

CITY OF HIALEAH GARDENS
TUESDAY, FEBRUARY 7, 2006

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:37 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez Councilman Elmo Urra, Councilman Jorge A. Merida, and Councilman Rolando Piña. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Authorization to negotiate terms of agreement with Buxton Company will be added as Item 12A.
6. **Review of Minutes:** January 17, 2006. Chairman Garcia made a motion to approve the minutes of January 17, 2006, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for approval of 2COP alcohol beverage license transfer of ownership for Paraiso Café, Inc., 8012 N.W. 103 Street, Hialeah Gardens, Florida 33016:** Ms. Andrea Pichardo, Owner.

The following individuals came forward and gave testimony.

Ms. Andrea Pichardo, owner of Paraiso Café, Inc.
Mr. Gustavo Rodriguez, interpreter for Ms. Pichardo
Mr. Arturo L. Ruiz, Director of Administration
Chief Van Toth, Hialeah Gardens Police Department

Ms. Andrea Pichardo, the owner was present. Mr. Citrin swore in all those who would be giving testimony and stated that this was a quasi-judicial hearing. Mr. Gustavo Rodriguez volunteered to translate. Mr. Arturo L. Ruiz, Director of Administration

came forward and read a memorandum into the record, which recommends denial of the license. Mr. Citrin asked if Ms. Pichardo was comfortable going ahead without an attorney to represent her and she agreed. Mayor De La Cruz referred to pictures that were taken at the site, which showed a large amount of alcohol. Ms. Pichardo stated that she bought the alcohol when she first purchased the business and blamed the previous owner for not explaining the proper procedure for the transfer of the license. Chief Van Toth stated that Detective Julio Menendez witnessed her buying alcohol at BJ's on the very same day she was advised by City staff that she was unable to sell alcohol at the establishment. Ms. Pichardo asked forgiveness and stated that she has not sold any more alcohol since the business has been reopened. Chairman Garcia made a motion to deny the application based on staff's recommendation, seconded by Councilman Merida. The motion was approved by unanimously approved by individualized voice vote (5-0).

9. **Request for approval of 2COP alcohol beverage license for Perla del Sur, Inc., 9160 N.W. 122 Street, Hialeah Gardens, Florida 33016:** Mr. Miguel Angel Toledo, Owner.

The following individuals came forward and gave testimony.

Mr. Miguel Angel Toledo, the owner of Perla del Sur, Inc.
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz came forward and read staff's recommendation to approve the 2COP license. Chairman Garcia stated if the applicant was aware of the requirements of the license. Mr. Toledo made comments in reference to his expectations of making a success of the restaurant in the City and made a presentation of the menu and dinnerware. Chairman Garcia reiterated the requirements of serving a full course meal with beer or wine. Chairman Garcia made a motion to approve based on staff's recommendation, seconded by Councilman Merida. The motion was unanimously approved.

10. **Request for approval of expenditure to relocate chain link fence at Westland Gardens Park along N.W. 107th Avenue:** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, Director of O.M.B. came forward and read a memorandum into the record which details the need to incur this expense and asked that waiving of competitive bidding be approved. Chairman Garcia made a motion to approve instructing Mr. Citrin to prepare a resolution memorializing this action, seconded by Councilman Merida. The motion was unanimously approved.

11. **Request for approval of expenditure to repair City street lights damaged by Hurricane Wilma:** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, Director of O.M.B. came forward and read a memorandum into the record which states the need for the waiving of competitive bidding and asked for approval to enter into a contract with Power Wide Electric Corp. which would be the most cost effective service provider. Chairman Garcia made a motion to approve instructing Mr. Citrin to prepare a resolution memorializing this action, seconded by Councilman Merida. The motion was unanimously approved.

12. **Request for approval of water main extension between Ernesto Garcia and the City of Hialeah Gardens (Location: N.W. 137 Street between N.W. 97th and 99th Avenues):** Mr. Al Nielson, Director of Water and Sewer Department.

Mr. Albert Nielsen, Director of the Water and Sewer Department came forward and gave details on the water main extension agreement between the City and Mr. Ernesto Garcia. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- 12A. **Authorization to negotiate terms of agreement with Buxton Company for the new annexation area:** Mr. Marcos Piloto, Director of O.M.B.

Mr. Marcos Piloto, Director of O.M.B. came forward and read a memorandum into the record which explains the services provided by Buxton Company. The company would produce a report that would qualify the City as a trade area for retailers across the country to be used as a marketing recruitment tool for the new annexation area. Mayor De La Cruz commented that he would like to keep costs at a maximum of \$45,000, which is the amount that had been set-aside in this year's budget. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

13. **Proposed Resolutions:**

A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE GOVERNMENT COMPLEX WATER AND SEWER OFFICES AND WAREHOUSE BUILDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH HOMESTEAD CONCRETE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Jose M. Lopez, Director of Public Works came forward and stated that this resolution serves to memorialize the action taken at the last council meeting. Mr. Lopez has reviewed the bid and it meets the City's requirements. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE MAYOR TO AMEND AND EXECUTE THE CITY ATTORNEY AGREEMENT BETWEEN CHARLES A. CITRIN, ESQUIRE AND THE CITY OF HIALEAH GARDENS, ATTCHED HERETO AS EXHIBIT "A"; PROVIDING FOR EFFECTOVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Citrin made comments regarding amendments to the City Attorney's agreement. Chairman Garcia made a

motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING RESOLUTION 2021 BY RATIFYING CHANGE ORDERS TO THE TOTAL CONTRACT PRICE FOR DRAINAGE IMPROVEMENTS TO N.W. 79 AVENUE; AUTHORIZING THE RATIFICATION OF PAYMENT TO SOUTHEASTERN ENGINEERING CONTRACTORS, INC., PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Jose M. Lopez, Director of Public Works came forward and read his memorandum into the record which outlines the need for change orders for the NW 79 Avenue Roadway Project. Total amount of the change orders is \$149,266.05. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING RESOLUTION 2022 BY RATIFYING CHANGE ORDERS TO THE TOTAL CONTRACT PRICE FOR DRAINAGE IMPROVEMENTS TO N.W. 80TH COURT; AUTHORIZING THE RATIFICATION OF PAYMENT TO SOUTHEASTERN ENGINEERING CONTRACTORS, INC., PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Jose M. Lopez, Director of Public Works came forward and read his memorandum into the record which outlines the need for change orders for the NW 80 Court Roadway Project. Total amount of the change orders is \$3,897.12. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

14. Second Reading / Public Hearing for consideration and final adoption of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR KASALTA VILLAS INC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: PORTIONS OF TRACTS 33, 34 AND 35 IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: BETWEEN NW 114 STREET AND WEST OKEECHOBEE ROAD. FOLIO #: 27-2033-001-0381, PROVIDING FOR CONDITIONS; PROVIDING FOR**

EFFECTIVE DATE. (Location: Between NW 114 Street and West Okeechobee Road) (P&Z Vote: 5-0; T.R.C. Vote: 6-0)

Mr. Citrin sworn in those who would be testifying on the items for second reading. Mr. Citrin read the full title of the ordinance into the record. Mr. Gustavo Rodriguez the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:30 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:30 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 2 ADMINISTRATION, DIVISION 2 ZONING AND CODE COMPLIANCE DEPARTMENT AND IN PARTICULAR DELETING ZONING FROM THE DIVISION AND ADDING NEW LANGUAGE FOR CODE COMPLIANCE DEPARTMENT; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated application. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave details of the revisions to Chapter 2 of the City Code. Chairman Garcia opened the public hearing at 8:32 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:32 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

15. **City Attorney's Report:** There were no comments from Mr. Citrin.
16. **Mayor's Report – Miscellaneous:** There were no comments from the Mayor De La Cruz.
17. **Council Members Concerns/Reports:** There were no comments from the council members.
18. **Adjournment:** The meeting was adjourned at 8:34 p.m.

Respectfully submitted by:

Maria L. Joffee
City Clerk

Any person desiring to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

SCHEDULE OF MEETINGS

CITY COUNCIL

Tuesday, March 7, 2006, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, March 13, 2006, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, March 2, 2006, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, March 28, 2006, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, February 28, 2006, 6:00 P.M.