

MINUTES

CITY COUNCIL MEETING
TUESDAY, FEBRUARY 17, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:31 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Manuel Zardon, Councilman Jorge Merida, and Councilman Jorge Gutierrez. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor Yioiset De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** February 3, 2004: Chairman Garcia made a motion to approve the minutes of February 3, 2004, seconded by Councilman Merida. The motion was approved by unanimous consent.
7. **Public Comments:** None were offered.
8. **Request for approval of Water and Sewer Extension Agreements between BLD Corporation and the City of Hialeah Gardens for a subdivision known as Resound Subdivision Tracts "A" and "B" located at N.W. 114 Street and Okeechobee Frontage Road:** Mr. Albert Nielson, Director of Water and Sewer Department.

Mr. Albert Neilson, Director of the Water and Sewer Department came forward and gave a presentation on the extension agreement. The agreement had previously been reviewed and approved by the Water and Sewer Board. Chairman Garcia made a motion to approve seconded by Councilman Merida and unanimously approved with Councilman Zardon off the dais.

9. **Request for approval and reinstatement of 2COP alcohol beverage license under new ownership:** Rexra Investment, Inc., O.K. Cafeteria, 8050 N.W. 103 Street #104, Hialeah Gardens: Owner Rebeca Linares. **(Tabled)**

Chairman Garcia made a motion to remove the item from the table, seconded by Councilman Gutierrez. Ms. Rebeca Linares the owner of the business was present. Mr. Arturo L. Ruiz, Director of Administration, and Mr. Manace Rodriguez Director of the Occupational License Department came forward to provide staff recommendations. City Attorney Charles A. Citrin noted that legal notice had not been provided and therefore recommended to Council that they table the item in order to allow for proper notice to be given within fourteen (14) days of next meeting. The business would be allowed to remain open without the sale of alcohol until the issues can be addressed at the March 16, 2004 Council meeting. Chairman Garcia made a motion to table the item at this time, seconded by Councilman Merida, and unanimously approved.

10. **Request for approval of 2COP alcohol beverage license:** Fun Time Billiards & Restaurant Corp., 11300 NW 87 Court #137-140, Hialeah Gardens: Owner Julio Genao.

Mr. Arturo L. Ruiz, Director of Administration came forward and gave staff recommendations stating that the application was in compliance with all City requirements. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by unanimous consent.

11. **Request for reinstatement of 2COP alcohol beverage license:** Artistas Restaurant, 9550 N.W. 79 Avenue #3, Hialeah Gardens: Owners Milagros Rodriguez and Julio E. Valdes.

Mrs. Milagros Rodriguez and Mr. Julio E. Valdes the owners of the business were present. Mr. Arturo L. Ruiz Director of Administration and Mr. Manace Rodriguez Director Occupational License Department came forward to provide staff recommendations. City Attorney Charles A. Citrin noted that legal notice had not been provided within fourteen (14) days of this meeting. A recommendation by staff was made to allow the business to remain open without the sale of alcohol. Chairman Garcia made a motion to table the item until the next meeting on March 16, 2004, seconded by Councilman Merida and unanimously approved.

12. **Request for reinstatement of 2COP alcohol beverage license:** El Grande Truck General Repairs, Corp., d/b/a El Grande Restaurant, 9101 W. Okeechobee Road, Hialeah Gardens: Owner Abel Marino Marquez, Jose M. Herrera Esq.

Mr. Jose Herrera, Esquire representing the owner, of El Grande Truck General Repairs Corp. came forward. Mr. Arturo L. Ruiz, Director of Administration, and Mr. Manace Rodriguez Director of Occupational License Department came forward to provide staff recommendations. City Attorney Mr. Charles A. Citrin noted that legal notice had not been provided therefore recommended to allow the applicant to remain open without the sale of alcohol until the March 16, 2004 Council meeting. Chairman Garcia made a motion to table the item, seconded by Councilman Merida, and unanimously approved.

13. **Proposed Resolution:**

- A) A RESOLUTION OF THE CITY OF HIALEAH GARDENS SELECTING THE CORRADINO GROUP AND BELL DAVID PLANNING GROUP, INC. FOR CONSULTING SERVICES FOR THE CITY OF HIALEAH GARDENS LAND DEVELOPMENT REGULATION ZONING CODE REVIEW AND REVISION; APPROVING AGREEMENTS RELATED TO SAID PAYMENTS; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations for awarding a contract to Corradino Group and Bell David Planning Group, Inc., as a result of committee review of the proposal. The committee was comprised of the Director of Public Works, the Director of O.M.B., the City Attorney, and the Chief Zoning Official. The contract would be in the amount of \$25,0000.00. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was approved by unanimous consent.

- B) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING PAYMENT TO ACOSTA TRACTORS, INC. FOR CHANGE ORDERS IN THE HYDRA SAMARI EMERGENCY ACCESS ROAD PROJECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full resolution into the record. Chairman Garcia made comments that these were change orders that were explained by Jose M. Lopez, Director of Public Works at the last council meeting. Councilman Zardon asked questions regarding the amount of the change orders. Chairman Garcia explained that including all the amounts of the change orders Acosta Tractors, Inc. provided, they were still under the second bidder on the project. Mr. Marcos Piloto, Director of O.M.B. also came forward and confirmed the information. Chairman Garcia made a motion to approve, seconded by Councilman Merida, and was unanimously approved.

- C) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, AUTHORIZING THE PURCHASE OF TWO (2) JOHN DEERE MODEL 757 Z TRACT COMMERCIAL LAWNMOWERS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH RITRAC RICHARD TRACTORS & IMPLEMENTS, INC.; UTILIZING AN EXISTING STATE CONTRACT; 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, Director of O.M.B. came forward and offered the details of the purchase. Chairman Garcia explained the benefits of waiving competitive bidding and taking advantage of a state contract. He then made a motion to approve, seconded by Councilman Merida, and was unanimously approved.

- D) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF N.W. 98 STREET LEGALLY DESCRIBED AS THE NORTH 25 FEET OF THE WEST 431.42 FEET OF THE SOUTHEAST QUARTER (S.E.) OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LAND 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; AND AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD A PORTION OF N.W. 82 AVENUE LEGALLY DESCRIBED AS A PORTION OF THE SOUTHEAST QUARTER (S.E.) OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LAND 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 MORE PARTICULARLY BEING DESCRIBED AS FOLLOWS: COMMENCE AT TH CENTER OF SAID SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST AND RUN N 88°37'43"E, ALONG THE NORTH LINE OF THE SE OF SAID SECTION 3, FOR A DISTANCE OF 35 FEET FROM THE WEST LINE OF THE SE POINT; THENCE RUN 5.0°01'22" E ALONG A LINE THAT IS PARALLEL AND 35 FEET FROM THE WEST LINE OF THE S.E. OF SAID SECTION 3, FOR A DISTANCE OF 69.87 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 48.00 FEET AND A CENTRAL ANGLE OF S4°18'18" FOR AN ARC DISTANCE OF 45.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG A COMPOUND CIRLULAR CURVE CONCAVE TO THE RIGHT HAVING A RADIUS OF 48.00 FEET AND A CENTRAL ANGLE OF 19°58'23" FOR AN ARC DISTANCE OF 16.73 FEET TO A POINT BEING ON THE WEST LINE OF THE S.E. OF SAID SECTION 3 ; THENCE RUN 5.0°01'22" E, ALONG SAID LINE FOR A DISTANCE OF 33.11 FEET TO A POINT, THENCE RUN N.88°37'43"E, FOR A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN 0°01'22" W, ALONG A LINE THAT IS PARALLEL AND 15 FEET OF THE WEST LINE OF THE S.E.**

OF SAID SECTION 3 FOR A DISTANCE OF 40.70 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 545.5 SQUARE FEET MORE OR LESS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Cory Collins, Esquire came forward for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official, came forward and gave staff recommendations noting that the City needs to take action to recognize the abandonment of said roadways. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved.

14. **City Attorney's Report-** No comments
15. **Mayor's Report – Miscellaneous:** Mayor De La Cruz commended Mrs. Mirtha S. Gonzalez and Mr. Jose M. Lopez for receiving recognition by the Florida Department of Community Affairs. Their work resulted in Hialeah Gardens being one of the first cities to comply with the requirements of its Evaluation Appraisal Report.
16. **Council Members Concerns/Reports – Miscellaneous –**No comments
17. **Adjournment:** The meeting was adjourned at 8:08 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 FUTURE MEETINGS:

CITY COUNCIL

Tuesday, March 16, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

T.B.A.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Tuesday, March 23, 2004, 7:00 P.M.

POLICE PENSION BOARD

Friday, March 12, 2004, 10:00 A.M.