RESOLUTION NO. 2014-122

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REPEALING AND RESCINDING HIALEAH, FLA., RESOLUTION 12-06 (FEB. 2, 2012).

WHEREAS, Banah International Group, Inc., declared bankruptcy and is no longer doing business in Hialeah; and

WHEREAS, the City Council has determined that the portion of Southeast 10 Avenue, between Hialeah Drive and Southeast 5 Street, Hialeah, Florida, should not retain its current name; and

WHEREAS, the Hialeah Historic Preservation Board has recommended approval of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The findings and recitations contained in the preamble to this resolution are hereby incorporated by reference as if fully set forth herein.

Section 2: The City Council of Hialeah, Florida hereby repeals and rescinds Hialeah, Fla., Resolution 12-06 (Feb. 2, 2012) in its entirety.

PASSED AND ADOPTED this 28 day of October, 2014.

Luis Gonzalez-Council Vice President
For Isis Garcia-Martinez-Council President

Isis Garcia-Martinez
Council President

Attest:

Approved on this 7 day of November, 2014.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

K.C.

Lorena E. Bravo, Acting City Attorney

Resolution was adopted by a 5-0-2 vote with Council Members Caragol, Casáls-Muñoz, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmember Garcia-Martinez & Councilwoman Cue-Fuente absent.

RESOLUTION NO. 14-06

RESOLUTION OF THE HIALEAH HISTORIC PRESERVATION BOARD RECOMMENDING THE REPEALING AND RESCINDING OF HIALEAH, FLA., RESOLUTION 12-06 (FEB. 2, 2012).

WHEREAS, Banah International Group, Inc., declared bankruptcy and is no longer doing business in Hialeah; and

WHEREAS, the City Council has determined that the portion of Southeast 10 Avenue, between Hialeah Drive and Southeast 5 Street, Hialeah, Florida, should not retain its current name; and

WHEREAS, the Hialeah Historic Preservation Board has recommended approval of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE HIALEAH HISTORIC PRESERVATION BOARD THAT:

Section 1: The findings and recitations contained in the preamble to this resolution are hereby incorporated by reference as if fully set forth herein.

Section 2: The Hialeah Historic Preservation Board recommends that Hialeah, Fla. Resolution 12-06 (Feb. 2, 2012) be repealed and rescinded.

PASSED AND RATIFIED this 15 day of October, 2014.

Board Chair

Attest:

Marbelys Fatjo, Acting City Clerk

CITY OF HIALEAH

OCTOBER 15, 2014
HISTORIC PRESERVATION BOARD SUMMARY AGENDA

City Staff:

Carmen Hernandez, Office of the City Clerk

I. Roll Call

Maria Espinosa

Annie Johnson

Paul Pantoja

Jeannette Hernandez

Katrina Rey

II. New Business

A. Request to repeal and rescind the street naming of "Banah Sweet Way", approved by the Historic Board on January 12, 2012 and approved by City Council on January 24, 2012, by Resolution number 2012-06 . (APPROVED 5-0)

Motion by: Katrina Rey

Seconded by: Jeannette Hernandez

III. Unfinished Business

None

IV. Comments and Questions

None

V. Adjournment - 5:37 p.m.

RESOLUTION NO. 12-06

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE CO-DESIGNATION OF A PORTION OF SOUTHEAST 10 AVENUE, BETWEEN HIALEAH DRIVE AND SOUTHEAST 5 STREET, HIALEAH, FLORIDA, PRESENTLY NAMED "SWEET WAY" AS "BANAH SWEET WAY", IN RECOGNITION OF THE OUTSTANDING CONTRIBUTIONS OF BANAH INTERNATIONAL GROUP, INC., TO THE CITY OF HIALEAH AND ITS RESIDENTS, WITH THE COST OF SIGNAGE TO BE PAID BY THE APPLICANT.

WHEREAS, the co-designation of that portion of Southeast 10 Avenue, between Hialeah Drive and Southeast 5 Street, Hialeah, Florida, as "BANAH SWEET WAY", presently named "Sweet Way", is in recognition of the outstanding contributions of Banah International Group, Inc. to the City of Hialeah and its residents; and

WHEREAS, that portion of Southeast 10 Avenue, between Hialeah Drive and Southeast 5 Street, is currently named "Sweet Way", in honor of the Sweet Paper Sales Corporation, which declared bankruptcy and is no longer doing business in Hialeah; and

WHEREAS, Banah International Group, Inc. ("Banah"), a sugar producer, recently signed a lease in the City of Hialeah for a 300,000 square foot facility located at 215 Southeast 10 Avenue, which will consist of Banah's warehouses and production and corporate offices; and

WHEREAS, Banah will be creating a minimum of three hundred jobs that will greatly benefit the residents of Hialeah and contribute to Hialeah's economic growth and development and, in turn, contribute to the welfare of our residents; and

WHEREAS, by installing their new facilities in Hialeah, Banah will boost sales for local suppliers, such as gasoline stations, convenience stores, supermarkets and restaurants; and

WHEREAS, the Historic Preservation Board recommended approval of this resolution on January 17, 2012.

THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The portion of Southeast 10 Avenue, between Hialeah Drive and Southeast 5 Street, presently named "Sweet Way", is hereby co-designated as "BANAH SWEET WAY", and shall be known as such from this day forward, with the costs of signage to be paid by the applicant.

PASSED AND ADOPTED this 24th day of January, 2012.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 2 day of February, 2012.

David Concepcion
Acting City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

William Grodnick K.C.
William M. Grodnick
City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President

City Council Summary Agenda
January 24, 2012
7:00 P.M.

Council Members

Jose F. Caragol
Paul B. Hernández
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Lourdes Lozano

Call to Order/Roll Call of Councilmember's **QUORUM (ALL PRESENT)**

Invocation given by David Concepcion, Acting City Clerk

Pledge of Allegiance led by Katharine Cue-Fuente

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.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –

Award of Merit honoring the Optimist Club of Hialeah120 lb team Orange Bowl State Champions for their representation of the City of Hialeah since 1948

1. Announcement of Amendments/Corrections to the Agenda (if any)
   i. **Item 8C was added to the agenda.**

2. Consent Agenda –

A. Request permission to waive competitive bids, since it is advantageous to the City, and ratify the rental of two 150 KW 277/480 Volt 3 PH trailer mounted diesel generators from Power Depot Inc., for pump stations 104 and 109, for a total amount not to exceed $20,900. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

B. Request permission to increase an existing purchase order #2011-228 issued to American Battery Company, to purchase automotive batteries for the City's vehicles and trucks, for an additional amount of $10,000, and total amount not to exceed the amount of $25,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

C. Request permission to increase an existing purchase order #2012-942 issued to Miami Tiresoles, DBA Tiresoles of Broward, INC, to purchase tires and road call service on vehicles for Public Works, Fire Department and Water and Sewer, for an additional amount of $30,000, and total amount not to exceed the amount of $80,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

D. Request permission to increase an existing purchase order #2012-771 issued to Mansfield Oil Co., to purchase gasoline and diesel fuels for City vehicles, for an additional amount not to exceed $300,000, for a cumulative total amount not to exceed $700,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

E. Request permission to increase an existing purchase order #2012-940 issued to Total Truck Parts, Inc., to purchase aftermarket OEM (Original Equipment Manufacturer) parts for the City's trucks and buses, for an additional amount not to exceed $30,000, for a cumulative total amount not to exceed $60,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

F. Request permission to utilize State of Florida Contract #863-000-10-1, and to increase existing purchase order #2012-163, issued to South Dade Automotive Inc., to purchase tires for City vehicles, for an additional amount not to exceed $6,000, for a total amount not to exceed $21,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

G. Request permission to increase existing purchase order #2012-938 issued to Wingfoot Commercial Tire Systems, LLC., to purchase new tires on vehicles for Public Works, Fire Department and Water and Sewer, for an additional amount of $30,000, and total amount not to exceed the amount of $80,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**

H. Request permission to award Hialeah bid # 2010/11-3230-00-033 for the 9-Unit Elderly Housing –Fire Alarm, and issue a purchase order issued to the lowest responsive bidder, O.M. Electric, Inc., for a total amount not to exceed $20,500. (CONSTRUCTION AND MAINTENANCE DEPT. AND GRANTS AND HUMAN SERVICES DEPT) **APPROVED (7-0)**

I. Request permission to waive competitive bids, since it is advantageous to the City, and enter into a service contract with Medical Priority Consultants, Inc. d/b/a Priority Dispatch Corporation, *sole source* vendor, for the license and service agreement maintenance of Priority Dispatch Systems, for a total amount not to exceed $16,384. (FIRE DEPT.) **APPROVED (7-0)**

J. Proposed resolution approving the co-designation of a portion of Southeast 10th Avenue, from Hialeah Drive to Southeast 5th Street, Hialeah, Florida, as "Banah Sweet Way", with the cost of signage to be paid by the applicant. (OFFICE OF THE CITY CLERK) **Approved (7-0) Resolution 2012-06**

K. Proposed resolution approving the co-designation of a portion of West 10th Avenue, from West 23rd Street to West 28th Street, Hialeah, Florida, as "Carlos "Cuco" Carcas Street", with the cost of signage to be paid by the applicant. (COUNCILWOMAN GARCIA-MARTINEZ) **Approved (7-0) Resolution 2012-07**

L. Request permission to reject Bid No. 2010/11-3230-00-030 – the 9-Unit Elderly Housing – Electrical, since there was only one bid received, which was deemed excessive. (GRANTS AND HUMAN SERVICES DEPT. & CONSTRUCTION AND MAINTENANCE DEPT.). **APPROVED (7-0)**

3. Second reading and public hearing of proposed ordinance amending chapter 74 entitled "Signs", Article III. Regulations, Division 1. Generally, of the code of ordinances by adding a new section, Hialeah Code § 74-149 entitled "Billboard Replacement Program" to establish a billboard replacement program encouraging replacement and relocation of roof-top signs and allow led features based on reduction of static sign faces for signs facing the Palmetto Expressway, State Road 112 and I-75 in an east-west direction; provide a legislative purpose, definitions, location, sign type, number, size, area; setback, landscaping, spacing and distance separation regulations, design standards, application process, fee and annual neighborhood enhancement and park contribution, relocation and reconstruction agreements with sign owner or operator and miscellaneous provisions; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **(TABLED 1/10/12 and 1/24/12)**

4. Proposed resolution accepting the grant award from the Blue Cross and Blue Shield Of Florida Foundation, Inc. for the continuation and expansion of the Obesity Prevention Health Initiative entitled "Embrace A Healthy Florida" for 2 years in the total amount of $210,000.00, comprising of annual funding of $105,000.00, commencing on January 1, 2012 and ending on December 31, 2013; and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter a grant recipient agreement with the Blue Cross and Blue Shield Of Florida Foundation, Inc., a copy of which are attached hereto and made a part hereof as Exhibit "1" and execute any documents and amendments in furtherance thereof. (EDUCATION AND COMMUNITY SERVICES DEPT.) **Approved (7-0) Resolution 2012-08**

5. First reading of proposed ordinance accepting the offer from COFE Fund 1-Palm Springs, LLC, a Florida limited liability company, to purchase a vacant parcel of land owned by the City, Folio No. 04-3002-021-0020, consisting of 880 square feet of total area, located adjacent to improved commercial property situated at 1840 West 49 Street, Hialeah, Florida, for the sum of $15,000.00 and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to execute a quitclaim deed transferring title to the property and executing any other documents in furtherance thereof; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LAW DEPT.) **APPROVED (7-0)**

6. First reading of proposed ordinance amending Chapter 74 entitled "Signs", Article III. Regulations, Division 1. Generally, of the code of ordinances by revising Hialeah Code § 74-147. Required signs, to reduce the time limit for temporary signs from 180 days to 90 days and reduce the time limit for temporary signs requiring a sign permit from 90 days to 45 days; to provide a $150.00 bond or monetary sum as security for removal of signs; and to establish primary responsibility for violations of the sign code on political candidates in connection with the installation and maintenance of unlawful signs; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**

7. Proposed resolution, strongly urging local retailers selling tobacco products to refrain from selling and marketing flavored tobacco products because such products tend to promote and influence tobacco use by minors and young adults. (ADMINISTRATION & (COUNCILWOMAN GARCIA-MARTINEZ)) **Approved (7-0) Resolution 2012-09**

8. Board Appointments

   a. Proposed resolution, appointing **Paulino R. Pantoja** to the Historic Preservation Board of The City of Hialeah for the remainder of a two (2)-year term ending on November 16, 2013. (MAYOR) **Approved (7-0) Resolution 2012-10**

   b. Appointment by Mayor Hernandez of **Ms. Elisa Robles** to the Cultural Affairs Council. **APPROVED**

   c. Proposed resolution, re-appointing Barbara Hernandez to the board of commissioners of Hialeah Housing Authority of the City of Hialeah, Florida for a four (4)-year term ending on February 14, 2014. (MAYOR HERNANDEZ) **Approved (7-0) Resolution 2012-11**

9. Unfinished Business

10. New Business-

   a. Mayor Hernandez distributed an article ref *Local Governments continue to Cope with Tight Budgets* from American City and County Government
   b. Mayor Hernandez distributed an article ref *falling Home Values mean budget crunches for cities* from the Washington Post.

11. Comments and Questions

   a. *Julio Rodriguez 754 W 33 St. inquired about the televised City Council meetings and Comcast revenue for this programming.*
   b. *Eric Johnson IAFF 1102- question and recommendation on the temporary generators used at Pump Stations and congratulating the new and re-elected Mayor and Council.*

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use 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 First reading of ordinance granting a Special Use Permit (SUP) increasing the maximum resident capacity, established by Ordinance 97-53 (August 26, 1997), of an existing Adult Congregate Living Facility (ACLF) from 27 to 50 residents, all other setbacks pursuant to

Ordinance 97-53 remaining the same and granting a variance permit to allow 13 parking spaces, where 17 parking spaces are required, to allow a total lot coverage of 34.7%, where a maximum of 30% is allowed, and to allow pervious area of 18%, where a minimum of 30% is required, contra to Hialeah Code §§ 98-2189(21), 98-2056(b)(2) and 98-2233. **Property located at 3601 West 11 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: ACLF Health Investments, Inc., Tulio Quirantes, Jr.**(Presentation by Santiago Echemendia OBO applicant) APPROVED (5-2) (LG & VCM "NO")**

PZ 2. Second reading and public hearing of proposed ordinance rezoning from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a variance permit to allow a duplex on a substandard-sized lot having a width of 54 feet, where a minimum average width of 75 feet is required, to allow a total area of 6,367 square feet, more or less, where a total area of at least 7,500 square feet is required and to allow a lot coverage of 40.8%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-544 and 98-2056(b)(2), property located **at 3320 East 3 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Lazaro Hernandez **Approved (7-0) Ordinance 2012-04**

PZ 3. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 09-96 (Nov. 30, 2009) in its entirety, including, but not limited to, releasing and cancelling of record the Declaration Of Restrictive Covenants dated November 30, 2009 incorporated in Ordinance 09-06, as recorded in official records book 27105, at pages 1764-1766, of the public records of Miami-Dade County, Florida. **Property located at 7755 West 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Approved (7-0) Ordinance 2012-05**

PZ 4. First reading of proposed ordinance approving a final plat of Estelle Maurice Subdivision, accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 1230 West 29 Street and 2800 West 12 Avenue, Hialeah, Florida.** Property Zoned C-2 (Liberal Retail Commercial District) Applicant: Armanalo Investments, Inc., Bruno Coutoure, President **Approved (7-0)**

PZ 5. First reading of proposed ordinance granting a variance permit to allow two wall LED signs, where a maximum of one LED sign is allowed for each property, on property zoned OPS (Office and Professional Services District) with a frontage of 75 feet, where LED signs are allowed only on property zoned Commercial or Industrial and having a frontage of at least 100 feet, outside the geographic area where LED signs are permitted, within 10 feet, more or less, from property zoned Residential, where a minimum 300 feet is required; contra to Hialeah Code §§ 74-149 (b), (c) and (e). **Property located at 1490 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing

for an effective date. Applicant: Elizabeth Bello **(Presentation by Rolando Ortega 733 Hunting Lodge Dr., ref LED signs OBO applicant) Denied (5-0-1) (VCM Abstained)**

PZ 6. First reading of proposed ordinance granting a variance permit to allow a pylon LED sign on property zoned C-2 (Liberal Retail Commercial) outside the geographic area where LED signs are permitted, within 65 feet, more or less, from property zoned Residential, where a minimum 300 feet is required, and to allow a front setback of 13 feet, where a minimum of 20 feet are required; contra to Hialeah Code §§ 74-149 (b), 74-149 (e) and 74-218(1)(e.). **Property located at 1919 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. Applicant: Elizabeth Bello **(Presentation by Rolando Ortega 733 Hunting Lodge Dr., ref LED signs OBO applicant)Denied (5-2) (LG & VCM "YES")**

PZ.7 First Reading of proposed ordinance approving a final plat of Maxfli Homes No. 1 Subdivision, accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property Located At 590 East 7 Avenue, Hialeah, Florida.** Property zoned R-1(One-Family District). Applicant: Titleist Homes, LLC **Approved (7-0)**

NEXT CITY COUNCIL MEETING: February 14, 2012 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).