

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, MARCH 1, 2005

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting at 7:54p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Rolando Piña and City Attorney Charles A. Citrin. Mayor Yioset De La Cruz, Councilman Manuel Zardon, and Councilman Jorge A. Merida were absent.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Councilman Rolando Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Item 12A was deleted from the Agenda.
6. **Review of Minutes:** February 15, 2005. Chairman Garcia made a motion to approve the minutes of February 15, 2005, seconded by Councilman Gutierrez. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Opening of Sealed Bids (Bid No. 2005-01) for Exterior Stucco for Squash and Racquetball Courts at Westland Gardens Park:** Mr. Marcos Piloto, O.M.B. Director.  
  
Mr. Marcos Piloto, O.M.B. Director came forward and opened the only sealed bid received which was from Tamiami Rentals and Construction Services for \$19,602.00. Mr. Piloto recommended that the Council accept the bid as it falls within the budget allotment for this work project. Chairman Garcia made a motion to approve the bid subject to Mr. Piloto's review of the other requirements for a responsive and responsible bid. The motion was seconded by Councilman Gutierrez and unanimously approved.
9. **Discussion to amend contract awarded to Southeastern Engineering Contractors, Inc., for N.W. 89<sup>th</sup> Avenue Roadway and Drainage Improvements (Bid No. PW-04-080:** Mr. Jose M. Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and explained the need to amend the contract with Southeastern Engineering making reference to Mr. Piloto's memorandum with details of the cost breakdown. Mr. Lopez explained that additional fill was needed to replace unsuitable material discovered at the site and refill with the necessary lime rock base for the asphalt application. Chairman Garcia made a motion to approve staff recommendations and requested the drafting of a resolution to this effect, seconded by Councilman Gutierrez. The motion was unanimously approved.

**10. Report on compliance with D.E.R.M. requirements and staff recommendations for Government Complex project:** Mr. Jose M. Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and gave a report regarding the Department of Environmental Resources Management (D.E.R.M.) pollution remediation obligations for construction of the new government complex. S.E.T. Testing Corporation, the present environmental vendor for the City will provide a cost estimate. Authorization is being asked to allow Walsh Environmental and M. P. Brown Associates to submit cost estimates as well. A motion to allow staff to solicit estimates was made by Chairman Garcia, seconded by Councilman Gutierrez. The motion was unanimously approved.

**11. Proposed Resolutions:**

***A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING THE PURCHASE OF LIME ROCK TO BE USED FOR THE GOVERNMENT COMPLEX FROM ATOCHA TRUCKING, 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 ratify the action taken by the Council at their last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

***B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE RENTAL OF EQUIPMENT TO BE USED FOR THE GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AGREEMENTS WITH BRIGGS EQUIPMENT, POWER SCREEN OF FLORIDA AND UNITED RENTALS; 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 ratify the action taken by the Council at their last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR THE PROVISION TO CORRECT SUBSTANDARD HOUSING CONDITIONS AND CODE VIOLATIONS AT SAMARI LAKES EAST CONDOMINIUM; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. This resolution serves to authorize the City to enter into an agreement with Miami-Dade County to receive grant funds in the amount of \$250,000.00 for repairs of substandard housing and code violations at Samari Lakes East Condominium. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2002-24 AND APROVING A MODIFICATION OF THE SITE PLAN FOR MATER ACADEMY CHARTER SCHOOL, CONCERNING PROPERTY ADDRESS: 7901 NW 103 STREET. FOLIO #27-3003-001-0020; PROVIDING FOR EFFECTIVE DATE.**

This item was deleted from the Agenda.

**13. Second Reading for consideration and final adoption of the following ordinances:**

At this time, Mr. Citrin swore in all those who would be testifying on any of the items for second reading.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: TRIPLE ASSETS DEVELOPMENT INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT F SHOMA COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH OF NW 138 STREET, WEST ON NW 107 AVENUE. FOLIO #: 27-2030-014-0060, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 138 Street, West on NW 107 Avenue) (P&Z Vote: 3-0; T.R.C. Vote: 6-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Paul Huizenga, the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:12 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:12 p.m. A motion to

approve was made by Chairman Garcia seconded by Councilman Gutierrez and unanimously approve by individualized voice vote (3-0).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR GARDEN GATE VILLAS/LAKELAND HOMES LLC. LEGAL DESCRIPTION: THAT PORTION OF LOTS 4, 5, AND 6, LYING NORTHEASTERLY OF THE RIGHT-OF-WAY LINE OF STATE ROAD 25, AND THAT PORTION OF LOT 13, LYING NORTHWESTERLY OF CANAL C-7, LESS THE NORTH 25.00 FEET THEREOF "NINA GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, AT PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE SOUTHEAST \_ OF LOT 2 AND ALL OF LOT 3, BEING NORTHEASTERLY ON STATE ROAD 27, LESS RIGHT-OF-WAY PER STATE ROAD DEPARTMENT SECTION 87090-2510, "NINA GARDENS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 AT PAGE 15 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO'S # 27-3004-004-0040, 27-3004-004-0050, 27-3004-004-0020. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast of Frontage Road, Northwest of Canal, South of NW 106 Street) (P&Z Vote: 3-0; T.R.C. Vote 6-0)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Amy Khamissian 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 8:15 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:15 p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Gutierrez and unanimously approve by individualized voice vote (3-0).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: JPD USA CORP., CONCERNING PROPERTY LEGALLY DESCRIBED AS: SHOMA COMMERCIAL SUBDIVISION, TRACT I, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. APPROXIMATE LOCATION: NW 107 AVENUE, SOUTH OF NW 138 STREET. FOLIO #: 27-2030-014-0090, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW 107 Avenue, South of NW 138 Street) (P&Z Vote: 4-0; T.R.C. 5-0) (Tabled Item 2-01-05)**

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia made a motion to remove Item 13C from the table, seconded by Councilman Gutierrez. The

motion was approved by individualized voice vote **(3-0)**. Mr. George Peon, the architect for the project 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 8:18 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:18 p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Gutierrez and unanimously approve by individualized voice vote **(3-0)**.

14. **City Attorney's Report:** Reminded everyone that there will be an organizational hearing on March 9, 2005 at 7:30 p.m. for the swearing in ceremony and board member appointments.
15. **Mayor's Report – Miscellaneous:** The Mayor was not present.
16. **Council Members Concerns/Reports – Miscellaneous:** There were no comments from the Council members.

Chief H. Keith Joy came forward and introduced Chief Neudorff of the Miami Dade Fire Rescue Station 46.

17. **Adjournment:** The meeting was adjourned at 8:20 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, March 15, 2005, 7:30 P.M.

**SPECIAL COUNCIL MEETING**

Wednesday, March 9, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, March 7, 2005, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Wednesday, March 2, 2005, 11:30 A.M.

**WATER AND SEWER BOARD**

Tuesday, March 22, 2005, 7:00 P.M.

**POLICE PENSION BOARD**

Monday, May 23, 2005, 10:00A.M.