

MINUTES

CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 16, 2003

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:36 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Merida, Councilman Manuel Zardon, Councilman Rolando Piña and Councilman Jorge Gutierrez. Also present was City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** An ordinance approving a final plat for Emerald Plaza-Ferro Development for second reading (Tabled on 9-04-03) was added to the agenda as Item 11G. Items 11 A-G were tabled due to additional notice requirements.
6. **Review of Minutes: September 4, 2003:** Chairman Garcia made a motion to approve the minutes of September 4, 2003, seconded by Councilman Merida. The motion passed by unanimous consent.
7. **Public Comments:** The following individuals came forward to address the Council:
Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, Florida.
8. **Recommendation on Bid No. #03-08 Waste Collection and Recycling Bins and Receptacles:** Mr. Marcos Piloto, O.M.B. Director reported on the proposal received from LNC Government Relations and gave his recommendation. He also stated that as part of the agreement, the City would determine all advertising to be displayed on collection receptacles. Chairman Garcia made a motion to approve the recommendation, seconded by Councilman Merida. The motion passed by unanimous consent.

9. **Proposed Resolutions:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE CONSTRUCTION OF N.W. 133RD STREET BETWEEN 98TH AND 102ND AVENUE; AUTHORIZING THE INSTALLATION OF A RETENTION SWALE AND THE CONSTRUCTION OF 2,000 LINEAR FEET OF ROADWAY IN THE AMOUNT OF \$82,210.00; WAIVING COMPETITIVE BIDDING FOR THE PAVING PORTION OF THE PROJECT NOT TO EXCEED \$22,050.00; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 the last meeting and made a motion to approve. Councilman Merida offered a second, and the motion passed by unanimous consent.

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

- A) ***AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR ROSDAY CORPORATION FRONTIER SUBDIVISION. LEGALLY DESCRIBED AS: 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 Street and N.W. 122 Street, West of N.W. 87 Avenue) (T.R.C. Vote: 6-0; P & Z Vote: 3-0)***

Mr. Citrin read the full title of the ordinance into the record. Ms. Jane Storm, surveyor for the project 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. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

- B) ***AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SIGN VARIANCES FOR FRONTIER DEVELOPMENT, AUTOZONE STORE DEVELOPMENT CONCERNING PROPERTY LEGALLY DESCRIBED AS: 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 Street and N.W. 122 Street, West of N.W. 87 Avenue) (T.R.C. Vote: 5-0; P & Z Vote: 2-1)

Mr. Citrin read the full title of the ordinance into the record. Ms. Jane Storm, surveyor for the project 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. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN SPECIAL EXCEPTION USE 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 3-0)**

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 5-0)**

- D) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CHANGING THE LAND USE FROM EU (ESTATE RESIDENTIAL) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT) FOR THE APPROXIMATE 8.37 ACRES PARCEL. LEGAL DESCRIPTION: THE EAST _ OF THE WEST _ OF THE WEST _ OF TRACT 8 AND THE EAST _ OF THE WEST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY 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 THE EAST OF TRACT 8, LESS THE EAST 50 FEET FOR CANAL RIGHT OF WAY, FLORIDA FRUIT LANDS COMPANY 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: NORTH OF NW 130 STREET, BETWEEN NW 97 & NW 99 AVENUES. FOLIO'S: # 27-2029-001-0090, 27-2029-001-0092, 27-2029-001-0080; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: North of N.W. 130 Street, between N.W. 97 & N.W. 99 Avenues) (T.R.C. Vote: 5-0; P & Z Vote: 0-3 Denied)

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman, the applicant was present. A motion to approve on first reading was made by Councilman Gutierrez, seconded by Councilman Zardon. Chairman Garcia, Councilman Piña and Councilman Merida voted against. **(Vote 2-3 Denied)**. Chairman Garcia, on the prevailing side, offered a motion to reconsider the item and have a public hearing at this time, seconded by Councilman Merida, and unanimously approved by individualized voice vote. **(Vote 5-0 to Reconsider Item)** Mr. Citrin swore in those individuals who wished to provide testimony on the item. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and gave a description of the project and committee recommendations. Mr. Osman was allowed to make his presentation, however he stated that he was unprepared at this time and did not have witnesses present who would testify to the merits of his project. After discussion a motion was made by Councilman Merida to approve the ordinance on first reading, seconded by Councilman Gutierrez. Councilman Zardon and Councilman Piña both voted in favor with Chairman Garcia voting against. **(Vote 4-1 Approve on first reading)**

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004 AT 6.12 MILLS, SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.***

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Due to the requirement for additional notice on the item, Chairman Garcia made a motion to table, seconded by Councilman Merida and unanimously approved by individualized voice vote. **(Vote 5-0 Tabled)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Due to the requirement for additional notice on the item, Chairman Garcia made a motion to table, seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(Vote 5-0 Tabled)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Due to the requirement for additional notice on the item, Chairman Garcia made a motion to table, seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(Vote 5-0 Tabled)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Due to the requirement for additional notice on the item, Chairman Garcia made a motion to table, seconded by Councilman Zardon and unanimously approved by individualized voice vote. **(Vote 5-0 Tabled)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER DRAIN FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Due to the requirement for additional notice on the item, Chairman Garcia made a motion to table, seconded by Councilman Zardon and unanimously approved by individualized voice vote. **(Vote 5-0 Tabled)**

**F) ORDINANCE OF THE CITY OF HIALEAH GARDENS,
FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE
GENERAL FUND FOR THE FISCAL YEAR BEGINNING
OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2004;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
EFFECTIVE DATE.**

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Due to the requirement for additional notice on the item, Chairman Garcia made a motion to table, seconded by Councilman Merida and unanimously approved by individualized voice vote. **(Vote 5-0 Tabled)**

12. **City Attorney's Report** – Mr. Citrin was called away from the meeting earlier in the evening.
13. **Mayor's Report – Miscellaneous** – The Mayor was not present.
14. **Council Members Concerns/Reports – Miscellaneous** – No comments were offered.
15. **Adjournment:** The meeting was adjourned at 8:07 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, October 7, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 14, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, October 8, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, October 22, 2003 7:00 P.M.

POLICE PENSION BOARD

Wednesday, November 12, 2003, 7:00 P.M.