

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, JANUARY 21, 2003

CITY HALL COUNCIL CHAMBERS  
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:37 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Council members Miguel Haddad, Rolando Piña, Lucy Valdes, Manuel Zardon. 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:** A motion was made by Chairman Garcia to delete following items from the agenda:

Item 7. Recommendation for purchase of equipment for Public Works Dept.

Item 9b. Resolution to adopt a revised employee manual.

Item 10a. Ordinance regarding applicant: Centro de Enseñanza Palabra de Fe, Inc.

Councilman Haddad offered a second to the motion and it was unanimously approved by voice vote.

Chairman Garcia took this opportunity to acknowledge the following elected officials and their representatives in the audience: Mr. Rolando Lara, Legislative Assistant to State Representative Ralph Arza, Mr. Julio Robaina, Council President, City of Hialeah, and Mr. Michael Pizzi, Councilman for the Town of Miami Lakes.

6. **Review of Minutes: January 7, 2003:** Chairman Garcia made a motion to approve the minutes of January 7, 2003, seconded by Councilman Haddad. The motion was unanimously approved by voice vote.

7. **Recommendation for purchase of equipment for Public Works Department/Streets Division:** Mr. Joe Lopez, Public Works Director. (Item Deleted)
8. **Opening of sealed bids for advertised Landscaping/Maintenance Services:** Mr. Marcos Piloto, Director O.M.B. came forward and opened the only proposal received for the advertised landscaping services. The proposal received was from Ground Keepers, Inc., 8004 N.W. 154<sup>th</sup> Street #330, Miami Lakes, Florida 33016. Mr. Piloto informed that the proposal did not include a total cost for services but rather a break down of individual item costs. He asked to be allowed time to review the proposal and return to the Council with his recommendation.

9. **Proposed Resolutions:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF ONE (1) TANDEM DRIVE MOTOR GRADER; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH NORTRAX; 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 stated that this resolution served to memorialize action taken by the Council at their last meeting and therefore made a motion to approve the resolution. The motion was seconded by Councilman Haddad and unanimously approved by voice vote.

- B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING AN D ADOPTING A REVISED EMPLOYEE MANUAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR DISTRIBUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***  
(Item Deleted)

10. **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 130<sup>TH</sup> STREET AND NW 98<sup>TH</sup> AVENUE. FOLIO # 27-2029-001-0090 AND # 27-2029-001-0092; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 130<sup>th</sup> Street and N.W. 98<sup>th</sup> 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) (Item Deleted)**

- B) ORDINANCE OF THE CITY OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING VARIANCES AND SITE PLAN FOR MR. AND MRS. YIOSET AND JENNY DE LA CRUZ'S RESIDENCE AT N.W. 102 AVENUE AND N.W. 130 STREET. CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 12, BLOCK 1 OF SPLIT RAIL SECTION ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 108, PAGE 3 OF THE PUBLIC RECORDS OF MAIMI-DADE COUNTY, FLORIDA, FOLIO #27-2029-002-0120. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of N.W. 102 Avenue and North of 130 Street) (T.R.C. 12-04-02 Vote: approved 6-0; P&Z 01-13-03 Vote: approved 5-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant, Mayor Yioiset De La Cruz was present. Mirtha Gonzalez, Chief Zoning Official, came forward and cited recommendations for approval from both the Technical Review Committee and the Planning and Zoning Board. Chairman Garcia made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**.

**11. Second Reading for consideration and final adoption 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 #02-02.2 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. 92<sup>nd</sup> Avenue) (T.R.C. 11-20-02 Vote: approved 5-0); P&Z 12-19-02 Vote: approved 3-0)**

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. At this time all those present who would be testifying on this item were asked to stand up and be sworn in by the City Attorney. Mirtha Gonzalez, Chief Zoning Official addressed the Council and stated the particulars of the land use amendment application and recommendations from the T.R.C. and P & Z Board. Mr. Julio Robaina, for the applicant, came forward at this time and gave a detailed description of the project and the explained the need for an amendment of the future land use map. After Mr. Robaina's presentation, Chairman Garcia opened the public hearing for discussion on the item at 8:05 p.m. The following individuals came forward and addressed the Council:

Mr. Wayne Reinhart, 6936 Crown Gate Drive, Miami Lakes, Florida  
 Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, Florida  
 Mrs. Gerri Fontanella 13425 N.W. 102 Avenue, Hialeah Gardens, Florida  
 Ms. Elaine Abuhoff, Hialeah Gardens, Florida  
 Mr. Romelio Garcia, 9995 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Henry Gonzalez, 9895 N.W. 131 Street, Hialeah Gardens, Florida  
 Mr. Daniel Cruz, 8187 N.W. 99 Street, Hialeah Gardens, Florida  
 Mr. Gus Exposito, former Community Council Chairman Miami-Dade County  
 Mrs. Walkiria Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, Florida  
 Mr. Clemente Dieguez, 13340 N.W. 104 Avenue, Hialeah Gardens, Florida  
 Mr. Gilbert Fariñas, 10288 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Michael Pizzi, 9058 N.W. 152 Lane, Miami Lakes Florida  
 Mrs. Elsy Rodriguez, 8862 N.W. 110 Lane, Hialeah Gardens, Florida  
 Mr. Sergio Menendez 9900 N.W. 137 Street, Hialeah Gardens, Florida  
 Mr. Henry Villareal, Miami Lakes, Florida  
 Ms. Patricia Callejas, 9161 N.W. 117 Terrace, Hialeah Gardens, Florida

Mr. David Martín, 8603 N.W. 106 Lane, Hialeah Gardens, Florida  
 Mr. Antonio Martinez, 10470 N.W. 1312 Street, Hialeah Gardens, Florida  
 Mr. Tony Pila, 10269 N.W. 125 Street, Hialeah Gardens, Florida  
 Mr. Alberto Betancourt, 10280 N.W. 135 Street, Hialeah Gardens, Florida  
 Mr. Jose Machin, 10399 N.W. 135 Street, Hialeah Gardens, Florida  
 Ms. Lynn Derksmier, 10000 N.W. 135 Street, Hialeah Gardens, Florida  
 Mr. Juan Carlos Hernandez, 10287 N.W. 135 Street, Hialeah Gardens, Florida  
 Mr. Sergio Callejas, 9977 N.W. 127 Terrace, Hialeah Gardens, Florida  
 Mr. Andy Perez, 9878 N.W. 130 Street, Hialeah Gardens, Florida  
 Mrs. Susan Menendez, 9900 N.W. 137 Street, Hialeah Gardens, Florida  
 Ms. Elsy Lopez, 9981 N.W. 135 Street, Hialeah Gardens, Florida

No further testimony was offered therefore Chairman Garcia closed the public hearing at 9:11 p.m. At this time Mr. Robaina was asked to come forward and respond to questions raised by the testimony given. Mr. Robaina proceeded to answer questions regarding proposed density, construction of the charter school, and concerns to impact on traffic. He stated the project's application for a land use amendment met all requirements of the City's master land use map and comprehensive plan as a planned unit development (PUD) and asked for the Council's approval of the application. Councilwoman Valdes made a motion to deny the application. No second was offered. Councilman Zardon followed with a motion to approve, seconded by Councilman Haddad with Councilman Piña voting in favor and Councilwoman Valdes and Chairman Garcia voting against. The motion passed. **(Vote 3-2).**

- B) *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. 94<sup>th</sup> 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. Aida Martinez read the full title of the ordinance into the record. Mr. Michael Osman the applicant, came forward and gave a detailed description of the project. Mirtha Gonzalez, Chief Zoning Official stated the recommendations from both the T.R.C. and P & Z Board. Chairman Garcia opened the public hearing for discussion on the item at 9:38 p.m. The following individuals addressed the Council:

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL  
 Mrs. Elsy Rodriguez, 8862 N.W. 110 Lane, Hialeah Gardens, FL  
 Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL  
 Mr. Frank De La Paz, 11762 S.W. 88 Street, Miami, FL  
 Mr. Henry Gonzalez, 9895 N.W. 131 Street, Hialeah Gardens, FL  
 Mrs. Walkiria Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL

No further testimony was offered therefore Chairman Garcia closed the public hearing at 9:48 p.m. At this time Mr. Osman was asked to come forward and respond to questions raised by the testimony given. Mr. Osman answered questions regarding density, school availability, and traffic. Mr. Osman also agreed to a restrictive covenant running with the land to ensure the number of units for the development remains intact. Following Mr. Osman's comments, Councilman Haddad made a motion to approve, seconded by Councilman Zardon. Chairman Garcia and Councilman Rolando Piña voted in favor with Councilwoman Valdes voting against. The motion passed. **(Vote 4-1)**

- C) *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. 104<sup>th</sup> Avenue and N.W. 107<sup>th</sup> Avenue, North of N.W. 134<sup>th</sup> Street) (T.R.C. 11-20-02 Vote: approved 5-0; P&Z 12-19-02 Vote: approved 3-0)***

Ms. Aida Martinez read the full title of the ordinance into the record. Mirtha Gonzalez, Chief Zoning Official, came forward and explained that this was a City initiated application for a land use amendment. The amendment would serve to conform the

present zoning description to the current land use (POS) parks and open spaces. Chairman Garcia opened the public hearing for discussion on the item at 10:00 p.m. No testimony was offered therefore he closed the public hearing at 10:00 p.m. and made a motion to approve. The motion was seconded by Councilman Haddad and unanimously approved by individualized voice vote. **(Vote 5-0)**

12. **Public Comments:** The following individuals addressed the Council:

Mr. Romelio Garcia 9985 N.W. 130 Street, Hialeah Gardens, Florida  
 Mr. Gilbert Fariñas, 10288 N.W. 130 Street, Hialeah Gardens, Florida  
 Mrs. Walkiria Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, Florida  
 Mr. Henry Gonzalez, 9895 N.W. 131 Street, Hialeah Gardens, Florida

13. **City Attorney's Report** - Mr. Citrin reported that the City had closed on the bond issue and had also closed on the purchase of the 10.5 acre parcel of land adjacent to Westland Gardens Park. He thanked Marcos Piloto, O.M.B. for his hard work on both these transactions and Mr. J. Frost Walker, Esq. for his diligence in representing the City at the closing of the land purchase.

14. **Mayor's Report** - Mayor De La Cruz informed that the City's winter newsletter had been published and would be mailed out to the residents in the coming week.

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

**Councilman Haddad** - Expressed his support of the projects approved at tonight's meeting.

**Councilwoman Valdes** - Voiced concerns over comments she was told Mayor De La Cruz had made to City residents regarding her voting against park projects.

**Chairman Garcia** - Ceded his time to Mayor De La Cruz for a response to Councilwoman Valdes' statement. Mayor De La Cruz stated he stood by his comments and pointed out that she had voted against the 2003-2003 general fund budget and therefore had voted against all projects included in that budget. A discussion also took place between the Mayor and Councilwoman Valdes regarding her voting record on density issues.

**Councilman Zardon** - Spoke to the merits of the projects approved at tonight's meeting mentioning the additional revenue that would be brought into the City by these projects. He also stated that his vote reflected careful consideration of all the evidence and testimony provided at the public hearing from residents and interested parties alike.

**Councilman Piña** - No comments.

**Chairman Garcia** - Echoed Councilman Zardon's comments and added that as elected officials representing the best interests of the City and its residents, the Council had to perform a "balancing act" that required thoughtful consideration.

16. **Adjournment:** The meeting was adjourned at 10:22 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

Tuesday February 18, 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, February 25, 2003, 7:00 P.M.

POLICE PENSION BOARD

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