



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
June 10, 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 Yedra

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 –

Fire Department Promotional Ceremony recognizing newly promoted Fire Engineers Guillermo M. Barnet and Matthew B. Dangerfield.

Proclamation of the Mayor declaring the 10th day of June as “Jose V. Chao Day”.

Certificates of Appreciation presented to the following individuals in recognition of their responsible stewardship of the environment, as well as their leadership, which made the 2008 Green Day Hialeah a success: Olga L. Alonso, Carlos Berriz, Daniel Campbell, Aleida Couzo, Carmen Cuervo, Nelson Gonzalez, Jose Rodriguez, Elvis Santana, Mark Sims, Martha Toledo, Ivis Valdes and Armando Vidal.

Award of Merit presented to Eduardo Baz for achieving 1st Place for Best Message at the First Annual Luminaria Art Contest for the 2008 American Cancer Society's Relay for Life.

Award of Merit presented to Dora Sandino for achieving 2nd Place for Best Message at the First Annual Luminaria Art Contest for the 2008 American Cancer Society's Relay for Life.

Award of Merit presented to Cristina Javit for achieving 3rd Place for Best Message at the First Annual Luminaria Art Contest for the 2008 American Cancer Society's Relay for Life.

Award of Merit presented to Isaac Garcia for achieving 1st Place for Best Art at the First Annual Luminaria Art Contest for the 2008 American Cancer Society's Relay for Life.

Award of Merit presented to Melanie Dorta for achieving 2nd Place for Best Art at the First Annual Luminaria Art Contest for the 2008 American Cancer Society's Relay for Life.

Award of Merit presented to Eduardo Maldonado for achieving 3rd Place for Best Art at the First Annual Luminaria Art Contest for the 2008 American Cancer Society's Relay for Life.

Awards of Merit presented to the following persons for their leadership and tireless effort during the 2008 American Cancer Society's Relay for Life: All American Amusements, Jose Alonzo, Maria Alonzo, Asbury Cristian School, Maggie Asqueri, Tatiana Berio, Esteban Betancourt, Dr. Olga Bird, Bridget Cabada-Penichet, Edith Calvo, Councilmember Vivian Casals-Munoz, Daisy Castellanos, Dianna Castillo, William Castro, Yamila Castro, Manny Carrera, Marlen Cepero, Tere Costa, Maggie Cueto, Dr. Nilda Diaz, Aileen Evora, Bernardo Fanego, Armando "Paco" Fernandez, Giovanni Fernandez, Isabel C. Garcia, Dr. Ramon Garcia Septien, Maria Toca Gomez, Silvia Gonzalez, Alex A. Hanna, Melissa Hernandez, Sonia Hernandez, Eugenio H. Jimenez, Elizabeth Justamante, Silvia Lazcano, Martha Lopera, Ileana B. Lopez, Maricarmen Lopez, Lilliam Sanchez Machado, Maria Macahdo, Caliz Marrero, Jonathan Martinez, Rosa Martinez, Odalmy Molina, Mabella Montesinos, Andy Moran, Onix Morera, Dr. Wiliam Munoz, Ines Noriega, Maria Pang, Maria Mercedes Pineda, Karla Rodriguez, Lily Rodriguez, Luis Simon, Elio C. Sponte, Gisett Tavaras, Dionicio Vasquez and Patricia Lazara Vendrell.

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. Proposed resolution joining the City of Miami in supporting Haitian Immigrants by urging President Bush to grant Temporary Protected Status (TPS) to Haitians in the United States. (ADMINISTRATION)

B. Request permission to utilize Miami-Dade Bid #1070-3/07-3, and increase the purchase order issued to Tropical International Corp. by \$30,000, to purchase Ford and AC Delco parts and accessories for City vehicles and trucks, for a total amount not to exceed \$122,000. (FLEET MAINTENANCE DEPT.)

- C.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase one Cummins Reconditioned Engine Model ISB 190 for the Transit Division, from Miconex Corporation, who has the engine in stock, will provide a 2-year warranty, and will make delivery of the engine within one day, for a total amount not to exceed \$7,826. (FLEET MAINTENANCE DEPT.)
- D.** Request authorization to issue a check to the American Cancer Society, for a total amount not to exceed \$50,000. The funds were collected from corporate and employee contributions at the Mayor's Gala; therefore this donation will accrue no cost to the City. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)
- E.** Request authorization to issue a check to La Liga Contra el Cancer, for a total amount not to exceed \$50,000. The funds were collected from corporate and employee contributions at the Mayor's Gala; therefore this donation will accrue no cost to the City. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)
- F.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Overland Carriers, Inc., to purchase 2,600 tons 90/10 fill material (90% sand with 10% soil material) to renovate Bucky Dent Park Softball Field #2, for a total amount not to exceed \$50,000. (PARKS AND RECREATION DEPT.)
- G.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Soil Tech Distributors, Inc., to purchase 1,000 tons 70/30 baseball clay mix material (70% clay with 30% sand material) to renovate Bucky Dent Park Softball Field #2, for a total amount not to exceed \$30,000. (PARKS AND RECREATION DEPT.)
- H.** Proposed resolution approving the expenditure totaling an amount not to exceed \$30,700, from the Law Enforcement Trust Fund - *State*, to purchase two 2008 Harley Davidson Road King police motorcycles, utilizing the pricing established by a competitive bid from the Florida Sheriff's Association, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- I.** Proposed resolution approving the expenditure totaling an amount not to exceed \$3,792.88, from the Law Enforcement Trust Fund - *State*, to purchase sighting systems, illumination systems and slings for SWAT rifles from Lou's Police and Security Equipment, Inc., a sole source vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- J.** Proposed resolution approving the expenditure totaling an amount not to exceed \$2,382.96, from the Law Enforcement Trust Fund - *State*, to purchase fifty-two Camelbak Hydration Packs from Lou's Police and Security Equipment, Inc., a sole source vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- K.** Proposed resolution authorizing the expenditure of Law Enforcement Trust Funds – *State*, in an amount not to exceed \$9,777.60, to support the 2008 Hialeah Police Cadet Summer Work Program, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

- L.** Proposed resolution entering into a Reconfiguration Implementation Phase Agreement with Motorola, Inc., a Delaware Corporation, in an amount not to exceed \$997,117 from funds to be paid by Nextel Operations, Inc., a copy of which is attached hereto and made a part hereof as Exhibit “1”, that provides for Motorola to perform certain planning activities in connection to the rebanding and reconfiguration of the City of Hialeah 800 MHz Channel. (FIRE DEPT.)
- M.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issues to Cardinal Distributors by \$15,000, to purchase pharmaceuticals, vaccines and medical supplies to be used by the Fire Department, for a total amount not to exceed \$75,000. (FIRE DEPT.)
- N.** Proposed resolution entering into a Catering Agreement with Carefree Catering and Special Events, Inc., a Florida Corporation, to provide catering services in the event of a disaster or emergency situation to the City of Hialeah from the effective date of the agreement through May 31, 2009. (PURCHASING DIV.)
- O.** Proposed resolution entering into a Catering Agreement with Alirio’s Inc., a Florida Corporation, to provide catering services in the event of a disaster or emergency situation to the City of Hialeah from the effective date of the agreement through May 31, 2009. (PURCHASING DIV.)
- P.** Proposed resolution entering into a Catering Agreement with Construction Catering, Inc., a Florida Corporation, to provide catering services in the event of a disaster or emergency situation to the City of Hialeah from the effective date of the agreement through May 31, 2009. (PURCHASING DIV.)
- Q.** Proposed resolution entering into an agreement with Red N’ Go, Inc., a Florida Corporation, to make available at least two gas pumps for the exclusive use of City employees as provided in the scope of services from the effective date of the agreement through December 15, 2008. (PURCHASING DIV.)
- R.** Proposed resolution entering into an agreement with Palm Avenue Marathon, Inc., a Florida Corporation, to make available at least two gas pumps for the exclusive use of City employees as provided in the scope of services from the effective date of the agreement through December 15, 2008. (PURCHASING DIV.)
- S.** Proposed resolution entering into an agreement with Tom Thumb Food Stores, Inc., a Florida Corporation, to make available at least two gas pumps for the exclusive use of City employees as provided in the scope of services from the effective date of the agreement through December 15, 2008. (PURCHASING DIV.)

- T. Proposed resolution creating an eleven member Affordable Housing Advisory Committee to review the City's Policies and Procedures, Ordinances and Regulations and recommend action or initiatives to encourage or facilitate affordable housing, and further authorizing the Mayor to appoint members to said Affordable Housing Advisory Committee, and further authorize the Mayor and/or his designee to execute any and all agreements, certifications and assurances in furtherance of the duties of the Affordable Housing Advisory Committee to be staffed by the Department of Grants and Human Services. (GRANTS AND HUMAN SERVICES DEPT.)
- U. Request permission to cancel the upcoming July 8th and July 22nd City Council meetings for summer recess. (CITY CLERK'S OFFICE)
3. 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 creating Citizens Budget Advisory Committee; extending General Election from one week to two weeks from Primary Election; 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; eliminating term limits for Mayor and Councilmembers; updating Charter language regarding Personnel Board and generally to be consistent with State Law and Hialeah Code?"
4. Second reading and public hearing 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)
5. Second reading and public hearing 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)
6. Second reading and public hearing 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)

7. Second reading and public hearing 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.)
8. Second reading and public hearing 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.)
9. Second reading and public hearing 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)
10. First reading of proposed ordinance authoring the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a contract between Miami-Dade County and the City of Hialeah providing for the rendition of water service by the County to the City for 20 years, a copy of which is attached as Exhibit "1". (WATER AND SEWERS DEPT.)
11. First reading of proposed ordinance amending Chapter 86, entitled "Taxation and Fees", Article IV. Ad Valorem Tax, of the Code, by revising Hialeah Code § 86-176, entitled "Additional Homestead Exemption for Certain Qualifying Senior Citizens", to provide an increase in the additional Homestead Exemption from \$25,000 to \$50,000 to be applied to Millage Rates levied by the City for any person 65 years or over who has legal or equitable title to real estate located within the City of Hialeah already qualifying for and receiving a Homestead Exemption, whose household income does not exceed \$20,000, and who fulfills all application requirements. (ADMINISTRATION)

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 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.

ZONING

- PZ.1** Second reading and public hearing 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** Second reading and public hearing 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** Second reading and public hearing 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** Second reading and public hearing 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** Second reading and public hearing 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** Second reading and public hearing 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 of Hialeah IV, Inc. and Amanda Palms, LLC

FINAL DECISION

- FD.1** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 08-16, that granted adjustments, on property located at **7030 West 3 Avenue**. Applicant: James Troche

NEXT REGULAR CITY COUNCIL MEETING: JUNE 24, 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).