

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, DECEMBER 16, 2008**

**CITY COUNCIL CHAMBERS  
10001 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 Elmo L. Urra, Councilman Jorge Gutierrez, and Councilman Jorge A. Merida. Also present were Mayor Yioset De La Cruz and Assistant City Attorney. Councilman Rolando Piña 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:** None were offered.
6. **Review of Minutes:** December 2, 2008. Chairman Garcia made a motion to approve the minutes of December 2, 2008, seconded by Councilman. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for transfer of ownership for 2COP alcohol beverage license for Gujor Inc. /dba/ El Rincon Criollo, 9605 N.W. 79 Avenue Bay No. 17 – 18, Hialeah Gardens, FL:** Ms. Zenaida Castillo, Owner.

The following individuals came forward and gave testimony:

Ms. Zenaida Castillo, owner

Mr. Robert Lorenzo, Chief of Business License Tax Department

Ms. Zenaida Castillo, the applicant was present. Mr. Robert Lorenzo Administrator of the Business License Tax Department came forward and read staff's recommendation for approval of the 2COP 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. **Opening of sealed bids for DVD duplication of the City's 60<sup>th</sup> Anniversary commemorative video: (RFP No. 2008-09):** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, Director of O.M.B came forward and opened the two sealed received:

Jem Printing & Copy Service	.0625 per piece	8,000 DVDs	\$5,000.00
Spiral Media Corporation	.9800 per piece	8,000 DVDs	\$7,840.00

Mr. Piloto will review the bids during the meeting and return with a recommendation. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved. **(Tabled)**

Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved. Mr. Piloto came forward and gave a recommendation of awarding the bid to Jem Printing & Copy Service which was the lowest responsible bidder. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. A resolution will be prepared to memorialize this action.

10. **Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF (1) 2009 CROWN VICTORIA VEHICLE; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH GUS MACHADO FORD; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chief Toth came forward and gave details of the purchase of the vehicle to be use by the Police Department piggybacking on a City of Miami's contract price. The contract price was below the Florida Sheriff's Association bid. 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 PURCHASE OF ONE (1) 2008 DODGE RAM 1500 VEHICLE; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH RIVERA DODGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chief Toth came forward and gave details of the purchase of the vehicle to be used by the Police Department. The cost obtained was below the Florida Sheriff's Association, and was provided by Rivera Potamkin Dodge. 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, AUTHORIZING THE PURCHASE OF ONE (1) 2009 FORD EXPLORER SPORTS UTILITY VEHICLE TO BE USED BY THE PARKS DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH GUS MACHADO FORD; 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. Marcos Piloto, Director of O.M.B. came forward and gave details of the purchase of the vehicle to be used by the Parks and Recreation Department. The cost obtained was below the Florida Sheriff's Association, and was provided by Gus Machado Ford. 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, AUTHORIZING THE PURCHASE OF TWO (2) 2009 FORD F-150 TRUCKS AND ONE (1) 2009 FORD F-150 XL 4X2 CREW CAB TRUCK TO BE USED BY THE MAINTENANCE DEPARTMENT; WAIVING

## COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT

CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH GUS MACHADO FORD; 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. Marcos Piloto, Director of O.M.B. came forward and gave details of the purchase of the vehicles to be used by the Maintenance Department piggybacking on a City of Miami's contract price. The contract price was below the Florida Sheriff's Association bid. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING ENTERING INTO AGREEMENTS WITH SELECTED CONTRACTORS FOR THE REHABILITATION OF QUALIFIED OWNER-OCCUPIED CONDOMINIUM UNITS AT THE SAMARI LAKE EAST CONDOMINIUMS; 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. Jerry Bell came forward and gave details of the entering into an agreement with pre-qualified contractors for the renovations to Samari Lake East Condominiums with funds appropriated by the Miami-Dade County OCED/Home funds. The contractors were present in the audience and were introduced. Based on approval the walk through will be scheduled with the unit owners and then the city can enter into an agreement with the contractors. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- F) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 ENDING SEPTEMBER 30, 2008. RECOGNIZING A BUDGET INCREASE OF \$2,155,400.00 (TWO MILLION ONE HUNDRED FIFTY FIVE THOUSAND FOUR HUNDRED) AS A RESULT OF A REQUIRED DEVELOPER CONTRIBUTION; 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. Marcos Piloto, Director of O.M.B. came forward and gave an explanation for the need to amend the General Fund for FY 07/08 to provide for a required developer contribution received by the city. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- G) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH GROUND KEEPERS, INC. FOR THE PURCHASE OF BAHIA SOD TO BE USED THROUGHOUT THE BASEBALL FIELDS LOCATED AT WESTLAND GARDENS PARK; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH GROUND KEEPERS; 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. Marcos Piloto, Director of O.M.B. came forward and gave details of the need to purchase Bahia Sod to be used at the baseball fields at Westland Gardens Park. Quotes were received from local vendors. Ground Keepers provided a cost for sod without installation and the city will use the city's labor force to install the sod. The baseball program registration and games will begin at the park in January therefore; there is a time restraint to go forward with the purchase. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved with Councilman Urra off the dais.

- H) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING AND RATIFYING THE ENTERING INTO AN AGREEMENT WITH SOIL TECH DISTRIBUTORS, INC., FOR THE PURCHASE OF CLAY TO BE USED THROUGHOUT THE BASEBALL FIELDS LOCATED AT WESTLAND GARDENS PARK; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING CITY OF FT. LAUDERDALE CONTRACT; RATIFYING THE DECISION TO ENTER INTO AN AGREEMENT WITH SOIL TECH DISTRIBUTORS; 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. Marcos Piloto, Director of O.M.B. came forward and gave details of the purchase of clay to be used at the baseball fields at Westland Gardens Park. Mr. Walter Dubon, Director of the Parks obtained quotes and Soil Tech came in as the lowest responsible vendor and it is recommended to go forward with the purchase from this vendor who has a municipal contract with the City of Fort Lauderdale on which the city will piggyback.

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

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR HIALEAH REY PIZZA INC., ROMA HOLDING #4, LLC. LOCATED AT 8790 N.W. 122 STREET, HIALEAH GARDENS, FL 33018, TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES (WINE AND BEER) TO BE CONSUMED ON THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. **(P&Z Vote: 4-0; TRC Vote: 6-0)**

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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(4-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR LOS JARDINES ESTATES CORPORATION CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT 22, LESS THE WEST 30.00 FEET THEREOF, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISIÓN N° 1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH: TRACT 23, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISIÓN No. 1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH: TRACT 24, LESS THE WEST 30.00 FEET, LESS THE SOUTH 30.00 FEET AND LESS THE EAST 30.00 FEET THEREOF, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISIÓN No. 1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIOS: 27-2029-001-0230, 27-2029-001-0245, 27-2029-001-0240 AND 27-2029-001-0250,

PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
**(P&Z Vote: n/a; TRC Vote: 4-0)**

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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(4-0)**.

12. **Second Reading / Public Hearing for consideration and final adoption of the following ordinance:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, CREATING A SECTION ENTITLED "OUTDOOR EVENTS" IN THE CITY LAND DEVELOPMENT REGULATIONS BY CREATING SECTION 78-103; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave an explanation for the need to have this licensure in the city's code for outdoor events. The word temporary is to be included in the title of the ordinance to read "Temporary Outdoor Events". Chairman Garcia opened the public hearing at 8:01 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:01 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

13. **City Attorney's Report**

Mr. Citrin wished everyone Happy Holidays.

14. **Mayor's Report – Miscellaneous Board Appointment (Personnel Review Board)**

Mayor De La Cruz had no comments.

15. **Council Members Concerns / Reports - Board Appointments (Personnel Review Board and Police Pension Board)**

There were no comments from the council.

16. **Adjournment:** The meeting was adjourned at 8:04 p.m.

Respectfully submitted by:

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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 20, 2009, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, January 12, 2009, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, January 8, 2009, 11:30 A.M.

**WATER AND SEWER BOARD**

Tuesday, January 27, 2009, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.