



Julio Robaina
Mayor

Esteban Bovo
Council President

Carlos Hernandez
Council Vice President

Council Members

Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Luis Gonzalez
Jose Yedra

City Council Agenda
May 27, 2008
7:00 P.M.

Call to Order/Roll Call of Councilmembers

Invocation given by Rafael E. Granado, City Clerk

Pledge of Allegiance led by Councilmember Gonzalez

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chambers.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

Presentations –

Presentation of plaque by Carolina Naveiras to the Mayor, Council Members, Katherine Cue, David Concepcion and the Mayor's staff for their commitment to Hialeah Elementary School's Career Day.

Proclamation of the Mayor declaring the 27th day of May, 2008 as "Officer Gabriel Casco Day".

1. Announcement of Amendments/Corrections to the Agenda (if any).
2. Consent Agenda -

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Minutes of the Hialeah City Council Meeting of September 27, 2007.
- B. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement with the Office of the Public Defender for the Eleventh Judicial Circuit of Florida in the form attached and made a part hereof as Exhibit "1", in order to reimburse the Public Defender as provided herein for defending persons accused of County Ordinance violations not ancillary to State prosecution commencing on June 1, 2008. (LAW DEPT.)
- C. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Sponsorship Agreement with Univision Communications, Inc., a Delaware Corporation, doing business as Univision 23, a copy of which is attached and made a part hereof as Exhibit "1" to become the Official Spanish Television Media Sponsor for the balance of calendar year 2008 in connection with a number of designated City events commencing with Green Day Hialeah and ending with Santa's Snow Blast in exchange for the creation, production and airing of television promotional announcements and enhanced news and entertainment coverage for the events. (COMMUNICATION AND SPECIAL EVENTS DEPT.)
- D. Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Southern Sewer Equipment by \$10,000, to purchase Vac-con replacement parts for the City's Vac-con trucks, for a total amount not to exceed \$25,000. (FLEET MAINTENANCE DEPT.)
- E. Request permission to utilize State of Florida Contract #863-000-06-01, and increase the purchase order issued to Martino Tire Company by \$10,000, to purchase tires for City vehicles and trucks, for a total amount not to exceed \$55,000. (FLEET MAINTENANCE DEPT.)
- F. Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Kelly Tractor Company by \$10,000, to purchase Caterpillar heavy equipment parts for the City's heavy equipment vehicles, for a total amount not to exceed \$25,000. (FLEET MAINTENANCE DEPT.)
- G. Request permission to utilize Florida Sherriff's Association Bid #'s 06-14-081 and 06-14-0821A, to purchase one 2009 Ford Escape Hybrid FWD from Duval Ford, for the Department of Water & Sewers, for a total amount not to exceed \$26,029. (FLEET MAINTENANCE DEPT.)
- H. Request permission to utilize State Contract Bid # 071-000-08-1, Section 071-402-123, to purchase one 2009 Ford Escape Hybrid 4x4 from Don Reid Ford, for the Department of Water & Sewers, for a total amount not to exceed \$27,960. (FLEET MAINTENANCE DEPT.)

- I. Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Iron Mountain Records by \$5,500, to cover outstanding invoices and those forthcoming invoices, through the end of the Fiscal Year, due to an increase in retrieval requests and larger than expected volume of storage, for a total amount not to exceed \$20,500. (CITY CLERK'S OFFICE)
- J. Request permission to utilize Putnam County Contract 97-2, and increase the purchase order issued to Xerox Corporation by \$5,000, in order to pay the final lease payments and copy usage charges for the two copiers in the City's Printshop, for a total amount not to exceed \$20,000. (CITY CLERK'S OFFICE)
- K. Request permission to waive competitive bids, since it is advantageous to the City, and purchase a self check-out unit from SIRSI-Dynix Corp., the provider of the Automation and Self Check-out System for the Library, for a total amount not to exceed \$16,445.75. (LIBRARY DIV.)
- L. Request permission to award Bid #2007/08-3230-00-044, Fire Station No. 6 – Electrical, to the lowest responsive and responsible bidder, Williams Power & Control, Inc., for a total amount not to exceed \$49,500. (CONSTRUCTION AND MAINTENANCE DEPT.)
- M. Request permission to award Bid #2007/08-3230-00-046, Fire Station No. 6 – Fire Sprinkler, to the lowest responsive and responsible bidder, Caiman Fire Services, Inc., for a total amount not to exceed \$39,800. (CONSTRUCTION AND MAINTENANCE DEPT.)
- N. Request permission to award Bid #2007/08-3230-00-047, Fire Station No. 6 – HVAC, to the lowest responsive and responsible bidder, General A/C Corp., for a total amount not to exceed \$60,200. (CONSTRUCTION AND MAINTENANCE DEPT.)
- O. Request permission to award Bid #2007/08-3230-00-049, Fire Station No. 6 – Structural/Building Shell, to the lowest responsive and responsible bidder, Florida Lemark Corporation, for a total amount not to exceed \$49,870. (CONSTRUCTION AND MAINTENANCE DEPT.)
- P. Request permission to award Bid #2007/08-3230-00-050, Career Academy Charter School – Fire Alarm, to the lowest responsive and responsible bidder, G & R Electric Corp., for a total amount not to exceed \$22,000. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES)
- Q. Request permission to reject Bid 2007/08-3230-00-053, Career Academy Charter School – Paint, since the sole bid received was overpriced, and further requesting permission to waive further competitive bidding due to time constraints, and obtain quotations from reasonable bidders, which will be presented to the Council. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES)

- R. Request permission to award Bid #2007/08-3230-00-054, Career Academy Charter School – Acoustical Ceiling, to the lowest responsive and responsible bidder, RC Interiors, Inc., for a total amount not to exceed \$12,682. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES)
- S. Request permission to waive competitive bids, since it is advantageous to the City, and purchase additional aggregate materials used for drainage construction and repair from the following vendors: Overland Carriers, Truck Brokerage by National, Inc. and All Star Enterprises, Inc., based on price and material availability, for a total amount not to exceed \$30,000. (STREETS DEPT.)
- T. Request permission to waive competitive bids, since it is advantageous to the City, and purchase asphalt materials used for roadway repair and construction from the following vendors: General Asphalt, H & J Asphalt Company and Community Asphalt Company, based on price and material availability, for a total amount not to exceed \$30,000. (STREETS DEPT.)
- U. Request permission to utilize Alachua County Proposal 06-311 for professional services and specialized assistance to the City and its staff with the development of a special Fire Rescue Assessment Program (Phase Two), from Government Services Group, Inc., for a total amount not to exceed \$50,000. (FIRE DEPT.)
- V. Request permission to issue a purchase order to Serralta, Rebull, Serig, Inc, (Serralta) for additional office engineering staff support including engineering field inspection services to cover work already completed and for the balance of this Fiscal Year, for a total amount not to exceed \$115,000. Serralta is one of the companies approved by the City Council to provide architectural, design or engineering services. (WATER & SEWERS DEPT.)
- W. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Gonzalez Paving, Inc. (GPE Engineering Contractors), to cover the cost of additional items required during the completion of the relocation of force mains for Pump Stations 108 and 111, for a total amount not to exceed \$34,107.88. This increases the total amount of the contract with Gonzalez Paving to \$536,008.40. (WATER & SEWERS DEPT.)
- X. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to R & G Engineering, Inc., to cover the cost of field changes related to the construction of Sewage Pump Station 099, which will serve the 300-Unit Elderly Housing Project, for a total amount not to exceed \$12,685. This increases the total amount of the contract with R & G Engineering, Inc. to \$158,355. (WATER & SEWERS DEPT.)
- Y. Request permission to utilize City of Hialeah Bid 2005-019, and increase the purchase order issued to Tri-Anim Health Services, Inc. by \$15,000, to purchase miscellaneous medical supplies, for a total amount not to exceed \$95,000. (FIRE DEPT.)

- Z.** Request approval to expend up to \$20,000 to obtain N.P.D.E.S. permits required by the State of Florida for Stormwater Utilities. (STREETS DEPT.)
- AA.** Request permission to waive competitive bids, since it is advantageous to the City, and contract with Melrose Nursery, which has agreed to maintain existing prices, to cover the balance of landscaping needs for the remainder of this Fiscal Year, for a total amount not to exceed \$100,000. (STREETS DEPT.)
- BB.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Garden Techs Landscaping Contractors, for additional services due to added medians throughout the City, for a total amount not to exceed \$22,000. (STREETS DEPT.)
- CC.** Proposed resolution approving the codesignation of a portion of West 72 Place, between West 25 and West 28 Avenues, as “Luis Ariel Souffront Place”, in honor and recognition of the outstanding service of Petty Officer First Class Luis Ariel Souffront, a lifetime Hialeah resident and Navy Seal who gave his life for our Country’s freedom, with the cost of signage to be paid by the City. (CITY CLERK’S OFFICE)
- DD.** Request permission to award Bid #2007/08-3230-00-030, Career Academy Charter School – Stucco, to Agora Construction, for a total amount not to exceed \$62,000. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- EE.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to O.M. Electric, Inc. by \$22,750, due to a change in the scope of work at the 300-Unit Elderly Housing Project, for a total amount not to exceed \$938,537.50. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- FF.** Request permission to award Bid #2007/08-3230-00-048, Fire Station No. 6 – Roofing, to Austro Construction, Inc., for a total amount not to exceed \$44,792.32. (CONSTRUCTION AND MAINTENANCE DEPT.)
- GG.** Request permission to award Bid #2007/08-3230-00-045, Fire Station No. 6 – Framing & Drywall, to MFS Construction, Inc., for a total amount not to exceed \$24,500. (CONSTRUCTION AND MAINTENANCE DEPT.)
- HH.** Request permission to award Bid #2007/08-3230-00-043, Fire Station No. 6 – Plumbing, to H & F Plumbing Corp., for a total amount not to exceed \$26,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- II.** Request permission to waive competitive bids, since it is advantageous to the City, and award the Insulation for the Police Training Building to Ocean Palm Enterprises, LLC, lowest submitted proposal, for a total amount not to exceed \$8,000. This increases the total amount of the contract with Ocean Palm Enterprises, LLC to \$25,610. (CONSTRUCTION AND MAINTENANCE DEPT.)

- JJ.** Request permission to waive competitive bids, since it is advantageous to the City, award the installation of the precast fence for the FPL easement (Phase 2), located at West 16 to 18 Avenues and West 76 to 84 Street, to American Precast Fence Ltd., who has agreed to extend unit prices at \$80 per linear foot, for a total amount not to exceed \$77,900. (CONSTRUCTION AND MAINTENANCE DEPT.)
- KK.** Request permission to utilize Broward County Contract #26-002X, to purchase additional office furniture from Corporate Express, in the amount of \$1,427.50, for the Education & Community Services Department Headquarters, for a total amount not to exceed \$37,834.58. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- LL.** Request permission to retain Dynatech Engineering Corporation, lowest submitted quotation, to perform billboard sign inspections, for a total amount of \$41,600. This fee will be paid out of the annual recertification fees already collected. (ZONING DEPT.)
- MM.** Proposed resolution awarding Request for Proposal No. 2007/08-0200-48-008, to Academica Corporation, a Florida Corporation to manage and operate the Hialeah Education Academy to be located at Slade Park and further authorizing the Mayor to negotiate a Management Agreement with Academica Corporation subject to approval or ratification by the City Council. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- NN.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase additional concrete material from South Florida Ready Mix Concrete, which has agreed to extend prices for the remainder of this Fiscal Year, for a total amount not to exceed \$30,000. (STREETS DEPT.)
- OO.** Request permission to waive competitive bids, since it is advantageous to the City, and extend Bid 2006-011, Striping, awarded to J & M Parking Lot Maintenance Inc. and High Tech Striping Inc., which have agreed to maintain existing prices, to purchase additional striping services, for a total amount not to exceed \$40,000. (STREETS DEPT.)
- PP.** Proclamation of the Mayor declaring May as “Neurofibromatosis Awareness Month”.
- 3.** Second reading and public hearing of proposed ordinance, amending Chapter 98, entitled "Zoning", Article V. Zoning District Regulations, Division 16. C-2 Liberal Retail Commercial District, of the Code of Ordinances and in particular, revising Hialeah Code § 98-1111, entitled “Permitted Uses” to clarify language regarding the trade, purchase or sale of secondhand jewelry for jewelry businesses as a secondary or ancillary business; and to prohibit advertising that would mislead the public into believing that the primary business of the jewelry store is the trade, sale or purchase of secondhand jewelry. (ADMINISTRATION) (Tabled on May 13, 2008)

4. Second reading and public hearing of proposed ordinance accepting the offer to sell an improved parcel of land with an existing residence, consisting of 8,673 square feet of total area, located at 101 East 47 Street, Folio No. 04-3106-058-0730, for the sum of \$170,000 and ratify the contract for the sale and purchase of the property with the sellers, Stephen Bromfield and Donna Bromfield, husband and wife, a copy of which is attached and made a part of Exhibit "1"; and authorizing the expenditure of such funds to purchase the property, including the purchase price, title insurance and closing costs and fees. (ADMINISTRATION)
5. Second reading and public hearing of proposed ordinance submitting to the Electorate at a Special Election to be held during the County-Designated Primary Election conducted in the City of Hialeah, on Tuesday, August 26, 2008, wherein the Electors of the City of Hialeah, shall be privileged to vote on the following question, relating to Charter Changes to Election, Administrative, Legislative and Mayor and City Council Articles:

"Shall the City amend its Charter extending the General Election from one week to two weeks from the Primary; redefining resident electors to mean resident voters assigned to vote in a Hialeah District; providing one swearing-in date each election cycle; removing ordinance requirement for approving leases and nonuse zoning adjustments; eliminating term limits for Mayor and Councilmembers; updating Charter language regarding Personnel Board and generally to be consistent with State law and Hialeah Code?" (ADMINISTRATION)
6. First reading of proposed ordinance, amending Chapter 2, entitled "Administration", Article III. Boards, Commissions and Committees, and in particular, by adding a new Division, Division 7. Charter School Oversight Committee, to establish a Charter School Oversight Committee consisting of the Mayor and all Councilmembers to oversee the operations of City-sponsored Charter Schools and whose term of service on the committee coincides with their respective terms in office. (ADMINISTRATION)
7. First reading of proposed ordinance, granting a 12-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve the Hialeah Education Academy located at Slade Park, in substantially the form as attached; property located **inside Slade Park, 2501 West 74 Street.** (ADMINISTRATION)
8. First reading of proposed ordinance, amending Chapter 98, entitled "Zoning", Article II. Administration, Division 6. Conditional Use Permits, and in particular, revising Hialeah Code § 98-181, entitled "Conditional Use Permits" to require the grant of a Conditional Use Permit to allow the use of private schools, charter schools, vocational and technical schools, post-secondary education facilities, colleges and universities. (ADMINISTRATION)
9. First reading of proposed ordinance, amending Chapter 86, entitled "Taxation and Fees", Article II. Occupational License Tax, by revising Hialeah Code § 86-43, entitled "Schedule of Fees", to include an Occupational License Tax (Local Business Tax Receipts) for operators of Internet Cafes for each computer or internet terminal available to the public on a fee basis in addition to the base fee. (LICENSE DEPT.)

10. First reading of proposed ordinance, amending Chapter 38, entitled "Fire Prevention and Protection", and in particular, adding a new Article, Article VIII, entitled "Fire Rescue Assessment", relating to the provision of fire rescue services, facilities, and programs throughout the geographic limits of the City of Hialeah; to authorize the imposition and collection of fire rescue assessments against property; provide certain definitions including a definition for the term "Fire Rescue Assessment"; establish a procedure for imposing fire rescue assessments; provide that fire rescue assessments constitute a lien on assessed property upon adoption of assessment roll; provide that the lien for a fire rescue assessment collected pursuant to sections 197.3632 and 197.3635, Florida Statutes, upon perfection shall attach to the property on the prior January 1, the lien date for ad valorem taxes; provide that a perfected lien shall be equal in rank and dignity with the liens of all State, County, District, or Municipal taxes and assessments and superior in dignity to all other prior liens, mortgages, titles and claims; authorize the imposition of interim assessments; provide a procedure for the collection of fire rescue assessments; and provide a mechanism for the imposition of assessments on government property. (FIRE DEPT.)
11. First reading of proposed ordinance, amending Chapter 10, entitled "Animals", and in particular, revising Hialeah Code § 10-2, entitled "Prohibitions" to include a prohibition against animal cruelty and defining conduct considered cruel or inhumane. (COUNCILMEMBER ISIS GARCIA-MARTINEZ)
12. Board Appointments
13. Unfinished Business
14. New Business
15. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Small Scale Amendment, Zoning and Final Decision items.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

SMALL SCALE AMENDMENT

- LU.1 Second reading and public hearing of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, amending the Future Land Use Map from Industrial to Commercial; property located at **6305 East 8 Avenue**, Zoned M-1 (Industrial District). Applicant: Manuel and Edelmira Cardet

ZONING

- PZ.1** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a variance permit to allow two existing one-family residences on three lots, first residence (Parcel One: Lots 16 & 17) having a frontage of 73.92 feet, where at least 75 feet are required, a side setback of 6.5 feet, where 7.5 feet are required, an accessory building encroaching into a 6-foot easement with a rear setback of 5 feet, where 7.5 feet are required, a roofed-terrace with a distance separation from the main house of 6.5 feet, where at least 20 feet are required, a front setback of 14 feet, where at least 20 feet are required, and to allow a second residence (Parcel Two: Lot 18) having a frontage of 46.08 feet, where at least 75 feet are required, and a total area of 6,439 square feet, where at least 7,500 square feet are required, contra to Hialeah Code; property located at **675 East 29 Street and 2900 East 7 Avenue**. Applicant: Roberto and Pilar Rodriguez (Tabled on May 13, 2008)
- PZ.2** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, rezoning from R-2 (One and Two Family District) to R-3 (Multifamily District); property located at **365-367 East 16 Street**. Applicant: Ricardo Blanco
- PZ.3** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a variance permit to allow a rear setback of 16 feet, where 20 feet are required and to allow a lot coverage of 59%, where a maximum of 50% is allowed, contra to Hialeah Code; property located at **1830 West 73 Place**. Applicant: Eugenia E. Beckner
- PZ.4** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a variance permit to allow a pylon sign having a total sign area of 135 square feet, where a maximum sign area of 77.8 square feet is allowed, contra to Hialeah Code; property located at **1135 West 68 Street**. Applicant: Colonial Village Retail Center, LLC, Robert G. Berrin, Managing Member
- PZ.5** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a Conditional Use Permit (CUP) and granting a Special Use Permit (SUP) to allow a child day care center on property zoned R-1 (One Family District) and granting a variance permit to allow a side setback of 5 feet, where 7.5 feet are required, contra to Hialeah Code; property located at **715 East 49 Street**. Applicants: Onelio and Genoveva Hernandez
- PZ.6** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, approving a final plat of Amanda Palms Subdivision; property located at **6365-6445 West 24 Avenue**; accepting all dedication of avenues or other public ways, together with all existing and future planting of trees. Applicant: Hilton Estates IV of Hialeah, Inc. and Amanda Palms, LLC

FINAL DECISION

FD.1 Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 08-15, that granted adjustments on condition that the proposed terrace remain open on three sides, on property located at **2621 West 72 Street**. Applicant: Vicente and Romelia Monterroso

NEXT REGULAR CITY COUNCIL MEETING: JUNE 10, 2008 AT 7:00 P.M.

Anyone wishing to obtain a copy of an agenda item should contact the City Clerk's Office at (305) 883-5820 or visit the City Clerk's Office, located at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need 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.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired, telephone the Florida Relay Service at (800) 955-8771 (TDD) or (800) 955-8770 (Voice).