

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, NOVEMBER 1, 2005

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Vice Chairman Rolando Piña called the meeting to order at 7:38 p.m.
2. **Roll Call:** Present were Vice Chairman Rolando Piña serving as Chairman, Councilman Jorge Gutierrez, Councilman Jorge A. Merida, Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Chairman Luciano Garcia was absent.
3. **Invocation:** Councilman Jorge Gutierrez led the invocation.
4. **Pledge of Allegiance:** Mayor Yiozet De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** October 18, 2005. Councilman Gutierrez made a motion to approve the minutes of October 18, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** Mr. Jorge A. Gutierrez from Samari Lake East Condominium came forward to express gratitude on behalf of himself and the residents of Hialeah Gardens, many of them who were in attendance at tonight's meeting, for the efforts of Mayor De La Cruz and the police department during the hurricane recovery. Mr. Gutierrez then repeated his comments in Spanish. Mayor De La Cruz thanked the Council, city staff, and the police department for their tireless hours of hard work.
8. **Request for approval of 2COP alcohol beverage license transfer of ownership for Megano Corporation, Inc., 8725 N.W. 117 Street #12, Hialeah Gardens, Florida 33016.** Owner: Mr. Domingo Antonio Rodriguez.

Mr. Domingo Antonio Rodriguez, the applicant was present. Mr. Citrin stated that staff recommendation provided by Mr. Manace Rodriguez, License Director was for the approval of the transfer of the alcohol beverage license. The applicant agreed with the conditions of the licensure. Mayor De La Cruz translated into English for the applicant.

A motion to approve based on staff recommendation was made by Vice Chairman Piña, seconded by Councilman Merida. The motion was unanimously approved.

9. **Recognition of Law Enforcement Personnel:** Chief Van Toth.

Chief Van Toth came forward and stated that the police officers were currently under Alpha-Bravo shifts as a result of the hurricane and were therefore unable to attend tonight's meeting. Chief Toth requested that the item be tabled until the next meeting. Vice Chairman Piña made a motion to table the item until the next council meeting, seconded by Councilman Gutierrez. The motion was unanimously approved **(3-0 Tabled)**.

A recess was called at 7:48 p.m. The meeting was reconvened at 7:53 p.m.

10. **Opening of sealed bids:**

PW-05-100 Government Complex Warehouse Building
PW-05-110 Government Water and Sewer Offices

Mr. Jose M. Lopez, Public Works Director came forward and stated that no bids had been received and asked that the deadline for accepting bids be extended until November 15, 2005. Vice Chairman Piña made a motion to table this item, seconded by Councilman Merida. The motion was unanimously approved **(3-0 Tabled)**.

11. **Proposed Resolution:**

- A) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY MAYOR TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH THE MIAMI-DADE COUNTY DEPARTMENT OF HUMAN SERVICES TO APPLY FOR, RECEIVE, EXPEND FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A "DRUG CONTROL AND SYSTEM IMPROVEMENT" PROGRAM, PROVIDING FOR AN EFFECTIVE DATE.*

Mr. Citrin read the full title of the resolution into the record. Chief Van Toth came forward and explained that this is an annual grant, which provides funds used for the police department's laptop computer program. Vice Chairman Piña 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; AMENDING THE CITY CODE CHAPTER 42 SECTION 1 (SOLID WASTE, DEFINITIONS); PROVIDING FOR CONFLICTS; 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. Vice Chairman Piña stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR EL DEALER INC. / GUSTAVO JARAMILLO CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 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 #: 27-3003-001-0052. LOCATION: 10163 – 10195 NW 80 AVENUE PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIV DATE. (Location: 10163 – 10195 N.W. 80 Avenue) (TRC Vote: 6-0; P&Z Vote: 3-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant, Mr. Daniel Jaramillo was present. Vice Chairman Piña stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: SUSSET INDUSTRIAL PARK, INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT J, 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: WEST OF NW 107 AVENUE AND NORTHEAST OF OKEECHOBEE ROAD (FRONTAGE ROAD). FOLIO #: 27-2030-014-0100, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of N.W. 107 Avenue and N.E. of Okeechobee Road) (TRC Vote: 5-0; P&Z Vote: 3-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present. Vice Chairman Piña made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0 Tabled)**.

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR KASALTA VILLAS INC., LEGAL DESCRIPTION: PORTIONS OF TRACTS 33, 34 AND 35 IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF "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. CUT OUT PARCEL: PORTIONS OF TRACTS 33, 34 AND 35, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 33, THENCE N89°36'39"E, ALONG THE NORTH LINE OF SAID TRACT 33, FOR 501.08 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN AFTER DESCRIBED; THENCE CONTINUE N89°36'39" E, ALONG THE NORTH LINE OF SAID TRACT 33, FOR 308.12 FEET; THENCE S02°41'22"E FOR 776.42 FEET; THENCE S38°51'39" W FOR 163.09 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD # 25 (U.S. HIGHWAY 27); THENCE N 51°08'21" W, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, FOR 266.84 FEET; THENCE N02°42'22" W, FOR 733.85 FEET, TO THE POINT OF BEGINNING, FOLIO #: 27-2033-001-0381. APPROXIMATE LOCATION: BETWEEN NW 114 STREET AND WEST OKEECHOBEE ROAD, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 114 Street and West Okeechobee Road) (TRC Vote: 6-0; P&Z Vote: 3-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant, Mr. Juan Carlos Hernandez was present. Vice Chairman Piña stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**.

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

Mr. Citrin 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, AMENDING ORDINANCE #2005-28 TENTATIVE PLAT FOR JANNETTE COVE III, APPROVING A CHANGE OF NAME TO JEANETTE COVE II CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 200 FEET OF TRACT 33 LESS THE NORTH 100 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.**

Mr. Citrin read the full title of the ordinance into the record. Mr. Carlos A. Hernandez, came forward for the applicant. Mr. Citrin explained that this was a technical change as requested by Miami-Dade County. Vice Chairman Piña opened the public hearing at 8:07 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:07 p.m. A motion to approve was made by Vice Chairman Piña, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 3-0)**.

- B) ORDINANCE AMENDING CHAPTER 58 SECTION 58-38(11) OF THE CODE OF ORDINANCES ESTABLISHING A NEW FEE UNDER SCHEDULE OF PERMIT FEES; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated request. Mr. Citrin explained the ordinance establishing a new permit fee for telecommunication towers. Vice Chairman Piña opened the public hearing at 8:09 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:09 p.m. A motion to approve was made by Vice Chairman Piña, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 3-0)**.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, RETROACTIVELY REPEALING CITY ORDINANCE NO. 2005-35, WHICH AMENDED ARTICLE 6 OF CHAPTER II, PART III OF ORDINANCE NO. 90-33 TO PROVIDE A SUPPLEMENTAL RETIREMENT BENEFIT OF TWENTY-FIVE DOLLARS PER MONTH (\$25.00) FOR**

EACH YEAR OF SERVICE NOT TO EXCEED \$250.00 PER MONTH, AND WHICH FURTHER AMENDED ARTICLE 15 OF CHAPTER II, PART V, TO PROVIDE FOR AN INCREASE IN THE PARTICIPANT CONTRIBUTION RATE FROM FIVE PERCENT (5%) TO NINE PERCENT (9%) OF SALARY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chief Van Toth came forward and asked that this item be tabled as the Pension Board was unable to meet due to Hurricane Wilma. Vice Chairman Piña made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0 Tabled)**.

14. **City Attorney's Report:** Mr. Citrin commented that Aida Martinez-Ruiz, Marcos Piloto and Arturo Ruiz are missed and congratulated them on the birth of their new baby girls.
15. **Mayor's Report – Miscellaneous:** Mayor De La Cruz informed everyone that the Haunted House has been postponed until Friday, November 4, 2005 and gave a status report on the hurricane recovery in the City.
16. **Council Members Concerns/Reports – Board Appointments**

Councilman Gutierrez reiterated the positive comments made earlier in the evening for the Mayor's work and all the volunteers that have come forward for the hurricane relief effort. He also congratulated Marcos Piloto and Arturo Ruiz and Aida Martinez Ruiz on the recent births of their daughters.

17. **Adjournment:** The meeting was adjourned at 8:13 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, December 6, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

Wednesday, December 7, 2005

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

T.B.A.