

MINUTES
CITY COUNCIL MEETING
TUESDAY, NOVEMBER 18, 2003

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:32 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Merida, Councilman Manuel Zardon and Councilman Jorge Gutierrez. Also present was City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Luciano Garcia gave the invocation.
4. **Pledge of Allegiance:** City Attorney Charles A. Citrin led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** November 5, 2003: Chairman Garcia made a motion to approve the minutes of November 5, 2003, seconded by Councilman Merida. The motion was approved by unanimous consent.
7. **Public Comments:** None were offered.
8. **Request for approval to re-advertise invitation to bid for construction of Racquetball and Squash ball courts at Westland Gardens Park:** Mr. Raymond Garcia, Director of Parks and Recreation offered his recommendation to re advertise the construction of racquet and squash ball courts separately. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion passed unanimously.
9. **First Reading for consideration of the following ordinances:**
 - A) ***AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR SEVENTEEN (17) ADDITIONAL PARKING SPACES FOR BERNIE MARIBONA TO PERMIT RETAIL OR PERSONAL SERVICE USES IN COMMERCIAL BUILDING PROPERTY LEGALLY DESCRIBED AS: A PORTION***

OF TRACT "A" OF "SECOND ADDITION TO RO-JEN ESTATES", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, PAGE 89 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LOCATION: 12963 WEST OKEECHOBEE ROAD. FOLIO # 27-2029-007-0040 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 12963 West Okeechobee 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. Bernie Maribona, the applicant was present. Chairman Garcia stated that this was a first reading 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 Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 02.01.1 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM EU (ESTATE RESIDENTIAL DISTRICT) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: TRACT 22 LESS THE WESTERLY 30.00 FEET, ALL OF TRACT 23, AND TRACT 24 LESS THE EAST 30.00 FEET, THE SOUTH 30.00 FEET AND LESS THE WEST 30.00, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF 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. APPROXIMATE LOCATION: BETWEEN NW 130TH & NW 133RD STREETS, BETWEEN NW 102ND & NW 104TH AVENUES. FOLIO'S # 27-2029-001-0240, 27-2029-001-0245, 27-2029-001-0230, 27-2029-001-0250; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Between N.W. 130 & N.W. 133 Street between N.W. 102 & N.W. 104 Avenues) (T.R.C. Vote: 6-0; P&Z Vote: Denied 3-1 A. Perez in favor)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Stanley Price was present for the applicant. Chairman Garcia stated that this was a first reading for the record, and as such, an opportunity for public input would be provided upon second reading. Councilman Merida made a motion to approve, seconded by Councilman Gutierrez with Councilman Zardon voting in favor and Chairman Garcia against. The motion was approved by individualized voice vote (**Vote 3-1**).

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 03.02.1 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU (BUSINESS DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: 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; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Northeast of Okeechobee Frontage Road (SR25) Northwest of Canal, South of N.W. 106 Street) (T.R.C. Vote:6-0: P&Z Vote: Denied 3-1 A. Perez in favor)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Amy Khamissian was present for the applicant. Chairman Garcia stated that this was a first reading for the record, and as such an opportunity for public input would be provided upon second reading. Councilman Merida made a motion to approve, seconded by Councilman Zardon with Councilman Gutierrez voting in favor and Chairman Garcia against. The motion was approved by individualized voice vote (**Vote 3-1**).

10. Second Reading/Public Hearing for consideration and final adoption of the following ordinance: (TABLED ITEM)

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND GRANTING SIGN VARIANCES FOR LONG JOHN SILVERS/A&W**

FAST FOOD DRIVE-THRU ESTABLISHMENT CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 140 FEET OF THE WEST 660 FEET OF TRACT 1, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 OF SECTION 33, 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 FOLIO #27-2033-001-0011. APPROXIMATE LOCATION: BETWEEN NW 121 STREET AND NEW 122 STREET, WEST OF NW 87 AVENUE; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 121 Street West of N.W. 87 Avenue) (T.R.C. Vote: 6-0; P & Z Vote: 4-0)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official gave department's recommendation. Mr. Eduardo Carcache, applicant came forward and gave testimony regarding site plan and sign variances as to comply with the Planning & Zoning Department's recommendation. Chairman Garcia opened the public hearing for discussion of the item at 7:54 p.m.

The following individual addressed the Council:

Mrs. Gerri Fontanella, 13425 NW 102 Avenue, Hialeah Gardens, Florida.

No further testimony was offered; therefore, Chairman Garcia closed the public hearing at 7:55 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote. **(Vote 4-0)**

11. **City Attorney's Report** – Mr. Citrin commented on a challenge to a previously approved land use amendment.
12. **Mayor's Report – Miscellaneous**-The Mayor was not present.
13. **Council Members Concerns/Reports – Miscellaneous** – Chairman Garcia commended Chief Joy for his assistance with the recent visit to the City by the Brazilian Municipalities Delegation.
14. **Adjournment:** The meeting was adjourned at 7:58 p.m.

Respectfully submitted by:

Maria L. Joffee
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, December 16, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 8, 2003, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, December 3, 2003, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Wednesday, December 3, 2003, 7:00 P.M.