

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, AUGUST 21, 2007**

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

1. **Call to Order:** Chairman 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, and Councilman Jorge A. Merida. Also present were Mayor Yioiset De La Cruz and Assistant City Attorney Aida Martinez Ruiz. Councilman Rolando Piña 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:** None were offered.
6. **Review of Minutes:** August 7, 2007. Chairman Garcia made a motion to approve the minutes of August 7, 2007, 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 Gujor, Inc. dba / El Rincon Criollo, 9605 N.W. 79<sup>th</sup> Avenue Bays #17 & 18, Hialeah Gardens, Florida:** Ms. Magda Molier, Owner.

The following individuals came forward and gave testimony:

Ms. Magda Molier, Owner  
 Mr. Arturo L. Ruiz, Director of Administration  
 Mr. Van Toth, Chief of Police

Mr. Arturo L. Ruiz came forward and read staff's recommendation to deny the approval of the 2COP alcohol beverage license into the record. The memorandum detailed the events that had taken place at the establishment in violation of city ordinances and illegal activities that were documented by the Police Department. Ms. Molier came forward and addressed the council. Chief Toth came forward and gave testimony regarding the criminal activity at the establishment and the subsequent actions by the department. Chairman Garcia made a motion to deny, seconded by Councilman Merida and the motion was unanimously approved.

9. **Matter of Paraiso Café Inc., 8012 N.W. 103 Street, Hialeah Gardens, Florida:**

Ms. Andrea Pichardo, Owner.

The following individuals came forward and gave testimony:

Ms. Andrea Pichardo, owner  
 Mr. Arturo L. Ruiz, Director of Administration  
 Mrs. Mirtha S. Gonzalez, interpreter for Ms. Pichardo  
 Mr. Van Toth, Chief of Police

Mr. Arturo L. Ruiz came forward and gave testimony regarding the citations given to the establishment for selling alcohol without a full course meal. Ms. Pichardo gave testimony of the events on the night her establishment was cited and closed. Chief Toth came forward and gave testimony as to the activities as documented by the Police Department. Chairman Garcia made a motion to revoke the license at this time, seconded by Councilman Merida and the motion was unanimously approved.

10. **Proposed Resolution:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF THE CONSTRUCTION CATERING CONTRACT FOR THE CITY'S SENIOR CENTER'S CONGREGATE AND HOME DELIVERED NUTRITION PROGRAM; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A CONTRACT EXTENSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez Ruiz read the full title of the resolution into the record and explained the need for the extension of the contract for the senior center's meals until

September 2007 in order to go out for bids to provide this service. 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 AND RATIFYING THE ENTERING INTO AN AGREEMENT WITH BELL DAVID PLANNING GROUP, INC., TO SERVE AS CONSULTANTS IN THE DEVELOPMENT AND ESTABLISHMENT OF A COMMUNITY SMALL BUSINESS ENTERPRISE PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez Ruiz read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and read his memorandum into the record, which detailed the need to establish a small business enterprise program. Bell David Planning Group is being used as consultants for this project. 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 WAIVER OF PLAT FOR CLODOMIRO PEREZ. LEGAL DESCRIPTION: PARENT TRACT: TRACT 3, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO.1, IN SECTION 29. TOWNSHIP 52 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. APPROXIMATE LOCATION: N.W. 97<sup>TH</sup> AVENUE & 135<sup>TH</sup> STREET, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2029-001-0032; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
**(TRC Vote: 5-0; P&Z Vote n/a)**

Mrs. Martinez Ruiz read the full title of the ordinance into the record. The applicant was not 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 unanimously approved by individualized voice vote **(4-0)**.

12. **Second Reading / Public Hearing for consideration and final adoption of the following ordinances: (Tabled)**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR FELIX ACOSTA. LEGAL DESCRIPTION: PARENT TRACT: ALL OF TRACT 3, LESS THE WEST 330 FEET THEREOF, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: N.W. 97 AVENUE AND 135 STREET, HIALEAH GARDENS, FLORIDA, FOLIO #: 27-2029-001-0030; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 4-0; P&Z Vote n/a)**

Mrs. Martinez Ruiz swore in all those who would be testifying on the item for second reading. Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved. Mrs. Martinez Ruiz read the full title of the ordinance into the record. Mr. Felix Acosta, the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:19 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:19 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:** Mrs. Martinez Ruiz had no comments.

14. **Mayor's Report – Miscellaneous:** Mayor De La Cruz reported that a draft of the budget was ready and that the City was in good financial shape.

15. **Council Members Concerns/Reports – Board Appointments (Police Pension Board)**

There were no comments from the council members.

16. **Adjournment:** The meeting was adjourned at 8:20 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, September 4, 2007 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, September 10, 2007, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, September 6, 2007, 4:00 P.M.

**WATER AND SEWER BOARD**

Tuesday, August 28, 2007, 7:00 P.M.

**POLICE PENSION BOARD**

Monday, August 20, 2007 5:30 P.M.