

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, SEPTEMBER 5, 2006

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:39 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 serving as City Attorney Aida Martinez Ruiz.
3. **Invocation:** Chairman Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Request for approval to purchase emergency replacement sewage pumps was added as Item 10A.
6. **Review of Minutes:** August 15, 2006. Chairman Garcia made a motion to approve the minutes of August 15, 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 .99 Cafeteria, Inc., 9900 N.W. 80th Avenue Bay #4 (A,B) Hialeah Gardens, Florida:** Mr.Vladimir Pelaez, Owner.

The following individuals came forward and gave testimony:

Mr. Vladimir Perez, owner
Mr. Arturo L. Ruiz, Director of Administration
Mr. Marcos Piloto, interpreter for Mr. Perez

Mr. Arturo L. Ruiz came forward and gave staff's recommendation to approve the 2COP license. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approve

9. **Request for approval of 2APS alcohol beverage license transfer of ownership for Altair Trading II Corp., (Convenience Store) 11601 West Okeechobee Road, Hialeah Gardens, Florida:** Mr. Arturo R. Garcia, Owner.

The following individuals came forward and gave testimony:

Mr. Arturo R. Garcia, owner
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz came forward and gave staff's recommendation to approve the 2APS license. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. **Request for approval of 2COP alcohol beverage license transfer of ownership for Altair Trading II Corp., (Cafeteria/Restaurant) 11601 West Okeechobee Road, Hialeah Gardens, Florida:** Mr. Arturo R. Garcia, Owner.

The following individuals came forward and gave testimony:

Mr. Arturo R. Garcia, owner
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz came forward and gave staff's recommendation to approve the 2COP license. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- 10A. **Request for approval to purchase Emergency Replacement Pumps for Sanitary Sewage Pump Station No. 4:** Mr. Albert Nielson, Director of Water and Sewer Department.

Mr. Albert Nielson, Director of the Water and Sewer Department came forward and gave details for the need to purchase emergency replacement pumps for the sanitary sewage pump station due to age and a power overload created by a high intense electrical storm. The cost will be of \$13,000 each for two temporary smaller pumps, which TAW Service Center has in stock and can deliver in ten days. The larger pumps will go through the request for proposals process or Mr. Nielson will provide cost estimates from qualified vendors. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. Staff was instructed to memorialize this action at the next council meeting.

11. **Proposed Resolutions:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING AND AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH MEGA PARTIES AS THE EXCLUSIVE PROVIDER OF CARNIVAL RIDES FOR CITY EVENTS; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MEGA PARTIES FOR THIS PURPOSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mrs. Martinez-Ruiz read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last council meeting. 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 ENTERING INTO AN AGREEMENT WITH MISTY POINT VILLAS CONDOMINIUM ASSOCIATION, INC., FOR THE PURPOSE OF REPAIRING THE SHORELINE AND RELIEVING THE HAZARDS CREATED BY NATURAL DISASTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mrs. Martinez- Ruiz elaborated on the particulars of the agreement, which included an explanation of the grant monies received by the City to repair erosion damage to the lake bank behind Misty Point Villas caused by Hurricane Wilma. Mayor De La Cruz elaborated further that because the property is privately owned it was necessary for the owners to contribute 17.5 percent of the project's cost. 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 WIRING FOR THE NEW POLICE DEPARTMENT BUILDING BEING CONSTRUCTED; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH STREAMLINE VOICE & DATA; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and reported on the need for the expenditure and the waiving of competitive bidding due to time constraints. The cost is approximately \$13,197.50. 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 AWARD OF A CONTRACT FOR THE CITY'S EMPLOYEE UNIFORMS TO ALL UNIFORM WEAR; WAIVING COMPETITIVE BIDDING; UTILIZING EXISTING GOVERNMENT CONTRACTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALL UNIFORM WEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Martinez-Ruiz read the full title of the resolution into the record. Mr. Arturo L. Ruiz, Director of Administration came forward and gave details of awarding the employee uniform contract to All Uniform Wear which has existing municipal contracts and would be the most cost effective vendor. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING SITE PLAN AND VARIANCE FOR BLUE FACE DEVELOPMENT INC., LEGAL DESCRIPTION: PARCEL 2: A PORTION OF TRACTS M AND N "SHOMA COMMERCIAL", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: FRONTAGE ROAD AND NW 107 AVE. FOLIO #: 27-2030-001-0130, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Frontage Road and N.W. 107th Avenue) (T.R.C. Vote: 6-0; P&Z Vote: 4-0)**

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Paul Huizenga was present for the applicant. 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 (**Vote 5-0**).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA GRANTING A SETBACK SIGN VARIANCE FOR FERRO DEVELOPMENT INC. / KINGS ELECTRICAL CONCERNING PROPERTY LOCATION: 9160 NW 122 STREET, HIALEAH GARDENS. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 9160 N.W. 122 Street) (T.R.C. Vote: 6-0; P&Z Vote: 4-0)**

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Ms. Jacqueline Gomez was present for the applicant. 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 (**Vote 5-0**).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR DUKE SCHOOL PROPERTIES, LLC., LEGALLY DESCRIBED AS: TRACT 1, LESS THE NORTH 130.00 FEET THEREOF, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 3, TOWNSHIP 53 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. LOCATION: 10505**

NW 80 AVE. FOLIO #: 27-3003-001-0010, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 10505 N.W. 80th Avenue) (T.R.C. Vote: 5-0)

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Carlos Hernandez was present for the applicant. 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 (**Vote 5-0**).

D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007, AT 6.12 MILLS, WHICH IS AN INCREASE OF 21.67% OVER THE ROLL BACK RATE SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.

Mrs. Martinez-Ruiz swore in all those who would be testifying on any of the items regarding the adoption of the City's budget as the first reading is also treated as a public hearing. Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mayor De La Cruz commented that the City has not raised taxes for the past four years and has a millage rate as low as it was in 1984. He also commented that the reflected increase in taxes is due to an increase in the county assessment of property values. Chairman Garcia pointed out the successes of the hard work of Mayor De La Cruz and his administration to provide more services without raising taxes. Mr. August Torres accountant for the City came forward and rated the City a ten on a scale of one to ten. He also gave the City an A+ rating and stated that the City was in an excellent fiscal condition. Chairman Garcia opened the public hearing at 8:15 pm. Mr. Julio Lopez, President of the Misty Point Villas Condominium Association came forward and thanked Mayor De La Cruz for his efforts to secure the funding for the lake erosion repair work. Chairman Garcia closed the public hearing at 8:17 p.m. Councilman Gutierrez added positive comments on the budget. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Martinez-Ruiz read the full title of the ordinance into the record. Chairman Garcia opened the public hearing at 8:18 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:18 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

F) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.*

Martinez-Ruiz read the full title of the ordinance into the record. 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 unanimously approved by individualized voice vote (**Vote 5-0**).

G) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.*

Martinez-Ruiz read the full title of the ordinance into the record. Chairman Garcia opened the public hearing at 8:20 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:20 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

H) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER UTILITY FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007, PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.*

Martinez-Ruiz read the full title of the ordinance into the record. Chairman Garcia opened the public hearing at 8:20 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:20 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

I) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.*

Martinez-Ruiz read the full title of the ordinance into the record. Mayor De La Cruz made comments regarding the lowering of the meter rate, which has not been changed in eighteen years and can be lowered as a result of the surplus in the Water and Sewer budget. Chairman Garcia opened the public hearing at 8:22 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:22 p.m. Chairman Garcia made a motion to approve, seconded by

Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- J) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PARK TRUST FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007; PROVIDING FOR SEVERABILTIY; PROVIDING FOR EFFECTIVE DATE.***

Martinez-Ruiz read the full title of the ordinance into the record. Chairman Garcia opened the public hearing at 8:22 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:22 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

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

Mrs. Martinez Ruiz swore in all those who would be testifying on any of the items for public hearing.

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR SAINT CATHERINE'S REHABILITATION CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST 264 FEET OF TRACT 1, OF FLORIDA LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 33 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, LESS AND EXCEPTING THEREFORE THE NORTH 80 FEET; AND ALSO LESS RIGHT-OF-WAY DEDICATED TO THE CITY OF HIALEAH GARDENS PER OFFICIAL RECORDS BOOK 20429, PAGE 903 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIOS #: 27-2033-001-0011, 27-2033-001-0012 AND 27-2033-001-0013 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.***
(Location: N.W. 121 Street & N.W. 122 Street, East of N.W. 89 Avenue)
(T.R.C. Vote: 5-0)

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Ms. Fleta Stamen 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR JEANETTE COVE FIRST ADDITION LEGALLY DESCRIBED AS: THE EAST 200 FEET OF TRACT 33 LESS THE NORTH 10 FEET "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" OF SECTION 3, TOWNSHIP 53 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; LESS THE EAST 27 FEET OF THE NORTH 53.20 FEET THEREOF, SUBJECT TO DEDICATIONS, LIMITATIONS, RESERVATIONS, RESTRICTIONS OR EASEMENTS OF RECORD, IF ANY, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: S.W. Corner of N.W. 98th Avenue & N.W. 82 Avenue) (T.R.C. Vote: 5-0)**

Mrs. Martinez-Ruiz read the full title of the ordinance into the record. Mr. Guillermo Guerrero 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 8:28 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:28 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

14. **City Attorney's Report:** Mrs. Martinez-Ruiz had no comments.
15. **Mayor's Report – Miscellaneous:** Mayor De La Cruz announced that he would have a presentation on the budget at the next council meeting.
16. **Council Members Concerns/Reports – Board Appointments:** Chairman Garcia appointed Ms. Ashley Garcia to the Water and Sewer Board.
17. **Adjournment:** The meeting was adjourned at 8:29 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, October 3, 2006, 7:30 P.M.

PLANNING AND ZONING BOARD

Wednesday, September 25, 2006, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 5, 2006, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, September 26, 2006, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 28, 2006, 6:00 P.M.