

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, May 17, 2011
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 Elmo L. Urra, and Councilman Jorge A. Merida. Also present was City Attorney Charles A. Citrin. Councilman Jorge Gutierrez. Councilman Rolando Piña and Mayor Yioset De La Cruz were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mr. Charles Citrin led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** None were offered
- 6. Review of Minutes:** May 3, 2011. Chairman Garcia made a motion to approve the minutes of May 3, 2011, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

- 8. Request for approval of 2COP alcohol beverage license for Tropical Bambu Café, Inc., 8050 N.W. 103 Street #104-106:** Owner: Mrs. Yenisleidy Fernandez.

The applicant was not present at this time. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved.

- 9. Ratification of purchase of surplus vehicles from the Village of Key Biscayne:** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, O.M.B. Director came forward and read his memo into the record detailing the purchase of seven surplus vehicles from the Village of Key Biscayne to be used by the Police Department and other City departments. The total purchase price for all vehicles was \$18,900.00. Mr. Piloto thanked Deputy Chief Zardon and Captain Luis Diaz for their work in securing the deal. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- 10. Request for approval of expenditure from Police Department forfeiture funds:** Police Chief Van Toth.

Chief Van Toth came forward and gave details of the use of \$6,000.00 from the Police Department forfeiture funds to purchase two of the seven vehicles from the Village of Key Biscayne to be used to augment the Police Department fleet.

- 11. Recommendation for R.F.Q. 2011-01 Bond/Disclosure Counsel Services:**

Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos, Piloto, O.M.B. Director came forward and informed that a total of seven proposals had been received in response to the R.F.Q. They were as follows:

Hogan Lovells US LLP, Ruden, McClosky P.A., Weis, Serota, Helfman, Pastoriza, Cole & Broniske, P.L., Greenberg Traurig, Foley & Lardner, LLP, Bryant Miller Olive and Squire Sanders & Dempsey LLP.

A selection committee comprised of Mr. Piloto, Mr. Charles Citrin, City Attorney and Arturo Ruiz, Director of Administration had met to review the proposals and the recommendation was to enter into an agreement with Foley & Lardner LLP, with Weiss Serota Helfman Pastroiza Cole Broniske or Brant Miller Olive as a second option. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- 12. Portable Main Line Inspection System:** Mr. Joe Lopez, Public Works Director.

Mr. Joe Lopez, Public Works Director, came forward and gave information regarding the second consent decree mandate overseen by Miami-Dade County DERM to inspect the City's sewer main lines. He stated that after review and comparisons with vendors who provide this type of equipment and services, the lowest quote received was for \$160,976.00. Mr. Lopez further stated that it would be more cost effective for the City to purchase the system and use in house staff to do the task of viewing videos for signs of damage to sewer mains. Mr. Lopez recommended waiving competitive bidding and purchasing a Rapid View IBAK Portable Mainline Inspection System from Municipal Equipment Sales Inc. for \$65,944.89. The purchase price would include training for staff on the use of the equipment. 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, REJECTING ALL RECEIVED BIDS FOR PUMP STATION REFURBISHMENTS AND REPAIRS (PW-11-200) AND AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO COMPLETE THE PROJECT; 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 will serve to formalize the action taken by the Council at their last meeting to reject bids received for Bid No. PW-11-200 and do the work in house. 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 ENTERING INTO AN AGREEMENT WITH SUNBELT RENTALS FOR THE RENTAL OF SEWAGE BY-PASS PUMPS FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPAIRS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH SUNBELT RENTALS; 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 will serve to formalize the action taken by the Council at their last meeting where

approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 ENTERING INTO AN AGREEMENT WITH PRECAST DEPOT FOR THE PURCHASE OF TWENTY FOUR (24) PRE-CAST CONCRETE TOP AND H2O ALUMINUM HATCH FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPAIRS; AUTHORIZING THE APPROPRIATE CITY OFFICALS TO ENTER INTO AN AGREEMENT WITH PRECAST DEPOT; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This resolution will serve to formalize the action taken by the Council at their last meeting where approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 ENTERING INTO AN AGREEMENT WITH A & B PIPE & SUPPLY FOR THE PURCHASE OF PIPES AND PIPE FITTINGS FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPAIRS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH A & B PIPE & SUPPLY; WAIVING OCMPETITIVE 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 will serve to formalize the action taken by the Council at their last meeting where approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 ENTERING INTO AN AGREEMENT WITH HYDRA SERVICES, INC. AND/OR ITT WATER & WASTEWATER FLORIDA, LLC FOR THE PURCHASE OF PUMP ACCESSORIES FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPAIRS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH HYDRA SERVICES, INC.; 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 will serve to formalize the action taken by the Council at their last meeting where approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 ENTERING INTO AN AGREEMENT WITH L & H ELECTRIC, INC., FOR ELECTRICAL SERVICES AND EQUIPMENT FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPAIRS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH L & H ELECTRIC, INC.; 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 will serve to formalize the action taken by the Council at their last meeting where approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 ENTERING INTO AN AGREEMENT WITH CUSTOM CONTROL TECH, INC. FOR THE PURCHASE OF CONTROL PANELS AND

SCADA FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPAIRS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH CUSTOM CONTROL TECH, INC.; 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 will serve to formalize the action taken by the Council at their last meeting where approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 ENTERING INTO AN AGREEMENT WITH ISLAND FENCE FOR THE FENCING MATERIALS AND GATES FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPAIRS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ISLAND FENCE; 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 will serve to formalize the action taken by the Council at their last meeting where approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 ENTERING INTO AN AGREEMENT WITH EPOXY TECH FOR THE INTERIOR COATING OF VALVE VAULT AND WET WELL FOR THE PURPOSE OF PUMP STATION REFURBISHMENT AND REPIARS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH EXPOXY TECH; 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 will serve to formalize the action taken by the Council at their last meeting where approval was given to enter into agreements with vendors for pump station refurbishment and repairs. 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 AWARD OF A CONTRACT FOR THE CITY FIREWORKS ENTERTAINMENT TO ADD FIRE, INC., FOR THE CITY'S INDEPENDENCE DAY CELEBRATION; RENEWING THE CITY'S CONTRACT WITH ADD FIRE, INC.; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ADD FIRE, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Walter Dubon, Parks and Recreation Department Director came forward and recommended renewing and entering into a contract with ADD Fire, Inc. to provide fireworks for the City's Independence Day event. The city has been satisfied with the product and service of this vendor for the last six years. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADDING AN EDUCATION ELEMENT TO THE HIALEAH GARDENS COMPREHENSIVE PLAN 2005 – 2025, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin swore in those individuals present who would be giving testimony on items for public hearing / second reading, he then read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and stated that this ordinance would serve to amend the City's comprehensive plan to include an Education Element as required by the State.

The ordinance in its final version provides for comments and objections made by D.C.A. and will be transmitted to D.C.A. for final approval. Chairman Garcia opened the public hearing for comments at 7:48 p.m., no one came forward, he then closed the public hearing at 7:48 p.m. 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 FINAL PLAT FOR VICENZA AT HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 19, 20, 21, 22, 27, 28, 29, 30 AND 31, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S 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: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (N.W.1/4) OF SAID SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE S 02° 39' 03" E., ALONG THE EAST LINE OF SAID NORTHWEST ONE-QUATER (N.W.1/4) OF SAID SECTION 33, A DISTANCE OF 659.55 FEET TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 19; THENCE S 89° 36' 11" W., ALONG THE LAST DESCRIBED EASTERLY EXTENSION AND ALONG THE NORTH LINE OF SAID TRACT 19, A DISTANCE OF 785.03 FEET TO THE POINT OF BEGINNING; THENCE S 02° 39' 03" E. A DISTANCE OF 1029.30 FEET; THENCE S 89° 36' 25" W. A DISTANCE OF 504.60 FEET; THENCE N 50° 58' 30" W. A DISTANCE OF 1136.51 FEET; THENCE N 39° 01' 30" E., ALONG THE SOUTHEASTERLY LINE OF THE N.W. 92ND - 97TH AVENUE CONNECTOR ROAD, A DISTANCE OF 823.62 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID TRACT 31; THENCE N 89° 36' 06" E., ALONG THE NORTH LINE OF SAID TRACT 31, A DISTANCE OF 271.68 FEET TO THE NORTHEAST CORNER OF SAID TRACT 31; THENCE S 02° 41' 23" E., ALONG THE EAST LINE OF SAID

TRACT 31, FOR A DISTANCE OF 329.75 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 31, ALSO BEING THE NORTHWEST CORNER OF SAID TRACT 19; THENCE N.89°36'11"E., ALONG THE NORTH LINE OF SAID TRACT 19, A DISTANCE OF 534.17 FEET TO THE POINT OF BEGINNING. AREA: 1,181,918 SQUARE FEET (27.13 ACRES) MORE OR LESS. FOLIO: 27-2033-001-0330; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Shahin Etessam for the applicant, 84A Holdings was present. Mrs. Mirtha Gonzalez came forward and gave staff's recommendation for approval of the final plat. Chairman Garcia opened the public hearing for comments at 7:55 p.m., no one came forward, he then closed the public hearing at 7:55 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

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

Item 8.

Request for approval of 2COP alcohol beverage license for Tropical Bambu Café, Inc., 8050 N.W. 103 Street #104-106: Owner: Mrs. Yenisleidy Fernandez.

The following individuals came forward and gave testimony:

Mrs. Yenisleidy Fernandez, Owner

Mr. Robert Lorenzo, Chief of Business License Tax Department

Mrs. Yenisleidy Fernandez, applicant and owner of the restaurant was present. Mr. Robert Lorenzo Chief of the Business License Tax Department came forward and read staff's recommendation to approve the 2COP alcohol beverage license into the record. No one came forward to voice any concerns. Based on staff's recommendation a motion was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved.

- 9. City Attorney's Report:** No Comments
- 10. Mayor's Report – Miscellaneous:** Mayor was absent
- 11. Council Members Concerns / Reports/ Board Appointments:** No comments
- 12. Adjournment:** The meeting was adjourned at 7:57 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, June 7, 2011, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, June 6, 2011, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, June 2, 2011, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, May 25, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.