

MINUTES
CITY COUNCIL MEETING
TUESDAY, DECEMBER 2, 2003

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:34 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Manuel Zardon , Councilman Jorge Merida, and Councilman Rolando Piña. Also present were City Attorney Charles A. Citrin and Mayor Yioiset De La Cruz.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Councilman Rolando Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** November 18, 2003: Chairman Garcia made a motion to approve the minutes of November 18, 2003, seconded by Councilman Merida. The motion was approved by unanimous consent.
7. **Public Comments:** The following individual came forward and addressed the Council Mr. Russell Fai, 13500 NW 97 Avenue, Hialeah Gardens. Mr. Joe Lopez, Public Works Director addressed the issue brought forward by Mr. Fai.
8. **Recommendation on bids received for City employee's health insurance coverage:** Mrs. Aida Martinez-Ruiz, Director of Personnel gave a report on proposals received and recommended to change from Aetna to Humana who quoted a lower rate. Humana quoted two brokers; one came in lower (Brown & Brown) all brokers were present at the Council Meeting. A resolution had been prepared recommending Humana.

A) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S MEDICAL HEALTH INSURANCE BETWEEN HUMANA AND THE CITY OF HIALEAH GARDENS, PROVIDING FOR EFFECTIVE DATE

Mr. Citrin read the full title of the resolution into the record. The staff was instructed to meet with the brokers and work out the details. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by unanimous consent.

- 9. **Opening of sealed bids for construction of cafeteria and roof extension and structure for squash and racquetball courts at Westland Gardens Park:** Mr. Raymond Garcia, Director of Parks and Recreation, publicly opened the three sealed bids that were received. The bids were as follows:

BM Contracting, LLC	Cafeteria Roof Extension	\$ 12,227.64
BM Contracting, LLC	Construction of Structure for Squash and Racquetball Courts	\$107,263.70
BM Contracting, LLC	Cafeteria Construction	\$ 36,019.33

- 10. **Second Reading/Public Hearing for consideration and final adoption 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 SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR SEVENTEEN (17) ADDITIONAL PARKING SPACES 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 4-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Bernie Maribona , the applicant was present. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the hearing for discussion of the item at 7:52 p.m. No testimony was offered; therefore, Chairman Garcia closed the public hearing at 7:52 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida, and unanimously approved by individualized voice vote (**Vote 4-0**).

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 02.01.1 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM EU (ESTATE RESIDENTIAL DISTRICT) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: TRACT 22 LESS THE WESTERLY 30.00 FEET, ALL OF TRACT 23, AND TRACT 24 LESS THE EAST 30.00 FEET, THE SOUTH 30.00 FEET AND LESS THE WEST 30.00, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S 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: BETWEEN NW 130TH & NW 133RD STREETS, BETWEEN NW 102ND & NW 104TH AVENUES. FOLIO'S # 27-2029-001-0240, 27-2029-001-0245, 27-2029-001-0230, 27-2029-001-0250, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Between N.W. 130 & N.W. 133 Street between N.W. 102 & N.W. 104 Avenues) (T.R.C. Vote: 6-0; P&Z Vote: Denied 3-1 A. Perez in favor)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Stanley Price and Mr. Bill Riley, Jr. were present for the applicant. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Price came forward and gave a presentation, which provides for a covenant running with the land providing for a land use amendment to provide up to 60 units. Chairman Garcia noted for the record that Councilman Gutierrez joined the proceedings at 8:00 p.m. Mr. Price continued with his presentation and offered to remove Track 22 and Track 23 from the application in order to lower units and to develop ten acres at this time rather than thirty acres. Mr. J. C. Alvarez, the applicant came forward and gave his comments on the project stating that Tracks 22 and 23 would remain acre and one-quarter lots. Mr. Price resumed his presentation. Mr. Andy Doyle Carr, Miami Economic Associates came forward and discussed analysis regarding absorption of one and one quarter acre lots and gave recommendations for Track 24 to be developed with smaller lots. Mr. Doyle Carr detailed his experience and offered his biography and education. Mr. Price noted that the proposed project would be reduced from 60 units on thirty acres to 44 units, 8 on Track 22, 8 on Track 23, and 28 on Track 24. Chairman Garcia opened the public hearing at 8:27 p.m. and called for a recess of five minutes at 8:28 p.m. The meeting was reconvened at 8:37 p.m.

The following individuals addressed the Council:

Mr. Miguel Lopez, 9981 NW 135 Street, Hialeah Gardens, FL
 Mr. Angel Lage, 10478 NW 131 Street, Hialeah Gardens, FL
 Mrs. Gerri Fontanella, 13425 NW 102 Avenue, Hialeah Gardens, FL

Ms. Lucia Ruiz, 13295 NW 102 Avenue, Hialeah Gardens, FL

Mr. Russell Faibisch, 13500 NW 97 Avenue Hialeah Gardens, FL
 Mr. Clemente Dieguez, 13340 NW 104 Avenue, Hialeah Gardens, FL
 Mr. Pablo Alvarez, 10010 NW 135 Street, Hialeah Gardens, FL
 Mr. Felipe Lata, 10001 NW 135 Street, Hialeah Gardens, FL
 Ms. Lynn Dierksmeier, 10000 NW 135 Street, Hialeah Gardens, FL
 Ms. Barbara Lozano, 10471 NW 130 Street, Hialeah Gardens, FL
 Ms. Ada Tapia, 10144 NW 137 Street, Hialeah Gardens, FL
 Ms. Luisa Gomez, 10505 W. Okeechobee Road, Hialeah Gardens, FL
 Mr. Tony Pila, 10209 NW 125 Street, Hialeah Gardens, FL
 Mr. Mario Cordova, 10462 NW 130 Street, Hialeah Gardens, FL
 Mr. Nelson Carrillo, 10207 NW 120 Terrace, Hialeah Gardens, FL
 Ms. Elsy Lopez, 9981 NW 135 Street, Hialeah Gardens, FL
 Mr. Alberto Betancourt, 10280 NW 129 Street, Hialeah Gardens, FL
 Ms. Pilar Cibancas, NW 125 Street, Hialeah Gardens, FL
 Mr. Raul Iglesias, 10440 NW 131 Street, Hialeah Gardens, FL
 Mr. Juan Mesa, 10460 NW 131 Street, Hialeah Gardens, FL
 Mr. Gilbert Fariñas, 10288 NW 130 Street Hialeah Gardens, FL (interpreter for Mr. Mesa)
 Ms. Daisy Ramos, 10335 NW 135 Street, Hialeah Gardens, FL
 Mr. Gilbert Fariñas, 10288 NW 130 Street Hialeah Gardens, FL
 Mr. Lazaro Sanchez, 10458 NW 130 Street, Hialeah Gardens, FL
 Mr. Israel Reyes, 10298 NW 130 Street, Hialeah Gardens, FL
 Mr. Antonio Macias, 7847 NW 170 Street, Hialeah, FL
 Ms. Emma Sanchez, 10458 NW 130 Street, Hialeah Gardens, FL
 Mr. Alvaro de Prat, 10415 NW 130 Street, Hialeah Gardens, FL

Chairman Garcia closed the public hearing at 9:35 p.m. Mr. Price was given the opportunity for rebuttal of those who testified and explained the nature of the application, which is a request to transmit a land use amendment to the Comprehensive Plan. Mr. Price will agree not to modify Tracks 22 and 23 and will agree to square footage of homes. Mr. J. C. Alvarez, the applicant came forward again and made further comments regarding an improved application with respect to compatibility. Chairman Garcia made positive comments regarding the applicant and his efforts to amend his application. He noted however his reluctance to change the Estates area zoning and then made a motion to deny the application. No second was offered. Each Council member made individual comments on the project. Chairman Garcia once again made a motion to deny the application, seconded by Councilman Gutierrez, and unanimously denied by the Council by individualized voice vote **(Vote 0-5)**.

Chairman Garcia called a recess at 10:05 p.m. The meeting was reconvened at 10:10 p.m.

C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE

APPLICATION REQUESTING AN AMENDMENT 03.02.1 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU (BUSINESS DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: THAT PORTION OF LOTS 4, 5, AND 6, LYING NORTHEASTERLY OF THE RIGHT-OF-WAY LINE OF STATE ROAD 25, AND THAT PORTION OF LOT 13, LYING NORTHWESTERLY OF CANAL C-7, LESS THE NORTH 25.00 FEET THEREOF "NINA GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, AT PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE SOUTHEAST OF THE LOT 2 AND ALL OF LOT 3, BEING NORTHEASTERLY ON STATE ROAD 27, LESS RIGHT-OF-WAY PER STATE ROAD DEPARTMENT SECTION 87090-2510, "NINA GARDENS", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 AT PAGE 15 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTHEAST OF OKEECHOBEE FRONTAGE ROAD (SR 25), NORTHWEST OF CANAL, SOUTH OF NW 106 STREET. FOLIO'S # 27-3004-004-0040, 27-3004-004-0050, 27-3004-004; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Northeast of Okeechobee Frontage Road (SR25) Northwest of Canal, South of N.W. 106 Street) (T.R.C. Vote:6-0: P&Z Vote: Denied 3-1 A. Perez in favor)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official gave the project description and staff recommendations. Ms. Amy Khamissian, the applicant gave a presentation on the project, which would provide for 92 units and will proffer a covenant with the land to comply with the conditions of the Planning & Zoning Board (92 units and water and sewer connections). Ms. Khamissian also noted that she has met with the Miami-Dade School Board and discussed the proposed impact of the project. She also discussed issues of traffic, and mentioned that she had met with Mr. Albert Neilson, Department of Water & Sewer Director, regarding water and sewer availability. Chairman Garcia opened the public hearing at 10:21 p.m.

The following individual addressed the Council:

Mrs. Gerri Fontanella, 13425 NW 102 Avenue, Hialeah Gardens, FL

No further testimony was offered. Chairman Garcia closed the public hearing at 10:27 p.m. Ms. Khamissian came forward and offered her rebuttal of the testimony given. Chairman Garcia gave his comments regarding requests for land use amendments to change zoning from Business Use to Medium Density. He stated his reluctance to

change the use and to keep the tracks uniform. Mayor De La Cruz made positive comments regarding the project. Councilman Merida and Councilman Gutierrez also made positive remarks. A motion to approve was made by Councilman Merida with a condition of a covenant for only 92 units, seconded by Councilman Zardon. Councilman Gutierrez voted in favor with Chairman Garcia and Councilman Piña voting against. The motion was approved. **(Vote 3-2)**.

Chairman Garcia made a motion to transmit the application to the Department of Community Affairs, seconded by Councilman Zardon, and unanimously approved by individualized voice vote **(Vote 5-0)**.

11. **City Attorney's Report-** No comments were offered. A copy of the Florida Municipal Law Reporter was handed out with the Machado opinion.
12. **Mayor's Report –Miscellaneous** Mayor De La Cruz congratulated Councilman Gutierrez for getting 71 % of the vote. He acknowledged complaints made against plastic flowers planted in front of a home in the Estates area and is looking into it.
13. **Council Members Concerns/Reports –Miscellaneous -**

Councilman Jorge Gutierrez apologized for his appearance and for arriving late. He was not feeling well.

Councilman Jorge Merida ceded his time to Mr. Juan Gonzalez, 9990 NW 130 Street , Hialeah Gardens. Mr. Gonzalez voiced his concerns regarding the speed limit not being posted on 131 Street between 99 Avenue and 102 Avenue. Chief Joy made comments on the issue.

Councilman Zardon asked Councilman Piña how many houses did he want in the Estates regarding the previous application. Councilman Piña replied that he will make a decision when an actual proposal is before him.

Councilman Piña hoped he responded to Councilman Zardon to his satisfaction and expressed of how different they were and how well they work together.

14. **Adjournment:** The meeting was adjourned at 10:57 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."