

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, MAY 17, 2005

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:35 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida, and Councilman Manuel Zardon. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yiozet De La Cruz led the Pledge of Allegiance.

Chairman Garcia recognized special guests in the audience, Mr. Eduardo Gonzalez, Hialeah City Council member, Mr. Luis Gonzalez, of Hialeah's Planning and Zoning Board, Ms. Barbara Ferrero, legislative aide to Representative Ralph Arza and Mr. Andrew Perez, Hialeah Gardens' Planning and Zoning Board member.

5. **Deletions/Emergency Additions:** Opening of sealed bids for bus bench advertising companies was added to the Agenda as Item 8B, and Item 9 was moved to 12B.
6. **Review of Minutes:** May 3, 2005. Chairman Garcia made a motion to approve the minutes of May 3, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** No one came forward.
- 8A. **Selection Committee's recommendation for Pension Plan administrator:** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, O.M.B. Director came forward and gave a report on the selection committee's recommendation of AIG Valic as the pension plan administrator for the 401a and 457b plans. Mr. Tom Blake representing AIG Valic and Mr. Jesus Palenzuela representing Primerica Financial Services were present. Mr. Palenzuela came forward. At this time, Mr. Citrin excused himself and turned the attorney's chair to Mrs. Aida

Martinez Ruiz as Mr. Citrin represents companies in this industry. Mr. Palenzuela proceeded to give a report on his analysis and comparison for Primerica, providing new information for reconsideration of the selection committee's recommendation. Mr. Tom Blake, District Manager for AIG Valic came forward to rebut Mr. Palenzuela's comments and offered clarification of his plan's proposal. Chairman Garcia asked Mr. Piloto if this new information would change the committee's recommendation at this time to which Mr. Piloto answered that it would not. Chairman Garcia made a motion to formalize staff recommendations by resolution for the next council meeting, seconded by Councilman Merida. The motion was unanimously approved.

**8B. Opening of Sealed Bids for Bus Bench Advertising Companies (Invitation to Bid #2005-03):** Mr. Marcos Piloto, O.M.B. Director.

Marcos Piloto, Director, O.M.B., publicly opened the only sealed bid received by an extended deadline of May 17:

Culver Amherst	First-fifth year of contract \$2,400
	Six-tenth year of contract \$3,000
	From the eleventh year on \$3,600

Mr. Piloto requested the opportunity to review the proposal and make a recommendation at the next council meeting.

**9. Request to reconsider the hours of operation for El Grande Restaurant, 9101 W. Okeechobee Road Hialeah Gardens, Florida 33016.** Owner: Mr. Carlos Chivas.

**10. Proposed Resolutions:**

***A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) VACTOR TRUCK FOR THE USE OF THE WATER DEPARTMENT; WAIVING COMPETITIVE BIDDING AND USING AN EXISTING STATE CONTRACT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH SOUTHERN SEWER EQUIPMENT SALES; 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. Albert Nielson, Director of the Water and Sewer Department came forward and gave details of the department's efforts to obtain quotes to purchase a Vactor truck. The department solicited quotes and obtained a contract with Southern Sewer Equipment Sales through a state bid. Comparative prices were also solicited without a state bid. The state bid would provide the truck for \$53,000 less. 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) VACTOR TRUCK FROM THE WATER AND SEWER DEPARTMENT FOR THE USE OF THE PUBLIC WORKS DEPARTMENT; WAIVING COMPETITIVE BIDDING; 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, O.M.B. Director came forward and gave details of the transfer of the old Vactor truck from the Water and Sewer Department for use in storm drainage cleaning by the Public Works Department. General funds will be transferred to the Water and Sewer Department for the purchase of the truck. 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, GRANTING VARIANCES, AND SITE PLAN REVIEW FOR: HG WAREHOUSE LLC. 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 FOLIOS # 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 1-4 M. Gonzalez in favor)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Jan Pierre Perez 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 4-0**).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR ELORE ENTERPRISES, INC. / PALACIOS USA, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT K AND L, SHOMA COMMERCIAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 160, PAGE 69, OF THE PUBLIC RECORDS OF THE MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: WEST OF NW 107**

**AVENUE AND NORTHEAST OF OKEECHOBEE ROAD.  
FOLIOS #: 27-2030-014-0110, 27-2030-014-0120, PROVIDING  
FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
(Location: West of NW 107 Avenue and Northeast of 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. Luis Rosas 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 4-0**).

**C) ORDINANCE OF THE CITY OF HIALEAH GARDENS,  
FLORIDA APPROVING A TENTATIVE PLAT FOR HIALEAH  
GARDENS GOVERNMENT HUB, CONCERNING PROPERTY  
LEGALLY DESCRIBED AS: ALL OF TRACT 31 OF "FLORIDA  
FRUIT LANDS 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: BETWEEN NW 104 AVE AND NW 107 AVE,  
SOUTH OF NW 137 STREET. FOLIO #: 27-2029-001-0310,  
PROVIDING FOR CONDITIONS; PROVIDING FOR  
EFFECTIVE DATE. (Location: Between NW 104 Avenue and NW 107  
Avenue, South of NW 137 Street) (P&Z Vote: 4-0; T.R.C. Vote 5-0)**

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated application. 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,  
MIAMI-DADE COUNTY, FLORIDA, APPROVING AND  
TRANSMITTING TO THE DEPARTMENT OF COMMUNITY  
AFFAIRS (DCA) THE APPLICATION REQUESTING AN  
AMENDMENT 05.01.1 TO THE FUTURE LAND USE MAP  
OF PROPERTY OWNER INITIATED FROM MOR  
(MODERATE SINGLE FAMILY RESIDENTIAL DISTRICT)  
AND BU (BUSINESS DISTRICT) TO MER (MEDIUM  
DENSITY RESIDENTIAL DISTRICT). LEGAL  
DESCRIPTION: PORTIONS OF TRACTS 33, 34 AND 35 IN  
SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST  
"FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.  
1", 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: BETWEEN NW 114 STREET AND WEST OKEECHOBEE ROAD. FOLIO #: 27-2033-001-0381; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.** (Location: Between NW 114 Street and West Okeechobee Road) (P&Z Vote: 3-1 S. Cordero against; T.R.C. 4-1 K. Joy against)

Mr. Citrin read the full title of the ordinance into the record. Mr. Simon Ferro 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 4-0**).

**E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 05.01.2 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU (BUSINESS DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: FOLIO # 27-2033-001-0593: A PORTION OF TRACT 48 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO # 27-2033-001-0370: A PORTION OF TRACTS 33 AND 34 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO # 27-2033-001-0596: A PORTION OF TRACT 48, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE SW 1/4 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTHEAST OF OKEECHOBEE ROAD AND SOUTH OF NW 114 STREET; PROVIDING FOR SEVERABILITY, PROVIDING FOR EFFECTIVE DATE.** (Location: Northeast of Okeechobee Road and South of NW 114 Street) (P&Z Vote: 3-1 S. Cordero against; T.R.C. 4-1 K. Joy against)

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman 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 4-0**).

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE 2003-27 FINAL PLAT FOR PALMETTO-103 PROPERTIES, LLC APPROVING A CHANGE OF NAME TO 9880, LLC. LEGAL DESCRIPTION: A PORTION OF TRACT 9 AND 10 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-3003-001-0142. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record. Mr. Sanford Reinhard, attorney for 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**).

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR KALLIOPE SUBDIVISION. LEGAL DESCRIPTION: FOLIO #: 27-2033-001-0593: A PORTION OF TRACT 48 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO #: 27-2033-001-0370 A PORTION OF TRACTS 33 AND 34 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO #: 27-2033-001-0596: A PORTION OF TRACT 48, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE SW 1/4 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA LOCATION NORTHEAST OF OKEECHOBEE ROAD AND SOUTH OF NW 114 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**

(Location: Northeast of Okeechobee Road and South of NW 114 Street)  
(P & Z Vote: 4-0; T.R.C. Vote 6-0) Tabled 5-03-05

Mr. Citrin swore in all those who would be testifying on the item for second reading. Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman was present for the applicant. Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0). Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:08 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:08 p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

12B. **Request to reconsider the hours of operation for El Grande Restaurant, 9101 W. Okeechobee Road Hialeah Gardens, Florida 33016.** Owner: Mr. Carlos Chivas.

At this time, Mr. Citrin swore in those individuals who would be offering testimony on this quasi-judicial hearing.

Ms. Adriana Silvera, 1423 West 38 Place, Hialeah, FL  
Mr. Jose Cintron, 9274 NW 120 Terr, Hialeah Gardens, FL, interpreter for Ms. Silvera  
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz came forward and gave details of the application for licensure and transfer of alcohol beverage license. Hours of alcohol beverage service had been limited to 12:00 noon and 10:00 p.m. Restaurant hours without alcohol service is allowed 24 hours. An extension for alcohol service is what is being requested because this is a truck stop. Mayor De La Cruz made comments regarding previous problems with this location and its use as a bar as opposed to a restaurant, which is not allowed in the city. Ms. Silvera requested perhaps a probation period. No motions were made to extend the hours of alcohol beverage service.

13. **City Attorney's Report:** Mr. Citrin had no comments.

14. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.

15. **Council Members Concerns/Reports – Board Appointments:**

Councilman Gutierrez made comments of the meeting held at Samari Lake regarding funding being received from the county for use on home rehabilitation.

16. **Adjournment:** The meeting was adjourned at 8:25 p.m.

Respectfully submitted by:

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Maria L. Joffee  
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, June 21, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, June 13, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

T.B.A.