

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, DECEMBER 19, 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 Elmo L. Urra, Councilman Jorge A. Merida, Councilman Jorge Gutierrez, 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:** None were offered.
6. **Review of Minutes:** December 5, 2006. Chairman Garcia made a motion to approve the minutes of December 5, 2006, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Opening of sealed bids for Misty Point Lake Bank Erosion Repair (Bid No. PW-06-100):**
Mr. Jose M. Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and opened the following bids:

U.S. Bridge & Dredge Inc.: **\$1,147,172.00**

Acosta Tractors, Inc.: **\$1,317,691.14**

Mr. Lopez will return at the next meeting with a recommendation.

9. **Request for approval of permanent licensure of 2COP alcohol beverage license 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 Cafe
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz came forward and gave staff's recommendation to approve the 2COP license after a six-month probation period, which began June 6, 2006. No one came forward to address this item. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. **Request for approval of 2COP and 2 APS alcohol beverage licenses transfer of ownership for Xtreme Car Care Group, Corp., 11601 West Okeechobee Road, Hialeah Gardens, Florida:** Mr. Arturo Rafael Garcia, Owner.

The following individuals came forward and gave testimony:

Mr. Arturo R. Garcia, owner of Xtreme Care Care Group, Corp.
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz came forward and gave staff's recommendation to approve the 2COP and the 2APS licenses. No one came forward to address this item. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion approved with Councilman Piña off the dais.

At this time, Mr. Lopez requested to read into the record a bid received from U.S Bridge & Dredge Inc., which gave an alternative bid of \$790,556.00. Mr. Lopez will review the bid and return with a recommendation at the next council meeting.

11. **Proposed Resolution:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006 AND ENDING SEPTEMBER 30, 2007; RECOGNIZING THE INCREASE IN PROCEEDS FROM THE CITY'S CONTRIBUTION ACCOUNT, FOR THE PURPOSE OF DONATING \$20,000.00 TO MIAMI-DADE COLLEGE TO PROVIDE SCHOLARSHIPS FOR THE BENEFIT OF HIALEAH GARDENS RESIDENTS WITH MATCHING STATE FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave details of the scholarship and the donation of matching funds to Miami Dade College for eligible residents of the City. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved with Councilman Piña off the dais.

12. First Reading for consideration of the following ordinances:

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR WAH-HEN CHINESE RESTAURANT / JORGE LAU LOCATED AT 9160 NW 122 STREET # 31 AND #32; HIALEAH GARDENS, FLORIDA, 33016, TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES (WINE AND BEER) TO BE CONSUMED ON THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. (Location: 9160 N.W. 122 Street #31 & 32) (P&Z Vote: 4-0; TRC Vote: 5-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Jorge Lau the applicant was present. 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 approved by individualized voice vote (**Vote 4-0** with Councilman Piña off the dais).

- B) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR VICENZA AT HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 19,20,21,27,28,29,30, AND 31, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUITS 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, CONTAINING 1,181,930.21 SQUARE FEET AND / OR 27.13 ACRES MORE OR LESS; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 92-97 Avenue Connector and N.W. 122 Street) (TRC Vote: 6-0; P&Z n/a)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Shahin Etessam the applicant was present. 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 approved by individualized voice vote (**Vote 4-0** with Councilman Piña off the dais).

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

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

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA GRANTING A SIGN VARIANCE OF HEIGHT***

AND TOTAL AREA FOR HOME DEPOT USA LEGALLY DESCRIBED AS: ALL OF TRACTS R, S, T, U, V, W, X & Y OF "SHOMA COMMERCIAL REPLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161 AT PAGE 100 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF TRACT "Y" OF SAID PLAT. TOGETHER WITH A PORTION OF NORTHWEST 112TH COURT DEPICTED ON SAID PLAT. TOGETHER WITH ALL OF TRACT "Q" (LAKE MAINTENANCE / ACCESS TRACT) OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. FOLIOS #: 27-2030-015-0010, 27-2030-015-0020, 27-2030-015-0030, 27-2030-015-0040, 27-2030-015-0050, 27-2030-015-0060, 27-2030-015-0070, AND 27-2030-015-0080. APPROXIMATE LOCATION: OKEECHOBEE ROAD AND NW 138 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Ms. Melissa Tapanes Llahues was present for the applicant. Mr. Jose M. Lopez, Public Works Director who was present for Mrs. Mirtha S. Gonzalez; Chief Zoning Official came forward and read staff recommendations for approval of variances requested for signage. Chairman Garcia opened the public hearing at 7:52 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:52 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0 with Councilman Piña off the dais).

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE CITY CODE CHAPTER 56 SECTION 23 (ADDITIONAL REQUIREMENTS), PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and gave details of amending the section of the City's code which pertains to towing. The current radius for towing company yards that are eligible to bid on city contracts is within the city or one mile. An extension of the radius to five miles will allow for more towing companies to submit proposals. No one came forward to address this item. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0 with Councilman Piña off the dais).

14. **City Attorney's Report:** Mr. Citrin will have a draft of the ordinance regarding the creation of the health facility authority and the bond counsel for the next council meeting.

He also introduced his assistant Ms. Carmen Dumas who was present at the meeting and wished everyone Happy Holidays.

15. **Mayor's Report – Miscellaneous:** Mayor De La Cruz wished everyone Happy Holidays.

16. **Council Members Concerns/Reports – Board Appointments**

Councilman Gutierrez thanked the City for the toys distributed at Samari Lake Condominium and for the new plantings around the City. Chairman Garcia wished Happy Holidays as did the rest of the council members.

17. **Adjournment:** The meeting was adjourned at 7:58 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, January 16, 2007, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, January 8, 2007, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, January 4, 2007, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, January 23, 2007, 7:00 P.M.

POLICE PENSION BOARD

Monday, February 12, 2007, 6:00 P.M.