

MINUTES

CITY COUNCIL MEETING
TUESDAY, AUGUST 17, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Vice Chairman Piña called the meeting to order at 7:40 p.m.
2. **Roll Call:** Present were Vice Chairman Rolando Piña serving as Chairman, Councilman Jorge Gutierrez, Councilman Jorge A. Merida, and Councilman Manuel Zardon. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin. Chairman Luciano Garcia was absent.
3. **Invocation:** Councilman Gutierrez led 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:** August 3, 2004. Vice Chairman Piña made a motion to approve the minutes of August 3, 2004 seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Opening of sealed bids for the following Request for Proposals (R.F.P.'s):** Mr. Jose M. Lopez, Public Works Director.

PW-03-010 – N.W. 79th Avenue (South District) - Drainage Improvements
PW-04-030 – N.W. 87th Court - Roadway and Drainage Improvements
PW-04-040 – N.W. 117th Street - Roadway and Drainage Improvements
PW-04-080 – N.W. 89th Avenue - Roadway and Drainage Improvements

Mr. Jose M. Lopez, Public Works Director opened the following bids:

Southeastern Engineering Contractors Inc.

PW-03-010 – N.W. 79th Avenue (South District) - Drainage Improvements \$749,244.38
PW-04-080 – N.W. 89th Avenue - Roadway and Drainage Improvements \$103,374.65

Williams Paving Co., Inc.

PW-03-010 – N.W. 79 th Avenue (South District) - Drainage Improvements	\$789,132.30
PW-04-030 – N.W. 87 th Court - Roadway and Drainage Improvements	\$124,096.50
PW-04-040 – N.W. 117 th Street - Roadway and Drainage Improvements	\$175,072.55
PW-04-080 – N.W. 89 th Avenue - Roadway and Drainage Improvements	\$124,516.25

Acosta Tractors, Inc.

PW-03-010 – N.W. 79 th Avenue (South District) - Drainage Improvements	\$815,349.69
PW-04-030 – N.W. 87 th Court - Roadway and Drainage Improvements	\$ 94,735.97
PW-04-040 – N.W. 117 th Street - Roadway and Drainage Improvements	\$169,820.10
PW-04-080 – N.W. 89 th Avenue - Roadway and Drainage Improvements	\$118,760.96

Fortex Construction, Inc.

PW-04-030 – N.W. 87 th Court - Roadway and Drainage Improvements	\$132,560.50
PW-04-040 – N.W. 117 th Street - Roadway and Drainage Improvements	\$212,483.49
PW-04-080 – N.W. 89 th Avenue - Roadway and Drainage Improvements	\$119,820.80

Mr. Lopez explained that there were addendums added to the project and that he will review the proposals and return with his recommendations at the in the next council meeting on September 14, 2004.

9. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING THE EXTENSION OF A CONTRACT WITH AVERETT, WARMUS, DURKEE, BAUDER, THOMPSON FOR THE PURPOSES OF THE CITY'S ANNUAL AUDIT FOR THE PERIOD OF ONE YEAR; WAIVING COMPETITIVE BIDDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Citrin reported on this item on behalf of Mr. Marcos Piloto, Director of O.M.B. who was not present. Mr. Piloto is recommending the waiving of competitive bidding due to time restraints and that it would be in City's best interest at this time to extend the contract with Averett, Warmus, Durkee, Bauder, Thompson. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY'S SENIOR CENTER'S CONGREGATE AND HOME DELIVERED NUTRITION PROGRAM TO CONSTRUCTION CATERING, INC.; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH CONSTRUCTION CATERING, 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. Citrin reported on this item on behalf of Ms. Arlene Yera, Director of Human Services, who was not present. Based on her recommendation to award the contract to Construction Catering, Inc., which was the only bid received, Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY'S ATHLETIC UNIFORMS TO ALL STAR SPORTS SHOP; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALL STAR SPORTS SHOP; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Mr. Raymond Garcia, Director of the Parks and Recreation Department came forward and gave staff recommendations to award the purchase of the athletic uniforms to All Star Sports. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and unanimously approved.

10. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A WORKOUT WAREHOUSE / CARLOS TORRES TO PERMIT A FITNESS CENTER IN AN EXISTING WAREHOUSE WITHIN A COMMERCIAL DISTRICT. LOCATION: 7802 N.W. 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 7802 N.W. 103 St.) (Vote: P&Z 3-0; TRC 4-0)***

Mr. Citrin read the full ordinance into the record. Mr. Carlos Torres the applicant was present. This is a first reading and as such, an opportunity for public input will be provided upon second reading. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING GIRALDO CASTELLON – WAIVER OF PLAT WITH LOT SIZE AND WIDTH VARIANCES CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARENT TRACT: TRACT 2 OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1” IN 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. CUT OUT PARCEL A: THE***

EAST 131.85 FEET OF THE WEST 659.96 FEET OF TRACT 2 OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, OF SECTION 29, TOWNSHIP 52, RANGE 40 EAST, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 30.00 FEET THEREOF, FOLIO #27-2029-001-23. APPROXIMATE LOCATION: N.W. 137 STREET, BETWEEN N.W. 98 AVENUE AND N.W. 99 AVENUE. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 137 St., between N.W. 98 Ave. and N.W. 99 Ave.) (Vote: P&Z 3-0;TRC 3-0)

Mr. Citrin read the full ordinance into the record. Mr. Giraldo Castellon the applicant was present. This is a first reading and as such, an opportunity for public input will be provided upon second reading. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote **(4-0)**.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING ABRAHAM LATRAS – WAIVER OF PLAT WITH LOT SIZE AND WIDTH VARIANCES CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARENT TRACT: TRACT 2 OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, IN 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. CUT OUT PARCEL B: THE EAST 131.85 FEET OF THE WEST 791.81 FEET OF TRACT 2 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, LESS THE NORTH 30.00 FEET THEREOF, FOLIO #27-2029-001-0024. APPROXIMATE LOCATION: N.W. 137 STREET, BETWEEN N.W. 97 AVENUE AND N.W. 99 AVENUE. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 137 St., between N.W. 97 Ave. and N.W. 98 Ave.) (Vote: P&Z 3-0;TRC 4-0)***

Mr. Citrin read the full ordinance into the record. Mr. Abraham Latras the applicant was present. This is a first reading and as such, an opportunity for public input will be provided upon second reading. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote **(4-0)**.

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

At this time, Vice Chairman Piña asked those individuals who would be offering testimony on any of the items for public hearing to come forward and be sworn in by City Attorney Charles A. Citrin.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: MnM4 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. Ms. Grisel Madruga the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official, came forward and gave staff recommendations for approval of the site plan. Vice Chairman Piña opened the public hearing at 8:06 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:06 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

- B) 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 E. R. Brownell & Associates, Inc. was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations for approval of the final plat. Vice Chairman Piña opened the public hearing at 8:08 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:08 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

- C) 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. (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. Mrs. Mirtha S. Gonzalez, Chief Zoning Official, came forward and gave staff recommendations for approval of a waiver of plat and a lot size variance. Vice Chairman Piña opened the public hearing at 8:11 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:11 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote **(4-0)**.

12. **City Attorney's Report:** Mr. Citrin had no comments at this time.
13. **Mayor's Report – Miscellaneous:** The Mayor commented on the work done at the Courtly Manor Trailer Park and thanked all the sponsors and the volunteers involved with the project.
14. **Council Members Concerns/Reports – Miscellaneous:** No comments.
15. **Adjournment:** The meeting was adjourned at 8:12 p.m.

Respectfully submitted by:

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 FUTURE MEETINGS

CITY COUNCIL

Tuesday, September 28, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

T.B.A.

TECHNICAL REVIEW COMMITTEE

Wednesday, October 6, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Monday, September 27, 2004

POLICE PENSION BOARD

Monday, **November 15**, 2004, 1:00 A.M.