

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, JUNE 6, 2006

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:34 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Elmo L. Urrea and Councilman Jorge A. Merida. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin. Councilman Jorge Gutierrez was absent.
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 purchase security system equipment for the new police station was added as Item 12A. Authorization to purchase door locks and equipment for the new police station was added as item 12B.
6. **Review of Minutes:** May 16, 2006. Chairman Garcia made a motion to approve the minutes of May 16, 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 El Valle BBQ, Inc., 8108 NW 103 Street #122-124 Hialeah Gardens, FL 33016**
Ms. Felicia Garcia, Owner.

The following individuals came forward and gave testimony:

Mr. Marcel Games, son of Ms. Felicia Garcia the owner.
Mrs. Aida Martinez Ruiz, Assistant City Attorney.

Mrs. Martinez-Ruiz came forward and gave staff's recommendation to approve the 2COP license. Chairman Garcia advised the applicant of the city's regulations to hold the 2COP license. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. **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, Ms. Nancy Terminello, Attorney.

The following individuals came forward and gave testimony:

Ms. Andrea Pichardo, owner of Paraiso Cafe, Inc.
 Mr. Louis J. Terminello, attorney for Ms. Pichardo
 Mrs. Aida Martinez Ruiz, Assistant City Attorney

Mrs. Martinez-Ruiz came forward and gave details of the history with the applicant's previous attempt to obtain licensure. Mr. Terminello proceeded to present his case for Mrs. Pichardo's application and stated that she had been relying on information given to her by the previous owner and was misled or did not understand the conditions of the licensure. Mr. Terminello stated that Ms. Pichardo has been following the city's regulations abiding by not selling alcohol without the proper license for the past four months. Ms. Pichardo is asking to reconsider her request with the licensure. Chairman Garcia instructed Mr. Terminello that he should explain and advise Ms. Pichardo of the serving of a full course meal when serving beer or wine as required by city ordinance. Chairman Garcia made a motion to approve with a probation period of six months after which the applicant needs to appear before the council to apply for permanent licensure, this motion was seconded by Councilman Merida. The motion was approved **(3-1)** with Councilman Piña voting against.

10. **Authorization to construct N.W. 122nd Street between N.W. 97th Avenue and Frontage Road:** Mr. Joe Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and gave details of cost estimates for the project. Mr. Lopez requested waiving competitive bidding and using vendors based on price and availability at the time of construction. Chairman Garcia made a motion to approve waiving competitive bidding, seconded by Councilman Merida. The motion was unanimously approved. The City attorney was instructed to draft resolutions to memorialize council action.

11. **Opening of sealed bids (Bid No. 2006-04) Carnival Rides:** Mr. Walter Dubon, Director of Parks and Recreation Department.

Mr. Walter Dubon, Director of Parks and Recreation came forward and gave staff recommendations to re advertise since the two bids received did not comply with requirements as stated in the public bid notice advertised by the City. Chairman Garcia

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

12. **Opening of sealed bids (Bid No. 2006-05) Dental Insurance:** Mrs. Aida Martinez-Ruiz, Assistant City Attorney.

Mrs. Aida Martinez-Ruiz came forward and stated the no bids were received. Our present carrier Fortis/Assurant was contacted for rates and the increase was minimal. Chairman Garcia made a motion to continue with our present carrier, seconded by Councilman Merida. The motion was unanimously approved. A resolution will be drafted to memorialize the council's action.

Proposed Resolutions: (Added to the Agenda)

12A.

RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF SECURITY SYSTEM EQUIPMENT FOR THE NEW POLICE DEPARTMENT BUILDING BEING CONSTRUCTED; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALARM & ELECTRONICS, INC.; WAIVING COMPETITIVE BIDDING; USING AN EXISTING GOVERNMENT CONTRACT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the resolution into the record. Chief Van Toth came forward and reported on the security system for the new police department building using an existing government contract by the Village of Pinecrest. Chairman Garcia made a motion to approve waiving competitive bidding, seconded by Councilman Merida. The motion was unanimously approved.

12B.

RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF DOOR LOCKS AND EQUIPMENT FOR THE NEW POLICE DEPARTMENT BUILDING BEING CONSTRUCTED; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH OLD CUTLER SAFE AND LOCK, INCORPORATED; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the resolution into the record. Chief Van Toth came forward and explained that Old Cutler Safe and Lock, Inc. did the work for the Village of Pinecrest and it would be in the best interest of time and money to use this vendor as the bidding process would be more costly. Chairman Garcia made a motion to approve waiving competitive bidding, seconded by Councilman Merida. The motion was unanimously approved.

13. Proposed Resolution:

- A) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the resolution into the record. Chief Van Toth came forward and gave details of the National Incident Management System (NIMS) requiring City compliance for emergency management procedures. 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, APPROVING THE RENEWAL OF THE AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION, STATE OF FLORIDA, AND THE CITY OF HIALEAH GARDENS CONCERNING TURF AND LANDSCAPE MAINTENANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and explained the details of the renewal contract with the Florida Department of Transportation regarding the turf and landscape maintenance agreement for N.W. 103rd Street. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING AND APPROVING THE ENTERING INTO AN AGREEMENT WITH MIAMI-DADE COUNTY FOR REIMBURSEMENT OF MONIES EXPENDED ON THE PURCHASE OF PLAYGROUND EQUIPMENT FOR BERNIE WILSON PARK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and explained that the city had qualified for \$80,000 from Miami-Dade County through a bond program for the playground equipment that had been purchased for Bernie Wilson Park. This resolution would allow for reimbursement of the expenditure. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

14. First Reading for consideration of the following ordinances:

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPLACING AND SUPERCEDING CHAPTER 78 (“LAND USE REGULATIONS”), CITY’S CODE OF ORDINANCES; REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading, which will be held in August. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPLACING AND SUPERCEDING ARTICLE II, CHAPTER 70 (FLOOD HAZARD REDUCTION”), CODE OF ORDINANCES, CITY OF HIALEAH GARDENS; REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading, which will be held in August. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

15. 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***

OKEECHOBEE CENTRE/MAGIC INVESTMENTS LLC, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT 57, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, LYING AND BEING IN CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA; FOLIO NUMBER 27-2019-001-0640 PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. (Approximate Location: Northwest of NW 138 Street between NW 109 Avenue and NW 112 Avenue) (P&Z Vote: 4-0; TRC Vote: 6-0)

Mr. Citrin swore in all those who would be testifying on any of the items for second reading.

Mr. Citrin read the full title of the ordinance into the record. Mr. Mario Garcia Serra was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Garcia Serra came forward and gave a presentation of the site plan for the warehouses. Mr. Rolando Rodriguez, president of Rodriguez Group came forward and stated that Magic Investments LLC will be making the application for the site plan. Staff memorandum will be corrected to reflect this. 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. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE VACATION OF NON DESIGNATED ROADWAY (ROAD CLOSURE) SPECIFICALLY THE 15.00 FEET DEDICATED BY FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 ALONG THE SOUTH BOUNDARY OF TRACT 57 IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. BEING MORE PARTICULAR DESCRIBED IN EXHIBIT A, ATTACHED HERETO, CONTAINING 0.454 ACRES MORE OR LESS; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Mario Garcia Serra 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 8:26 p.m. No one came forward; Chairman Garcia closed the public

hearing at 8:26 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR REY'S PIZZA RESTAURANT AND OFFICES / RO-MA HOLDINGS LLC, CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT A OF LONDON ESTATE COMMERCIAL CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, PAGE 80, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO NUMBER 27-2033-009-0010. PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. (Location: 11291 NW 87 Court) (P&Z Vote: 4-0; TRC Vote: 6-0)**

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Angel Saqui was present for the applicant. Mr. Ramon Rodriguez, the applicant was also present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:29 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:29 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR GARDEN ESTATES SUBDIVISION / CASTELLON & ASSOCIATES AND MARK MAYCOCK. LEGAL DESCRIPTION: THE EAST _ OF THE WEST _ OF TRACT 8; THE EAST _ OF THE WEST _ OF THE WEST _ OF TRACT 8 AND THE EAST _ OF THE WEST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY 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; THE EAST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, IN SECTION 29-52-40, 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 50 FEET FOR CANAL RIGHT OF WAY; AND THE WEST _ OF THE WEST _ OF THE WEST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY 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. FOLIO NUMBERS: 27-2029-001-0080, 27-2029-001-0090, 27-2029-001-0092, 27-2029-001-0091. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Approximate Location: North of NW 130 Street, between NW 97 & 99 Avenues) (P&Z Vote: 4-0; TRC Vote: 6-0)

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Giraldo Castellon, the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendation for the final plat. Mr. Jose M. Lopez, Public Works Director came forward and reported changes requested by Miami-Dade County which need to be incorporated into the final plat and the applicant was in agreement to. Mr. Lopez gave details regarding the cul de sac and the road connectors required by the county for emergency vehicle access. The applicant will incorporate the changes to the final plat and present it to the council at the next meeting before submitting the plat to the county. Chairman Garcia opened the public hearing at 8:54 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:54 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

16. **City Attorney's Report:** Mr. Citrin had no comments.
17. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.
18. **Council Members Concerns/Reports:** There were no comments from the council members.
19. **Adjournment:** The meeting was adjourned at 8:56 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, June 20, 2006, 7:30 P.M.

PLANNING AND ZONING BOARD
Monday, June 12, 2006, 7:30 P.M.

SCHEDULE OF MEETINGS

TECHNICAL REVIEW COMMITTEE
Thursday, August 3, 2006, 11:30 A.M.

WATER AND SEWER BOARD
Tuesday, June 27, 2006, 7:00 P.M.

POLICE PENSION BOARD
Tuesday, August 26, 2006, 6:00 P.M.