

MINUTES

CITY COUNCIL MEETING  
TUESDAY, MAY 20, 2003

CITY HALL COUNCIL CHAMBERS  
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:34 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Manuel Zardon, Councilman Jorge Merida and Councilman Jorge Gutierrez. Also present were Mayor Yioset 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:** A request to advertise for proposals for Evaluation and Appraisal Report (E.A.R.) Consultant Services was added to the agenda as **Item 6a**.
6. **Review of Minutes: May 6, 2003:** Chairman Garcia made a motion to approve the minutes of May 6, 2003, seconded by Councilman Zardon. The motion passed by unanimous consent.
- 6a. **Request for proposals for Evaluation and Appraisal Report (E.A.R.) Consultant Services:** Mirtha Gonzalez, Chief Zoning Official came forward and gave an explanation for the need to advertise for consultant services to prepare the City's E.A.R. The Evaluation and Appraisal Report is a summary audit of the progress made in implementing a local government's Comprehensive Plan and is done every seven years. Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved.
7. **Proposed Resolutions:**

A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS,  
FLORIDA, RATIFYING THE AWARD OF A CONTRACT  
FOR THE CONSTRUCTION OF AN ADDITION TO***

**HOLLINGSWORTH HALL (SENIOR CENTER) TO BM CONTRACTING, LLC; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH BM CONTRACTING, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia stated that this resolution served to memorialize the action taken by the Council at their last meeting and offered a motion to approve. Councilman Zardon seconded the motion and it was unanimously approved.

**8. First Reading for consideration of the following ordinances:**

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR MACO COMMERCE PARK MDT, LLC. LEGAL DESCRIPTION: W \_ OF TRACT 25 LESS W 40' FOR RIGHT-OF-WAY AND W \_ OF THE SOUTH \_ OF TRACT 26, LESS THE WEST 40 FEET THEREOF FOR A ROAD RIGHT-OF-WAY BOTH OF THE FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast corner of Frontage Rd. and N.W. 107 Avenue) ( T.R.C. 5-0) (P&Z 3-1 J. Gutierrez)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Bruce Hermely, was present for the applicant. Chairman Garcia stated that this was a first reading of the ordinance for the record, and as such an opportunity for public input would be provided upon second reading. He then made a motion to approve, seconded by Councilman Jorge Gutierrez. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR MARIO FERRO EMERALD PLAZA SHOPPING CENTER. LEGAL DESCRIPTION: THE WEST \_ OF TRACT 16, LESS THE NORTH 80.00 FEET AND LESS THE WEST 35.00 FEET, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC**

**RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOLIO  
#27-2033-001-0171 PROVIDING FOR CONDITIONS;  
PROVIDING FOR EFFECTIVE DATE. (Location: Corner of  
122 St. and 92 Ave.) (T.R.C. 5-0) (P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Mario Ferro, was present for the applicant. Chairman Garcia stated that this was a first reading of the ordinance for the record, and as such an opportunity for public input would be provided upon second reading. He then made a motion to approve, seconded by Councilman Manuel Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING WAIVER OF PLAT ALEXIS AND TERRY RAMOS. LEGAL DESCRIPTION: THE WEST OF THE EAST OF THE WEST OF TRACT 20, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS DEDICATIONS FOR RIGHT OF WAY OVER THE NORTH 30 FEET THEREOF. FOLIO #: 27-2029-001-0202. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 135 St. and East of N.W. 104 Ave.) (T.R.C. 5-0) (P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Alexis Ramos was present for the applicant. Chairman Garcia stated that this was a first reading of the ordinance for the record, and as such an opportunity for public input would be provided upon second reading. He then made a motion to approve, seconded by Councilman Jorge Merida. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- D) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN REVIEW FOR FRONTIER DEVELOPMENT, AUTOZONE STORE DEVELOPMENT LEGAL DESCRIPTION: A PORTION OF THE EAST 185.00 FEET OF THE WEST 845.00 FEET OF TRACT 1, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO.1", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. FOLIO #: 27-2033-001-0015. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 121 St. and N.W. 122 St., West of N.W. 87 Ave.) (T.R.C. 5-0) (P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Jerry Zamora, was present for the applicant. Chairman Garcia stated that this was a first reading of the ordinance for the record, and as such an opportunity for public input would be provided upon second reading. He then made a motion to approve, seconded by Councilman Jorge Merida. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- E) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR PALMETTO-103 PROPERTIES, LLC. LEGAL DESCRIPTION: A PORTION OF TRACT 9 AND 10 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-3003-001-0142. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98 St. and N.W. 80 Ave.) (T.R.C. 4-0) (P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Donald Ramsey, was present for the applicant. Chairman Garcia stated that this was a first reading of the ordinance for the record, and as such an opportunity for public input would be provided upon second reading. He then made a motion to approve, seconded by Councilman Manuel Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- F) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR ROSDAY CORPORATION. FRONTIER SUBDIVISION. LEGAL DESCRIPTION: A PORTION OF THE EAST 185.00 FEET OF THE WEST 845.00 FEET OF TRACT 1, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO.1", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. FOLIO #: 27-2033-001-0015. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 121 St. and N.W. 122 St., West of N.W. 87 Ave) (T.R.C. 5-0) (P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Jane Storms, was present for the applicant. Chairman Garcia stated that this was a first reading of the ordinance for the record, and as such an opportunity for public input would be provided upon second reading. He then made a motion to approve, seconded by Councilman Jorge Merida. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

9. **Second Reading/Public Hearing for consideration and final adopting of the following ordinances:** All individuals who would be testifying on any item for second reading were sworn in at this time by the City Attorney.

**A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR VILLAS DE VALENCIA. LEGAL DESCRIPTION: A PORTION OF TRACTS 10 AND 23, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. ONE, 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 DADE COUNTY, FLORIDA FOLIO #27-3003-001-0139 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98 Street and N.W. 82 Avenue) (T.R.C. Vote 5-0) (P & Z Vote 3-1 A. Perez)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Sharon Aylward was present for the applicant. Councilman Gutierrez stated for the record, that he had voted on this and the following two items, as a member of the City's Planning and Zoning Board and therefore would abstain from voting at this time. Following Councilman Gutierrez's statement, Mirtha Gonzalez, Chief Zoning Official, was asked to come forward and give staff recommendations on the ordinance at hand. Chairman Garcia opened the public hearing for discussion on the item at 7:41 p.m. As no one offered testimony, he closed the public hearing at 7:41 p.m. and made a motion to approve. The motion was seconded by Councilman Merida with Councilman Zardon voting in favor and Councilman Gutierrez abstaining. **(Vote 3-0)**

**B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR CONSENSUS CORP. LEGAL DESCRIPTION: THAT PORTION OF TRACT 25, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF DADE-COUNTY, FLORIDA, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD N°25, AND SUBJECT TO DEDICATIONS, LIMITATIONS, RESERVATIONS, EASEMENTS, OR RESTRICTIONS OF RECORD, IF ANY. FOLIO #27-2033-001-0280 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Okeechobee Road, West of N.W. 94 Avenue and North of N.W. 114 Street) (T.R.C. Vote 4-0) (P&Z Vote 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman was present for the applicant. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendations on the final plat and stated that there were no variances. Chairman Garcia opened the public hearing at 7:54 p.m. As no one offered testimony, he closed the public hearing at 7:54 p.m. and made a motion to approve. The motion was seconded by Councilman Merida with Councilman Zardon voting in favor and Councilman Gutierrez abstaining. **(Vote 3-0)**

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR OLIVA BRICK INC. LEGAL DESCRIPTION: A PORTION OF TRACT 7, OF FOREST FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 6, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-2032-002-0070 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 99 Avenue and Frontage 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. Angel Lopez was present for the applicant. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 7:55 p.m. As no one offered testimony, he closed the public hearing at 7:55 p.m. and made a motion to approve. The motion was seconded by Councilman Zardon with Councilman Merida voting in favor and Councilman Gutierrez abstaining. **(Vote 3-0)**

10. **Public Comments:** The following individuals addressed the Council:

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, Florida.  
Mr. Raul Lozano, 10471 N.W. 130 Street, Hialeah Gardens, Florida

11. **City Attorney's Report:** Noted an interesting article in the New Yorker regarding municipal government which he will provide copies of to the Council members.
12. **Mayor's Report – Miscellaneous** – Commended the Chairman for a good meeting.
13. **Council Members Concerns/Reports – Miscellaneous**  
**Chairman Garcia** – Commented on the importance of doing what is right for the City without losing sight that the Council's actions must be justifiable under the law.  
**Councilman Merida** – No Comments  
**Councilman Zardon** – No comments  
**Councilman Gutierrez** – No comments
14. **Adjournment:** The meeting was adjourned at 8:12 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, June 17, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, June 9, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, June 4, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, June 24, 2003, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.