



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
August 11, 2009
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 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

Award of Merit presented to Maria Carla Gonzalez, an incoming senior at Hialeah-Miami Lakes High School, who was selected out of 300 applicants by the Earthwatch Institute, a nonprofit volunteer organization that promotes scientific field research, to receive its Student Challenge Award and participate in a two week research trip to New Mexico to study volcanoes and tectonics along a team of scientist.

Awards of Merit presented to the following Hialeah Senior High School students for their academic success and their acceptance to prestigious institutions of higher education: Melanie Alba, Stephanie Amador, Ronny Balboa, Claudia Cruz, Aylin Diaz, Luis Gil, Emelda Lagos, Bianca Martinez, Cossette Martinez, Melissa Mendez and Nicole Samudio.

Awards of Merit presented to the following Hialeah Senior High School faculty members for providing their students with the motivation and inspiration to achieve academic excellence: Alina Grandal and Paula Mark.

Certificate of Appreciation presented to Lily Fernandez for her service to the City of Hialeah and its residents during her tenure on the Planning and Zoning Board.

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. Report of Scrivener's Error – Ordinance 2009-44. (OFFICE OF THE CITY CLERK)

B. Report of Scrivener's Error – Ordinance 2009-95. (OFFICE OF THE CITY CLERK)

C. Proposed resolution, pledging the City's support for the "Building Citizenship in the Community: Back to Basics" statewide initiative of the Florida League of Cities. (OFFICE OF THE MAYOR)

D. Proposed resolution approving a Joint Participation Agreement with Miami-Dade County to plan, design and construct West 68 Street, from West 19 Court to West 17 Court, with a median, sidewalks, curb and gutter, continuous storm drainage system, roadway lighting, signage and pavement markings, signalization and tree removal or relocation, subject to the receipt of funds from Miami-Dade County to underwrite the costs of the improvements in an amount not to exceed \$1,340,349, which includes a 10% contingency fund of \$134,034; 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. (STREETS DEPT.)

E. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Joint Participation Agreement between the State of Florida Department of Transportation and the City, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1", for roadway construction for the widening of State Road 916 (West 84 Street), from West 12 Avenue to West 4 Avenue, including, but not limited to, sidewalks, drainage, street lighting signalization improvements, landscaping, construction engineering and inspection services and project utility adjustments in an amount not to exceed \$4,952,880 and authorizing the expenditure of the contract sum subject to reimbursement by the Department of Transportation through submission of invoices. (STREETS DEPT.)

F. Proposed resolution approving the First Amendment to the Joint Participation Agreement with Miami-Dade County to construct a four-lane roadway on NW 97 Avenue, from NW 138 Street to NW 154 Street, providing for Miami-Dade County to supplement its share of the costs of the improvements from \$3,300,000 to \$3,630,000, representing an increase of \$330,000; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the First Amendment to 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. (STREETS DEPT.)

- G.** Proposed resolution authorizing a transit fare increase from \$1.50 to \$2.00 for public transit fares for each individual bus ride on the Hialeah Transit System, and further authorizing the rate increase to become effective once the new automated fare collection system is operational on Hialeah Transit buses. (TRANSIT DIV.)
- H.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Pilot Program Agreement with Miami-Dade County relating to the Automated Fare Collection System (EASY Card) fare media, a copy of which is attached hereto and made a part hereof as Exhibit "1". (TRANSIT DIV.)
- I.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an Interlocal Agreement with Miami-Dade County relating to the Automated Fare Collection System (EASY Card) fare media, a copy of which is attached hereto and made a part hereof as Exhibit "1". (TRANSIT DIV.)
- J.** Proposed resolution authorizing the Mayor and/or his designee to enter into an agreement with Miami-Dade County under the FY 2010 Edward Byrne Memorial Assistance Grant Program, for the total amount of \$31,805, to continue operating the Family Crimes Domestic Violence Program. (GRANTS AND HUMAN SERVICES DEPT.)
- K.** Proposed resolution approving the expenditure, totaling an amount not to exceed \$13,358.40, from the Law Enforcement Trust Fund - *Federal*, to purchase four police trunk mounted radios from Motorola, Inc., sole source vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- L.** Proposed resolution approving the expenditure, totaling an amount not to exceed \$4,233, from the Law Enforcement Trust Fund - *Federal*, for the purchase and installation of trailer hitches, receivers and rubber mats for the 2009 Ford F150 XL with extended cabs from Rainbow Window Tinting, lowest submitted quotation, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- M.** Proposed resolution approving the expenditure totaling an amount not to exceed \$20,000 from the UASI account and in an amount not to exceed \$40,770 from the Law Enforcement Trust Fund - *Federal*, to purchase SWAT Level Ballistic IIIA vests, ballistic plates and accessories from First Choice Armor and waiving competitive bidding, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- N.** Proposed resolution approving the expenditure, totaling an amount not to exceed \$28,878.10, from the Law Enforcement Trust Fund - *Federal*, for the purchase of emergency equipment for thirteen 2009 Ford F150 XL extended cab trucks from EVS Emergency Vehicle Equipment, lowest submitted quotation, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

- O.** Proposed resolution approving the expenditure, totaling an amount not to exceed \$2,400, from the Law Enforcement Trust Fund - *Federal*, for the installation of emergency equipment on three 2010 Ford Crown Victoria Police Interceptors utilizing Rainbow Window Tinting, lowest submitted quotation, upon such costs having been approved by the Chief of Police. (FLEET MAINTENANCE DEPT.)
- P.** Proposed resolution approving the expenditure, totaling an amount not to exceed \$10,496.04, from the Law Enforcement Trust Fund – *Federal*, to purchase emergency equipment to be installed on three 2010 Ford Crown Victoria Police Interceptors from EVS Emergency Vehicle Equipment, utilizing the pricing established by a competitive bid from the City of Miami, upon such costs having been approved by the Chief of Police. (FLEET MAINTENANCE DEPT.)
- Q.** Request permission to utilize State of Florida Contract # 863-000-06-01, and increase the purchase order issued to Miami Tiresoles by \$30,000, to purchase tires and road call services for City vehicles in the Public Works, Fire and Water & Sewers Departments, for a total amount not to exceed \$150,000. (FLEET MAINTENANCE DEPT.)
- R.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Gus Machado Ford by \$10,000, to purchase Ford parts and services for City vehicles, for a total amount not to exceed \$50,000. (FLEET MAINTENANCE DEPT.)
- S.** Request permission to utilize City of Tallahassee RFP # 0233-06-BM-TC, and increase the purchase order issued to Dana Safety Supply by \$5,000, to purchase and install emergency lights and parts for City police and fire vehicles, for a total amount not to exceed \$27,000. (FLEET MAINTENANCE DEPT.)
- T.** Request permission to utilize Miami-Dade County Bid # 5380-6/14, and increase the purchase order issued to Diesel Expert by \$5,000, to purchase heavy equipment parts for City trucks and buses, for a total amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- U.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Florida Transportation Systems by \$5,000, to purchase Blue Bird parts for the City's Blue Bird buses, for a total amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.)
- V.** Request permission to utilize Miami-Dade County Bid # 5380-6/14, and increase the purchase order issued to Total Truck Parts, Inc. by \$20,000, to purchase OEM (Original Equipment Manufacturer) parts for City trucks and buses, for a total amount not to exceed \$120,000. (FLEET MAINTENANCE DEPT.)
- W.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Container Systems & Equipment Co., Inc. by \$5,000, to purchase Schwarzee sweeper parts and accessories for City sweepers, for a total amount not to exceed \$25,000. (FLEET MAINTENANCE DEPT.)

- X.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to International Harvester by \$5,000, to purchase International truck parts for the City's International trucks, for a total amount not to exceed \$50,000. (FLEET MAINTENANCE DEPT.)
- Y.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Kelly Tractor Company by \$5,000, to purchase parts for the City's Caterpillar heavy equipment, for a total amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- Z.** Request permission to utilize City of Pompano Beach Bid # V108016B1, and increase the purchase order issued to American Battery Company, Inc. by \$5,000, to purchase automotive batteries for City vehicles and trucks, for a total amount not to exceed \$27,000. (FLEET MAINTENANCE DEPT.)
- AA.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Hall-Mark Fire Apparatus, Inc. by \$10,000, to purchase parts for the City's fire truck, for a total amount not to exceed \$40,000. (FLEET MAINTENANCE DEPT.)
- BB.** Request permission to utilize Miami-Dade County Bid # 1070-5/14, and increase the purchase order issued to Electric Sales and Service, Inc. by \$3,000, to purchase alternators and starters for City vehicles, for a total amount not to exceed \$29,000. (FLEET MAINTENANCE DEPT.)
- CC.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Southern Sewer Equipment Sales by \$5,000, to purchase mud sucker parts for the City's Vac-Con units, for a total amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.)
- DD.** Request permission to utilize Miami-Dade County Bid # 8318-5/17, and increase the purchase order issued to Flamingo Oil Company by \$10,000, to purchase oil and grease for City vehicles, for a total amount not to exceed \$60,000. (FLEET MAINTENANCE DEPT.)
- EE.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Atlantic Ford Truck Sales by \$5,000, to purchase Ford and Sterling parts for City trucks, for a total amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.)
- FF.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Power Brake Exchange, Inc. by \$2,500, to purchase truck parts and brake fittings for City vehicles, for a total amount not to exceed \$17,500. (FLEET MAINTENANCE DEPT.)

- GG.** Request permission to utilize Miami-Dade County Bid # 1070-5/14, and increase the purchase order issued to Bennett Auto Supply by \$5,000, to purchase aftermarket parts for City vehicles, for a total amount not to exceed \$23,000. (FLEET MAINTENANCE DEPT.)
- HH.** Request permission to utilize State of Florida Contract # 863-000-06-01, and increase the purchase order issued to South Dade Automotive, Inc. by \$10,000, to purchase tires for City vehicles, for a total amount not to exceed \$41,000. (FLEET MAINTENANCE DEPT.)
- II.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Fedan Tire Co. by \$20,000, to purchase recapped tires for City vehicles in the Public Works, Fire and Water & Sewers Departments, for a total amount not to exceed \$120,000. (FLEET MAINTENANCE DEPT.)
- JJ.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Maroone Chevrolet of Miami by \$5,000, to purchase Chevrolet parts for City vehicles, for a total amount not to exceed \$25,000. (FLEET MAINTENANCE DEPT.)
- KK.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase two 2010 Ford Ranger extended cab trucks for the Water & Sewers Department, at a unit price of \$13,170, from Gus Machado Ford, who has submitted a quotation lower than that received under Florida Sheriff's Association Bid # 08-16-0908 and State of Florida Bid # 071-000-09-1, for a total amount not to exceed \$26,340. (FLEET MAINTENANCE DEPT.)
- LL.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase two 2010 Ford E350 Clubwagon vans for the Water & Sewers Department, at a unit price of \$21,775, from Gus Machado Ford, who has submitted a quotation lower than that received under Florida Sheriff's Association Bid # 08-16-0908 and State of Florida Bid # 071-000-09-1, for a total amount not to exceed \$43,550. (FLEET MAINTENANCE DEPT.)
- MM.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase three 2010 Ford E250 4x2 vans with bulkhead and electrician shelf packages for the Water & Sewers Department, at a unit price of \$17,725, from Gus Machado Ford, who has submitted a quotation lower than that received under Florida Sheriff's Association Bid # 08-16-0908 and State of Florida Bid # 071-000-09-1, for a total amount not to exceed \$53,175. (FLEET MAINTENANCE DEPT.)
- NN.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase three 2010 Ford F250 4x2 trucks with service body and trailer tow packages for the Water & Sewers Department, at a unit price of \$20,934, from Gus Machado Ford, who has submitted a quotation lower than that received under Florida Sheriff's

Association Bid # 08-16-0908 and State of Florida Bid # 071-000-09-1, for a total amount not to exceed \$62,802. (FLEET MAINTENANCE DEPT.)

- OO.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase one 2010 Ford F450 4x2 cab and chassis diesel truck for the Water & Sewers Department from Gus Machado Ford, who has submitted a quotation lower than that received under Florida Sheriff's Association Bid # 08-16-0908 and State of Florida Bid # 071-000-09-1, for a total amount not to exceed \$28,991. (FLEET MAINTENANCE DEPT.)
- PP.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase one 2010 Ford F350 4x2 diesel truck with service body, auto crane and a 2,000 lbs cab for the Water & Sewers Department from Gus Machado Ford, who has submitted a quotation lower than that received under Florida Sheriff's Association Bid # 08-16-0908 and State of Florida Bid # 071-000-09-1, for a total amount not to exceed \$35,344. (FLEET MAINTENANCE DEPT.)
- QQ.** Request permission to waive competitive bids, since it is advantageous to the City, and purchase three 2010 Ford Crown Victoria Police Interceptors, with funds for this expenditure coming from the Edward Byrne Memorial Justice Assistance Grant Award, at a unit price of \$20,849, from Gus Machado Ford, who has submitted a quotation lower than that received under Florida Sheriff's Association Bid # 08-16-0909 and State of Florida Bid # 071-000-09-1, for a total amount not to exceed \$62,547. (FLEET MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- RR.** Request permission to utilize Miami-Dade County Contract # 8481-2/22, and purchase automated fare collection equipment modeled upon the Miami-Dade Transit Automated Fare Collection System, for use in Hialeah Transit System buses, from Cubic Transportation Systems, Inc., for a total amount not to exceed \$228,000. The new Automated Fare Collection System will allow passengers to use contactless smartcards interchangeably between the Hialeah and Miami-Dade Transit Systems. (TRANSIT DIV.)
- SS.** Request permission to issue a check to the American Cancer Society, for a total amount not to exceed \$25,000. The funds were collected from corporate and employee contributions at the Mayor's Gala, therefore, this donation will represent no cost to the City. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)
- TT.** Request permission to issue a check to La Liga Contra el Cancer, for a total amount not to exceed \$25,000. The funds were collected from corporate and employee contributions at the Mayor's Gala, therefore, this donation will represent no cost to the City. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)
- UU.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to ConServ Building Services, to remove and replace the 50-ton chiller at the Fire Administration Building, for a total amount not to exceed \$58,080. (PURCHASING DIV.)

- VV.** Request permission to increase the purchase order issued to Pizza-Festive Pizza (d/b/a Papa John's Pizza), the City's exclusive pizza provider, by \$10,000, to purchase pizzas that will be sold at City concession stands, as well as distributed during various special events, for a total amount not to exceed \$39,000. (PARKS AND RECREATION DEPT.)
- WW.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Sysco Food Services of South Florida, Inc. by \$6,000, to purchase miscellaneous food and concession items that will be sold at City concession stands, as well as distributed during various special events, for a total amount not to exceed \$26,000. (PARKS AND RECREATION DEPT.)
- XX.** Request permission to issue a purchase order to Hanover Specialties, Inc., sole source vendor of 100% "green" playground equipment, to purchase and install an Earthscape Play Unit at Slade Park, for a total amount not to exceed \$45,714. (PARKS AND RECREATION DEPT.)
- YY.** 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 \$5,980, to purchase additional light poles that match the poles currently being installed in the streets surrounding the Hialeah High Parking Garage, for a total amount not to exceed \$23,314.94. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- ZZ.** Request permission to increase the contract amount of City of Hialeah Bid # 2008/09-3230-00-047, Milander Parking Garage - Structural Piles, awarded to Ebsary Foundation Co., lowest responsive and responsible bidder, by \$10,066, due to an unforeseen change in the scope of work that necessitated nine additional piles and higher strength grout, for a total amount not to exceed \$172,066. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.)
- AAA.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to Overland Carrier, Inc. by \$6,000, to purchase additional fill material for Phase II of the FPL Easement Project, for a total amount not to exceed \$21,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- BBB.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Ivama Product and Services, to purchase lighting supplies (ballasts, bulbs and lamps) for repairs to the baseball field at Goodlet and Slade Parks, for a total amount not to exceed \$7,400. (Even though the amount of this purchase does not exceed \$15,000, during the 2008-2009 Fiscal Year the City purchased lighting supplies from this vendor in the amount of \$16,810, thereby increasing the total amount of expenditures estimated with this vendor to \$24,210.) (CONSTRUCTION AND MAINTENANCE DEPT.)
- CCC.** Request permission to waive competitive bids, since it is advantageous to the City, and increase the purchase order issued to United Fire Protection, Inc. by \$2,780, for additional fire suppression coverage necessitated by an unforeseen change in the scope of

work to the 911 Police Transfer – Fire Suppression System Project requiring the removal of an A/C closet in the IT room, for a total amount not to exceed \$18,480. (CONSTRUCTION AND MAINTENANCE DEPT.)

- DDD.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Biscayne Electric Motor & Pump, Inc., to perform unforeseen repairs and/or maintenance to the pumps and motors in the City's fountains and aquatic facilities, for a total amount not to exceed \$4,000. (Even though the amount of this purchase does not exceed \$15,000, during the 2008-2009 Fiscal Year the City utilized this vendor to repair and maintain pool motors in its aquatic facilities at a cost of \$14,974.60, thereby increasing the total amount of expenditures estimated with this vendor to \$18,974.46.) (PARKS AND RECREATION DEPT.)
- EEE.** Request permission to reject responses to the Print Shop Color Copier Price Request, and further requesting to include the Print Shop color copier with the Citywide Copier Bid/Contract. Due to economies of scale, the Office of the City Clerk anticipates a more cost efficient acquisition if the Print Shop color copier is included in the Citywide Copier Bid/Contract. (OFFICE OF THE CITY CLERK)
- FFF.** Request permission to cancel Bid No. 2008/09-3210-00-043 - Roadway Improvement Project for West 4 Avenue (State Road 823), from Okeechobee Road to West 23 Street, as the Florida Department of Transportation (FDOT) intends to undertake the project without the City's participation. (STREETS DEPT.)
- GGG.** Request permission to issue a purchase order to Advance Public Safety, sole source vendor, to purchase ten electronic citation writers for the Police Motor Unit, for a total amount not to exceed \$65,022.50. (POLICE DEPT.)
- HHH.** Request permission to issue a purchase order to Zoll Data Systems, sole source vendor, to pay for Rescue Net maintenance and support, for a total amount not to exceed \$45,348.75. (FIRE DEPT.)
- III.** Request permission to award the right-of-way improvement project at NW 138 Street (West 84 Street), from 107 Avenue to I-75 (FDOT Limited Access), to Williams Paving Co., Inc., for a total amount not to exceed \$12,281,605.42. Williams Paving has agreed to extend the hourly labor costs for mobilization, clearing/grubbing, maintenance of traffic and canal relocation as provided in City of Hialeah Bid # 2009/09-3210-00-044. (STREETS DEPT.)
- JJJ.** Request permission to utilize City of Hialeah Bid # 2008/09-3130-12-004, and increase the purchase orders issued All Seasons Uniforms and Unicommerce, in the combined amount of \$17,000, to purchase patron uniforms, for a total amount not to exceed \$82,000. (PARKS AND RECREATION DEPT.)
- 3.** Public hearing of proposed resolution authorizing the Mayor, and/or his designee, to receive a direct award and to execute any and all documents from the United States Department of Justice, Bureau of Justice Assistance, under the Fiscal Year 2009 Edward Byrne Memorial

Assistance Grant Program, for the total amount of \$133,044, for the procurement of police patrol vehicles; and further authorizing the establishment of a separate interest bearing trust account designated for this program. (GRANTS AND HUMAN SERVICES DEPT.)

4. Public hearing of proposed resolution authorizing the Mayor and/or or his designee, on behalf of the City, to submit to the United States Department of Housing and Urban Development (HUD), the Action Plan for Fiscal Year 2009, including amendments and revisions thereto, and to execute any and all agreements, certifications and assurances in furtherance of the programs in the Action Plan in accordance with the US HUD regulations. (GRANTS AND HUMAN SERVICES DEPT.)
5. Public hearing of proposed resolution authorizing the Mayor and/or his designee, to execute and implement a revised substantial budget amendment to the City of Hialeah Action Plan for Fiscal Year 2008-2009, which is attached hereto and made a part hereof, for a total amount of \$5,385,046, under the Neighborhood Stabilization Program (NSP), and to execute any and all agreements, certifications and assurances in furtherance of the program, in accordance with the US HUD regulations. (GRANTS AND HUMAN SERVICES DEPT.)
6. Public hearing of proposed resolution approving the designation of the *Iglesia Universal del Reino de Dios*, located at 500 Palm Avenue, as a local historic landmark pursuant to Hialeah Code §46-40(a)(2). (OFFICE OF THE CITY CLERK)
7. First reading of proposed ordinance repealing and rescinding Chapter 38, entitled “Fire Prevention and Protection”, Article VI. Motor Vehicle Accident and Fire Incident/Fire Response Fee, of the Code of Ordinances. (LAW DEPT.)
8. First reading of proposed ordinance, amending Chapter 98, entitled “Zoning”; Article V, Zoning District Regulations, Division 3. R-1 One-Family District, of the Code of Ordinances, adding a new section, Section 98-506 entitled “Mango Hill; Waiver of Plat”; to provide for a waiver of plat procedure to allow proposed or existing open-air terraces, open-sided roof-covered terraces, open-sided aluminum terraces and prefabricated utility sheds if located within three feet from the rear-yard fence or within two feet from the side-yard fence in the Mango Hill Subdivision, subject to a certificate of unit verification prior to application; provide maximum dimension of 72 square feet of total area and maximum height of 7 feet for prefabricated utility sheds and provide for recording of waivers granted by the City in the Miami-Dade County Public Records. (PLANNING DIV.)
9. First reading 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 Solidaridad Sin Fronteras, a Florida not-for-profit corporation, as tenant, for use of office space consisting of 406 square feet at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, for a period of one year, commencing on September 1, 2009 and ending on August 31, 2010, for an annual amount of \$4,060, 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.)

10. First reading of proposed ordinance amending Chapter 70, entitled "Retirement and Pensions", Article IV. Employees General Retirement System, Division 3. Funds and Accounts, of the Code of Ordinances, and in particular, revising Hialeah Code § 70-168, entitled "Pension Reserve Fund; Contributions by City" to establish a minimum annual City contribution to the Retirement System at 22% of member payroll with the provision that the City may request once every five years to reduce its minimum contribution, or raise its minimum contribution, by no more than 2% if supported by an actuarial study and requisite approvals but in no circumstances shall the minimum contribution be less than 16% of member payroll or more than 28% of member payroll. (LAW DEPT.)
11. First reading of proposed ordinance amending Chapter 42, entitled "Floods and Water Management" of the Code of Ordinances, and in particular, revising Article II. Flood Damage Prevention, Division 1. Generally, Division 2. Variances and Division 3. Standards, to provide new or revised definitions and terminology, to clarify language regarding development standards in special flood hazard areas or other areas; and to adopt and enforce new FEMA Flood Insurance Rate Maps that become effective on September 11, 2009. (COMMUNITY DEVELOPMENT DEPT.)
12. First reading of proposed ordinance amending Chapter 86, entitled "Taxation and Fees", Article II. Local Business Tax, and in particular adopting the North American Industry Classification System (NAICS) Manual to replace the Standard Industrial Classification System (SIC) Manual as the standard by which all businesses, occupations, and professions subject to a local business tax will be classified, repealing the existing schedule in Section 86-43 "Schedule of Tax by Business Classification" and adopting a new tax schedule set forth herein for the purpose of replacing the SIC Classifications with the corresponding NAICS Classifications, and amending provisions to reflect the adoption of the NAICS Manual. (LICENSE DIV.)
13. First reading of proposed ordinance extending a building and zoning moratorium on the acceptance of zoning applications, variance and special and conditional use permit applications, and on providing zoning approvals of license applications, all in connection with applications for new pawnshops or applications from existing businesses for pawnshops, for an additional 30 days, commencing on September 8, 2009, the day following the end of the first moratorium. (POLICE DEPT.)
14. Request from Eventus Marketing, Inc. for a street closure permit to hold the Latin Grammy's Street Party on West 16 Avenue, between West 37 Street and West 41 Street, from Midnight, Saturday, October 10, 2009 to Midnight, Sunday, October 11, 2009. (OFFICE OF THE CITY CLERK)
15. License suspension/revocation hearing pursuant to Section 86-57(b) of the Hialeah Code. The Licensing Administrator has determined that licensee, Wedding Rings Manufacturer, Inc., located at 1554 West 68 Street, 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.)

16. Board Appointments

- a. Request permission to approve the request by the IAFF, Local 1102, and the Dade County PBA for Patrick Carnevale to continue to serve as their representative to the Personnel Board.

17. Unfinished Business

- a. United States Census 2010

18. New Business

19. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any 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.

ZONING

- PZ. 1** Second reading and public hearing of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, rezoning from M-1 (Industrial District) to C-2 (Liberal Retail Commercial District) according to a site plan dated April 27, 2009, prepared by CKE Group, Inc.; property located at **1200 West 68 Street**. Applicant: Eduardo Carcache, CKE Group, Inc
- PZ. 2** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a variance permit to allow a temporary waiver of plat; property located at **1200 West 68 Street**. Applicant: Eduardo Carcache, CKE Group, Inc.
- PZ. 3** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a variance permit to allow a temporary waiver of plat; property located at **3395 West 68 Street**. Applicant: Eduardo Carcache, CKE Group, Inc.
- PZ. 4** First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, rezoning Lots 1 and 2, from B-1 (Highly Restricted Retail District) to CR (Commercial-Residential District), Rezoning Lot 3, from R-2 (One and Two-Family

Residential District) to CR (Commercial-Residential District), and rezoning Lots 4, 5, and 6, from R-2 (One and Two-Family Residential District) to P (Parking), all in Block 4-E, of "Eighth Addition to the Town of Hialeah", according to the Plat thereof, as recorded in Plat Book 9, at Page 11, of the Public Records of Miami-Dade County, according to a site plan dated May 26, 2009, prepared by Albert I. Rodriguez, R.A., and granting a Conditional Use Permit (CUP) to allow a child day care facility and private school pursuant to Hialeah Code §§98-181(2)h and 98-181(2)i; property located at **1395 East 4 Avenue**. Applicant: Alexis A. Tejada

PZ. 5 First reading of proposed ordinance, bearing the recommendation of the Planning and Zoning Board, granting a Special Use Permit (SUP) to allow an after-hours dinner and dancing club to host no more than six ticketed live entertainment special events open to the public each month on property zoned C-2 (Liberal Retail Commercial District) and granting a variance to allow 199 parking spaces, where 263 parking spaces are required, for the operation of dinner and dancing club, contra to Hialeah Code §98-2189(10); property located at **741 East 9 Street**. Applicant: Grand Parisien Restaurant & Ballroom

PZ. 6 Letter from the Planning and Zoning Board recommending the denial of a Conditional Use Permit (CUP) to allow a church, with a variance permit authorizing 10 parking spaces (where 63 parking spaces are required) all backing-out into the street (where back-out parking is only allowed in residential districts); and waiving the City's Landscape Manual requirements; property located at **150-152 West 29 Street**. Applicant: Alfa-Y-Omega, La Hermosa Corp., c/o Margarita Santiago, P.D.

PZ. 7 First reading of proposed ordinance, bearing of the recommendation of the Planning and Zoning Board, granting a Conditional Use Permit (CUP) to allow a house of worship pursuant to Hialeah Code §98-181(2)f, granting a variance permit to allow 3 parking spaces, where at least 31 parking spaces are required, so long as vacant on-site parking spaces are used for parking during after-hours activities and services, contra to Hialeah Code § 98-2189(4)i, and pursuant to Hialeah Code §98-2233, granting a variance permit to waive all landscaping requirements of the Miami-Dade County Landscape Code and Manuals, as adopted by the City, on property zoned M-1 (Industrial District); property located at **1652 West 41 Street**. Applicant: Tabernaculo De Alabanza y Adoracion Jesus El Cristo, c/o Jorge Lamora (Procedural History: Tabled on June 9, 2009 and June 23, 2009)

FINAL DECISIONS

FD. 1 Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 09-16, that granted an adjustment on property located at **6432 West 11 Lane**. Applicant: Avelino R. Leoncio, Architect

FD. 2 Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 09-17, that granted an adjustment on property located at **755 East 19 Street**. Applicant: Julio Boza

FD. 3 Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 09-18, that granted an adjustment on property located at **3553 West 14 Lane**. Applicant: Frank Vitier-Santos and Ofelia Vitier

FD. 4 Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 09-12, that granted an adjustment on property located at **998 West 66 Street**. Applicant: Orestes Monte De Oca (Procedural History: Tabled on June 9, 2009.)

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: AUGUST 25, 2009 AT 6:45 P.M.

NEXT CITY COUNCIL MEETING: AUGUST 25, 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, 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 you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).