

MINUTES

CITY COUNCIL MEETING
TUESDAY, JUNE 15, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:40 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 were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia gave 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:** June 1, 2004: Chairman Garcia made a motion to approve the minutes of June 1 2004, seconded by Councilman Merida, and was unanimously approved.
7. **Public Comments:** Mayor De La Cruz acknowledged the presence of Mr. Ted A. Walker, Mayor of Biscayne Park in the audience.
8. **Opening of Sealed Bids for the following Request For Proposals:** Mr. Ray Garcia, Director, Parks and Recreation Department.

Mr. Ray Garcia Director of Parks and Recreation Department opened the following sealed bids:

RFP #2004-03 - Fourth of July Fireworks Celebration

Add Fire, Inc.

\$50,000.00

RFP #2004-04 - Baseball Scoreboard

No bids were received at this time. It will be rescheduled for the next meeting.

RFP #2004-05 - Athletic Equipment and Uniforms

All Star Sports	
Youth Pants	\$ 7.50
Adult Pants	\$10.50
2 button shirt with number and team name	\$12.50
Caps	\$ 3.99
Socks	\$ 2.79
Sponsor name set up 1 time fee	\$18.00
Sponsor name printed on shirt	\$.95

Price quotes were not included in the bid package but were faxed separately. It was decided to waive the omission and include the quotes as part of the bid.

RFP #2004-06 - Design and Lighting of Athletic Fields

Electrical Contracting Services, Inc.	\$385,000.00
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RFP #2004-07 - Design and Installation of Irrigation System

Lemus Irrigation, Inc.	\$114,750.00
South Florida Maintenance Service, Inc.	\$ 80,850.00

9. Recommendation of Selection Committee: Request for Proposals Tax-Exempt Revenue Bonds (R.F.P. #2004-02): Mr. Marcos Piloto, Director, O.M.B.

Mr. Marcos Piloto, Director of O.M.B., came forward and stated that five proposals had been received for RFP #2004-02 for tax exempt revenue bonds, one for \$5,050,000 for capital improvements and a second one for \$2,195,000 for road improvements. After review by the selection committee and analysis provided by the City's financial advisor the recommendation was made to award the agreement to Union Planters Bank which offered a 3.7% rate on the loan, the lowest rate quoted. Chairman Garcia made a motion to approve, seconded by Councilman Merida, and the motion was unanimously approved.

10. Recommendation for Employee Dental Insurance coverage: Request for Proposals (R.F.P. 2004-01) Mrs. Aida Martinez Ruiz, Director of Personnel.

Mrs. Aida Martinez Ruiz, Director of Personnel came forward and stated that the City had received proposals for RFP #2004-01 from Cigna (the City's current provider), Delta Dental and several plans were presented by our broker, Brown & Brown. After a review of all proposals, a recommendation was made to award the contract to Fortis, which provided a lower premium. Chairman Garcia made a motion to approve, seconded by Councilman Merida, and the motion was unanimously approved.

11. **Discussion of intent and vision for the development of the new annexation area: (Land Use Designation):** Mrs. Mirtha S. Gonzalez, Chief Zoning Official.

Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave a visual presentation of the intent and vision for the development of the new annexation area. Details of the zoning and land use designations for the new area were also provided.

12. **Presentation of Evaluation and Appraisal Report:** Mrs. Mirtha Gonzalez, Chief Zoning Official, Mr. Jerry H. Bell, Bell Planning Group, Inc.

Mrs. Mirtha S. Gonzalez, Chief Zoning Official, together with Mr. Jerry H. Bell and Mr. Alex A. David, of Bell David Planning Group, Inc., offered a presentation of the Evaluation and Appraisal Report (E.A.R.) which is a requirement by the Florida Department of Community Affairs (D.C.A.) every seven years and provides for an assessment of the City's local comprehensive plan. The deadline for the transmittal of the E.A.R. draft to D.C.A. is August 1, 2004 for their review and comments. The final deadline for E.A.R. is November 1, 2004 for final adoption by the Council and transmittal to D.C.A. The Council would have an opportunity to revise the draft and any recommendations for changes may be given at the June 30, 2004 Special Council Meeting. Details were given by Mr. Bell of the key planning issues that were identified in the appraisal report including land use, transportation, housing, infrastructure, conservation, recreation and open space, intergovernmental coordination, and capital improvement element amendments. Recommendations to address those issues were offered as part of the presentation. Chairman Piña made a motion to table the item until the next meeting, June 30, 2004, seconded by Councilman Gutierrez. The motion was unanimously approved (**Tabled**).

13. **Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS RECOMMENDING THE TRANSMITTAL OF THE EVALUATION AND APPRAISAL REPORT (E.A.R.) AMENDMENTS TO THE CITY OF HIALEAH GARDENS COMPREHENSIVE PLAN YEAR 2015; PROVIDING FOR TRANSMITTAL OF SAID AMENDMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR EFFECTIVE DATE.**

Chairman Garcia made a motion to table the item until the next meeting, June 30, 2004, seconded by Councilman Merida. The motion was unanimously approved (**Tabled**).

- B) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, RECEIVING THE FINANCIAL AUDIT AND REPORT PREPARED BY AVERETT, WARMUS, DURKEE, BAUDER & THOMPSON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR EFFECTIVE DATE.**

Mr. James Warmus, of Averett, Warmus, Durkee, Bauder & Thompson, C.P.A.'s, came forward and gave a review of the City's financial audit and a report for the fiscal year October 1, 2002 through September 30, 2003 prepared by his firm. Positive comments were made by Mr. Warmus regarding the audit and commended the City for its sound financial standing and responsible management. Mr. Warmus continued to outline budgetary highlights, which included improvements in general government, public safety, culture and recreation, and capital assets. Mr. Warmus also stated that this is the best financial shape the City has ever been in his experience. Mayor De La Cruz stated that he did a ten-year analysis, a comparison of the previous years' audits dating back to 1993, and the reports reflect that deficits existed where there are surpluses today and added that auditor's findings were reduced from twenty-six in 1999 to three this year. Mr. Citrin read the full title of the resolution into the record. Chairman Garcia made a motion to approve, seconded by Councilman Merida, and was unanimously approved.

- C) A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2004, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,050,000, FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION AND EXPANSION OF CURRENT CITY-OWNED BUILDINGS FOR THE VARIOUS CITY DEPARTMENTS, FINANCING CONSTRUCTION, ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; PROVIDING SECURITY FOR THE BONDS, PRESCRIBING THE FORM, TERMS AND DETAILS OF THE BONDS; AWARDING THE BONDS TO _ BY NEGOTIATED SALE; DESIGNATING THE BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin asked for Items 13C and 13D to be deleted from this agenda and offered at the next council meeting.

- D) A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS TRANSPORTATION TAX REVENUE BONDS, SERIES**

2004, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,195,000 FOR THE PURPOSE OF FINANCING THE COSTS OF ROAD IMPROVEMENTS WITH THE CITY, FUNDING A DEBT SERVICE RESERVE FUND, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; PROVIDING SECURITY FOR THE BONDS, PRESCRIBING THE FORM, TERMS AND DETAILS OF THE BONDS; AWARDED THE BONDS TO ___ BY NEGOTIATED SALE; DESIGNATING THE BONDS AS “QUALIFIED TAX-EXEMPT OBLIGATIONS” WITHING THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; REPEALING ALL RESOLUTIONS OF PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin asked for Items 13C and 13D to be deleted from this agenda and offered at the next council meeting.

14. First Reading for consideration of the following ordinances:

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA APROVING AND ADOPTING THE DESIGN GUIDELINES RELATING TO COMMERCIAL STOREFRONT FACADES, STORE WINDOWS, AWNINGS, CANOPIES, COLORS, SIGNS FACADE COORDINATION AND IMPLEMENTATION, SIDEWALK CAFES AND PARKING IMPROVEMENTS AND PROVIDING THAT A COPY OF THE URBAN DESIGN PLAN SHALL BE FILED IN THE OFFICE OF THE CITY CLERK FOR PUBLIC INSPECTION AND REFERENCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)**.

- B) AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,050,000 OF CAPITAL IMPROVEMENT REVENUE BONDS OF THE CITY OF HIALEAH GARDENS FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Citrin read the full ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)**.

- C) AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,195,000 OF TRANSPORTATION TAX REVENUE BONDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Citrin read the full ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)**.

At this time, Mr. Citrin recognized Ms. Lakshmi McGrath, financial advisor for First Southwest Corp. and commended her for her outstanding work with the City. Mayor De La Cruz recognized Mr. Jorge A. Gutierrez, member of the Police Pension Board present in the audience.

- D) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: MnM 4 BROTHERS INC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 6, 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 # 27-3003-001-0068. APPROXIMATE**

LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of NW 80 Ave. & South of NW 103 St.) (Vote: P&Z 3-0; TRC 6-0)

Mr. Citrin read the full ordinance into the record. The applicant Mr. Manuel Martinez was present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)**.

E) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR OLIVA BRICK. APPROXIMATE LOCATION: NW 99 AVENUE AND FRONTAGE ROAD. PARTICULARLY DESCRIBED AS: A PORTION OF TRACT 7, OF "FOREST FARMS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, AT PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA FOLIO #27-2032-002-0070 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW 99 Ave. & Frontage Road) (Vote: P&Z 3-0; TRC 6-0)

Mr. Citrin read the full ordinance into the record. Mr. Angel Lopez of Brownell and Associates, for the applicant was present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)**.

F) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING WAIVER OF PLAT AND VARIANCE TO PERMIT A LOT AREA OF 1.136 ACRES WHERE 1.25 ACRES IS REQUIRED FOR JOSE R. SUAREZ & ROLANDO SANTAMARINA. PROPERTY IS LEGALLY DESCRIBED AS: PARENT TRACT: TRACT 19 OF "FLORIDA FRUIT LAND 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. CUT OUT PARCEL: THE WEST 150.00 FEET OF THE EAST 832.66 FEET OF TRACT 19 OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", OF SECTION 29, 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

SUBJECT TO A 30 FOOT EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 30 FEET THEREOF. FOLIO # 27-2029-001-0207. APPROXIMATE LOCATION: NW 135 STREET, BETWEEN NW 102 AVENUE AND NW 104 AVENUE PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. PROVIDING FOR CONDITONS; PROVIDING FOR EFFECTIVE. (Location: NW 135 St. between NW 102 Ave. and NW 104 Ave. (Vote: P&Z 3-0; TRC 6-0)

Mr. Citrin read the full ordinance into the record. Mr. Jose Suarez, the applicant was present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)**.

15. **City Attorney's Report:** None was offered.
16. **Mayor's Report – Miscellaneous:** Mayor De La Cruz reminded the Council members of the Father's Day Celebration at the Senior Center and the Fourth of July Event.

Mr. Ray Garcia came back and stated that he had reviewed the bid from Add Fire, Inc. and recommended to award the contract. Chairman Garcia made a motion to approve, seconded by Councilman Merida, and was unanimously approved.

17. **Council Members Concerns/Reports – Miscellaneous:**

Councilman Gutierrez, Councilman Piña, and Chairman Garcia commended Mayor De La Cruz, Mr. Marcos Piloto and staff for their work.

18. **Adjournment:** The meeting was adjourned at 9:26 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 FUTURE MEETINGS:CITY COUNCIL

July Recess

Tuesday, August 3, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

July Recess

Monday, August 9, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

July Recess

Wednesday, August 4, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, June 27, 2004, 7:00 P.M.

POLICE PENSION BOARD

Thursday, August 26, 2004, 7:00 P.M.