

MINUTES

CITY COUNCIL MEETING
TUESDAY, FEBRUARY 1, 2005

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:36 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Manuel Zardon, Councilman Jorge A. Merida and Councilman Jorge Gutierrez. Also present was City Attorney Charles A. Citrin and Mr. J. Frost Walker, III. Mayor Yiofet De La Cruz was absent.
3. **Invocation:** Chairman Garcia led the invocation.
4. **Pledge of Allegiance:** Council member Rolando Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** January 18, 2005. Chairman Garcia made a motion to approve the minutes of January 18, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Public Hearing to determine revocation or conditions on alcohol beverage license for:** El Grande Truck General Repairs, Corp., d/b/a El Grande Restaurant, 9101 W. Okeechobee Road, Hialeah Gardens: Owner Abel Marino Marquez, Jose M. Herrera Esq.

Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and gave a history of the actions taken against El Grande Restaurant. Mrs. Martinez Ruiz asked the Council to revoke their occupational license at this time as a result of recent reports of illegal activities. Mr. Jose M. Herrera, attorney for the restaurant's owner Abel Marino Marquez came forward and explained that the owner has sold the business and is requesting a thirty day extension in order for the business to close down and proceed with the transfer to the new owner. The City is not in agreement to offer an extension. Mr. Herrera gave reasons for the extension request. Mr. Ralph Ventura, attorney for the landlord, Mr. Miguel Haddad, came forward and voiced his concerns. Mr. Citrin noted

that the City would not have prejudice against the new tenant. Mr. Herrera admitted that the present owner, Abel Marino Marquez wanted to continue selling liquor for the next two weeks where upon he will surrender his license. Mr. Jorge Machin, attorney partner of Mr. Herrera also present made comments regarding the extension request. After further discussion Mr. Marquez agreed to serve only food, no alcohol, for the next two weeks with the condition that if code enforcement or police find him in violation of this agreement, the business will be shut down immediately. Chairman Garcia made a motion to table the item to later in the evening, seconded by Councilman Merida. The motion was unanimously approved (**Tabled**).

9. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING SECTION 24 OF THE CITY'S EMPLOYEE MANUAL; INCREASING THE TRAVEL PER DIEM FOR EMPLOYEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mrs. Aida Martinez Ruiz came forward and explained that the need for this resolution is in response to the increase in meal costs. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved. Councilman Piña requested that the per diem be raised to \$75.00. A motion to reconsider the item was made by Chairman Garcia, seconded by Councilman Gutierrez. The motion was approved with Councilman Zardon off the dais. Councilman Piña made a motion to approve the new per diem amount, seconded by Chairman Garcia. The motion was approved with Councilman Zardon off the dais.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WORKPLACE SAFETY AND HEALTH MANUAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR DISTRIBUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mrs. Aida Martinez Ruiz came forward and gave details of the adoption of a workplace health and safety manual. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved with Councilman Zardon off the dais.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF LIME ROCK TO BE USED FOR THE GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN**

AGREEMENT WITH JUNER HAULING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This resolution will serve to ratify the action taken by the Council at their last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved with Councilman Zardon off the dais.

10. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE CITY CODE CHAPTER 46 SECTION 60 (SCHEDULE OF FEES); 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 came forward and reported on the item. 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, AMENDING THE CITY CODE CHAPTER 78 SECTION 308 (WALLS, FENCES AND HEDGES); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

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 (**Vote 5-0**).

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

At this time, Mr. Citrin swore in all those who would be testifying on any of the items for second reading.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: 138TH STREET BUSINESS PARK INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT E, SHOMA COMMERCIAL SUBDIVISION, ACCORDING TO THE***

PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH OF NW 138 STREET, BETWEEN NW 107 AVENUE AND OKEECHOBEE ROAD. FOLIO #: 27-2030-014-0050, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 138 Street, Between NW 107 Avenue and Okeechobee Road) (P&Z Vote: 4-0; T.R.C. Vote: 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Paul Huizenga, the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations which included a condition that no other office space will be allowed based on parking space requirements. 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. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida, and unanimously approved by individualized voice (5-0).

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCES AND SITE PLAN REVIEW FOR: PABLO O. ORTA FOR A PROPOSED WAREHOUSE BUILDING, CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOTS 19, 20 & 21, BLOCK 1, SUBDIVISION "HILLS INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO'S # 27-2033-004-0190, 27-2033-004-0200, 27-2033-004-0210. APPROXIMATE LOCATION: SOUTH OF NW 119 STREET, EAST OF NW 92 AVENUE, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 119 Street, East of NW 92 Avenue) (P&Z Vote: 3-0; T.R.C. Vote: 6-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Octavio Santurio was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations which included conditions for the provision of a unity of title by the applicant and no additional office space will be allowed based on parking space requirements. Chairman Garcia opened the public hearing at 8:25 p.m.

The following individual addressed the Council:

Mr. Cory Collins, 8443 W. Okeechobee Road, Hialeah Gardens, FL representing Reynolds Services and Mr. Pablo Valdez

Chairman Garcia closed the public hearing at 8:29 p.m. Mr. Santurio came forward and gave closing remarks. Councilman Merida made comments regarding uniting two of the bays in order to conform to the parking code. Mr. Santurio agreed to this action. Chairman Garcia made a motion to approve a variance for a side setback, seconded by Councilman Merida. The motion was unanimously approved by individualized voice

vote (5-0). Chairman Garcia opened the public hearing at 8:38 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:38 p.m. Chairman Garcia made a motion to approve the site plan as amended, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (5-0).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR LAKE LAND HOME LLC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT PORTION OF LOTS 4, 5, AND 6, LYING NORTHEASTERLY OF THE RIGHT-OF-WAY LINE OF STATE ROAD 25, AND THAT PORTION OF LOT 13, LYING NORTHWESTERLY OF CANAL C-7, LESS THE NORTH 25.00 FEET THEREOF "NINA GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, AT PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE SOUTHEAST _ OF THE LOT 2 AND ALL OF LOT 3, BEING NORTHEASTERLY ON STATE ROAD 27, LESS RIGHT-OF-WAY PER STATE ROAD DEPARTMENT SECTION 87090-2510, "NINA GARDENS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 AT PAGE 15 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA. FOLIO'S #: 27-3004-004-0040, 27-3004-004-0050, 27-3004-004-0020. APPROXIMATE LOCATION: NORTHEAST OF OKEECHOBEE FRONTAGE ROAD (SR 25), WEST OF CANAL, SOUTH OF NW 106 STREET, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast of Okeechobee Frontage Road (SR25), West of Canal, South of NW 106 Street) (P&Z Vote: 4-0; T.R.C. 6-0)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Amy Khamissian and Mr. Manny Reuss, architect were present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:38 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:38 p.m. Councilman Piña had several questions for the applicant's representative. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida, and unanimously approved by individualized voice (5-0).

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: JPD USA CORP., CONCERNING PROPERTY LEGALLY DESCRIBED AS: SHOMA COMMERCIAL SUBDIVISION, TRACT I, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. APPROXIMATE LOCATION: NW 107 AVENUE, SOUTH OF NW 138 STREET. FOLIO #: 27-2030-014-0090,**

***PROVIDING FOR CONDITIONS; PROVIDING FOR
EFFECTIVE DATE.*** (Location: NW 107 Avenue, South of NW 138
Street) (P&Z Vote: 4-0; T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present therefore; Chairman Garcia made a motion to table the item, seconded by Councilman Piña. The motion was unanimously approved by individualized voice vote **(5-0 Tabled)**.

At this time Chairman Garcia made a motion to remove the Item 8 from the table, seconded by Councilman Piña. The motion was unanimously approved. Mr. Machin came forward and agreed to the stipulation that no alcohol will be sold for two weeks or the City will shut down the business. Within two weeks, the sale of the business will take place according to Mr. Machin and the owner, Abel Marino Marquez, will surrender the liquor license on February 15, 2005. The new tenant or lessee will have to receive approval of a liquor license according to the City Code. Mr. Ventura, Mr. Haddad's representative will go forward to ensure compliance with the Code. Should the sale fall through, the license will still be surrendered. Chairman Garcia made a motion to approve the aforementioned agreement with Mr. Marino Marquez, seconded by Councilman Merida. The motion was unanimously approved.

12. **City Attorney's Report:** Mr. Citrin thanked Aida Martinez Ruiz for her hard work and presentations on several items this evening.
13. **Mayor's Report – Miscellaneous:** The Mayor was not present.
14. **Council Members Concerns/Reports – Miscellaneous:** There were no comments from the Council members.
15. **Adjournment:** The meeting was adjourned at 8:49 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, February 15, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, February 7, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, February 2, 2005, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, February 22, 2005, 7:00 P.M.

POLICE PENSION BOARD

Wednesday, February 23, 2005, 7:00 P.M.