ms. Martinez-Ruiz mentioned that the resolution does not include the issue of compensation for the Special Master, as is required by the Charter. The recommendation for adequate compensation for the Special Master was set at \$150.00 per meeting. Chairman Garcia made a motion to approve the resolution with the recommended compensation, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA SUPPLEMENTING ORDINANCE NO. 2012-08 ENACTED BY THE CITY ON MAY 1, 2012, WHICH AUTHORIZED THE BORROWING BY THE CITY OF NOT TO EXCEED \$4,100,000, SUCH BORROWING TO BE EVIDENCED BY A UTILITIES SYSTEM REVENUE NOTE, SERIES 2012 OF THE CITY, FOR THE PURPOSE OF (A) FINANCING ALL OR A PART OF THE COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM AND

(B) PAYING THE COSTS OF ISSUANCE OF THE NOTE; ACCEPTING THE PROPOSAL OF TD BANK, N.A. TO PROVIDE THE CITY WITH A LOAN IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,100,000 FOR SUCH PURPOSE; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK PURSUANT TO WHICH THE CITY WILL ISSUE THE NOTE TO SECURE THE REPAYMENT OF SAID LOAN AND WILL PLEDGE TO THE PAYMENT OF THE NOTE CERTAIN PLEDGED FUNDS, INCLUDING THE NET REVENUES OF SUCH SYSTEM, ALL MONEYS ON DEPOSIT IN AND INVESTMENTS HELD FOR THE CREDIT OF CERTAIN FUNDS AND ACCOUNTS CREATED UNDER SUCH LOAN AGREEMENT AND THE EARNINGS ON SUCH INVESTMENTS; AUTHORIZING THE ISSUANCE OF THE NOTE IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,100,000 PURSUANT TO THE LOAN AGREEMENT TO SECURE THE REPAYMENT OF SAID LOAN; DESIGNATING SUCH NOTE FOR THE EXCEPTION TO THE PROVISIONS CONTAINED IN THE INTERNAL REVENUE CODE OF 1986 WHICH DENY FINANCIAL INSTITUTIONS ANY DEDUCTIONS FOR INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT OBLIGATIONS; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION WITH SAID LOAN; AND PROVIDING AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Chairman Garcia made a motion to table the resolution until after the second reading of Ordinance Item 10B, seconded by Councilman Merida. The motion was approved unanimously.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY MAYOR TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM CONTRACT AWARD MDCACP, COUNTY PRISONER PROCESSING PROJECT INTERFACE, A-FORM, FY 2012: PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Chief of Police Van Toth came forth and gave the details on the interface A-Form Project created by Miami-Dade County Association of Chiefs-of-Police. Basically, all arrest affidavits will be processed through the internet and will be housed in the Miami-

Dade County, State Attorney's Office. The grant will be used for software interfacing with the County and programming expenses. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The motion was approved unanimously.

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE NORTHWEST DISTRICT ROADWAY IMPROVEMENTS; AUTHORIZING AN AGREEMENT WITH NORTAX EQUIPMENT CO. INC. FOR THE PURCHASE OF A JOHN DEERE 225D EXCAVATOR, JOHN DEERE 544K WHEEL LOADER, JOHN DEERE 350GLC EXCAVATOR, JOHN DEERE 225D EXCAVATOR IN A TOTAL AMOUNT OF \$645,797.00; WAIVING OF COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT WITH THE FLORIDA SHERIFFS ASSOCIATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Mr. Joe Lopez, Director of the Public Works Department, came forward and read his memo into the record, which details the purchase of heavy equipment for the Public Works Department, utilizing the Florida Sheriff's Bid Contract the Vendor is Nortax Equipment Co. Inc. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously.

- E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE NORTHWEST DISTRICT ROADWAY IMPROVEMENTS; AUTHORIZING AN AGREEMENT WITH CWI PIPELINE, INC. FOR THE PURCHASE OF A VERMEER MODEL T-755 ROCK TRENCHER IN THE AMOUNT OF \$140,000.00; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Mr. Joe Lopez, Director of the Public Works Department, came forward and read his memo into the record for the purchase of a Vermeer Model T-755 Rock Trencher through an agreement with CWI Pipeline that will be utilized for the N.W. District Roadway Improvement Projects. Mr. Lopez explained the benefits of purchasing the equipment outweighing those of renting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously.

- F) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH INSTITUFORM TECHNOLOGIES, INC FOR REPAIRING MAINS THAT WERE IDENTIFIED AS PART OF THE INFILTRATION AND FLOW STUDY MANDATED BY THE SECOND CONSENT DECREE AND OVERSEEN BY MIAMI-DADE COUNTY DERM; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH INSTITUFORM TECHNOLOGIES, INC; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING MUNICIPAL CONTRACT WITH THE CITY OF HIALEAH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Mr. Joe Lopez, Public Works Director came forth and clarified that the existing contract is with the City of Naples and not with the City of Hialeah. Mr. Lopez then read his memo into the record. Mr. Lopez explained the crucial need for repairs to the lines in the oldest portion of the city's sewer system and the resourcefulness of already having the existing contract. These repairs must be made and will save the city money in the long run. Chairman made a motion to approve the resolution, seconded by Councilman Merida. The motion was unanimously approved.

**9. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR TRIANGLE VENTURE SUBDIVISION, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT PORTION OF TRACT 33 LYING NORTHEASTERLY OF STATE ROAD S.R. 25 (U.S. 27) LESS THE NORTH 100.00 FEET THERE OF, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" IN SECTION 3, TOWNSHIP 53 SOUTH , RANGE 40 EAST , ACCORDING TO THE PLAT THERE OF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE EAST 200.06 FEET. FOLIO: 27-3003-001-0431; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
(TRC Vote: 5-0; P&Z Vote: 5-0)

Ms. Aida Martinez-Ruiz read the full title of the ordinance into the record. Applicant Mr. Rafael Cabrera came forward for the record. Chairman Garcia stated that this was a first reading and as such an opportunity for public input would be provided on second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 78 ENTITLED LAND USE REGULATIONS ARTICLE VI, TRANSPORTATION, PARKING AND LOADING REQUIREMENTS, TO ADD RATIO OF PARKING SPACES NEEDED FOR INDUSTRIAL USES ENTITLED WAREHOUSE / INDUSTRIAL UNDER SECTION 78-141 (b) TABLE OF OFF-STREET PARKING REQUIREMENTS ; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the ordinance into the record. Chairman Garcia noted that this is a City sponsored change. Chairman Garcia made a motion to approve of the ordinance upon first reading, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the ordinance into the record. Chairman Garcia mentioned that this is also a City sponsored change. Mrs. Mirtha Gonzalez, Chief Zoning Official stated that an action is necessary to be taken on this ordinance in order to transmit the report to the Department of Economic Opportunity. The report is basically an update to the comprehensive plan and capital improvements. Since action will be taken upon first reading, Chairman Garcia opened for public comments at 8:07 p.m. No comments were offered and the public hearing was closed at 8:07 p.m. Chairman Garcia made a motion to approve of the ordinance upon first reading, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

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

**Tabled: 11/01/2012**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT OR TENTATIVE PLAT FOR DIEGO LLANOS. LEGAL DESCRIPTION: A PORTION OF TRACT 7 OF FORREST FARMS ACCORDING TO THE PLAT THEREOF AS

RECORDED IN PLAT BOOK 12, AT PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 7; THENCE S89°43'01"W ALONG THE NORTH LINE OF SAID TRACT FOR 135.00 FEET TO THE POINT OF BEGINNING OF TRACT OF LAND HEREINAFTER DESCRIBED; THENCE S14°13'03"W FOR 221.29 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD No. 25, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP No. 87090-2518; THENCE N50°59'15"W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD FOR 113.76 FEET; THENCE N20°18'59"E FOR 151.90 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 7; THENCE N89°43'01"E ALONG THE NORTH LINE OF SAID TRACT 7 FOR 90.00 FEET; TO THE POINT OF BEGINNING. CONTAINING 0.409 ACRES MORE OR LESS. APPROXIMATE LOCATION: BETWEEN WEST OKEECHOBEE ROAD AND NW 120 STREET AND WEST OF NW 99<sup>TH</sup> AVENUE, HIALEAH GARDENS, FLORIDA, FOLIO: 27-2032-002-0080; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
(TRC Vote: 6-0; P&Z Vote: N/A)

Ms. Aida Martinez-Ruiz swore in those who would be giving testimony on the items for Public hearing / Second reading and proceeded to read the full title of the ordinance into the record. Chairman Garcia commented that Item 10A was tabled at meeting of November 01, 2011. He then made a motion to remove the item from table, seconded by Councilman Merida and the motion was unanimously approved. Mr. Santiago Dominguez, the Surveyor for the project was present for the applicant. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendation for approval and elaborated that the ordinance as written allows for a waiver or tentative plat which will allow the County to approve as needed. Chairman Garcia opened the public hearing at 8:13 p.m. No comments were offered and the public hearing was closed at 8:13 p.m. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The motion was approved unanimously by individualized vote. **(5-0)**

- B) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA; AUTHORIZING THE BORROWING BY THE CITY OF NOT TO EXCEED \$4,100,000, SUCH BORROWING TO BE EVIDENCED BY A UTILITY SYSTEM REVENUE NOTE OF THE CITY, FOR THE PURPOSE OF (A) FINANCING ALL OR A PART OF THE

COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S WATER AND SEWER SYSTEM AND (B) PAYING THE COSTS OF ISSUANCE OF THE NOTE; AUTHORIZING THE ISSUANCE OF THE NOTE IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,100,000; PLEDGING TO THE PAYMENT OF THE NOTE CERTAIN PLEDGED FUNDS, INCLUDING THE NET REVENUES OF SUCH SYSTEM, ALL MONEYS ON DEPOSIT IN AND INVESTMENTS HELD FOR THE CREDIT OF CERTAIN FUNDS AND ACCOUNTS CREATED UNDER THE RELATED LOAN AGREEMENT AND THE EARNINGS ON SUCH INVESTMENTS; MAKING CERTAIN OTHER COVENANTS FOR THE BENEFIT OF THE HOLDER OF THE NOTE; AND PROVIDING AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the ordinance into the record. Mr. Marcos Piloto, Director of O.M.B. came forwards and explained that the wording on the loan documents had been finalized and no substantive changes had been made. Chairman Garcia opened for the public hearing at 8:15 p.m. No comments were offered; therefore he closed the public hearing at 8:15 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

At this time Chairman Garcia made a motion to remove Item 8B from the table, seconded by Councilman Merida. The motion was unanimously approved.

Chairman Garcia explained that this resolution had to be adopted after approval of the previous ordinance (10B) because there was a reference to the ordinance in the resolution. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The motion was approved unanimously.

- 11. City Attorney's Report – No comments**
- 12. Mayor's Report – Miscellaneous – No comments**
- 13. Council Members Concerns / Reports / Board Appointments – No comments**
- 14. Adjournment – The meeting was adjourned at 8:16 p.m.**

Respectfully submitted by:

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Maria L. Joffee  
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 5, 2012, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, June 4, 2012, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, June 7, 2012, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, May 23, 2012, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.