

MINUTES

CITY COUNCIL MEETING
TUESDAY, FEBRUARY 3, 2004

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 Merida, Councilman Jorge Gutierrez, and Councilman Rolando Piña. Also present was City Attorney Charles A. Citrin. Councilman Manuel Zardon was absent.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Councilman Rolando Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** January 20, 2004: Chairman Garcia made a motion to approve the minutes of January 20, 2004, seconded by Councilman Merida. The motion was approved by unanimous consent.
7. **Public Comments:** None were offered.
8. **Request for approval of 2COP alcohol beverage license: Rextra Investment, Inc. O.K. Cafeteria, 8050 N.W. 103 Street #104, Hialeah Gardens:** Owner Rebeca Linares.

Ms. Rebeca Linares, the applicant was present. Mr. Arturo L. Ruiz, for the Occupational License Department came forward and deferred to Police Chief H. Keith Joy who offered testimony against the issuance of the license. Chairman Garcia made a motion to table the item at this time in order to allow the applicant to meet with staff, the motion was seconded by Councilman Merida, and unanimously approved.

9. **Discussion of anticipated expenses for development of 10.5 acres adjacent to Westland Gardens Park:** Mr. Marcos Piloto, O.M.B Director.

Mr. Marcos Piloto came forward, gave a report on the issue, and explained the anticipated expenses for the development project of the 10.5 acres acquired by the City that are adjacent to Westland Gardens Park. Mr. Jose M. Lopez, Public Works Director came forward and offered further details regarding the work particulars and the foreseen expenses.

10. **Discussion of change orders for Hydra-Samari Emergency Access Road Project:** Mr. Jose M. Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and gave a summary of the need for change orders on the Hydra-Samari Emergency Access Road. The change order includes items shown on the plans, but not listed in the itemization table in the bid package, and unforeseeable site conditions that needed to be addressed in order to complete the project. He added that the total amount of the project is still less than the second bid received. The City had been awarded a Community Development Block Grant, the County has approved a portion of the change order and a balance of the CDBG funds are still available, but there are no guarantees that the County will reimburse the City for these additional expenses. Mr. Lopez is requesting payment to be made to the contractor for the work completed. Chairman Garcia made a motion to approve the change orders and to instruct staff to prepare a resolution to this effect, seconded by Councilman Merida and unanimously approved.

11. **Second Reading and Public Hearing for consideration of the following ordinances:** At this time City Attorney, Charles A. Citrin swore in those individuals who would be offering testimony on the items for the public hearing.

- A) ***AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: COLADO TRUCKING CORP. CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 5 OF FLORIDA FRUIT LAND COMPANY SUBDIVISION NO. 1, PLAT BOOK 2, PAGE 17, SECTION 3 TOWNSHIP 53 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-3003-001-0054. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: North of N.W. 80th Avenue and South of N.W. 103rd Street) (T.R.C. Vote: 5-0; P & Z Vote:4-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Henry Colado, the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:02 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:02 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (**Vote 4-0**).

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR BLD CORP. RESOUND SUBDIVISION TOWNHOMES / ETHEREAL GARDEN-II CONDOMINIUM CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACTS "A" & "B" OF RESOUND SUBDIVISION AS RECORDED IN PLAT BOOK 160 PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIOS #'S: 27-2033-053-0010 & 27-2033-053-0020 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: North of N.W. 114th Street and Northeast of West Okeechobee Road) (T.R.C. Vote: 5-0; P & Z Vote: 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman came forward for the applicant and gave a presentation of the project. 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (**Vote 4-0**).

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR JUAN, YIMARA & BARBARA HERNANDEZ. LEGAL DESCRIPTION: PARENT TRACT: TRACT 5 OF "FLORIDA FRUIT LAND 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. CUT-OUT PARCEL: THE WEST _ OF THE EAST _ OF THE WEST _ OF TRACT 5, "FLORIDA FRUIT LAND 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, LESS THE SOUTH 30.00 FEET THEREOF. FOLIO # 27-2029-001-0055. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: North of N.W. 133rd Street between N.W. 97th and 99th Avenues) (T.R.C. Vote 5-0; P & Z Vote 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Juan C. Hernandez the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia open the public hearing at 8:11 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:11 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (**Vote 4-0**).

12. City Attorney's Report-No comments

13. **Mayor's Report – Miscellaneous**-The Mayor was not present.
14. **Council Members Concerns/Reports – Miscellaneous:** Councilman Gutierrez mentioned his attendance at educational workshops for the City.
15. **Adjournment:** The meeting was adjourned at 8:14p.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 FUTURE MEETINGS:

CITY COUNCIL

Tuesday, March 2, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, March 8, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, March 3, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, February 24, 2004, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.