

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, AUGUST 16, 2005

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:41 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Manuel Zardon and Councilman Rolando Piña. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Councilman Jorge A. Merida was absent.
3. **Invocation:** Chairman Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yiozet De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** A resolution supporting the City of Hialeah's attempt to extend the existing urban development boundary was added to the Agenda as Item 13B.
6. **Review of Minutes:** August 2, 2005 Chairman Garcia made a motion to approve the minutes of August 2, 2005, seconded by Councilman Zardon. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Introduction of new Police Officers: Miguel Nogueras, Lawrence Perez and Jorge Rojas:** Chief H. Keith Joy.

Chief H. Keith Joy came forward and introduced new police officers Miguel Nogueras, Jorge Rojas, and Lawrence Perez.

9. **Public Hearing to determine revocation or conditions on alcohol beverage license for El Grande Restaurant, 9101 W. Okeechobee Road, Hialeah Gardens:** Owner Adriana Silvera Chivás.

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

Ms. Adriana Silvera Chivás,
Mr. Gregory Gonzalez, 2420 Coral Way, Coral Gables, FL attorney and interpreter for
Ms. Silvera Chivás

Mr. Gregory Gonzalez, attorney for Ms. Adriana Silvera Chivás, owner of El Grande Restaurant was present. Mrs. Aida Martinez Ruiz came forward to report on the transfer of ownership and violations cited at the establishment as well as restrictions placed on the license. Mr. Gonzalez stipulated with the violations cited by Mrs. Martinez-Ruiz. Mrs. Martinez-Ruiz recommended that the City revoke the occupational license. Mr. Gonzalez stated that revocation of the business license would cause extreme hardship to Ms. Silvera Chivas. Mrs. Martinez-Ruiz stated that any additional restrictions including the revocation of only the alcohol portion of the license would not be prudent, as Ms. Silvera Chivás had stated in previous council meetings that it was difficult even complying with the time restrictions currently in place. Chairman Garcia commented that the council had given full consideration of Ms. Silvera Chivás situation, but would recommend supporting the City's decision to close the establishment. Mayor De La Cruz also made comments regarding the considerations that had been given to Ms. Silvera Chivás in the past. At this time Mr. Citrin swore in Mr. Gonzalez as Ms. Silvera Chivás' interpreter. Ms. Silvera Chivás proceeded to state her case and asked for leniency. After further comments by the Mayor and Council members, Chairman Garcia made a motion to revoke the occupational license, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote (4-0).

10. **Opening of sealed bids for athletic uniforms R.F.P. No. 2005-05:** Mr. Walter Dubon, Director of Parks and Recreation Department.

Mr. Walter Dubón, Director of Parks and Recreation came forward and opened the only sealed bid received from in response to the R.F.P. The bid was from Matty's Sports, Inc. Mr. Dubón requested to be deferred to the end of the council meeting to make a recommendation.

11. **Proposed Resolution:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE USE OF A DONATION OF \$100,000 TO HIALEAH GARDENS ELEMENTARY FOR SCHOOL IMPROVEMENTS; 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 memorialize the action taken by the Council at their last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved.

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR DARON PROPERTIES INC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF LOTS 34, 35, 36, 37,38, 40 AND 41, “ FORREST FARMS”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 7 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE STATE ROAD 25 (U.S. HIGHWAY 27) AND SUBJECT TO DEDICATIONS, EASEMENTS OR RESTRICTIONS OF RECORD, IF ANY. FOLIOS #: 27-2032-003-0360, 27-2032-003-0370, AND 27-2032-003-0290. LOCATION: 11765 WEST OKEECHOBEE ROAD; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 11765 West Okeechobee Road) P&Z Vote 5-0; T.R.C. Vote: 6-0)***

Mr. Citrin read the full title of the ordinance into the record. Representatives for the applicant were 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 Zardon. The motion was unanimously approved by individualized voice vote **(4-0)**.

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE TO PERMIT AN EXTENSION OF THE CHARTER SCHOOL (MATER ACADEMY) WITHIN THE BUSINESS DISTRICT AND SITE PLAN REVIEW FOR ANNEX BUILDING FOR 600 STUDENTS, CONCERNING PROPERTY ADDRESS: 10505 NW 80 AVE. FOLIO #:27-3003-001-0010; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. (Location: 10505 N.W. 80 Avenue) (P&Z Vote 5-0; T.R.C. Vote 5-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Orlando Llanes, 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 Zardon. The motion was unanimously approved by individualized voice vote **(4-0)**.

- C) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR THE CITY OF HIALEAH GARDENS POLICE MAIN STATION CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF THE PORTION OF THE N.W. _ OF THE N.W.***

_ OF 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 N.W. 103RD STREET, AS SHOWN BY THE RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 60 AT PAGE 53 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; LESS DEDICATIONS, IF ANY. APPROXIMATE LOCATION: NORTHEAST CORNER OF NW 87 AVENUE AND NW 103 STREET. FOLIOS #: 27-3003-001-0120, 27-3003-001-0401, 27-3003-001-0410, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast corner of N.W. 87 Avenue and N.W. 103 Street) (P&Z Vote 5-0; T.R.C. Vote 6-0)

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 Zardon. The motion was unanimously approved by individualized voice vote (4-0).

D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ARTICLE 6 OF CHAPTER II, PART III OF ORDINANCE NO. 90-33 TO PROVIDE FOR A SUPPLEMENTAL RETIREMENT BENEFIT OF TWENTY-FIVE DOLLARS PER MONTH (\$25.00) FOR EACH YEAR OF SERVICE NOT TO EXCEED \$250.00 PER MONTH; AMENDING ARTICLE 15 OF CHAPTER II, PART V, TO PROVIDE FOR THE INCREASE IN PARTICIPANT CONTRIBUTION FROM FIVE (5) TO NINE (9) PERCENT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated request through the Police Pension Board. 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 Zardon. The motion was unanimously approved by individualized voice vote (4-0).

E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 78 ENTITLED LAND USE REGULATIONS ARTICLE V, DIVISION 2. ZONING DISTRICTS AND LAND DEVELOPMENT REGULATIONS FOR NEWLY ANNEXED AREA, TO ADD A NEW USE ENTITLED HOTELS AND MOTELS UNDER SECTION 140(5) B-2 GENERAL BUSINESS

***DISTRICT; PROVIDING FOR INCLUSION IN CODE;
PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.***

Mr. Citrin 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 Zardon. The motion was unanimously approved by individualized voice vote **(4-0)**.

13. Second Reading / Public Hearing for consideration and final adoption of the following ordinance: (Tabled 8-02-05)

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS,
FLORIDA, APPROVING A SITE PLAN FOR PREMIER
AMERICAN BANK, CONCERNING PROPERTY
LEGALLY DESCRIBED: TRACT B OF SANTA NAVILA
SUBDIVISION, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 154, AT PAGE 97, OF
THE PUBLIC RECORDS OF MIAMI-DADE COUNTY
FLORIDA. LOCATION: 8404 NW 103 STREET;
PROVIDING FOR CONDITONS; PROVIDING FOR
EFFECTIVE DATE. (Location: 8404 N.W. 103 Street) (P&Z
Vote: 4-0; T.R.C. 5-0)***

Chairman Garcia made a motion to remove the item from table, seconded by Councilman Zardon. The motion was unanimously approved. 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. Tony Jimenez 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 8:22 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:22 p.m. A motion to approve Chairman Garcia, seconded by Councilman Piña. The motion was approved by individualized voice vote **(4-0)**.

- B) RESOLUTION OF THE CITY OF HIALEAH
GARDENS SUPPORTING THE CITY OF HIALEAH'S
ATTEMPT TO EXTEND THE EXISTING URBAN
DEVELOPMENT BOUNDARY; URGING THE MIAMI-
DADE BOARD OF COMMISSIONERS TO SUPPORT THE
EXTENSION; AND PROVIDING FOR AN EFFECTIVE
DATE.***

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved.

Opening of sealed bids for athletic uniforms R.F.P. No. 2005-05: Mr. Walter Dubón, Director of Parks and Recreation Department.

Chairman Garcia made a motion to revisit the sealed bid for athletic uniforms, seconded by Councilman Zardon. The motion was unanimously approved. Mr. Walter Dubón, Parks and Recreation Director came forward and gave his recommendation to award the athletic uniforms contract to Matty's Uniforms, Inc. Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved.

14. **City Attorney's Report:** Mr. Citrin had no comments.
15. **Mayor's Report – Miscellaneous:** Mayor De La Cruz reported that the budget would be ready tomorrow also commenting that the City was in the best financial state it has ever been.
16. **Council Members Concerns/Reports – Board Appointments**

Councilman Piña ceded his time to Ms. Jacqueline Torres, resident of the City who voiced her concerns regarding the after school activities available for girls at Westland Gardens Park. Mayor De La Cruz stated that the City offers dance, karate, swimming, and tennis with volleyball being offered in the future. Ms. Torres requested that classes be offered for girls on Saturdays for working mothers. The Mayor instructed Ms. Torres to contact Walter Dubon, Parks and Recreation Director for further information on park programs.

17. **Adjournment:** The meeting was adjourned at 8:31 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

Thursday, September 8, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 12, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, September 7, 2005, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, August 23, 2005, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 8, 2005, 6:00 P.M.