



**Julio Robaina**  
Mayor

**Carlos Hernandez**  
Council President

**Jose Yedra**  
Council Vice President

Council Members

**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue**  
**Isis Garcia-Martinez**  
**Luis Gonzalez**

**City Council Agenda**  
**April 28, 2009**  
**7:00 P.M.**

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Call to Order/Roll Call of Councilmembers

Invocation given by Rafael E. Granado, City Clerk

Pledge of Allegiance led by Council President Hernandez

**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 Chamber.
- 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 –**

Proclamation of the Mayor declaring the month of April 2009 as “Fair Housing Month”.

Presentation by Miami-Dade College - Hialeah Campus recognizing the following public safety employees for their participation in the Critical Incident Exercise conducted between the City and the College: Chief of Police Mark N. Overton; Director of Emergency Management Jose F. Caragol Jr.; Police Commander Miguel De La Rosa; Police Lieutenant Ralph Nazario; Division Fire Chief Mike Anchia and Battalion Fire Chief Karl J. Odin.

Address by Brendaly Rodriguez, Recruitment and Outreach Manager for the University of Miami's Hispanic Community Health Study, who is spearheading the “Study of Latinos”, a groundbreaking study of health and disease in Hispanic/Latino populations living in the United States.

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(s) will be removed from the consent agenda and considered along with the regular order of business.

- A.** Proposed resolution cautioning the Congressional Black Caucus for not focusing on Cuba's sordid history of gross human rights abuses and mistreatment of its black majority population, and strongly urging the Obama administration to refrain from altering the trade embargo until the Cuban government releases all prisoners of conscience, shows greater respect for freedom of religion, speech, press, and assembly and holds free and fair elections. (COUNCIL PRESIDENT HERNANDEZ)
- B.** Request permission to waive competitive bids, since it is advantageous to the City, and award the Babcock Park – Plexipave Resurfacing of two basketball courts, two tennis courts and the patio adjacent to the recreation room to Agile Courts Construction Company, lowest submitted quotation, for a total amount not to exceed \$18,150. (PARKS AND RECREATION DEPT. AND GRANTS AND HUMAN SERVICES DEPT.)
- C.** Request permission to waive competitive bids, since it is advantageous to the City, and award the Babcock Park – Fence Removal and Installation Project to Island Fence, Inc., lowest submitted quotation, for a total amount not to exceed \$19,995. (PARKS AND RECREATION DEPT. AND GRANTS AND HUMAN SERVICES DEPT.)
- D.** Request permission to utilize State of Florida Contract #863-000-06-01, and increase the purchase order issued to Miami Tiresoles by \$50,000, to purchase tires and road call services for vehicles in the Public Works, Fire and Water & Sewers Departments, for a total amount not to exceed \$120,000. (FLEET MAINTENANCE DEPT.)
- E.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Growers Ford Tractor Company by \$5,000, to purchase Ford tractor parts for City trucks, for a total amount not to exceed \$25,000. (FLEET MAINTENANCE DEPT.)
- F.** Request permission to utilize State of Florida Contract #863-000-06-1, and increase the purchase order issued to Wingfoot Commercial Tire Systems, LLC by \$50,000, to purchase new tires and road call services for vehicles in the Public Works, Fire and Water & Sewers Departments, for a total amount not to exceed \$120,000. (FLEET MAINTENANCE DEPT.)
- G.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Miami Dade Electrical Supply, Inc. by \$10,000, to purchase electrical supplies to be used during emergency repairs, for a total amount not to exceed \$35,000. (CONSTRUCTION AND MAINTENANCE DEPT.)

- H. Request permission to award Bid #2008/09-3230-00-028, Goodlet Park Adult Center – Re-Roofing to Industrial Roof Repairs, lowest responsive and responsible bidder, for a total amount not to exceed \$130,439. (CONSTRUCTION AND MAINTENANCE DEPT.)
- I. Request permission to award Bid #2008/09-3230-00-030, Babcock Racquetball Club – Re-Roofing to Aaron Construction Group, Inc., lowest responsive and responsible bidder, for a total amount not to exceed \$18,500. (CONSTRUCTION AND MAINTENANCE DEPT.)
- J. Request permission to award Bid #2008/09-3230-00-032, Goodlet Park Adult Center – Mansard Roofing to Aaron Construction Group, Inc., lowest responsive and responsible bidder, for a total amount not to exceed \$28,740. (CONSTRUCTION AND MAINTENANCE DEPT.)
- K. Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Municipal Lighting Systems, Inc. by \$1,106.16, to purchase additional fixtures not part of the original contract for the Hialeah High Parking Garage, for a total amount not to exceed \$17,334.94. (CONSTRUCTION AND MAINTENANCE DEPT.)
- L. Request permission to waive competitive bids, since it is advantageous to the City, and enter into a Professional Services Agreement with Raymond Newland, to provide Summer Camp participants with curriculum regarding nutritional values, healthy food choices and safe cooking skills, to include supply fees for up to 400 children, two presentations and one field trip for each Summer Camp, for a total amount not to exceed \$27,952. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- M. Request permission to utilize Escambia County Contract PD 07-08.129, to purchase 278 pairs of Globe 14” leather boots at \$269 each from Bennett Fire Products Co., Inc., for a total amount not to exceed \$74,782. (FIRE DEPT. AND GRANTS AND HUMAN SERVICES DEPT.)
- N. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Cardiac Science Corporation, to purchase Powerheart AED G3 Automatic Defibrillators for the Police Department and Public Access Defibrillation Program, for a total amount not to exceed \$29,480. (FIRE DEPT. AND GRANTS AND HUMAN SERVICES DEPT.)
- O. Proposed resolution approving the expenditure totaling an amount not to exceed \$1,797, from the Law Enforcement Trust Fund - *Federal*, to purchase eight uniform tactical vest carriers with attachments from Gall’s Police Supply, lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- P. Proposed resolution approving the expenditure totaling an amount not to exceed \$5,000, from the Law Enforcement Trust Fund – *State*, to sponsor the Women’s and Co-Ed Police Olympic Softball Teams competing at the 2009 Florida Law Enforcement Games, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

- Q.** Proposed resolution approving the expenditure totaling an amount not to exceed \$8,575, from the Law Enforcement Trust Fund - *Federal*, to purchase thirty five MICH Ballistic Helmets Level IIIA from First Choice Armor, lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- R.** Proposed resolution appointing Angel F. Leal, Jr. as Special Master to conduct administrative hearings on Code violations for the City of Hialeah, pursuant to the Citation Procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a one-year term commencing on May 1, 2009 and ending on April 30, 2010, at an hourly rate to be established by Administrative Order of the Mayor; and providing for an effective date. (CODE COMPLIANCE DIV.)
- S.** Proposed resolution approving a Joint Participation Agreement with Miami-Dade County, to construct a six-lane roadway on NW 138 Street, from NW 107 Avenue to the Florida Department of Transportation right-of-way at I-75, with a raised median, sidewalk, curb and gutter, continuous storm drainage system, roadway lighting, signage and pavement markings, signalization, landscaping, canal relocation, de-mucking and FPL distribution line relocation, subject to the receipt of funds from Miami-Dade County to underwrite the costs of the improvements in an amount not to exceed \$14,400,000, which includes a contingency fund of \$650,000; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the Joint Participation Agreement in substantial form as attached hereto and made a part hereof as Exhibit "1", and to execute such documents and agreements in furtherance thereof; and repealing and rescinding Hialeah Resolution 07-92 (Aug. 19, 2007). (STREETS DEPT.)
- T.** Request to approve the appointment of Interim Fire Chief Marcos A. De La Rosa to the Insurance Committee. (RISK MANAGEMENT DIV.)
- U.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an Interlocal Agreement with the Hialeah Housing Authority for one year to utilize the services of a Building Inspector on an as-needed basis, provided that the Hialeah Housing Authority pay all employee compensation, benefits and costs during such time that the Building Inspector performs services for the Hialeah Housing Authority, a copy of which is attached hereto and made a part hereof as Exhibit "1". (COMMUNITY DEVELOPMENT DEPT.)
- V.** Proposed resolution establishing a City of Hialeah Identity Theft Prevention Program as required by the Federal Trade Commission's Red Flag Rule and providing an effective date of May 1, 2009. (HUMAN RESOURCES DEPT.)
- W.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into Pilot Testing Agreements with American Water-Acciona Agua LLC, Inima USA Construction Corporation and Veolia Water North America-South, LLC, for the purpose of allowing each of the pre-qualified responders selected pursuant to the Request for Qualifications for a design/build/operator of the Hialeah Reverse Osmosis Water Treatment Plant to evaluate and demonstrate the water treatment equipment, test the quality and

quantity of water drawn from the Upper Floridan Aquifer onsite and prepare a pilot testing study; and further authorizing the expenditure of a \$100,000 stipend to be paid upon execution of the service contract to each of the two companies that were not selected for their performance of Pilot Testing Activities, of which Miami-Dade County, as an equal partner, shall underwrite its 50% share of the expense. (WATER AND SEWERS DEPT.)

3. Second reading and public hearing of proposed ordinance amending Chapter 38, entitled "Fire Prevention and Protection", Article V. Tents, Division 2. Gatherings In Tents, of the Code of Ordinances, and in particular, revising Hialeah Code § 38-151, entitled "Permit; Insurance; Inspections; Location" to clarify language to reflect legislative intent to limit a tent gathering to one tent gathering on the same property each calendar year. (ADMINISTRATION)
4. Second reading and public hearing of proposed ordinance entering into a Lease Agreement with the South Florida Autism Charter Schools, Inc., a Florida nonprofit corporation, to lease approximately 5,638.9 square feet of floor space within the combined location of the Police Substation No. 5/West E-Library Facility located at 7400 West 24 Avenue, and the Slade Park Recreation Building located at 2501 West 74 Street, to operate a K through 8<sup>th</sup> Grade School for 81 autistic children, for one year, commencing on August 1, 2009 through July 31, 2010, at an annual rent of \$45,000, payable in equal monthly payments of \$3,750 plus the construction of finished classroom space on the second floor of the Police Substation No. 5/ West E-Library Facility, with a one-year option to renew at an increased annual rent of \$67,667 upon agreement of the parties, a copy of which is attached hereto and made a part hereof in substantial form as Exhibit "1". (EDUCATION AND COMMUNITY SERVICES DEPT.)
5. Second reading and public hearing of proposed ordinance entering into a Joint Use Agreement with the School Board of Miami-Dade County, to jointly use the parking garage having 196 parking spaces for its respective activities serving Hialeah Senior High School, its Performing Arts Center and the Milander Park Complex pursuant to an Interlocal Agreement, a copy of the Joint Use Agreement is attached hereto and made a part hereof as Exhibit "1". (PARKS AND RECREATION DEPT.)
6. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among F71-2, LLC, a Florida limited liability company, F78-1, LLC, a Florida limited liability company, and the City of Hialeah, a copy of which is attached hereto and made a part hereof as Exhibit "1"; property located at the **northeast corner of NW 97 Avenue and theoretical NW 154 Street, comprising of approximately 133 acres.** (ZONING DIV.)
7. Second reading and public hearing of proposed ordinance accepting the right-of-way deed from Monica Faye Edwards, a single woman, and Tyrone Edwards, a single man, consisting of a 35-foot wide strip of land along NW 142 Street, if constructed, between NW 97 Avenue and NW 107 Avenue, as more particularly described as Parcel 226, a copy of which is attached hereto and made a part hereof as Exhibit "1"; in consideration of the sum of \$8,800, including payment for legal representation. (ZONING DIV.)

8. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Lease Agreement between the City, as landlord, and New Hope Community Center, Inc., a Florida not-for-profit, as tenant, for use of office space consisting of 420 square feet at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, for a period of one year, commencing on May 1, 2009 and ending on April 30, 2010, for an annual amount of \$4,200, payable in equal monthly rental payments, with two successive one-year renewals with a 5% increase in rent for each renewal period, in the form as attached hereto as Exhibit "1". (PURCHASING DIV.)
9. License suspension/revocation hearing pursuant to Section 86-57(b) of the Hialeah Code. The Licensing Administrator has determined that licensee, El Niagara Café, Corp. (El Niagara), located at 4229-4233 East 4<sup>th</sup> Avenue, as part of the licensee's business activity within the City, engages in conduct that is an actual threat to the public health, safety and welfare; the license issued by the City depended upon the licensee's compliance with specific provisions of Federal, State, or County law or other City rule, regulation or ordinance, and the licensee violated such specific provisions of law; the licensee's premises constitutes a public nuisance; and the licensee is conducting business from the premises and is not in compliance with zoning regulations or other City ordinances warranting the suspension or revocation of its license. (LICENSE DIV.)
10. Board Appointments
11. Unfinished Business
  - a. United States Census 2010
12. New Business
13. Comments and Questions

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Land Use, Zoning or Final Decision item.**

**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.**

## LAND USE

- 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 and Office (Miami-Dade County Designation) to Industrial; property located **within an area north of NW 154 Street, south of NW 170 Street, west of NW 97 Avenue and east of NW 107 Avenue**, zoned AU (Agricultural District - Miami-Dade County Designation). Applicant: FDG Beacon Countyline, LLC & FDC Expansion, LLC

## ZONING

- PZ.1** Second reading and public hearing of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a Conditional Use Permit (CUP) to allow a vocational school pursuant to Hialeah Code §98-181(2)i, on property zoned M-1 (Industrial District); property located at **3680 West 16 Avenue**. Applicant: Richard W. Ogden
- PZ.2** Second reading and public hearing of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, repealing and rescinding Hialeah Ordinance 96-100 (November 12, 1996) in part and in particular, repealing and rescinding the grant of a Special Use Permit to allow new and used automobile sales within a C-2 (Liberal Retail Commercial) District, and repealing and rescinding a Variance Permit to allow a total of 7 parking spaces, 2 of which back out into the street, where 29 spaces are required, and further releasing and canceling of record a Declaration of Restrictive Covenants dated October 18, 1996, as recorded in Official Records Book 17462, Page 4676, of the Miami-Dade County Public Records, property located at **2380-2390 Palm Avenue**. Applicant: City of Hialeah
- PZ.3** Second reading and public hearing of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a Conditional Use Permit (CUP) to allow a charter school pursuant to Hialeah Code §98-181(2)i, and granting a Variance Permit to allow 139 parking spaces, where at least 196 are required, contra to Hialeah Code §98-2189(15), on property Zoned M-1 (Industrial District); property located at **3500-3550 West 84 Street**. Applicant: Lincoln-Marti Charter School, Inc., Martin Anorga, President
- PZ.4** First reading of proposed ordinance, overriding the denial of the Planning and Zoning Board, granting a Conditional Use Permit (CUP) to allow the expansion of an existing school pursuant to Hialeah Code § 98-181(2)i; property located at **3580 West 84 Street**. Applicant: Aledrien Investments Corp., c/o Alexis Tejeda, President

**FINAL DECISIONS**

**FD.1** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 09-08, that granted adjustments on property located at **60 East 61 Street**. Applicants: Carlos and Caridad Lopez

**FD.2** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 09-09, that granted adjustments on condition that the improvements built without a permit be legalized, the side door from the family room to the backyard be closed, the opening be relocated and French doors be installed instead, and the rear window in the proposed addition be relocated to the west side, on property located at **470 West 65 Street**. Applicants: Santiago and Odalys Rivero

**LAND USE AND SMALL SCALE AMENDMENT MEETING: MAY 5, 2009 AT 7:00 P.M.**

**NEXT CITY COUNCIL MEETING: MAY 12, 2009 AT 7:00 P.M.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> 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 you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).