

MINUTES

CITY COUNCIL MEETING
TUESDAY, APRIL 1, 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 Garcia, Councilman Piña, Councilman Zardon, Councilman Merida and City Attorney Charles A. Citrin.

I. Invocation: The invocation was given by Chairman Garcia.

II. Pledge of Allegiance: Councilman Piña led the Pledge of Allegiance.

III. Deletions/Emergency Additions: The following resolution was added to the agenda as **Item 10a.:**

RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE AWARD OF A CONSULTING SERVICE AGREEMENT FOR THE MIAMI-DADE DERM AND EPA MANDATED INFLOW / FILTRATION STUDY OF THE CITY'S SANITARY SEWER SYSTEM TO U.R.S. CORPORATION, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH U.R.S. CORPORATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- I. Review of Minutes: March 18, 2003:** Chairman Garcia made a motion to approve the minutes of March 18, 2003, seconded by Councilman Zardon. The motion passed unanimously.
7. **Recommendation for award of contract for bid PW03-02 Hydra-Samari Emergency Access Road:** Mr. Joe Lopez, Public Works Director, came forward and gave his recommendation awarding the contract for the Hydra-Samari project to the lowest bidder, Acosta Tractors, Inc. A motion was made by the Chair to approve the

recommendation, seconded by Councilman Merida. The city attorney was instructed to prepare a resolution to memorialize this action.

8. **Request for approval of line item changes to existing budget:** Mr. Marcos Piloto, Director, O.M.B., was present and explained the need for a line item transfer to the legal department to provide for payment on multiple litigation matters. Chairman Garcia made a motion to approve, seconded by Councilman Piña. The motion was unanimously approved.
9. **Request for approval of vehicle purchases:** Mr. Marcos Piloto, Director, O.M.B. came forward to request the Council's approval for the purchase of six trucks utilizing State Contract #070-001-02-1. Funding for the trucks will be taken respectively from the departments receiving the vehicles. The vehicles will be paid in full with no financing required. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.
10. **Request for approval of general services agreement with URS Corporation Southern and the City of Hialeah Gardens for the DERM mandated Inflow Filtration (I/I) Study of the City's sanitary sewage system:** Mr. Albert Nielson, Director, Department of Water and Sewers addressed the Council and reminded them that bids had been received back in September to conduct the mandated study. After a review of the bids, Mr. Nielson recommends URS Corporation Southern for a contract amount of \$151,000.00, he further added that the Water Board attorney had reviewed the agreement and the Water Board had unanimously approved the contract.

10a. **Proposed Resolution:**

A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE AWARD OF A CONSULTING SERVICE AGREEMENT FOR THE MIAMI-DADE DERM AND EPA MANDATED INFLOW / FILTRATION STUDY OF THE CITY'S SANITARY SEWER SYSTEM TO U.R.S. CORPORATION, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH U.R.S. 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

11. **First Reading for consideration of the following ordinance:**

1. ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, CHAPTER SEVENTY-EIGHT (78), ENTITLED LAND USE REGULATION BY AMENDING SECTION 78-131(8)(B) PERMITTED USES WITHIN THE COMMERCIAL DISTRICT; WAREHOUSE USES INCLUDING SELF-STORAGE TO INCLUDE OFFICES; PROVIDING FOR EFFECTIVE DATE.

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. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(Vote 4-0)**

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

Public Hearing: Mr. Citrin swore in those individuals who would be giving testimony.

- 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. Mr. Zacharias Hernandez, president of Los Palacios Condominiums Association, came forward for the applicant, accompanied by Mr. Clemente de la Torre, who served as his interpreter. Mr. Zacharias gave a brief history of the association's efforts in seeking a variance for the property in question. Mr. Joe Lopez, Public Works Director, addressed the Council and gave recommendations from T.R.C. and P&Z. He noted that the additional area that will be introduced by this variance would require each individual owner to incorporate a four foot wide by 12 foot deep retention swale, allowing for additional run off for those that have existing slabs. Mr. Lopez added that each property owner would have to apply for a permit and each application would be reviewed on a case-by-case basis. Chairman Garcia opened the public hearing for discussion on the item at 7:55 p.m., as no one came forward he closed the public

hearing at 7:55 p.m. He then asked for a show of hands of those in favor of the application. A majority of those present were in favor. No one present was opposed.

Councilman Piña offered comments regarding the present administration's efforts to solve a situation that was created numerous years ago. Chairman Garcia offered a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

A. 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. Mr. Frank Costoy, architect for the project, was present. Mr. Joe Lopez, Public Works Director came forward and gave recommendations from T.R.C. and P&Z. Chairman Garcia opened the public hearing for discussion on the item at 8:07 p.m., as no one came forward, he closed the public hearing at 8:07 p.m. and proceeded to make a motion to approve. Councilman Merida offered a second and the motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

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.
(Location: 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. Mr. George Peon, architect for the project was present. Mr. Joe Lopez, Public Works Director came forward and gave recommendations from T.R.C. and P&Z. Chairman Garcia raised questions regarding the requested parking variance for the project which would allow for 28 parking spaces instead of 30. Mr. Lopez and Mr. Peon elaborated on the need for the variance. Chairman Garcia opened the public hearing at 8:17 p.m. The following individuals came forward to address the item:

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

No further testimony was offered; therefore Chairman Garcia closed the public hearing at 8:18 p.m. Councilman Merida raised question regarding the location of the property and the dissenting votes from T.R.C. regarding the parking variance. He followed his comments with a motion to approve, seconded by Councilman Zardon. Councilman Piña voted in favor with Chairman Garcia opposed. The motion was approved.

(Vote 3-1)

**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. He reported that the County has regulations that are required to be incorporated by municipalities for the administration of lobbying practices, including but not limited to registration fees, definition of a lobbyist and lobbying activities. A review of similar municipal procedures led to a recommendation for a registration fee of \$25.00 and penalties for failure to register. Mr. Citrin added that all registrations would become public record. Following Mr. Citrin's comments, Chairman Garcia opened the public hearing for discussion at 8:26 p.m. The following individuals came forward to address the item:

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

Mr. Citrin addressed the issues raised concerning the material interest of an individual in determining the definition of a lobbyist. Chairman Garcia then closed the public hearing at 8:26 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

13. **Public Comments:** The following individuals came forward to address the Council:

Mr. Rangel and Mrs. Isis Fernandez, Hialeah Gardens, Florida
Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens,

Florida

14. **City Attorney's Report:** Mr. Citrin spoke to the issue of Councilman Haddad's suspension by the Governor and the procedure pursuant to the City's Charter Sec. 15, (b) when situations of this nature should occur.

15. **Mayor's Report – Miscellaneous:** The Mayor was not present

16. **Council Members Concerns/Reports – Miscellaneous**

Chairman Garcia- Requested that copies of ordinances on second reading be made available in the Council chambers for public review. He also requested that a discussion item be added on next week's agenda concerning the filling of vacancies on the Council.

Councilman Zardon – No comments

Councilman Merida – No comments

Councilman Piña – No comments

17. **Adjournment:** The meeting was adjourned at 8:47 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, May 6, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 28, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, May 7, 2003, 11:30 A.M.

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

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