

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, MARCH 7, 2006

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:37 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo L. Urra, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Rolando Piña. Also present were Mayor Yioiset 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:** Council Decision on Hurricane Wilma Debris Removal Services was added as Item 13A.
6. **Review of Minutes:** February 21, 2006. Chairman Garcia made a motion to approve the minutes of February 21, 2006, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Swearing in Ceremony for Councilmen Luciano Garcia and Elmo L. Urra**

Mr. Citrin performed the swearing in ceremony for Councilman Urra and Chairman Garcia. Chairman Garcia welcomed Councilman Urra to the Council. Mayor De La Cruz offered comments regarding this administration working together as a family.
9. **Reorganization of the City Council's hierarchical order:** Mr. Charles A. Citrin, City Attorney.

Mr. Citrin introduced the matter of reorganization of the hierarchical order. Councilman Piña made a motion to nominate Luciano Garcia for Chairman of the Council, seconded by Councilman Merida, and unanimously approved by individualized voice vote. Chairman

Garcia made a motion to nominate Councilman Piña as Vice Chairman, seconded by Councilman Merida, and unanimously approved by individualized voice vote. Chairman Garcia made a motion to nominate Councilman Merida as Finance Director, seconded by Councilman Piña, and unanimously approved by individualized voice vote.

10. **Board Appointments: Water and Sewer Board, Planning and Zoning Board.**

Councilman Piña re-appointed Ovidio Eijan to the Planning and Zoning Board, re-appointed Raul Lafita to the Personnel Review Board and tabled the Water and Sewer Board appointment. Councilman Merida re-appointed Andrew Perez to the Planning and Zoning Board and asked to defer his appointment to the Water and Sewer Board until the next meeting. Councilman Gutierrez re-appointed Antonino Maurici to the Planning and Zoning Board. Councilman Urrea appointed Kandyce Villar to the Planning and Zoning Board. Board. Chairman Garcia re-appointed Susie Cordero to the Planning and Zoning Board.

11. **Request for approval of payment to City Electric for repairs to electrical damage in City parks because of Hurricane Wilma:** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, O.M.B. Director came forward and read staff's recommendation memorandum into the record. Chairman Garcia made a motion to waive competitive bidding and approve payment due to time constraints, seconded by Councilman Merida. The motion was unanimously approved. A resolution will be prepared to memorialize this action.

12. **Recommendation and authorization to negotiate administration of concession stand at Westland Gardens Park (R.F.P. 2006-03):** Mr. Walter Dubon, Director of Parks and Recreation Department.

Mr. Marcos Piloto, O.M.B. Director came forward and read staff's memorandum into the record which recommends Chente Enterprises, Inc. d/b/a CiCi's Pizza who provided all required documentation as stated in the public bid notice advertised by the City. Chairman Garcia made a motion to approve negotiations with CiCi's Pizza, seconded by Councilman Merida. The motion was unanimously approved. A resolution will be prepared to memorialize this action.

13. **Authorization to construct N.W. 135th Street between N.W. 98th and 99th Avenue:** Mr. Joe Lopez, Public Works Director.

Mr. Jose M. Lopez came forward and asked the Council to waive competitive bidding and enter into contract with the following vendors: Juner Trucks, Inc., Overland Carriers, General Asphalt, H & J Asphalt, H & R Asphalt, Groundskeepers and Roucco & Sons for the construction of NW 135 Street between 98 and 99 Avenues. Mr. Lopez read details of project expenditures stating the cost would not exceed \$107,950.00. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

13A. **Council Decision on Hurricane Wilma Debris Removal Services:** Mr. Marcos Piloto, O.M.B. Director

Mr. Citrin recused himself and his partner J. Frost Walker III citing conflict of interest and introduced Mr. Richard Krinzman who will serve as counsel to Council on this item. Mr. Marcos Piloto, O.M.B. Director came forward and read staff's memorandum into the record which addresses details of the proposals submitted by All Florida Land Cleaning, Inc. and Florida Disaster Recovery LLC. Ms. Michelle Gonzalez representing All Florida Cleaning, Inc. was present. Mr. Jose M. Lopez, Public Works Director came forward and recommended All Florida Cleaning, Inc. which will provide for disposal of debris in a landfill and will relieve the City from any potential future liability. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. Mr. Citrin resumed his seat as legal counsel.

14. **Proposed Resolutions:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXECUTION OF THE 2006 HOME CONTRACT WITH MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR THE SAMARI LAKE EAST CONDOMINIUM REHABILITATION PROGRAM; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the resolution into the record. Mayor De La Cruz made comments regarding the resolution that will support entering into a contract which will provide funding from the County for assistance at Samari Lake Condominium. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

15. **First Reading for consideration of the following ordinances:**

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, MANDATING AUTOMOBILE GAS AND/OR SERVICE STATIONS WITHIN THE CITY OF HIALEAH GARDENS HAVE ADEQUATE ALTERNATIVE ENERGY SOURCES FOLLOWING A STATE EMERGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated ordinance. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. 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, EXEMPTING ITSELF FROM THE PROVISIONS OF SECTION 101.67 F.S. SPECIFICALLY RELATED TO EARLY VOTING; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated ordinance. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR DUKE SCHOOL PROPERTIES, LLC. MATER ACADEMY ANNEX. LEGAL DESCRIPTION: TRACT 1, LESS THE NORTH 130.00 FEET THEREOF, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO.1, OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LOCATION: 10505 NW 80 AVE. FOLIO #: 27-3003-001-0010 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 10505 N.W. 80th Avenue) (P&Z Vote: 3-0; T.R.C. Vote: 6-0)***

Mr. Citrin sworn in those who would be testifying on the items for public hearing. Mr. Citrin read the full title of the ordinance into the record. Mr. Rolando Llanes was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:14 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:14 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, APPROVING A SITE PLAN FOR CACOPHONY CORP. CONCERNING PROPERTY LEGALLY DESCRIBED AS: FOLIO #: 27-2033-001-0593: A PORTION OF TRACT 48 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17***

OF THE PUBLIC RECORD OF MIAMI DADE COUNTY, FLORIDA; FOLIO #: 27-2033-001-0370: A PORTION OF TRACTS 33 AND 34 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI DADE COUNTY, FLORIDA; FOLIO #: 27-2033-001-0596: A PORTION OF TRACT 48, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE SW 1/4 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTHEAST OF OKEECHOBEE ROAD AND SOUTH OF NW 114 STREET; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Northeast of Okeechobee Road and South of N.W. 114 Street) (P&Z Vote: 3-0; T.R.C. Vote: 6-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Conditions agreed to at the Planning and Zoning Board meeting were discussed including the selection of an appraiser for the land. Mr. Osman responded that the lender selects the appraiser and that an appraisal is submitted to the City and stated that this is what has been done in the past. An option would be to submit an appraisal at the time of commencement of development and one at the time of the issuance of the certificate of occupancy. Chairman Garcia opened the public hearing at 8:23 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:23 p.m. Chairman Garcia recommended that City staff choose an appraiser as an amendment to the ordinance and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE 2005-50 TENTATIVE PLAT FOR JANNETTE COVE III, APPROVING A CHANGE OF NAME TO JEANETTE COVE FIRST ADDITION, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 200 FEET OF TRACT 33 LESS THE NORTH 100 FEET "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE EAST 27 FEET OF THE NORTH 53.20 FEET THEREOF, SUBJECT TO DEDICATIONS, LIMITATIONS, RESERVATIONS,**

***RESTRICTIONS OR EASEMENTS OF RECORD, IF ANY;
PROVIDING FOR CONDITIONS; PROVIDING FOR AN
EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia made a motion to table the item, as the applicant was not present, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

17. **City Attorney's Report:** Mr. Citrin congratulated Chairman Garcia and Councilman Urra.

18. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.

19. **Council Members Concerns/Reports:**

Council members Gutierrez, Merida, and Piña congratulated Chairman Garcia and Councilman Urra.

20. **Adjournment:** The meeting was adjourned at 8:29 p.m.

Respectfully submitted by:

Maria L. Joffe
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, April 4, 2006, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 10, 2006, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 6, 2006, 11:30 A.M.

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

T.B.A.