

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, June 18, 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 Merida, Chairman Luciano Garcia, and City Attorney Charles Citrin. Councilman Jorge Gutierrez, Councilman Rolando Piña, and Mayor Yioset De La Cruz were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mr. Citrin led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** N/A
- 6. Review of Minutes: June 4, 2024** Chairman Garcia made a motion to approve the minutes of **June 4, 2024**. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

8. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR UTILITY WORK OKEECHOBEE FRONTAGE ROAD FROM EAST OF 116 WAY TO EAST OF NW 87 AVENUE (WS 24-106); AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH MARCDAN, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the resolution into the record. At this time Mr. Joe Lopez, Public Works Director, came forward. He stated that sealed bids were received for the utility work on Okeechobee Frontage Road from East of 116 Way to East of NW 87 Avenue under WS 24-106 for furnishing all labor, material and equipment and performing all work necessary and incidental to a complete utility work [as shown in the plans and specifications]. The bids were opened at the regular Council Meeting of June 4, 2024. The bidders name and bid amounts were read into the record. The bids were reviewed, and the Department recommends that the Council award the contract to Marcdan Inc., for a contract amount of \$4,866,864 which includes a 20% contingency over the base bid amount.

Mr. Lopez explained that normally, the Department does the design in-house and would include a minimum 10% contingency and all pay items under the tabulation table. However, this design was done through a JPA with an FDOT designer, who omitted certain items, and the construction costs of those items are calculated to be approximately 15% of the base bid. This is why they are recommending a 20% contingency to cover the known items that are not listed in the tabulation and a little extra for any work that may occur.

Chairman Garcia added that those known items were not included in the other bid either and if so, the amounts would have been higher. Mr. Lopez confirmed this; however, on the other bid the items were listed to inquire what would happen with the omitted items. Both bidders were instructed to send in a bid for a base bid price and quantify whatever they believed was missing; it was not an official RFI, but Mr. Lopez stated that he had talked to both bidders. Mr. Citrin asked for the record if this was the reason for the increase of the contingency, to which Mr. Lopez responded that yes it was done in order to cover the items that were not listed on the tabulation form.

Councilman Merida asked if the City had previously used this contractor. Mr. Lopez confirmed that we have and that they do excellent work out in the field.

There were no further questions or comments. The Chairman made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(3-0)**

9. Second Reading / Public Hearing for consideration and final adoption of the following ordinance:

Mr. Citrin swore in those intending to give testimony on the following item.

- 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)

Mr. Citrin read the ordinance into the record. Ms. Kerri Barsh, attorney, came forward on behalf of the applicant [White Rock East LLC] and stated her name and address for the record.

Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read a memorandum of recommendation into the record. This is an adoption of a land use amendment for the property in question from POS [Parks and Open Space] to IN [Industrial]. On March 29, 2024, The Florida Department of Commerce sent a letter with no comments, recommendation or objections to the amendment. On March 18, 2024, the South Florida Regional Planning Council found the proposed amendment to be generally consistent with the Strategic Regional Policy Plan for South Florida.

No objections were raised to the proposed amendment from any reviewing agency with the exception of the South Florida Water Management District; they pointed out that the proposed amendment package did not include an actual commitment from the Miami Dade Water & Sewer Department to serve the proposed development.

Mrs. Gonzalez stated that the City of Hialeah sent a letter of commitment [to Hialeah Gardens] offering Water & Sewer services and utility extensions prior to the start of construction *consistent with the developer agreement*. Mrs. Gonzalez read this letter into the record.

This letter was sent to the SFWMD; District Staff reviewed it and found it to be sufficient. Chairman Garcia asked if that was the same person who previously commented about requiring a letter of commitment; Mrs. Gonzalez confirmed that it was, however – in the same review/response, the SFWMD also requested to see the developer agreement that had been referenced in the letter from the City of Hialeah.

Mrs. Gonzalez explained that she has not yet replied to this request; there is currently no developer agreement in existence. Mr. Citrin asked that the developers' counsel come forward. Ms. Barsh came forward and reaffirmed all that was read into the record by Mrs. Gonzalez. Ms. Barsh also spoke directly to the reviewer from the SFWMD [Mr. David Ragsdale]. Mr. Ragsdale's initial comment did not reference a 'developer's agreement,' and Ms. Barsh pointed out that they are only at the comp plan stage at this time, and they haven't even gone through zoning yet. They are proposing industrial use which is consistent with the property designations to the South and the character of the District. Once a specific site plan is approved, they would be able to go into more detail and enter into agreements.

Chairman Garcia stated that his priority is protecting the City. He wanted to clarify the matter and suggested that it should be reviewed further before being approved. Mr. Citrin emphasized that he was made aware of new information just prior to tonight's meeting regarding the request for a "developer's agreement" and did not feel certain about how to proceed until further review. Ms. Barsh continued, explaining that they are working within time constraints...Chairman Garcia stated that while the City is supportive of the project, he wants to feel confident with every aspect of the process before moving forward with it. Mrs. Gonzalez confirmed that the applicant would be within the 180 days required for pending projects. Ms. Barsh expressed frustration and disappointment with the numerous delays this project has faced; the Council objected to passing the item without clarifying the doubts raised by the comments made by Mr. Ragsdale in the last few days.

Chairman Garcia opened a public hearing at 8:06 p.m.; there were no further questions or comments. Public hearing closed at 8:07 p.m. Chairman Garcia made

a motion to table the item [until the next meeting in August]. The item was unanimously tabled.

10. **City Attorney's Report:** N/A
11. **Mayor's Report – Miscellaneous:** N/A
12. **Council Members Concerns / Reports / Board Appointments**
Water & Sewer Board Appointment (J. Merida, E. Urra) - Pending
13. **Adjournment:** The meeting was adjourned at 8:08 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 21, 2024, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 9, 2024, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, September 5, 2024, 11:00 A.M.

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

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