

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, APRIL 15, 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 Piña, Councilman Zardon, Councilman Merida and City Attorney Charles A. Citrin.
  - I. **Invocation:** Chairman Garcia gave the invocation.
  - II. **Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
  - III. **Deletions/Emergency Additions:** None were offered.
  - IV. **Review of Minutes: April 1, 2003:** Chairman Garcia made a motion to approve the minutes of April 1, 2003, seconded by Councilman Zardon. The motion passed unanimously.
7. **Discussion of Sec. 15 of the City's Charter entitled Vacancies and filling vacancies:** Chairman Garcia made reference to a letter of opinion from the legal staff, stating that the City Charter makes clear provisions for both temporary and permanent vacancies. In the case of Councilman Haddad the vacancy is a temporary one by virtue of the fact that the Executive order issued by the Governor states that Councilman Haddad has been suspended until further action or another Executive order is issued. The reference in the Charter to a grand jury indictment serves only to delineate between a permanent and temporary vacancy.
8. **Request for extension of invitation for bids for the construction of an addition to the Human Services Recreational Building (Senior Center).** The City Clerk informed the Council of a memo from Arturo Ruiz, Director of Administration whereby he requests an extension of the invitation for bids. The extension is a result of the lack of proposals for the advertised project. Mr. Ruiz will use the additional time to solicit bids from qualified contractors. Chairman Garcia made a motion to approve

the extension until the next Council meeting scheduled for May 6, 2003, seconded by Councilman Zardon. The motion was unanimously approved.

9. **Report on emergency preparedness:** Mr. Manny Carrera, E.M.C. and Mr. Joe Lopez, Public Works Director came forward and gave informational presentations of their respective department's efforts in preparation for the hurricane season. Police Chief Joy also added his comments on South Florida Management's monitoring of water tables in the area canals prior to inclement weather.

10. **Proposed Resolutions:**

***A) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF FIVE (5) CHEVY HD TON SILVERADO CREW CAB TRUCKS. AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH MAROONE CHEVROLET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Charles A. Citrin read the full title of the resolution into the record. Chairman Garcia stated that this resolution served to formalize action taken by the Council at their last meeting whereby the City would take advantage of pricing under existing state contracts for the purchase of said vehicles. Mr. Marcos Piloto, O.M.B. Director, came forward and informed that two of the trucks will be paid for from the Parks and Recreation Department's budget and the remaining three will be funded from the Storm Water Utility fund. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

***B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA ACCEPTING THE BID FOR THE HYDRA SAMARI EMERGENCY ACCESS ROAD BETWEEN ACOSTA TRACTORS, INC. AND THE CITY OF HIALEAH GARDENS; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ACOSTA TRACTORS, INC. BASED ON THE BID TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

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

**11. Second Reading and Public Hearing for consideration and final adoption of the following ordinance:**

**A) *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 and proceeded to swear in all those present who would be giving testimony at the public hearing. Mirtha Gonzalez, Chief Zoning Official came forward and informed the Council that construction of new warehouses had 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 and required parking would be calculated based upon floor area. Chairman Garcia opened the public hearing for at 7:48 p.m. The following individuals came forward and addressed the Council:

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

No further testimony was forthcoming, therefore Chairman Garcia he closed the public hearing at 7:50 p.m. and stated that as long as the parking requirements were strictly adhered to he believed that the impact of a warehouse versus office he would agree with staff that there would be less of an impact with office use. Councilman Merida offered that applicants would still have to come before Council for approval of site plan review, platting, etc. Chairman Garcia proceeded to make a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 4-0).**

**1. Public Comments:** The following individuals came forward and addressed the Council:

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

Police Chief Joy took this opportunity to commend Mr. Joe Lopez and the Public Works Department for the work completed on N.W. 80<sup>th</sup> Avenue.

**13. City Attorney's Report:** Mr. Citrin offered a report on the steps involved in the potential taking of the portion of a right of way located on the eastern most end of N.W. 133 Street road. He stated that Council would have to pass a resolution requesting

information regarding the property including an appraisal, title search, etc. Based on that information, a second resolution would be needed indicating the resolve of the City to go forward with a “quick take”. Chairman Garcia requested a resolution be drafted for the next Council meeting to begin the process.

14. **Mayor’s Report – Miscellaneous** – The Mayor was not present.
15. **Council Members Concerns/Reports – Miscellaneous** – No comments were offered.

At 8:04 p.m. an Executive Meeting was held in the Council Chambers to discuss the on-going litigation concerning Orlando J. Diez v. City of Hialeah Gardens, Case No. 01-4445-CIV-Martinez. Those present at the attorney/client session were Chairman Garcia, Councilman Merida, Councilman Zardon, Councilman Piña, City Attorney Charles Citrin, City Clerk Maria Joffee, Ms. Stephanie Deutsch, Esq. and Mr. Alan Levin, Court Reporter.

1. **Adjournment:** The Executive Meeting was concluded at 8:18 p.m. The regular Council meeting was reconvened and immediately thereafter adjourned.

Respectfully submitted by:

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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, May 20, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, May 12, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Tuesday, May 27, 2003, 7:00 P.M.

POLICE PENSION BOARD  
Wednesday, May 14, 2003, 7:00 P.M.