

MINUTES

CITY COUNCIL MEETING
TUESDAY, MAY 4, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:33 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Manuel Zardon, Councilman Jorge A. Merida, Councilman Jorge Gutierrez, and Councilman Rolando Piña. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia gave 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: April 20, 2004:** Chairman Garcia made a motion to approve the minutes of April 20, 2004, seconded by Councilman Merida. The motion was approved unanimously.
7. **Public Comments:** None were offered.
8. **Request for reinstatement of alcohol beverage license for:** Artistas Restaurant, 9550 N.W. 79 Avenue #3, Hialeah Gardens: Owners Milagros Rodriguez and Julio E. Valdes.

Mr. Julio E. Valdes was present. Mr. Arturo L. Ruiz, Director of Administration came forward and gave staff recommendations to reinstate the alcohol beverage license being that there were no violations during the probation period. Chairman Garcia made a motion for reinstatement, seconded by Councilman Merida. The motion was unanimously approved.

9. **Request for reinstatement of 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.

Mr. Jose M. Herrera, Esquire was present for the applicant. Mr. Arturo L. Ruiz, Director of Administration came forward and gave recommendations and details of an event that occurred on the premises and provided a police report. The incident did not involve the applicant. Councilman Piña had comments regarding the police report and asked Chief H. Keith Joy to elaborate on the incident. Chief H. Keith Joy came forward and gave details of the statements made by individuals involved in the altercation. Mr. Abel Marino Marquez, the owner was present and Chairman Garcia asked if his establishment had sold any alcohol. Mr. Marquez answered no and his attorney offered that there was a history of tenant/landlord disputes on the property. He also offered that individuals bought alcohol at other locations and then went to the truck stop to drink. Recommendations were made to the applicant to be more aware of the activities on the premises. Chairman Garcia made a motion to approve with the provision that if another infraction were to occur, there would be severe restrictions on their licensure. The motion was seconded by Councilman Merida and approved unanimously.

10. **Discussion regarding implementation of new guidelines for zoning code:** Mrs. Mirtha Gonzalez, Chief Zoning Official.

Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave a visual presentation on the new design guidelines for commercial development within the City and a detailed report of the Planning & Zoning Department's recommendations for the new annexation area.

11. **Discussion of advertisement for Request for Proposals for loan financing (Road Improvement and Capital Improvement):** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, Director of O.M.B. came forward and gave a report regarding the Requests for Proposals for the financing of a loan for the Five Year Road Improvement Plan which will be funded by the surtax on gasoline monies from Miami-Dade County. The surtax monies will also fund the transit system for the City. The other Request for Proposals was for the infrastructure plan for a loan not to exceed \$5,050,000.00 for the building of various departments on the acquired ten and one half acres of land adjacent to the Westland Gardens Park. The plan includes a police substation, the Water & Sewer Department, a maintenance facility, a recreation center and banquet hall with a terrace, a second story for City Hall, a retrofit cafeteria roof extension, racquetball and squash courts. The bank loan will be based on a ten-year period with a twenty-year amortization schedule with approximate annual payments. The first twelve months will only be interest payment. The payment plan will consist of charging the Water & Sewer Department for their prorated share of the government complex, which will cover the first three and one half years of the loan. It also plans to dedicate all impact fees associated with construction of the acquired annexation area to make payment for the remaining term of the loan. Chairman Garcia made a motion to approve advertising for Request for Proposals for loans, seconded by Councilman Merida, and was unanimously approved.

12. **Discussion of E-Surplus Auction System:** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, Director of O.M.B. came forward and gave information regarding the E-Surplus Auction System. This system will allow the City to auction outdated or unused equipment via the internet and is more feasible than holding a private auction.

13. Proposed Resolution:

- A) A RESOLUTION OF THE CITY OF HIALEAH GRDENS, FLORIDA, APPROVING THE RENEWAL OF THE AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION, STATE OF FLORIDA, AND THE CITY OF HIALEAH GARDENS CONCERNING TURF AND LANDSCAPE MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full resolution into the record. Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and explained the details of the renewal contract with the Florida Department of Transportation regarding the turf and landscape maintenance agreement. Chairman Garcia made a motion to approve, seconded by Councilman Merida and was approved by unanimously consent.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, AMENDING ORDINANCE NO 2003-26, CHANGING THE NAME OF THE FINAL PLAT JEANNETTE COVE ONE AND TWO TO THE NAME "JEANNETTE COVE" CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARCEL I: THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "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. TOGETHER WITH A NON-EXCLUSIVE PERPETUAL EASEMENT FUNNING WITH THE LAND OVER AND UPON THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT: THE NORTH 25 FEET OF THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431 FEET OF TRACT 6 4, IN SECTION 3, TOWNSHIP 53 SOUTH RANGE 40 EAST, "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. PARCEL II: THE WEST 230 FEET OF THE NORTH 150***

FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "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 DADE COUNTY, FLORIDA. TOGETHER WITH A PERPETUAL EASEMENT RUNNING WITH THE LAND AND OVER AND UPON THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT: THE NORTH 25 FEET OF THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 40 EAST, "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 DADE COUNTY, FLORIDA. LESS: A PARCEL OF LAND LYING IN THE CITY OF HIALEAH GARDENS, DADE COUNTY, FLORIDA BEING A PORTION OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "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 DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE CENTER OF SAID SECTION 3; THENCE RUN N89 48' 29"E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, FOR 22.00 FEET TO A POINT; THENCE RUN S000 01'22"E, FOR 70.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST: THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 68 11'46", FOR AN ARC DISTANCE OF 41.66 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE RUN N00 01'22"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR 102.2 FEET TO THE POINT OF BEGINNING. FOLIO #'S 27-3003-001-4280, 27-3003-001-0900. PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Cory Collins, Esquire was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave recommendations regarding the name change for the final plat. The change had been requested by Miami-Dade County. Chairman Garcia opened the public hearing at 8:35 p.m. No one came forward; Chairman Garcia closed the public hearing

at 8:35 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (**Vote 5-0**).

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AND APPROVING AMENDMENTS 04-01 TO THE COMPREHENSIVE PLAN INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #1: CHANGE FROM BU(BUSINESS) TO MER (MEDIUM RESIDENTIAL DENSITY); CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT PORTION OF LOTS 4, 5, AND 6, LYING NORTHEASTERLY OF THE RIGHT-OF-WAY LINE OF STATE ROAD 25, AND THAT PORTION OF LOT 13, LYING NORTHWESTERLY OF CANAL C-7, LESS THE NORTH 25.00 FEET THEREOF "NINA GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, AT PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE SOUTHEAST OF THE LOT 2 AND ALL OF LOT 3, BEING NORTHEASTERLY ON STATE ROAD 27, LESS RIGHT-OF-WAY PER STATE ROAD DEPARTMENT SECTION 87090-2510, "NINA GARDENS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 AT PAGE 15 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTHEAST OF OKEECHOBEE FRONTAGE ROAD (SR 25), NORTHWEST OF CANAL, SOUTH OF NW 106 STREET. FOLIO'S # 27-3004-004-0040, 27-3004-004-0050, 27-3004-004-0020; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Ms. Amy Khamissian was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave recommendations from the City, Miami-Dade County, Florida Department of Community Affairs, and the Miami-Dade County School Board, which were all favorable. This ordinance will serve to adopt and formalize the Department of Community Affairs' requirements. Chairman Garcia opened the public hearing at 8:38 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:38 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (**Vote5-0**).

15. **City Attorney's Report:** Mr. Citrin reported on the disciplinary actions in the Police Department regarding the Rivero case, thanked Chief H. Keith Joy, and commended J. Frost Walker III and Aida Martinez Ruiz for their work on the case.
16. **Mayor's Report – Miscellaneous:** The Mayor commended Arturo L. Ruiz for his work on the Brothers to the Rescue dedication and also commended Aida Martinez

Ruiz for preparing the programs for the event. The Mayor stated his pride for the work of the City Council members and staff regarding the City's annexation. He also mentioned the new programs that have been added to the Parks & Recreation Department which include dance, tennis, soccer, basketball, and flag football. The Mayor also reminded of the Mother's Day celebration to be held at the senior center on Friday, May 7th.

17. Council Members Concerns/Reports – Miscellaneous:

Councilman Gutierrez commended the Mayor and the City for the reconstruction of the sidewalks on 80th Court. He also complimented Marcos Piloto and Mirtha S. Gonzalez for their presentations. There were no further comments.

18. Adjournment: The meeting was adjourned at 8:47 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, May 18, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, May 10, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, May 5, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, May 25, 2004, 7:00 P.M.

POLICE PENSION BOARD

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