

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, FEBRUARY 5, 2008**

**HOLLINGSWORTH HALL SENIOR CENTER
10003 NW 87 AVENUE**

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:31 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Elmo L. Urra 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 gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:**
6. **Review of Minutes:** January 22, 2008. Chairman Garcia made a motion to approve the minutes of January 22, 2008 seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for approval of 3PS alcohol beverage license transfer of ownership for Foremost Group #2 Inc., d/b/a El Jardin Liquors, 12537 West Okeechobee Road, Hialeah Gardens, FL:** Owner: Ms. Claudia Parets.

The following individuals came forward and gave testimony:

Ms. Claudia Parets, owner

Mr. Arturo L. Ruiz, Director of Administration for staff

Mr. Arturo L. Ruiz, Director of Administration came forward and read staff's recommendation for approval of the 3PS alcohol beverage license into the record. No one addressed the item. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. **Recommendation for Westland Gardens Recreation Center PW07-B120:**

Mr. Jose Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and read his memorandum into the record including the nine bids and amounts submitted for the project. The recommendation from the department was to award the bid to ELA Construction Corp., the lowest responsible and responsive bidder. Chairman Garcia made a motion to approve and to enter into contract with ELA Construction Corp. and instructed staff to prepare a resolution memorializing this action. The motion was seconded by Councilman Merida and unanimously approved.

10. **Request for approval of Geotextile material for Westland Gardens Park Baseball Fields:** Mr. Jose Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and read his memorandum into the record which details the need and cost effectiveness of going with FEI-Miami Waterworks and to waive competitive bidding. All retailers have the same prices due to the nature of the product. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

11. **Request for approval of earthwork equipment rental for Westland Gardens Park Baseball Fields:** Mr. Jose Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and read his memorandum into the record which details the vendors available for the particular equipment need for this project. Recommendation is based on pricing and availability. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

12. **Request for approval of fill material and hauling for Westland Gardens Park Baseball Fields:** Mr. Jose Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and gave details of the need of an extension of the contract with Overland Carriers, Inc. to provide material and hauling for the Westland Gardens Park baseball fields reconstruction project. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

13. **Request for approval of City Hall decorative fountain and lake aeration system:** Mr. Jose Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and gave details of the new decorative fountain for the main entrance at the new city hall and the installation of an aerator for the lake located behind the city hall building. Mr. Lopez's recommendation is to piggyback on a contract used by the Village of Pinecrest for a similar project and enter into a contract with Victronics, Inc. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

14. First Reading / Public Hearing for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE VACATION OF RIGHT OF WAY (THEORETICAL NW 106 STREET) BETWEEN FRONTAGE ROAD AND NW 88 AVENUE LEGALLY DESCRIBED AS: A STRIP OF LAND OF 30.0' FT WIDE RIGHT OF WAY, LYING 15.0' FT NORTH AND 15.0' FT SOUTH OF THE NORTH LINE OF NORTHEAST ¼" OF SECTION 4, TOWNSHIP 53 SOUTH, RANGE 40 EAST, 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 DADE-COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE NORTH 15 FEET OF THE PARCEL A, DESCRIBED AS FOLLOWS: BEGIN AT A POINT 695.0 FEET WEST OF THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 53 SOUTH, RANGE 40 EAST; THENCE WEST ALONG THE NORTH LINE OF THE SECTION TO THE CENTER LINE OF THE MIAMI CANAL; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF THE CANAL A DISTANCE OF 707.6 FEET; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING; LESS THAT PART OF THE SAID DESCRIBED PARCEL PLATTED IN PLAT BOOK 9 AT PAGE 65 OF PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA; AND THE SOUTH 15.0' FT OF THE PARCEL B, DESCRIBED AS FOLLOWS: A PORTION OF THE WEST ½ OF TRACT 56, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2 OF PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWESTERLY CORNER OF SAID LOT 10, HARTFORDSHIRE GARDENS; THENCE N50°36'00" W ALONG THE NORTHEASTERLY BOUNDARY OF SAID HARTFORDSHIRE GARDENS FOR 98.59 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE N39°24'00" E AT

RIGHT ANGLES TO THE LAST DESCRIBED COURSE FOR 110.00 FEET; THENCE DUE EAST ALONG A LINE PARALLEL WITH AND 85.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 4, FOR 470.71 FEET; THENCE S2°16'10" E FOR 85.07 FEET; THENCE DUE WEST ALONG THE NORTH LINE OF SAID SECTION 4 FOR 543.90 FEET TO THE POINT OF BEGINNING LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. CONTAINING: 0.39 +/- ACRES (EXHIBIT A). APPROXIMATE LOCATION: 10581 WEST OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA 33016. FOLIO #: 27-3004-000-0020. PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE.
(TRC Vote: 0-6 Denied; P&Z Vote: n/a)

Mr. Citrin states for the record that this item was noticed as a public hearing. Mr. Citrin read the full title of the ordinance into the record and swore in all those who would be testifying on this item. Mr. Citrin also acknowledged Mr. J. Frost Walker III, Esq., who was present in the audience. Mr. Guillermo Guerrero, surveyor was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendation to deny the road closing and read her memorandum to this effect into the record. Mr. Frank Suarez, architect for the project came forward and gave testimony to support the request for the vacation of the right of way. Ms. Niurka Esquivel, for the applicant, was also present. A discussion ensued among the council, Mr. Citrin, and the applicant. The only item at this time in front of the council is the vacation of the right of way and not the site plan. Mr. Jose M. Lopez, Public Works Director came forward and gave testimony on the item giving the basis for the recommended denial of the road closing. 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. Councilman Merida stated that he would be abstaining from voting on this item due to professional conflict of interest, and will be filing Form 8B to this effect. Chairman Garcia made a motion to deny, seconded by Councilman Urra. The motion was approved by individualized voice vote (**Denied 3-0 with Councilman Merida abstaining from voting on this item**).

15. **City Attorney's Report:** Mr. Citrin had no comments.
16. **Mayor's Report – Miscellaneous:** The Mayor had no comments.
17. **Council Members Concerns / Reports – Board Appointments (Police Pension Board):** The council members had no comments.
18. **Adjournment:** The meeting was adjourned at 8:17 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, March 4, 2008, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, March 10, 2008, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, March 6, 2008, 4:00 P.M.

WATER AND SEWER BOARD

Tuesday, February 26, 2008, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.