

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, March 16, 2004

CITY HALL 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 Jorge Merida, Councilman Manuel Zardon, and Councilman Rolando Piña. Also, present were Attorney J. Frost Walker III for City Attorney Charles A. Citrin and Mayor Yioset De La Cruz. City Attorney Charles A. Citrin joined the meeting at 7:48 p.m.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Deletion of Item 14A. Additions: Discussion of bid package and RFP for the construction of the east side of NW 107 Avenue between 138 Street and Frontage Road. Mr. Marcos Piloto, Director of O.M.B.
6. **Review of Minutes: March 2, 2004:** Chairman Garcia made a motion to approve the minutes of March 2, 2004, seconded by Councilman Merida. The motion was approved by unanimous consent.
7. **Public Comments:** None were offered.
8. **Public Hearing to determine revocation or conditions on alcohol beverage license for:** Rextra Investment, Inc., O.K. Cafeteria, 8050 N.W. 103 Street #104, Hialeah Gardens: Owner Rebeca Linares. **(Tabled)**

At this time, Attorney J. Frost Walker III swore in those individuals who would be offering testimony on any of the items for public hearing.

The following individuals came forward and gave testimony:

Ms. Rebeca Linares, owner of Rextra Investments, O.K. Cafeteria  
Mr. Jorge A. Gutierrez, interpreter for Ms. Linares

Mrs. Aida Martinez Ruiz came forward and gave staff recommendations to reinstate the occupational license excluding the selling of beer and/or wine for a probationary period of six months. The recommendation also included that the applicant come before the City Council after six months to reapply for the 2 C.O.P. beer and wine with full course meal license. Ms. Linares was in agreement with staff recommendations. Chairman Garcia made a motion to approve seconded by Councilman Merida and approved by voice vote (4-1 with Councilman Piña voting against).

9. **Public Hearing to determine revocation or conditions on alcohol beverage license for:** Artistas Restaurant, 9550 N.W. 79 Avenue #3, Hialeah Gardens: Owners Milagros Rodriguez and Julio E. Valdes.

The following individuals came forward and gave testimony:

Mr. Julio E. Valdes, Owner of Artistas Restaurant  
 Mr. Jorge A. Gutierrez, interpreter for Mr. Valdes  
 Mr. Arturo A. Ruiz, Director of Administration  
 Mr. Manace Rodriguez, Occupational License Director  
 Mr. H. Keith Joy, Chief of Police

Mrs. Aida Martinez Ruiz came forward and gave staff recommendations to reinstate the occupational license excluding the selling of beer and/or wine for a probationary period of three months. The recommendation also included that the applicant come before the City Council after three months, retroactive to the date of the citation, to reapply for the 2 C.O.P. beer and wine with full course meal license. Mr. Valdes was not in agreement with staff recommendations and asked for a full hearing. He felt it was unjust since there had been no one on the premises and the alcohol found had been his private collection. Mr. Arturo A. Ruiz, Director of Administration came forward and presented evidence. Mr. Manace Rodriguez, Director of the Occupational License Department, and Chief of Police Mr. H. Keith Joy came forward and were in agreement with staff recommendations. Chairman Garcia made a motion to approve seconded by Councilman Merida and approved by voice vote (4-1 with Councilman Piña voting against).

10. **Public Hearing to determine revocation or conditions on alcohol beverage license for:** 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.

The following individuals came forward and gave testimony:

Mr. Abel Marino Marquez, owner of El Grande Restaurant  
 Mr. Jose M. Herrera, Esquire  
 Mr. Jorge Machin, Esquire, interpreter for Mr. Marquez and Ms. Arguello  
 Ms. Zoraya Arguello, employee of El Grande Restaurant  
 Mr. Julio Menendez, detective, City of Hialeah Gardens Police Department  
 Mr. Arturo A. Ruiz, Director of Administration  
 Mr. Manace Rodriguez, Occupational License Director  
 Mr. H. Keith Joy, Chief of Police

Mrs. Aida Martinez Ruiz came forward and gave staff recommendations to reinstate the occupational license excluding the selling of beer and/or wine for a probationary period of three months. The recommendation also included that the applicant come before the City Council after three months, retroactive to the date of the citation, to reapply for the 2 C.O.P. beer and wine with full course meal license. Mr. Herrera, representing the owner came forward and disagreed with the recommendation. Mr. Herrera also raised questions regarding jurisdictional issues to which Mr. Citrin responded. Mr. Arturo L. Ruiz, Director of Administration came forward and presented evidence. At this time, Chairman Garcia asked for a short recess at 8:41 p.m.

The meeting reconvened at 8:48 p.m.

Chief H. Keith Joy, Mr. Abel Marino Marquez, Ms. Zoraya Arguello, Mr. Manace Rodriguez, and Detective Julio Menendez came forward and gave testimony. Councilman Zardon made a motion to approve a sixty-day suspension with automatic reinstatement of the license. The motion died for lack of a second. Chairman Garcia made a motion to approve staff recommendations, seconded by Councilman Merida, and approved by voice vote (3-2 with Councilman Piña and Councilman Zardon voting against).

11. **Public Hearing to determine revocation or conditions on alcohol beverage license for:** Berto Cafeteria, Inc., 9900 N.W. 80 Avenue #4-A/B, Hialeah Gardens: Owner Mr. Eriberto Valdes.

The following individuals came forward and gave testimony:

Mr. Eriberto Valdes, owner of Berto Cafeteria  
Mr. Jorge A. Gutierrez, interpreter for Mr. Valdes

Mrs. Aida Martinez Ruiz came forward and gave staff recommendations to reinstate the occupational license excluding the selling of beer and/or wine for a probationary period of three months. The recommendation also included that the applicant come before the City Council after three months, retroactive to the date of the citation, to reapply for the 2 C.O.P. beer and wine with full course meal license. Mr. Valdes was in agreement with staff recommendations. Chairman Garcia made a motion to approve seconded by Councilman Merida and approved by voice vote (4-1 with Councilman Zardon voting against).

12. **Public Hearing to determine revocation or conditions on alcohol beverage license for:** Café Tropical Restaurant: Alice Corporation, 12533-12535 West Okeechobee Road, Hialeah Gardens: Owner Mr. Miguel Castaño.

The following individuals came forward and gave testimony:

Mr. Miguel Castaño, owner Café Tropical Restaurant  
Mr. Jorge A. Gutierrez, interpreter for Mr. Castaño

Mrs. Aida Martinez Ruiz came forward and gave staff recommendations to reinstate the occupational license excluding the selling of beer and/or wine for a probationary period

of three months. The recommendation also included that the applicant come before the City Council after three months, retroactive to the date of the citation, to reapply for the 2 C.O.P. beer and wine with full course meal license. Mr. Castaño was in agreement with staff recommendations. Chairman Garcia made a motion to approve seconded by Councilman Merida and approved by voice vote (4-1 with Councilman Zardon voting against).

13. **Public Hearing to determine revocation or conditions on alcohol beverage license for:** Megano Corporation D/B/A Megano Cafeteria, 8725 N.W. 117 Street #12, Hialeah Gardens: Owner Mr. Raul Sanchez.

The following individuals came forward and gave testimony:

Mr. Raul Sanchez, owner of Megano Cafeteria  
Mr. Jorge A. Gutierrez, interpreter for Mr. Sanchez

Mrs. Aida Martinez Ruiz came forward and gave staff recommendations to reinstate the occupational license excluding the selling of beer and/or wine for a probationary period of three months. The recommendation also included that the applicant come before the City Council after three months, retroactive to the date of the citation, to reapply for the 2 C.O.P. beer and wine with full course meal license. Mr. Sanchez was not in agreement with staff recommendations but accepted the conditions of staff recommendations. Chairman Garcia made a motion to approve seconded by Councilman Merida and approved by voice vote (4-1 with Councilman Zardon voting against). At this time Councilman Zardon had a question regarding the number of violations cited and at this time requested to change his vote. Chairman Garcia withdrew the motion seconded by Councilman Merida. Chairman Garcia again made a motion to approve staff recommendations seconded by Councilman Merida and it was approved by voice vote (5-0).

14. **Proposed Resolutions:**

- A) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND DOWNRITE ENGINEERING CORPORATION FOR THE CONSTRUCTION OF THE EAST SIDE OF N.W. 107<sup>TH</sup> AVENUE; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH DOWNWRITE ENGINEERING CORPORATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Deleted from Agenda)**
- B) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING AND APPROVING THE PROPOSED INTERLOCAL AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND MIAMI-DADE COUNTY, FLORIDA IN SUBSTANTIALLY THE FORM AS ATTACHED**

***HEREOF AS EXHIBIT "1", RELATING TO ANNEXATION OF MUNICIPAL BOUNDARIES; AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO THE INTERLOCAL AGREEMENT AND TAKE ANY OTHER ACTION IN FURTHERANCE THEREOF; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.***

Chairman Garcia read the full resolution into the record. Mr. Marcos Piloto, Director O.M.B. came forward and explained that this was the final step by the City in the process related to the annexation. He went on to state that the City had received unanimous approval of their application from the County's Budget and Finance Committee at the last public hearing. The agreement would now go before the Board of County Commissioners for final approval. Chairman Garcia made a motion to approve, seconded by Councilman Merida, and the motion was unanimously approved.

15. **City Attorney's Report-** Mr. Citrin complimented Mrs. Aida Martinez Ruiz and Mr. Arturo Ruiz for the excellent job done in preparation for the six revocation hearings and complemented the council for listening to all the testimony presented this evening.
16. **Mayor's Report – Miscellaneous-** Congratulated Mrs. Aida Martinez Ruiz, Mr. Arturo Ruiz, and Mr. Charles Citrin for their fine work. Also thanked the council members in helping the Administration receive a favorable recommendation with regards to the City's annexation.
17. **Council Members Concerns/Reports – Miscellaneous:**

**Councilman Gutierrez-** Commented on the approval of the action being taken against those establishments that are violating the City's ordinances regarding the sale of alcohol. He stated that this would set a precedent for businesses looking to come to the City to abide by our regulations.

**Councilman Merida-** Remarked that he would like to see changes to existing ordinances regarding the sale of alcohol in order to allow for more diverse businesses to be established within the City.

**Councilman Zardon-** Had no comments.

**Councilman Piña-** Had no comments.

**Chairman Garcia-** Commented on his attendance to the funeral of former City Council member Joe Sherron and conveyed the family's appreciation for the flowers sent by the City and the Mayor's and council member's condolences.

Chief Joy thanked the Mayor and the City Council for their support and reported on the taking of a house earlier this evening in the Biltmore development, which was being used as an illegal hydroponics lab for the purposes of growing marijuana. Approximately 70 plants were in the home with a street value of \$260,000.00 the Chief reported.

City Clerk Maria L. Joffe complimented Marta Rodriguez for her work as deputy clerk. Mrs. Rodriguez will be serving as clerk at the April 6, meeting, as Ms. Joffe will be out of town.

18. **Adjournment:** The meeting adjourned at 11:26 p.m.

Respectfully submitted by:

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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, April 20, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 12, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, April 7, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, April 27, 2004, 7:00 P.M.

POLICE PENSION BOARD

Friday, May 10, 2004, 7:00 P.M.