

MINUTES

CITY COUNCIL MEETING
TUESDAY, MARCH 18, 2003

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:32 p.m.
2. **Roll Call:** Present were Chairman Garcia, Councilman Manuel Zardon, Councilman Jorge A. Merida and City Attorney Charles A. Citrin.
3. **Invocation:** The invocation was given by Chairman Garcia.
4. **Pledge of Allegiance:** Mr. Citrin led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None
6. **Review of Minutes: March 5, 2003:** Chairman Garcia offered a motion to approve the minutes of March 5, 2003, seconded by Councilman Zardon. The motion passed unanimously.
7. **Request for approval of alcohol beverage license US 27 Diner, Inc. 9101 West Okeechobee Road:** Mr. Noel Rodriguez, the applicant came forward. Mr. Citrin noted for the Council that memorandums had been prepared by staff stating that the applicants had complied with City requirements. The license is for beer and wine only and the applicant acknowledged his understanding of the obligations under this licensure. A motion was then offered by Chairman Garcia, seconded by Councilman Merida and unanimously approved.
8. **Request for approval of alcohol beverage license Garden's Shell, Tropic Caffé, 10302 N.W. 87th Avenue:** Mr. Brian Adler, Esq., for the applicants, came forward and gave a description of the intended use for the licenses at both the convenience store and the restaurant. Both licenses are for beer and wine. Mr. Adler acknowledged the obligations of the license holder to comply with all City regulations. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.
9. **Request for approval of expenditures from Police Department forfeiture funds and Local Law Enforcement Block Grant FY2002-2003.** Chief K. Joy addressed the Council and asked that this item be tabled to allow time for Lt. Van Toth to arrive.

Chairman Garcia offered a motion to table, seconded by Councilman Zardon. The motion was unanimously approved. **(Tabled)**

10. **Opening of sealed bids received for PW03-02 Hydra-Samari Emergency Access Road:** Mr. Joe Lopez, Public Works Director came forward and opened the two sealed proposals which had been received in response to the advertised invitation to bid. The following bids were read into the record:

Willams Paving Co., Inc. 11300 N.W. South River Drive Medley, Florida 33178	\$ 391,000.00
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Acosta Tractors, Inc. 2419 West 3rd Court Hialeah, Florida 33010	\$ 254,983.50
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Mr. Lopez asked for an opportunity to review the proposals and make his recommendation at a later date.

11. **Discussion of recommendations for a text amendment to the City Code Sec. 78-131 Permitted Uses:** Mirtha Gonzalez, Chief Zoning Official came forward and informed the Council that construction of new warehouses has brought about the need to review the permitted uses in the Commercial District. Interest has been shown in leasing bays in warehouses as offices. In order to accommodate such use under present law Mrs. Gonzalez is recommending the proposal of a text amendment to the City's present code to include offices as a permitted use within the Commercial District. She added that this use would have less of an impact than commercial and/or light industrial uses. At this time Chairman Garcia instructed the City Attorney to draft a resolution for the proposed text amendment.

12. **Proposed Resolution:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH FOR ONE (1) SCHWARZE MODEL A-700 PNEUMATIC STREET SWEEPER AND SIX (6) POLICE INTERCEPTOR VEHICLES AND REAFFIRMING RESOLUTIONS 1951 AND 1956, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH SUNTRUST LEASING CORPORATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Ms. Aida Martinez, Assistant City Attorney came forward and explained that this resolution serves to amend previous resolutions to provide for specific language required by the financing institution. She added that this resolution does not make any changes to the pending financing agreement. Chairman Garcia offered a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

13. First Reading for consideration of the following ordinances:

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING RESOLUTION #1366 GRANTING AN IMPERVIOUS AREA VARIANCE FOR: LOS PALACIOS I CONDOMINIUM ASSOCIATION, CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT "A", OF LOS PALACIOS I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 145, AT PAGE 86, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of 122 Street and West of 92 Avenue) (T.R.C. Vote 5-0; Vote P&Z 5-0)***

Mr. Citrin read the full title of the ordinance into the record. 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. Mr. Zacharias Hernandez president of the condo association came forward and stated his name and address for the record with the assistance of a translator. At this time Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN REVIEW FOR: OLIVA BRICK, INC. FOR A PROPOSED WAREHOUSE AND OFFICE COMPLEX, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 7, FOREST FARMS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #27-2032-002-0070. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Okeechobee Road and 99 Avenue) (T.R.C. Vote 5-0; P&Z Vote 5-0)***

Mr. Citrin read the full title of the ordinance into the record. 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. At this time Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

- C) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCES AND SITE PLAN REVIEW FOR: GARDENS INDUSTRIAL, CONDOS INC. FOR A PROPOSED WAREHOUSE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOTS 25, 26, AND 27, BLOCK 1, "HILLS INDUSTRIAL PARK", A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120, PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. A PARCEL OF LAND IN THE NE _ OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, FOLIO #'S 27-2033-004-0250, 27-2033-004-0260, 27-2033-004-0260 AND 27-2033-004-0270, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Loaction: South of NW 119 Street and East of NW 92 Avenue) (T.R.C. Vote 5-0; P&Z Vote 4-1)***

Mr. Citrin read the full title of the ordinance into the record. 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. Mr. George Peon, architect for the project came forward and stated his name and address for the record. At this time Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

- D) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, CHAPTER TWO (2) ENTITLED ADMINISTRATION BY CREATING SECTION 2-308 ENTITLED "LOBBYING", PROVIDING DEFINITIONS AND REQUIRING REGISTRATION AND FINANCIAL DISCLOSURE BY ALL ENGAGED IN LOBBYING ACTIVITIES; PROVIDING FOR REPEAL; SEVERABILITY AND AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record and stated that he would speak on the issue upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion passed unanimously by individualized voice vote. **(Vote 3-0)**

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE TO PERMIT A CHARTER SCHOOL (MATER ACADEMY) AND SITE PLAN REVIEW FOR EXPANSION (PHASE II)***

AND CIVIC CENTER USE, CONCERNING PROPERTY ADDRESS: 7901 NW 103 STREET. FOLIO #27-3003-001-0020; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 7901 N.W. 103 Street) (T.R.C. Vote 5-0; P&Z Vote 3-0)

Mr. Citrin read the full title of the ordinance into the record. At this time he also swore in those individuals who would be testifying on public hearing item. Mr. Rolando Llanes, architect for the project, Mr. Ignacio Zulueta and Veronica Rivas of Academica Corporation, the management company for the project were present. Mr. Llanes proceeded to give a detailed presentation of the site plan for phase two of the Mater Academy charter school. Chairman Garcia opened the public hearing for discussion on the item at 8:02 p.m. The following individuals addressed the Council:

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, Florida

No further testimony was offered, therefore Chairman Garcia closed the public hearing at 8:04 p.m. Mr. Joe Lopez, Public Works Director came forward and spoke regarding the review made by staff of the changes to the site plan and the requirements presented by FDOT. Mr. Zulueta acknowledged for the record his agreement to the conditions of the ordinance which would include a 10 foot dedication in the western portion of the property for highway use to the City of Hialeah Gardens and that the existing driveway on 103rd Street and the intersection of NW 79th Avenue not be removed nor utilized until the City Council approves utilization of said driveway. Mr. Citrin advised that an amendment to the ordinance should be prepared stating the two aforementioned conditions in order that they be memorialize in the written document itself. Chairman Garcia made a motion to approve the ordinance with the two conditions, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE AND SITE PLAN FOR KINGDOM HALL COMPLEX FOR JEHOVAH'S WITNESSES, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF LAND OF TRACT 57 OF "FLORIDA FRUIT LAND CO. SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA, LYING IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST. FOLIO #: 27-2029-001-0430, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast corner of Frontage Rd. and N.W. 122 Street) (T.R.C. Vote 5-0; P&Z Vote 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Randy Toby representing the applicant came forward and stated his name and address for the record. Mirtha Gonzalez, Chief Zoning Official came forward and gave a description of the

land use for the project and recommendations from T.R.C. and P&Z. Mr. Toby proceeded to give a detailed presentation, which included elements of the site plan and hours of congregational services. Chairman Garcia opened the public hearing for discussion on the item at 8:20 p.m. The following individuals addressed the Council:

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL.

No further testimony was offered, therefore Chairman Garcia closed the public hearing at 8:22 p.m. and moved to approve the ordinance. Councilman Merida offered a second and the motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

- C) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR JAFFARIA GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST _ OF THE EAST _ OF THE WEST _ OF THE NORTH _ OF TRACT 26, LESS THE NORTH 30 FEET THEREOF FOR RIGHT-OF-WAY, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION MAP NO. ONE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 107 Avenue and N.W. 104 Avenue, North of 131 Street) (T.R.C. Vote 5-0; P&Z Vote 3-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Mohamed Iqbal came forward for the applicant. Mirtha Gonzalez, Chief Zoning Official noted the particulars of the project and gave recommendations from T.R.C. and P&Z. Mr. Iqbal stated that this project would be an expansion of the current facility and clarified the exact location of the proposed building. Following the applicant's presentation, Chairman Garcia opened the public hearing for discussion on the item at 8:25 p.m. The following individuals addressed the Council:

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL.

No further testimony was offered therefore, Chairman Garcia closed the public hearing at 8:27 p.m. and made a motion to approved, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

At this time Chairman Garcia made a motion to remove Item 9 from the table, seconded by Councilman Zardon. Lt Van Toth came forward and explained the expenditures proposed from both the Local Law Enforcement Block Grant and the Department's forfeiture funds. Lt. Toth stated that six labtops would be purchased as well as the software that will interface with the new equipment. Chairman Garcia offered a motion to approve the expenditures, seconded by Councilman Merida. The motion was approved by unanimous consent.

15. **Public Comments:** The following individuals addressed the Council:
 Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL.
 Mrs. Virginia Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL.
 Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL.
16. **City Attorney's Report:** No comments were offered.
17. **Mayor's Report – Miscellaneous:** The Mayor was not present.
18. **Council Members Concerns/Reports – Miscellaneous:** No comments were offered
19. **Adjournment:** The meeting was adjourned at 8:43 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, April 1, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 7, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, April 9, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday March 25, 2003, 7:00 P.M.

POLICE PENSION BOARD

Wednesday, May 14, 2003, 7:00 P.M.