

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, DECEMBER 6, 2005

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:30 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo Urra, Councilman Jorge Gutierrez, and Councilman Rolando Piña. Also present were Mayor Yioset 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 De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** November 15, 2005. Chairman Garcia made a motion to approve the minutes of November 15, 2005, seconded by Councilman Piña. The motion was unanimously approved.
7. **Public Comments:** None were offered
8. **Recognition of Law Enforcement Officers:** Chief Van Toth.

Chief Van Toth came forward and recognized the following law enforcement personnel: Communications Officer Suhail Guardado, Officer Vicente Amor, Officer Nelson Gonzalez, Officer Carlos Zebirnati Officer Rogelio Hernandez, Detective Julio Menendez, Detective Mario Vazquez, and Sergeant Carlos Fojo. Chief Toth then awarded these individuals with a certificate of recognition for their accomplishments. Chairman Garcia and Mayor De La Cruz offered their appreciation for their hard work and dedication to their profession.

At this time, Chairman Garcia asked to move Item 15 of the Agenda to follow Item 8.

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

Councilman Gutierrez took this opportunity to recognize several children who were involved in the volunteer effort after hurricane Wilma with the distribution of ice, food and water and the removal of debris in the Samari Lake Condominium complex. Councilman Gutierrez repeated his words in Spanish. Certificates were presented to the following: Jonathan Andrew Rajamin, Jesenia Goenaga, Jonathan Goenaga, Samuel Abreu, Lynette Chaparro and Ciara de la Cruz.

9. **Request for approval of 2COP alcohol beverage license transfer of ownership for Las Hermanas Cafeteria, 10115 W. Okeechobee Road, Hialeah Gardens, Florida 33016.** Mr. Jose B. Fabre, Applicant.

Mr. Jose B. Fabre, the applicant was present. Mr. Citrin referred to a memorandum provided by Mr. Manace Rodriguez, License Director recommending the approval of the transfer. Chairman Garcia asked the applicant if he had reviewed and understood the requirements for this type of licensure and was in agreement to comply with said requirements. The applicant acknowledged his agreement. Chairman Garcia made a motion to approve based on staff recommendation, seconded by Councilman Gutierrez. The motion was unanimously approved.

10. **Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; RECOGNIZING A BUDGET INCREASE OF \$1,000,000.00 (ONE MILLION) FROM THE CITY'S GENERAL FUND SURPLUS; 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 read his memorandum into the record regarding the increase in expenses as a result of Hurricane Wilma and the need to amend the annual budget to reflect one (1) million dollars and added that a reimbursement request for these funds had been made to FEMA. Processing of said reimbursement will take approximately eight (8) months. Mr. Piloto also gave a breakdown of some of the expenses including hauling debris, electrical repairs and overtime hours paid. Chairman Garcia made positive comments of the City's recovery effort. Mayor De La Cruz made comments regarding the City's financial state which continues to be sound despite the one (1) million dollars amendment. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING A MUTUAL AID AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE CITY OF HIALEAH; PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Chief Van Toth came forward and explained the standard agreement made with municipalities in this case the

City of Hialeah. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING A CHANGE ORDER OF A CONTRACT FOR THE CONSTRUCTION OF SQUASH AND RACQUETBALL COURTS, A CAFETERIA SHELL, ROOF EXTENSION AND EXTERIOR OF EXISTING PARKS AND RECREATION OFFICE BUILDING LOCATED AT WESTLAND GARDENS PARK TO BM CONTRACTING, LLC DUE TO WORK DONE NOT INCLUDED IN BID PRICES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Jose M. Lopez, Public Works Director came forward and read his memorandum into the record regarding the need for a change order for additional column work done to the cafeteria roof extension and reinforced concrete slab repairs not included in the contract cost. The change order amounts to \$11,609.00. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

11. First Reading for consideration of the following ordinances:

A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER THE POWER LINE EASEMENT FOR MANUEL A. FIGUEIREDO. LEGAL DESCRIPTION: A PORTION OF TRACT 3 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 #: 27-3003-001-0056. APPROXIMATE LOCATION: CORNER OF NW 80 AVENUE AND NW 103 STREET, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Corner of NW 80 and 103 Street) (TRC Vote: 6-0; P&Z Vote: 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Manuel A. Figueiredo 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 Gutierrez. 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 SAINT CATHERINE'S REHABILITATION HOSPITAL WEST 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. FOLIOS #:27-2033-001-0011, 27-2033-001-0012 AND 27-2033-001-0013. APPROXIMATE LOCATION: BETWEEN NW 121 STREET AND NW 122 STREET, EAST OF NW 89 AVENUE, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between NW 121 Street and NW 122 Street, East of NW 89 Avenue) (TRC Vote: 4-0; P&Z Vote: 5-0)

Mr. Citrin read the full title of the ordinance into the record. Ms. Fleta Stamen 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 Gutierrez. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE 2005-27 FINAL PLAT FOR 9880, LLC., APPROVING A CHANGE OF NAME TO COMMANDER AND JACK SUBDIVISION. 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. APPROXIMATE LOCATION: WEST OF NW 80 AVENUE AND NORTH OF NW 98 STREET. PROVIDING FOR CONDITONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of NW 80 Avenue and North of NW 98 Street)**

Mr. Citrin read the full title of the ordinance into the record. Mr. John Nagelis 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 Gutierrez. 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 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. Chairman Garcia made a motion to table the item, as the applicant was not present, seconded by Councilman Gutierrez. The motion was unanimously approved by individualized voice vote (**4-0 Tabled**).

13. **City Attorney's Report:** Mr. Citrin had no comments.
14. **Mayor's Report – Miscellaneous –** Mayor De La Cruz thanked Jorge A. Gutierrez for his help in distributing flyers for the Festival of Lights Event at Bernie Wilson Park . He reminded everyone that the park will be open until from December 3 to January 2 and mentioned the upcoming Christmas Carnival to be held on December 17 at Golden Eagle Park. Mayor De La Cruz made comments regarding the repair status of NW 122 Street.
15. **Adjournment:** The meeting was adjourned at 8:07 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, January 3, 2006, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, January 9, 2006, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, January 5, 2006, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, February 28, 2006, 7:00 P.M.

POLICE PENSION BOARD

Wednesday, February 22, 2006, 6:00 P.M.