

MINUTES

CITY COUNCIL MEETING  
TUESDAY, APRIL 5, 2005

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:37 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida, Councilman Manuel Zardon and Councilman Rolando Piña. Also present was City Attorney, Charles A. Citrin. Mayor Yioiset De La Cruz was 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 8A was deleted from the Agenda. A resolution authorizing the contracting of MCO Environmental Inc. was added to the Agenda as Item 8I.
6. **Review of Minutes:** March 15, 2005. Chairman Garcia made a motion to approve the minutes of March 15, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Proposed Resolutions:**

A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING A NEW FEE SCHEDULE FOR THE CONTRACT WITH TRI-COUNTY ENGINEERING INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

Item 8A was deleted from the Agenda.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AMENDING RESOLUTION NO. 2023 BY AUTHORIZING AN INCREASE TO THE TOTAL CONTRACT PRICE FOR ROADWAY IMPROVEMENTS TO N.W. 87<sup>TH</sup> COURT; AUTHORIZING THE INCREASED PAYMENT TO ACOSTA TRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Jose M. Lopez, Public Works Director came forward and gave details of the increase to the contract for the NW 87 Court road improvements to Acosta Tractors Inc. 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, AMENDING RESOLUTION NO. 2024 BY AUTHORIZING AN INCREASE TO THE TOTAL CONTRACT PRICE FOR ROADWAY IMPROVEMENTS TO N.W. 117<sup>TH</sup> STREET; AUTHORIZING THE INCREASED PAYMENT TO ACOSTA TRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY ; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Jose M. Lopez, Public Works Director came forward and gave details of the increase to the contract for the NW 117 Street road improvements to Acosta Tractors Inc. 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 AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO N.W. 89<sup>TH</sup> AVENUE FROM 110<sup>TH</sup> TERRACE TO 114 STREET; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXTEND AN AGREEMENT WITH ACOSTA TRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Jose M. Lopez, Public Works Director gave details to extend the agreement with Acosta Tractors Inc. for roadway improvements to NW 89 Avenue from NW 110 Terrace to NW 114 Street. 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 AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO N.W. 92<sup>ND</sup> AVENUE AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXTEND AN AGREEMENT WITH ACOSTA TRACTORS, INC.; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Jose M. Lopez, Public Works Director gave details to extend the agreement with Acosta Tractors Inc. for roadway improvements to NW 92 Avenue. 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 AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO N.W. 80<sup>TH</sup> COURT FROM SAMARI LAKES CONDOMINIUM TO N.W. 103<sup>RD</sup> STREET; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXTEND AN AGREEMENT WITH SOUTHEASTERN ENGINEERING CONTRACTORS, INC.; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Jose M. Lopez, Public Works Director gave details to extend the agreement with Southeastern Engineering Contractors, Inc. for roadway improvements to NW 80 Court. 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 PURCHASE OF ONE (1) STERLING DUMP TRUCK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ATLANTIC TRUCK CENTER, INC; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave a report on the purchase of a Sterling dump truck to replace the one that was stolen earlier in the year. The purchase will be through an existing state contract. A motion to amend the resolution to include, waiving competitive bidding and approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved.

- H) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) ACTERRA DUMP TRUCK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ATLANTIC TRUCK SALES PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave a report on the purchase of an Acterra dump truck. The purchase will be through an existing Town of Davie contract. A motion to amend the resolution to include, waiving competitive bidding and to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved.

**Item 8.**

- I) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CONTRACTING OF MCO ENVIRONMENTAL, INC. FOR THE PURPOSE OF INSTALLING SHALLOW GROUNDWATER WELLS AND ENVIRONMENTAL TESTINGS IN THE PROPOSED CONSTRUCTION AREA OF THE GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH MCO ENVIRONMENTAL, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Chairman Garcia read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director read the letter received by the City from the Department of Environmental Resources Management (D.E.R.M.) outlining their requirements for groundwater testing. Mr. Jose M. Lopez, Public Works Director came forward and gave details of the bid proposals received to perform the work. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR SAINT CATHERINE'S REHABILITATION CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST 264 FEET OF TRACT 1, OF FLORIDA LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 33, TOWNSHIP 52 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 AND EXCEPTING THEREFORE THE NORTH 80 FEET; AND ALSO LESS RIGHT-OF-WAY DEDICATED TO THE CITY OF HIALEAH GARDENS PER OFFICIAL RECORDS BOOK 20429, PAGE 903 OF THE**

**PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LOCATION: BETWEEN NW 121<sup>ST</sup> STREET AND NW 122<sup>ND</sup> STREET EAST OF NW 89 AVENUE. FOLIOS # 27-2033-001-0011, 27-2033-001-0012 AND 27-2033-001-0013; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between NW 121 Street and NW 122 Street East of NW 89 Avenue) (P&Z Vote: 4-0; TRC Vote: 5-0)**

At this time, Mr. Citrin swore in all those who would be testifying on any of the items for second reading. Mr. Citrin read the full title of the ordinance into the record. Ms. Fleta Stamen, and Mr. Alfonso Tello, who prepared the tentative plat for the project, were present for the applicant, Catholic Health Services. Chairman Garcia opened the public hearing at 8:06 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:06 p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Merida and unanimously approve by individualized voice vote **(5-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SPECIAL EXCEPTION USE AND SITE PLAN FOR A CHILD CARE CENTER (MAGIC KIDS LEARNING CENTER II) IN EMERALD PLAZA SHOPPING CENTER. APPLICANT: MARIO FERRO. LEGAL DESCRIPTION: THE WEST \_ OF TRACT 16, LESS THE NORTH 80.00 FEET AND LESS THE WEST 35.00 FEET, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LOCATION: 9160 NW 122 STREET. FOLIO # 27-2033-001-0171. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 9160 NW 122 Street) (P&Z Vote: 4-0, TRC: 6-0)**

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia made a motion to table the item, as the applicant was not present, seconded by Councilman Merida. The motion was unanimously approved **(Tabled 5-0)**.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CITY INITIATED APPLICATION CHANGING THE LAND USE FROM POS (PARK AND OPEN SPACE) TO CF (COMMUNITY FACILITIES) FOR THE WESTERN MORE OR LESS OF 1.6 ACRES PARCEL. LEGAL DESCRIPTION: A PORTION OF THE FOLLOWING DESCRIBED PARCEL: ALL OF THE THAT PORTION OF THE N.W. \_ OF THE N.W. \_ OF THE SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI 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 THE N.W. 103<sup>RD</sup> 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. APPROXIMATE LOCATION: NORTHEAST CORNER OF N.W. 87 AVE AND N.W. 103 STREET. FOLIOS # 27-3003-001-0120, 27-3003-001-0401 AND 27-3003-001-0410; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.***  
 (Location: Northeast corner of NW 87 Avenue and NW 103 Street) (P&Z Vote: 4-0; TRC 6-0)

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated application. Chairman Garcia opened the public hearing at 8:11 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:11 p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Merida and unanimously approve by individualized voice vote **(5-0)**.

***D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING A TENTATIVE PLAT FOR CITY OF HIALEAH GARDENS 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 THE N.W. 103 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. APPROXIMATE LOCATION: NORTHEAST CORNER OF N.W. 87 AVE AND N.W. 103 STREET. FOLIOS # 27-3003-001-0401, 27-3003-001-0410, 27-3003-001-0120. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.*** (Location: Northeast corner of NW 87 Avenue and NW 103 Street)  
 (P&Z Vote: 4-0; TRC 6-0)

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated application. Chairman Garcia opened the public hearing at 8:13 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:13 p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Merida and unanimously approve by individualized voice vote **(5-0)**.

***E) ORDINANCE OF THE CITY OF HIALEAH GARDENS APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR MANUEL A. FERNANDEZ CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 3 AND 4, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" IN 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. FOLIO # 27-3003-001-0057. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.*** (Location: East of N.W. 80 Avenue and South of N.W. 103 Street) (Vote: P&Z 4-0; T.R.C. 5-0) (Tabled 3-15-05)

Chairman Garcia stated that he is both an employee and shareholder of Florida Power and Light Co. therefore; he will abstain from voting on this item and passed the gavel to Vice Chairman Piña at 8:15 p.m. Mr. Citrin read the full title of the ordinance into the record. Mr. Manuel Fernandez, the applicant was present. Vice Chairman Piña 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. Reynaldo Regalado representing the City's Planning and Zoning Department came forward and gave staff recommendations. Vice Chairman Piña opened the public hearing at 8:17 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:17 p.m. A motion to approve was made by Vice Chairman Piña, seconded by Councilman Merida. The motion was approved by individualized voice vote **(Vote 4-0)** with Chairman Garcia abstaining from voting on the item. Vice Chairman Piña returned the gavel to Chairman Garcia at 8:18 p.m.

10. **City Attorney's Report:** Mr. Citrin extended condolences for the loss of the spiritual leader (John Paul II) this week.
11. **Mayor's Report – Miscellaneous:** The Mayor was not present.
12. **Council Members Concerns/Reports – Board Appointments:**  
  
Councilman Piña is looking forward to the Miami-Dade County Days and continues to work towards new council dates.
13. **Adjournment:** The meeting was adjourned at 8:19 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, April 19, 2005, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, April 11, 2005, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Wednesday, April 6, 2005, 11:30 A.M.

**WATER AND SEWER BOARD**

Tuesday, April 26, 2005, 7:00 P.M.

**POLICE PENSION BOARD**

Wednesday, April 6, 2005, 10:00A.M.