

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, MARCH 15, 2005

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:38 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Rolando Piña. Also present were Mayor Yioiset De La Cruz and Aida Martinez Ruiz serving as City Attorney. Councilman Manuel Zardon was absent.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yioiset De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** March 1, 2005, March 9, 2005. Chairman Garcia made a motion to approve the minutes, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** Mr. Desidario Sanchez of Palm Springs Gardens Condominium voiced his concerns regarding the traffic situation in front of his building on 82 Avenue and 103 Street, people are crossing through the shopping center in order to avoid the traffic. Several of the buildings' tenants were present. Mr. Sanchez requested a left turn traffic light signal on 82 Avenue and police vehicles in the area to enforce the traffic ordinances. Mayor De La Cruz referred to this issue in an e-mail he had recently responded to Mr. Sanchez whereby he informs that the Police Chief has been notified to provide more police presence in this area. Lt. Van Toth came forward and verified that the Mayor had in fact requested police enforcement and that this morning at 7:30 p.m. a motorcycle police officer was present at this location issuing citations to violators.

8. **Request for approval of 2COP alcohol beverage license transfer of ownership for El Grande Restaurant, 9101 W. Okeechobee Road, Hialeah Gardens, FL: Mr. Carlos Chivas.**

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 RESOLUTION 2021 BY RATIFYING AN INCREASE TO THE TOTAL CONTRACT PRICE FOR ROADWAY IMPROVEMENTS TO NW 89<sup>TH</sup> AVENUE; AUTHORIZING THE RATIFICATION OF PAYMENT TO SOUTHEASTERN ENGINEERING CONTRACTORS, INC.; 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 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 unanimously approved.

- B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE APPLICATION OF STUCCO FOR THE CITY SQUASH AND RACQUETBALL COURTS TO TAMIAMI RENTALS AND CONSTRUCTION SERVICES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH TAMIAMI RENTALS AND CONSTRUCTION SERVICES, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.***

Mrs. Martinez Ruiz 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 unanimously approved.

- C) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY'S ATHLETIC UNIFORMS FOR THE PARKS AND RECREATION DEPARTMENT TO MATTY'S SPORTS; WAIVING COMPETITIVE BIDDING;***

***AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH MATTY'S SPORTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.***

Chairman Garcia made a motion to table the item to later in the evening, seconded by Councilman Merida. The motion was unanimously approved (**Tabled**).

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY FIREWORKS ENTERTAINMENT TO ZAMBELLI FIREWORKS INTERNATIONALE FOR THE CITY'S INDEPENDENCE DAY CELEBRATION; WAIVING COMPETITIVE BIDDING AND USING AN EXISTING MUNICIPAL CONTRACT AS ALLOWED BY ORDINANCE 2002-54; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ZAMBELLI FIREWORKS INTERNATIONALE; 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. Marcos Piloto, O.M.B. Director, came forward and gave a report on the quotes received from Zambelli International Fireworks Mfg. Co. Inc. and Add Fire, Inc. regarding the purchase of fireworks. Staff recommendation was to award the contract to Zambelli International, which provided a better price for the amount of fireworks. 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 THE PURCHASE OF FIVE (5) 2005 CROWN VICTORIA VEHICLES AND ONE (1) 2005 FORD EXPLORER SPORTS UTILITY VEHICLE TO BE USED BY THE POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING AND USING AN EXISTING MUNICIPAL CONTRACT AS ALLOWED BY ORDINANCE 2002-54; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH DUVAL FORD; WAIVING COMPETITIVE BIDDING; USING AN EXISTING GOVERNMENT CONTRACT; 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 gave a report on the purchase of new police vehicles recommending the use of an existing municipal contract through the Florida

Sheriffs Association and Duval Ford. 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, AUTHORIZING THE PURCHASE AND INSTALLMENT OF POLICE EQUIPMENT FOR FIVE (5) NEW CROWN VICTORIA POLICE VEHICLES AND ONE (1) FORD EXPLORER; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH PUBLIC SAFETY EQUIPMENT AND INSTALLATIONS, INC.; 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, gave details of the equipment purchase for the police vehicles, and recommended Public Safety Equipment and Installations, Inc. as the most cost effective. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**Item 9C. (Tabled)** At this time, Chairman Garcia made a motion to remove Item 9 C from the table, seconded by Councilman Merida. The motion was unanimously approved. Mrs. Martinez Ruiz read the full title of the resolution into the record. Mr. Arturo L. Ruiz, Acting Parks and Recreation Director came forward and gave a report regarding the solicitation of bids for the athletic uniforms requesting the waiving of competitive bidding. The increase in the City's baseball program registrations has resulted in time constraints for the bidding process. As such of the vendor's solicited, Matty's Sports gave the best price and a bid package will be prepared. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**Item 8. (Tabled)** Chairman Garcia made a motion to remove Item 8 from the table, seconded by Councilman Merida. The motion was unanimously approved. Mr. Carlos Chivas, the applicant was present. Mr. Arturo L. Ruiz, Director of Administration came forward and gave staff recommendations to approve the transfer and informed that the applicant has been previously approved by the State of Florida Division of Alcohol, Beverage and Tobacco. Chairman Garcia wanted the applicant to be aware that alcohol cannot be served without a full course meal as required by the city code. If this is not adhered to completely, the license will be revoked. Chairman Garcia made a motion to approve and to limit the hours that alcohol may be served only between the hours of 12:00 noon to 10:00 p.m., seconded by Councilman Merida. The motion was unanimously approved.

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

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR SAINT CATHERINE'S REHABILITATION CONCERNING**

**PROPERTY LEGALLY DESCRIBED AS: THE WEST 264 FEET OF TRACT 1, OF FLORIDA FRUIT 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. LOCATION: BETWEEN NW 121<sup>ST</sup> STREET AND NW 122<sup>ND</sup> STREET EAST OF NW 89 AVENUE. FOLIO'S # 27-2033-001-0011, 27-2033-001-0012 AND 27-2033-001-0013; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between NW 121 Street and NW 122 Street East of NW 89 Avenue) (P&Z Vote: 4-0; TRC Vote: 5-0)**

Mrs. Martinez Ruiz read the full title of the ordinance into the record. Ms. Fleta Stamen, and Mr. Alfonso Tello, surveyor for the project were present for the applicant, Catholic Health Services. 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 4-0**).

**B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SPECIAL EXCEPTION USE AND SITE PLAN FOR A CHILD CARE CENTER (MAGIC KIDS LEARNING CENTER II) IN EMERALD PLAZA SHOPPING CENTER. APPLICANT: MARIO FERRO. LEGAL DESCRIPTION: THE WEST OF TRACT 16, LESS THE NORTH 80.00 FEET AND LESS THE WEST 35.00 FEET, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LOCATION: 9160 NW 122 STREET. FOLIO # 27-2033-001-0171. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 9160 NW 122 Street) (P&Z Vote: 4-0, TRC: 6-0)**

Mrs. Martinez Ruiz read the full title of the ordinance into the record. Mr. Mario Ferro, the applicant was 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 (**Vote 4-0**).

- C) **ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CITY INITIATED APPLICATION CHANGING THE LAND USE FROM POS (PARK AND OPEN SPACE) TO CF (COMMUNITY FACILITIES) FOR THE APPROXIMATE 1.6 ACRES PARCEL. LEGAL DESCRIPTION: A PORTION OF THE FOLLOWING DESCRIBED PARCEL: ALL OF THE THAT PORTION OF THE N.W. \_ OF THE N.W. \_ OF THE SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI DADE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF WAY OF CANAL C-7 EXTENSION AND LYING NORTH OF THE NORTHERLY RIGHT-OF WAY LINE OF THE N.W. 103<sup>RD</sup> STREET, AS SHOWN BY THE RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 60 AT PAGE 53 OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA; LESS DEDICATIONS, IF NY. APPROXIMATE LOCATION: NORTHEAST CORNER OF N.W. 87 AVE AND N.W. 103 STREET. FOLIO'S # 27-3003-001-0120, 27-3003-001-0401 AND 27-3003-001-0410; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Northeast corner of NW 87 Avenue and NW 103 Street) (P&Z Vote: 4-0; TRC 6-0)**

Mrs. Martinez Ruiz read the full title of the ordinance into the record. This is a City initiated request. 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 4-0).

- D) **ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING A TENTATIVE PLAT FOR CITY OF HIALEAH GARDENS CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF THAT PORTION OF THE N.W. \_ OF THE N.W. \_ OF THE SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, DADE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF WAY OF CANAL C-7 EXTENSION AND LYING NORTH OF THE NORTHERLY RIGHT-OF WAY LINE OF THE N.W. 103 STREET, AS SHOWN BY THE RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 60 AT PAGE 53 OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA; LESS DEDICATIONS, IF ANY. APPROXIMATE LOCATION: NORTHEAST CORNER OF N.W. 87 AVE AND N.W. 103 STREET. FOLIO'S # 27-3003-001-0401, 27-3003-001-0410, 27-3003-001-0120. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast corner of NW 87 Avenue and NW 103 Street) (P&Z Vote: 4-0; TRC 6-0)**

Mrs. Martinez Ruiz read the full title of the ordinance into the record. This is a City initiated request. 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 4-0**).

**11. Second Reading for consideration and final adoption of the following ordinances:**

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR MANUEL A. FERNANDEZ CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 3 AND 4, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" IN 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. FOLIO # 27-3003-001-0057. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of N.W. 80 Avenue and South of N.W. 103 Street) (Vote: P&Z 4-0; T.R.C. 5-0)***

Mr. Martinez Ruiz read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and requested that the item be tabled as the applicant was not present. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved (**Tabled 4-0**).

- 12. City Attorney's Report:** Mrs. Martinez Ruiz reported that the Janice Aquino v. the City of Hialeah Gardens case had been dismissed with prejudice.
- 13. Mayor's Report – Miscellaneous:** Mayor De La Cruz invited the Council to the Mater Academy Parade.
- 14. Council Members Concerns/Reports – Board Appointments:**

Councilman Gutierrez will re-appoint Mr. Antonino Maurici to the Planning and Zoning Board.

Councilman Piña will like to continue the discussion on the change of dates for the council meetings.

Chairman Garcia will defer his appointment to the Water and Sewer Board until the next council meeting.

- 15. Adjournment:** The meeting was adjourned at 8:15 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, April 5, 2005, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, April 11, 2005, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Wednesday, April 6, 2005, 11:30 A.M.

**WATER AND SEWER BOARD**

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

**POLICE PENSION BOARD**

Monday, May 23, 2005, 10:00A.M.