

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, June 4, 2024
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Elmo Urra, Councilman Jorge Gutierrez, Councilman Jorge Merida, Councilman Rolando Piña, Chairman Luciano Garcia, Mayor Yiozet De La Cruz, and Ms. Aida Martinez-Ruiz, City Attorney.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions** N/A
- 6. Review of Minutes:** May 21, 2024 Chairman Garcia made a motion to approve the minutes of **May 21, 2024**. The motion was approved unanimously.
- 7. Public Comments:** At this time, Ms. Annabelle Urrea Guzman came forward and introduced herself as the new governmental community affairs liaison to Mayor Daniella Levine-Cava. She wanted to formally introduce herself in person and offer her services to the City and Mayor.

8. Opening of sealed bids for PW-24-106 Utility Work Okeechobee Frontage Road from E. of 116 Way to E. of NW 87 Avenue: Mr. Joe Lopez, Public Works Director.

Mr. Joe Lopez, Public Works Director, came forward. Two bids were submitted to the City. Mr. Lopez opened the first bid, from Marcdan Inc., which had a base bid price of \$4,055,720.00. He opened the second bid, from Acosta Tractors Inc., had a base bid price of \$4,099,872.95. Mr. Lopez stated that the Department would review these and come back to the Council with a recommendation.

9. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR SOUTH DISTRICT DRAINAGE IMPROVEMENTS NW 95TH STREET FROM 77TH AVENUE TO 79TH AVENUE (PW 24-105); AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ACOSTA TRACTORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the resolution into the record. Mr. Joe Lopez, Public Works Director, came forward to explain the background of this project (PW 24-105). The funding source is state grant LPA-0537 with a grant amount of \$350,000. The department recommends that the Council award the contract to Acosta Tractors, Inc., for a contract amount of \$326,690.52 as the lowest responsive responsible bidder. There were no further questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR UTILITY IMPROVEMENTS NW 107TH AVENUE FROM 138TH STREET TO NW 147TH STREET (WS 24-107); AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ACOSTA TRACTORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The resolution was approved unanimously. Mr. Joe Lopez, Public Works Director, came forward once again to explain the background of this project (WS 24-107). The funding source is the Water & Sewer Department construction account. The department recommends that the Council award the contract to Acosta Tractors, Inc., for a contract amount of \$598,169.04 as the lowest responsive responsible bidder. There were no further questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF THREE (3) 2025 FORD POLICE INTERCEPTORS UTILITY VEHICLES TO BE USED BY THE POLICE DEPARTMENT AS PATROL UNITS; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-121 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALAN JAY FLEET SALES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the resolution into the record. Captain Michael Lopez, of the Hialeah Gardens Police Department, came forward to speak on the item. On behalf of Chief Luis Diaz, the Department is respectfully requesting the approval of this resolution to purchase (3) 2025 Ford Police Interceptor utility vehicles. These three vehicles will be issued to augment the Patrol [division] fleet for a total amount of \$189,150.00 via government contract. Price includes the outfitting and graphics. Mayor De La Cruz spoke, explaining that items C, D, and E, if approved, will be funded with federal monies [in the City's surplus] that have to be used by September. These funds have to be used either for utilities or police safety equipment. There were no further questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF FIVE (5) 2025 FORD POLICE INTERCEPTORS UTILITY VEHICLES TO BE USED BY THE POLICE DEPARTMENT FOR THE SERGEANTS; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-121 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALAN JAY FLEET SALES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the resolution into the record. Captain Michael Lopez, of the Hialeah Gardens Police Department, came forward once again to speak on the item. The Department is respectfully requesting the approval of this resolution to purchase (5) 2025 Ford Police Interceptor utility vehicles for the Sergeant [division] for a total amount of \$306,240.00 via government contract. This will serve to replace current Sergeant vehicles which will transferred for use by Patrol operations. Price includes outfitting and graphics. There were no further questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF SIXTY (60) NEXT GENERATION APX NEXT PORTABLE RADIOS TO BE USED BY THE POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-121 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH MOTOROLA SALES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the resolution into the record. Captain Michael Lopez, of the Hialeah Gardens Police Department, came forward once again to speak on the item. The Department respectfully requests the approval of this resolution to purchase (60) Next Generation APX Next Portable Radios. This purchase is through a contract via Miami-Dade County in the amount of \$600,000. Captain Lopez stated that the current radios in use by the Department will become obsolete and the new equipment will serve to completely replace the current radios. The Next Generation APX radios include the ability to connect to radio towers and to cell phone towers. They also include a GPS tracking system and screen messaging. It is fully compatible with the County and other municipalities.

There were no further questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

11. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AMENDMENT P2210-0003 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM PARKS AND OPEN SPACE AND WATER DISTRICT (POS) TO INDUSTRIAL LAND USE (IN) TO THE FLORIDA DEPARTMENT OF COMMERCE (FLORIDACOMMERCE). LEGAL DESCRIPTION: 1: THAT PORTION OF SECTION 18, TOWNSHIP 52 SOUTH, RANGE 40 EAST, LYING EASTERLY OF THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE (STATE ROAD NO. 821) AND BEING IN MIAMI-DADE COUNTY, FLORIDA. PARCEL 2: TRACTS 1 TO 4 INCLUSIVE, THE EAST 1/2 OF TRACTS 13 AND 14 LESS THE WEST 35 FEET THEREOF, AND THAT PORTION OF TRACTS 15 AND 16 LYING EASTERLY OF THE HOMESTEAD EXTENSION OF FLORIDA'S TURNPIKE (STATE ROAD NO. 821), IN THE NORTH ONE-QUARTER (N 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE

PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND HAVING AN AREA OF 208.762 ACRES MORE OR LESS. FOLIO: 27-2018-001-0013. APPROXIMATE LOCATION: BETWEEN NORTH SIDE OF THEORETICAL N.W. 151 STREET AND N.W. 170 STREET AND BETWEEN N.W. 107 AVENUE AND FLORIDA'S TURNPIKE - BETWEEN NORTH SIDE OF THEORETICAL N.W. 151 STREET AND N.W. 170 STREET AND BETWEEN N.W. 107 AVENUE AND FLORIDA'S TURNPIKE; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the resolution into the record. Ms. Kerri Barsh, attorney, came forward on behalf of the applicant, White Rock East, LLC. This is a first reading; an opportunity for input would be afforded at the next meeting. The Chair made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

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

Ms. Martinez-Ruiz read the resolution into the record. At this time Ms. Martinez-Ruiz swore in all individuals intending to give testimony on any of the following items.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR AMC PARK I TO DEVELOP A NEW TRUCK PARKING AND AN OFFICE BUILDING, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "A" WEST 1/2 OF THE WEST 1/2 OF TRACT 58 OF FLORIDA FRUIT LANDS COMPANY'S NO. 1, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF HIALEAH GARDENS BY RIGHT-OF-WAY DEED RECORDED DECEMBER 23, 2011 IN OFFICIAL RECORDS BOOK 27940, PAGE 122 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-2019-001-0651; PROVIDING CONDITIONS; FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the resolution into the record. Mr. Miguel Cabrera, architect for the project, came forward on behalf of the applicant and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read a memorandum for recommendation into the record. She mentioned that at the Planning & Zoning meeting, Mr. Andy Perez, a P&Z Board member recommended that the site should be paved. Ms. Martinez-Ruiz clarified

the issue, explaining that Mr. Perez had raised concerns about DERM requirements and the possibility of contaminants leaking into the ground [on this site] due to the truck parking use. The motion at the P&Z meeting was to approve the item with the recommendation, within the limits of a recommending body. Mr. Cabrera was in agreement with this at the P&Z meeting but emphasized that this project still has to go through DERM permitting which has layers of environmental requirements...the City code does not currently require paving on sites like these as DERM has the expertise and authority on these issues.

Public hearing opened at 7:52 p.m.; no one came forward. Public hearing closed at 7:52 p.m. No further questions or comments. The Chair made a motion to approve the ordinance upon second reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR AMC PARK II TO DEVELOP A NEW TRUCK PARKING AND AN OFFICE BUILDING, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "B" THE EAST 165 FEET OF THE WEST ONE-HALF (W 1/2) OF TRACT 58, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S NO. 1, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 35 FEET FOR HIGHWAY PURPOSED AS PER RIGHT-OF-WAY DEED OF CITY OF HIALEAH GARDENS RECORDED OCTOBER 18, 2012 IN OFFICIAL RECORDS BOOK 28318 PAGE 2940, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-2019-001-0652; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the resolution into the record. Mr. Miguel Cabrera, architect for the project, came forward once again on behalf of the applicant and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read a memorandum for recommendation into the record. This is the same type of project as the previous item [on a neighboring folio]. Recommendations were addressed by the applicant. No variances.

Public hearing opened at 7:54 p.m.; no one came forward. Public hearing closed at 7:54 p.m. No further questions or comments. The Chair made a motion to approve the ordinance upon second reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

13. City Attorney's Report: N/A

14. Mayor's Report – Miscellaneous: N/A

- 15. Council Members Concerns / Reports / Board Appointments**
Water & Sewer Board Appointment (J. Merida, E. Urrea) - Pending
- 16. Adjournment:** The meeting was adjourned at 7:56 p.m.

Respectfully submitted by:

Maria L. Joffe, City Clerk

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office no later than four days prior to the proceeding. For assistance, the City's telephone number is (305) 558-4114; if hearing impaired the telephone for the Florida Relay Service is (800) 955-8771 (TDD) or (800) 955-8770 (VOICE).

Pursuant to Section 286.0105 Florida Statutes, 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 ensure 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

July Recess

Tuesday, August 6, 2024, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, August 5, 2024, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, August 1, 2024, 11:00 A.M.

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

Thursday, September 19, 2024, 1:00 P.M.