

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, FEBRUARY 2, 2010**

**CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1.** Call to Order: Chairman Garcia called the meeting to order at 7:30 p.m.
- 2.** Roll Call: Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge A. Merida, Councilman Jorge Gutierrez, and Councilman Elmo L. Urra. Also present were City Attorney Charles A. Citrin and Mayor Yioset De La Cruz.
- 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: January 19, 2010. Chairman Garcia made a motion to approve the minutes of January 19, 2010, seconded by Councilman Merida. The motion was unanimously approved.
- 7.** Public Comments: None were offered.

8. Florida League of Cities, Return of Premium presentation: Mr. Jim McGinn representing the Florida Municipal Insurance Trust (FMIT).

Mr. Jim McGinn representing the Florida Municipal Insurance Trust the city's municipal insurance provider came forward and presented a check for \$7,784.00 for a premium refund for holding their property coverage with FMIT in policy year 07/08 and renewing their coverage for the 09/10 policy year. A photo opportunity was taken at this time.

9. Recommendation for Baseball Uniforms (R.F.P. 2009-01): Mr. Walter Dubon, Director Parks and Recreation Department.

Mr. Walter Dubon, Director of the Parks and Recreation Department came forward and read his memorandum into the record detailing his recommendation of Strike Zone as primary vendor due to their delivery schedule and Matty's Sports as secondary vendor. Mr. Citrin made comments regarding the difference in price and offered to table the item in order to go over the bid proposals with Mr. Dubon. Due to time constraints in placing the uniforms order, Mayor De La Cruz offered that the item be tabled until the end of tonight's meeting in order to review the proposals. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved. **(Tabled)**

Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved. Mr. Citrin made comments after reviewing the proposals with Mr. Dubon. The city reserves the right to approve or reject any bid in the best interest of the city and to enter into contract using objective criteria. Chairman Garcia made a motion to approve the recommendation, and instruct staff to prepare a resolution to this affect, seconded by Councilman Merida. The motion was unanimously approved.

## 10. **Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, SUPPORTING A BAN ON TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE, OR ALTERNATIVELY SUPPORTING STATE LEGISLATION PERMITTING LOCAL MEASURES TO BAN TEXT MESSAGING WHILE OPERATING A MOTOR VEHICLE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mayor De La Cruz thanked Councilman Piña for bringing this issue before the council. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN LOURDES MARTINEZ-LEON M.S.R.D./L.D. AND THE CITY OF HIALEAH GARDENS CONCERNING PROFESSIONAL NUTRITION AND DIETARY CONSULTATION AS REQUIRED BY THE DEPARTMENT OF ELDER AFFAIRS AND THE ALLIANCE FOR AGING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mrs. Aida Martinez Ruiz came forward and gave details of the need to comply with the Department of Elder Affairs and the Alliance for Aging which oversees the senior center's funding. This is the first time a resolution for a contract is prepared and executed for nutrition and dietary consultation. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING AND REPLACING ORDINANCE # 2009-22 FOR WEST GARDEN PLAZA, CONCERNING PROPERTY LEGALLY DESCRIBED AS: (O.R.B. 15117 PG. 3295) THE WEST 225 FEET OF THE EAST 515 FEET OF TRACT 61, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION No. 1" OF 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 LESS: THE NORTH 25 FEET THEREOF AND LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 61 FOR 68.06 FEET; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 FOR 89.91 FEET TO A POINT ON THE WESTERLY LINE OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTHERLY ALONG THE WEST LINE OF ABOVE DESCRIBED PARCEL FOR 57.09 FEET TO THE POINT OF BEGINNING AND: (O.R.B. 19304 PG. 3813) THE WEST 20 FEET OF THE EAST 535 FEET OF TRACT 61 LESS THE RIGHT-OF-WAY OF STATE ROAD NO. 25 IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "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. BEST DESCRIBED AS FOLLOWS: COMMENCE AT NE CORNER OF TRACT 61 OF "FLORIDA FRUIT LAND COMPANY'S DIVISION NO. 1" OF 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; THENCE RUN S89°39'50"W ALONG THE CENTER LINE OF NW 95 STREET FOR 290.00 FEET; THENCE RUN S01°45'56"E, FOR 25.00 FEET TO A POINT OF BEGINNING (POB) OF THE HEREINAFTER DESCRIBED PARCEL OF LAND, SAID POINT IS LOCATED ON SOUTH RIGHT OF WAY OF NW 95 STREET; THENCE RUN S89°39'50"W ALONG THE SAID SOUTH RIGHT OF WAY FOR 245.07 FEET; THENCE RUN S01°45'56"E, FOR 230.91 FEET TO A POINT LOCATED ON NORTH RIGHT OF WAY OF RIGHT OF WAY LINE OF S.R. 25 AS SHOWN IN FDOT RIGHT OF WAY MAP 87090-2518; THENCE RUN S50°56'14"E ALONG THE NORTH RIGHT OF WAY OF SAID S.R. 25 FOR 116.35 FEET TO A POINT; THENCE RUN N89°39'50"E, FOR 157.01 FEET; THENCE RUN N01°45'56"W, FOR 304.78 FEET TO THE POINT OF BEGINNING. CONTAINING: 71,418 SQR FT. +- APPROX. 1.64 ACRES, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mrs. Aida Martinez Ruiz swore in all of those who will be giving testimony on the item for second reading and read the full title of the ordinance into the record. Mr. Guillermo Guerrero, surveyor for the project was present for the applicant. Mr. Rey Regalado, Building Director came forward for staff and gave recommendations. Chairman Garcia opened the public hearing at 7:49 p.m. No one came forward; therefore, Chairman Garcia closed the public hearing at 7:49 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Gutierrez. The motion was approved by individualized voice vote. **(4-0 with Councilman Merida abstaining from voting.)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING AND REPLACING ORDINANCE # 2009-20 FOR TRIANGLE VENTURE SUBDIVISION, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT PORTION OF TRACT 33 LYING NORTHEASTERLY OF STATE ROAD S.R. 25 (U.S. 27) LESS THE NORTH 100.00 FEET THEREOF, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION" No 1" OF 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; LESS THE EAST 200.06 FEET. FOLIO #: 27-3003-001-0431, PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia made a motion to remove the item from table, seconded by Councilman Gutierrez. The motion was approved by individualized voice vote. **(4-0 with Councilman Merida abstaining from voting.)** Mr. Rafael Cabrera was present for the applicant. Mr. Rey Regalado, Building Director came forward for staff and gave recommendations. Chairman Garcia opened the public hearing at 7:54 p.m. No one came forward; therefore, Chairman Garcia closed the public hearing at 7:54 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Gutierrez. The motion was approved by individualized voice vote. **(4-0 with Councilman Merida abstaining from voting.)**

12. **City Attorney's Report:** No comments
- 13 **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.
14. **Council Members Concerns / Reports / Board Appointments:** No comments
15. **Adjournment** : The meeting was adjourned at 7:55 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 MEETINGS**

**CITY COUNCIL**

Tuesday, March 2, 2010, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, March 8, 2010, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, March 4, 2010, 11:30 A.M.

**WATER AND SEWER BOARD**

Tuesday, February 23, 2010. 7:00 P.M.

**POLICE PENSION BOARD**

Wednesday, April 28, 2010, 5:30 P.M.