

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, JUNE 3, 2003

CITY HALL COUNCIL CHAMBERS  
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:31 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. Mayor De La Cruz joined the meeting at 8:58 p.m.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** The opening of sealed bids for Uniform Cleaning Services BID #03-05 was added to the agenda as **Item 7A**.
6. **Review of Minutes: May 20, 2003:** Chairman Garcia made a motion to approve the minutes of May 20, 2003, seconded by Councilman Zardon. The motion passed by unanimous consent.
7. **Presentation of proposals received for City employee's Dental Insurance coverage:** Aida Martinez, Director of Personnel, summarized her review of the proposals received for dental coverage. Based on her review Ms. Martinez made a recommendation to enter into an agreement with Cigna which was offering a better rate than the existing policy with Guardian. Chairman Garcia made a motion to approve the recommendation, a second was offered by Councilman Merida and the motion passed by unanimous consent.
- 7a. **Opening of sealed bids for Uniform Cleaning Services BID #03-05:** Marcos Piloto, Director, O.M.B., publicly opened the two sealed bids that were received. The bids were as follows:

UniFirst Corporation, weekly charge of \$4.15 per employee.

Spirit Services, Co., weekly charge of \$4.75 per employee.

Mr. Piloto requested the opportunity to review the proposals and make a recommendation at the next Council meeting.

#### 8. Proposed Resolutions:

- A) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE DISTRIBUTION OF CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY ATTACHED HEREIN AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Marcos Piloto, Director, O.M.B. spoke to the issue of the interlocal agreement that would allow the City to receive a portion of the Charter County Transit System Surtax proceeds from Miami-Dade County. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion passed by unanimous consent.

- B) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH UNION PLANTERS BANK FOR AN AUTOMATED INVESTMENT SWEEP ACCOUNT AND MASTER REPURCHASE AGREEMENT ATTACHED HEREIN AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Marcos Piloto, Director, O.M.B. came forward and gave a report regarding the City investing in an overnight repurchase agreement. The issue was discussed with First Southwest Company, the City's financial advisors who agreed that this type of investment would be the most secure. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion passed by unanimous consent.

9. **Second Reading/Public Hearing for consideration and final adopting of the following ordinances:** At this time the City Attorney swore in those individuals who would be offering testimony on any of the items for public hearing.

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR MACO COMMERCE PARK MDT, LLC. LEGAL DESCRIPTION: W \_ OF TRACT 25 LESS W 40 FEET FOR RIGHT-OF-WAY AND W \_ OF THE SOUTH \_ OF TRACT 26, LESS THE WEST 40 FEET THEREOF FOR A ROAD RIGHT-OF-WAY**

***BOTH OF THE FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 SECTION 29, 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. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast corner of Frontage Rd. and N.W. 107 Avenue) ( T.R.C. 5-0) (P&Z 3-1 J. Gutierrez)***

Mr. Citrin read the full title of the ordinance into the record. Councilman Gutierrez took this opportunity to abstain from voting on the public hearing items due to his participation on the Planning and Zoning Board. Mr. Bruce Smoler was present for the applicant. Mirtha Gonzalez, Chief Zoning Official came forward and offered a description and staff recommendations on the project. Chairman Garcia opened the public hearing at 7:46 p.m. for discussion on the item. The following individuals addressed the Council:

Mr. Raul Lozano, 10471 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Romelio Garcia, 9985 N.W. 130 Street, Hialeah Gardens, Florida  
 Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, Florida  
 Mr. Angel Lage, 10478 N.W. 131 Street, Hialeah Gardens, Florida  
 Mr. Gilbert Farinas, 10488 N.W. 130 Street, Hialeah Gardens, Florida

No further testimony was forthcoming therefore Chairman Garcia closed the public hearing at 7:53 p.m. Mr. Bruce Smoler came forward and offered additional information regarding the project. Chairman Garcia stated that the issue at hand was approval of the final plat and that the applicant had met all technical requirements. Based on this determination, Chairman Garcia made a motion to approve, seconded by Councilman Zardon. The motion passed unanimously by individualized voice vote, with Councilman Gutierrez abstaining. **(Vote 4-0)**

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR MARIO FERRO EMERALD PLAZA SHOPPING CENTER. LEGAL DESCRIPTION: THE WEST \_ OF TRACT 16, LESS THE NORTH 80.00 FEET AND LESS THE WEST 35.00 FEET, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOLIO #27-2033-001-0171 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Corner of 122 St. and 92 Ave.) (T.R.C. 5-0) (P&Z 4-0)***

Mr. Citrin read the full title of the resolution into the record. Mr. Mario Ferro, the applicant and Mr. Octavio Santurio, architect for the project were present. Mirtha Gonzalez came forward and gave a description of the project and staff recommendations. Chairman Garcia opened the public hearing at 8:06 p.m. The following individual came forward to address the Council:

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, Florida. No further testimony was offered.

At the request of Chairman Garcia, Mr. Santurio proceeded to give a formal presentation of the project. Following the presentation Chairman Garcia closed the public hearing at 8:10 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote with Councilman Gutierrez abstaining. **(Vote 4-0)**

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING WAIVER OF PLAT ALEXIS AND TERRY RAMOS. LEGAL DESCRIPTION: THE WEST OF THE EAST OF THE WEST OF TRACT 20, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS DEDICATIONS FOR RIGHT OF WAY OVER THE NORTH 30 FEET THEREOF. FOLIO #: 27-2029-001-0202. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 135 St. and East of N.W. 104 Ave.) (T.R.C. 5-0) (P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Alexis Ramos, the applicant was present. Mirtha Gonzalez, Chief Zoning Official gave staff recommendations for approval of the waiver of plat. Chairman Garcia opened the public hearing for discussion on the item at 8:13 p.m. As no one came forward, he closed the hearing at 8:13 p.m. and offered a motion to approve. The motion was seconded by Councilman Merida and unanimously approved by individualized voice vote with Councilman Gutierrez abstaining. **(Vote 4-0)**

- D) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN REVIEW FOR FRONTIER DEVELOPMENT, AUTOZONE STORE DEVELOPMENT LEGAL DESCRIPTION: 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 St. and N.W. 122 St., West of N.W. 87 Ave.) (T.R.C. 5-0) (P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Jerry Zamora and Mr. James Leach were present for the applicant. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendations followed by a presentation of the project by Mr. Zamora. Chairman Garcia opened the public hearing for discussion on the item at 8:16 p.m. The following individual 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 8:17 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote, with Councilman Gutierrez abstaining. **(Vote 4-0)**

- E) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR PALMETTO-103 PROPERTIES, LLC. LEGAL DESCRIPTION: A PORTION OF TRACT 9 AND 10 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-3003-001-0142. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98 St. and N.W. 80 Ave.) (T.R.C. 4-0) (P&Z 4-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. John Nagelis was present for the applicant. Mirtha Gonzalez, Chief Zoning Official, explained that the application for final plat had been reviewed and deficiencies had been found. Mrs. Gonzalez asked that the item be tabled in order to allow the surveyor time to correct the discrepancies. Based on this information, Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote with Councilman Gutierrez abstaining. **(Vote 4-0 Tabled)**

- F) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR ROSDAY CORPORATION. FRONTIER SUBDIVISION. LEGAL DESCRIPTION: 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 St. and N.W. 122 St., West of N.W. 87 Ave) (T.R.C. 5-0) (P&Z 4-0)***

Mr. Citrin read the full title of the ordinance into the record. Ms. Jane Storms, was present for the applicant. Mirtha Gonzalez, Chief Zoning Official came forward and stated that this was a tentative plat application with no variances and gave staff recommendations. Chairman Garcia opened the public hearing for discussion on the item at 8:21 p.m. No one came forward to speak on the issue, therefore he closed the public hearing at 8:21 p.m. and offered a motion to approve. Councilman Merida seconded the motion and it was unanimously approved by individualized voice vote with Councilman Gutierrez abstaining. **(Vote 4-0)**

A five-minute recess was called at 8:23 p.m. and the meeting reconvened at 8:28 p.m.

10. **Discussion of proposed use: Maco Commerce Center (Cigarette Project):** Mr. Skip Braver, CEO/President of Cigarette Racing, LLC., came forward and read a statement into the record. The following individuals also came forward to offer their comments on the issue:

Mr. Romelio Garcia, 9985 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Raul Lozano, 10471 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, Florida  
 Mr. Felipe Lata, 10001 N.W. 135 Street, Hialeah Gardens, Florida  
 Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, Florida  
 Mr. Gilbert Farinas, 10488 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Sergio Menendez, 9900 N.W. 137 Street, Hialeah Gardens, Florida  
 Mrs. Susan Menendez, 9900 N.W. 137 Street, Hialeah Gardens, Florida

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

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, Florida  
 Mr. Joe Sherron, 13625 N.W. 102 Avenue, Hialeah Gardens, Florida  
 Mr. Gilbert Farinas, 10488 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Lazaro Sanchez, 10458 N.W. 130 Street, Hialeah Gardens, Florida

12. **City Attorney's Report:** Mr. Citrin reported that the City had argued the Machado case in the Third District Court and that an opinion would be forthcoming. He also reported that the City had no further liability in the Thunderwheels case as it had been negotiated out with the City's insurance company. Mr. Citrin also commented on the possibility of a lawsuit by Cigarette Racing LLC.
13. **Mayor's Report – Miscellaneous** - Mayor De La Cruz commented on the various ongoing projects in the City including landscaping, road improvements, and the commencement of the Hydra-Villas project. He also reported that the auditors had made favorable remarks regarding the City's sound financial state. In closing the Mayor stated that he welcomed comments, both positive and negative, from all the City's residents, but he is confident that a majority of the residents are pleased with the good work and progress being made by the present City administration.

14. **Council Members Concerns/Reports – Miscellaneous -**

**Councilman Piña-** No Comments

**Councilman Zardon-** No Comments

**Councilman Merida** –Commented on the proposed use versus the permitted use of the boat facility.

**Councilman Gutierrez** – Stated that the items before the Council tonight were the last of the issues he addressed during his service as a Planning and Zoning Board member and therefore had required him to abstain from voting. He did however mention that he would be more vocal on future issues presented before him.

**Chairman Garcia** – Cautioned everyone that the comments heard tonight from representatives of Cigarette Racing, LLC, were in an effort to set the groundwork and the best possible case for any future lawsuit they intended to file against the City. He stated that he would keep this in mind when weighing the validity of these comments and asked everyone to do the same.

15. **Adjournment:** The meeting was adjourned at 9:16 p.m.

Respectfully submitted by:

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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

Recess in July

Tuesday, August 5, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Recess in July

Monday, August 11, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, July 2, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, June 24, 2003, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.