

MINUTES

CITY COUNCIL MEETING
TUESDAY, JANUARY 7, 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 Garcia, Council members Manuel Zardon, Miguel Haddad, and Lucy Valdes. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes: December 17, 2002:** Chairman Garcia made a motion to approve the minutes of December 17, 2002, seconded by Councilman Haddad. The motion was unanimously approved by voice vote.
7. **Recommendation for purchase of equipment for Public Works/Streets Division:** Mr. Joe Lopez, Public Works Director, came forward and recommended the following bid be awarded based on a review of the proposals received:
Bid for Tandem Drive Motor Grader awarded to Nortrax Equipment for the purchase of a John Deere 670C with a 3 year 3000 hr. full machine warranty for \$111,214.00.
Mr. Lopez stated that no bids had been received for the Self Propelled Road Sweeper or the Truck Mounted Water Tank, therefore he would pursue local, state, and federal contracts offering this equipment. Chairman Garcia made a motion to approve the recommendation, seconded by Councilman Haddad. The motion was unanimously approved by voice vote and the City attorney was instructed to draft a resolution to memorialize the action of the Council.

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING THE APPLICATION REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #02-01.2 FROM EU (ESTATE RESIDENTIAL) TO MOR (MODERATE DENSITY SINGLE FAMILY RESIDENTIAL), PROVIDING A RESTRICTIVE COVENANT RUNNING WITH THE LAND. THE COVENANT WOULD RESTRICT THE FUTURE USE OF THE PROPERTY TO THOSE USES PERMITTED IN THE EU DISTRICT OR TO USE AS A CHURCH. LEGAL DESCRIPTION: THE EAST _ OF THE WEST _ OF THE WEST _ OF TRACT 8 IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST AND THE EAST _ OF THE WEST _ OF THE TRACT 8 IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, 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: NW 130TH STREET AND NW 98TH AVENUE. FOLIO # 27-2029-001-0090 AND # 27-2029-001-0092; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 130th Street and N.W. 98th Avenue) (T.R.C. Vote: 5-10-02 disapproved 0-6, T.R.C. Vote: 11-20-02 approved 5-0; P&Z Vote: 12-19-02 disapproved 0-3)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Jerry Proctor, attorney for the applicant, was present. Mirtha Gonzalez, Chief Zoning Official cited the recommendations made by both the Technical Review Committee and the Planning and Zoning Board regarding the application. Mr. Citrin indicated that Mr. Proctor had proffered case law just prior to tonight's meeting and as such the City did not have the opportunity to review the material. It was Mr. Citrin's recommendation in fairness to the applicant, to table the item pending review of the new information provided by the applicant's attorney. At this time Chairman Garcia made a motion to table the item, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 4-0) Tabled**

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING THE APPLICATION REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #02-02.2 FROM MOR (MODERATE DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT), BU (BUSINESS DISTRICT) AND RELOCATION OF POS (PARKS AND OPEN SPACE) AREAS. LEGAL DESCRIPTION: ALL OF TRACTS 19, 20, 21, 22, 23 LESS THE EAST 35.00 FEET THEREOF; AND PORTIONS OF TRACTS 26, 27, 28, 29, 30 AND***

31 LYING EAST OF CONNECTOR ROAD, NORTH AND EAST OF THE BUSINESS ZONED AREA AS SHOWN ON ZONING MAP; ALL LYING AND BEING IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NW 92-97 AVENUE (CONNECTOR ROAD), OKEECHOBEE ROAD AND WEST OF NW 92 AVENUE. FOLIO #'S 27-2033-001-0220, 27-2033-001-0210, 27-2033-001-0230, 27-2033-001-0240, 27-2033-001-0241, 27-2033-001-0250, 27-2033-001-0260, 27-2033-001-0300, 27-2033-001-0310, 27-2033-001-0320, 27-2033-001-0330, 27-2033-001-0340, 27-2033-001-0350; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 92 – 97 Avenue (Connector Road), Okeechobee Road and West of N.W. 92nd Avenue) (T.R.C. 11-20-02 Vote: approved 5-0); P&Z 12-19-02 Vote: approved 3-0)

Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Mr. Julio Robaina, representing the applicant, was present. Mirtha Gonzalez, Chief Zoning Official cited the recommendations made by both the Technical Review Committee and the Planning and Zoning Board regarding the application. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading; he therefore made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING THE APPLICATION REQUESTING AN AMENDMENT 02-02.1 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM MOR (MODERATE DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT ON THE EAST AND BU (BUSINESS DISTRICT) ON THE WEST TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: PORTION OF TRACT 25 IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25, 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: WEST OF NW 94 AVENUE, NORTHEAST OF OKEECHOBEE ROAD (S.R. NO. 25) AND NORTH OF NW 114 STREET. FOLIO # 27-2033-001-0280; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: West of N.W. 94th Avenue, N.E. of Okeechobee Road (S.R. No. 25) and North of N.W. 114 Street) (T.R.C. 11-20-02 Vote: approved 5-0; P&Z 12-19-02 Vote: approved 3-0))**

Ms. Martinez read the full title of the ordinance into the record. Mr. Julio Robaina, came forward and indicated that he had a power of attorney on file for the applicant Mr. Michael Osman, who was recuperating from surgery. Mirtha Gonzalez, Chief Zoning Official cited the recommendations made by both the Technical Review Committee and the Planning and Zoning Board regarding the project. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading; he therefore made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote.

(Vote 4-0)

- D) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING THE APPLICATION REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP INCLUSIVE OF CITY INITIATED LAND USE APPLICATION #02-02.3 FROM CM (COMMERCIAL DISTRICT), FOLIO # 27-2029-001-0300 AND LDR (LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT), FOLIO #'S 27-2029-001-0305 AND 27-2029-001-0340 TO POS (PARKS AND OPEN SPACE). LEGAL DESCRIPTION: THE EAST _ OF TRACT 29 AND ALL OF TRACT 30 IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST "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 104 AVENUE AND NW 107 AVENUE, NORTH OF NW 134 STREET. PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 104th Avenue and N.W. 107th Avenue, North of N.W. 134th Street) (T.R.C. 11-20-02 Vote: approved 5-0; P&Z 12-19-02 Vote: approved 3-0)***

Ms. Martinez read the full title of the ordinance into the record. Mirtha Gonzalez, Chief Zoning Official, came forward and stated that the City of Hialeah Gardens was the applicant in this case and the purpose for the amendment was to obtain a more compatible zoning assignment for the use of this particular parcel of land. Ms. Gonzalez proceeded to cite the recommendations from the Planning & Zoning Board and Technical Review Committee. Chairman Garcia stated that this was a first reading and as such an opportunity for public input would be provided upon second reading, he therefore made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

9. Second Reading for consideration and final adoption of the following ordinance:

- A) *ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS CAPITAL***

IMPROVEMENT REVENUE BONDS, SERIES 2003, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000, FOR THE PURPOSE OF FINANCING THE PURCHASE OF LAND TO BE USED FOR THE CONSTRUCTION THEREON OF A WATER AND SEWER MAINTENANCE FACILITY, POLICE SUBSTATION AND A CITY PARK, INCLUDING FILLING AND LANDSCAPING, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND PAYING COSTS OF ISSUANCE OF THE BONDS; PROVIDING SECURITY FOR THE BONDS, PRESCRIBING THE FORM, TERMS AND DETAILS OF THE BONDS; AWARDING THE BONDS TO SUNTRUST BANK BY NEGOTIATED SALE; DESIGNATING THE BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; MAKING THEREWITH; REPEALING ALL ORDINANCES, PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez read the full title of the ordinance into the record. Chairman Garcia opened the public hearing for discussion on the item at 8:00 p.m. No one offered testimony on the item therefore Chairman Garcia closed the public hearing at 8:02 p.m. Councilman Haddad made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote. At this time, Mr. Citrin introduced and acknowledged Mr. Ed Marquez, who served as financial advisor and Mr. Jeff DeCarlos who acted as bond counsel for their work on this project.

10. **Public Comments** – Mr. Jorge Gutierrez resident of 10090 N.W. 80 Court #1521, came forward and thanked Mayor De La Cruz for providing gifts to the children of Samari Lakes during the holiday.
11. **City Attorney's Report** – Mr. Citrin reported the closing on the bond issue would take place next week followed by the closing on the land purchase on the 20th of January.
12. **Mayor's Report – Miscellaneous** – Mayor De La Cruz announced that the new playground equipment for Westland Gardens and Joe Sherron Parks had arrived and was being installed. He also informed that he was meeting with famed baseball player Orlando "El Duque" Hernandez regarding the new baseball field at Westland Gardens. Mayor De La Cruz commended Parks Director Ray Garcia and Baseball Commissioner Carlos Perez for their hard work in making the baseball program a great success.

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

Councilman Haddad – Wished everyone a Happy New Year and commended the Mayor and administration on their good work.

Councilwoman Valdes - Made mention of the need for better equipment, specifically ovens, at Westland Gardens Park to provide food during baseball games. Mayor De La Cruz informed that renovations were being completed to the area used for food service at Westland Gardens and improvements were forthcoming.

Chairman Garcia – Commented on the success of the Holiday Carnival held at Golden Eagle Park and thanked everyone involved in that event.

14. **Adjournment:** The meeting was adjourned at 8:08 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, February 4, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, February 10, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, February 5, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, January 28, 2003, 7:00 P.M.

POLICE PENSION BOARD

Monday, February 10, 2003, 10:00 A.M.