

MINUTES

CITY COUNCIL MEETING
TUESDAY, OCTOBER 7, 2003

CITY HALL COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia calls the meeting to order at 7:30 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Merida, Councilman Rolando Piña and Councilman Jorge Gutierrez. Also present was City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia gave the invocation.
3. **Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
4. **Deletions/Emergency Additions:** None were offered.
5. **Review of Minutes: September 16, 2003 and September 19, 2003:** Chairman Garcia made a motion to approve the minutes of September 16, 2003 and September 19, 2003, seconded by Councilman Merida. The motion was approved by unanimous consent.
6. **Public Comments:** The following individuals came forward to address the Council: Mrs. Gerri Fontanella, 13425 NW 102 Avenue Hialeah Gardens, Florida.
8. **Appointment of representative for Election Canvassing Board:** Mr. Charles A. Citrin, City Attorney and the Council discussed the issue and recommended to stay the course for the Canvassing Board in the upcoming election.
9. **Proposed Resolutions:**
 - A) ***A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE ENTERING INTO A TEMPORARY LICENSE AGREEMENT WITH LNC GOVERNMENT RELATIONS FOR TEN (10) WASTE CONTAINERS WITH***

SPACE FOR ADVERTISING TO BE PLACED IN DIFFERENT AREAS AROUND THE CITY; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH LNC GOVERNMENT RELATIONS; 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 the action taken by the Council at the last meeting and made a motion to approve. Councilman Merida offered a second, and the motion passed by unanimous consent.

B) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE MAYOR TO EXECUTE A RETAINER AGREEMENT BETWEEN CHARLES A. CITRIN, ESQUIRE AND THE CITY OF HIALEAH GARDENS, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia stated that this resolution served to execute the provision for said agreement as adopted in the FY 2003-2004 budget. He then made a motion to approve, seconded by Councilman Merida and the motion was passed by unanimous consent.

10. First Reading for consideration of the following ordinance:

A) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL, AMENDING ORDINANCE 2002-51 INITIATING AND REQUESTING A PROPOSED BOUNDARY CHANGE OF THE CITY OF HIALEAH GARDENS, FLORIDA, IN ORDER TO ANNEX PROPERTY BEARING THE AMENDED LEGAL DESCRIPTION CONTAINED IN COMPOSITE EXHIBIT "1"; AUTHORIZING THE MAYOR AND THE CITY CLERK AND OTHER PROPER CITY OFFICERS AND OFFICIALS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGE TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, AND AUTHORIZING THE CITY CLERK TO TRANSMIT COPIES OF THIS ORDINANCE TO THE CLERK OF THE COMMISSION REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading for the record, and as such an opportunity for public input would be provided upon second reading. The Chair made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized vote. **(Vote 4-0)**

11. 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 FINAL PLAT FOR ROSDAY CORPORATION FRONTIER SUBDIVISION. LEGALLY DESCRIBED AS: 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 Street and N.W. 122 Street, West of N.W. 87 Avenue) (T.R.C. Vote: 6-0; P & Z Vote: 3-0)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Jane Storms, Surveyor was present for the applicant. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendations followed by a presentation by Jane Storms without any changes from Tentative Plat. Chairman Garcia opened the public hearing for discussion on the item at 7:42 p.m. As no one came forward, he closed the hearing at 7:42 pm. and offered a motion to approve. The motion was seconded by Councilman Merida and unanimously approved by individualized vote. **(Vote 4-0)**

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SIGN VARIANCES FOR FRONTIER DEVELOPMENT, AUTOZONE STORE DEVELOPMENT CONCERNING PROPERTY LEGALLY DESCRIBED AS: 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 MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-2033-001-0015 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 121 Street and N.W. 122 Street, West of N.W. 87 Avenue) (T.R.C. Vote: 5-0; P & Z Vote: 2-1)**

Mr. Citrin read the full title of the ordinance into the record. Mr. James Leach, Frontier Development, was present for the applicant. Mirtha Gonzalez, Chief Zoning Official gave staff recommendations. Mr. Leach came forward and gave a presentation. Chairman Garcia opened the public hearing for discussion on the item at 7:46 p.m. No one came forward therefore he closed the hearing at 7:46 p.m. Chairman Garcia offered a motion to approve seconded by Councilman Merida and unanimously approved by individualized voice vote. **(Vote 4-0)**

- C) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN SPECIAL EXCEPTION USE 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 3-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Bernie Maribona was present for the applicant. Mirtha Gonzalez, Chief Zoning Official, came forward with staff recommendations. Chairman Garcia noted that the site plan with the provision for 17 additional parking spaces would have to come before the Council for review and approval and be noticed accordingly. Chairman Garcia opened the public hearing for discussion on the item at 7:53 p.m. The following individual addressed the Council:

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

No further testimony was offered, therefore, Chairman Garcia closed the hearing at 7:54 p.m. In order to allow for appropriate public notice Chairman Garcia moved to table the item, seconded by Councilman Merida and unanimously approved by individualized voice vote **(Vote 4-0 Tabled)**.

- D) *AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CHANGING THE LAND USE FROM EU (ESTATE RESIDENTIAL) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT) FOR THE APPROXIMATE 8.37 ACRES PARCEL. LEGAL DESCRIPTION: THE EAST _ OF THE WEST _ OF THE WEST _ OF TRACT 8 AND THE EAST _ OF THE WEST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY 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 TOGETHER WITH THE EAST _ OF TRACT 8, LESS THE EAST 50 FEET FOR CANAL RIGHT OF WAY, FLORIDA FRUIT LANDS COMPANY 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: NORTH OF NW 130 STREET, BETWEEN NW 97 & NW 99 AVENUES. FOLIO'S: # 27-2029-001-0090, 27-2029-001-0092, 27-2029-001-0080; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: North of N.W. 130 Street, between N.W. 97 & N.W. 99 Avenues) (T.R.C. Vote: 5-0; P & Z Vote: 0-3 Denied)

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman for BBE Development the applicant came forward and gave a presentation on the project. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia open the public hearing for discussion of the item at 8:46 p.m.

The following individuals addressed the Council:

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

Ms. Annie Betancourt, Miami-Dade County Public Schools

Mr. Romelio Garcia, 9985 N.W. 130 Street, Hialeah Gardens, Florida

Mrs. Lois Joseph, 9950 N.W. 137 Street, Hialeah Gardens, Florida

Mr. Mark Macao, 135 N.W. 99 Avenue, Hialeah Gardens, Florida

Mr. Pablo Alvarez, 10010 N.W. 135 Street Street, Hialeah Gardens, Florida

Mr. Leo Padrón, 10355 N.W. 133 Street, Hialeah Gardens, Florida

Mr. Felipe Lata, 10001 N.W. 135 Street, Hialeah Gardens, Florida

No further testimony was offered; therefore, Chairman Garcia closed the public hearing at 9:04 p.m. and called for a five-minute recess. The meeting was called back to order at 9:09 p.m. Chairman Garcia made a motion to deny the application seconded by Councilman Merida and unanimously approved by individualized voice vote. **(Vote 4-0 Denied).**

12. **City Attorney's Report-** Mr. Citrin commented on the City's procedure for the first readings of ordinances. Mr. Citrin also commented on the Supreme Court's ruling of the Omnipoint Case challenging Dade County's zoning ordinances.
13. **Mayor's Report – Miscellaneous-**The Mayor was not present.
14. **Council Members Concerns/Reports – Miscellaneous –** None were offered.
15. **Adjournment-** The meeting was adjourned at 9:22 p.m.

Respectfully submitted by:

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

Wednesday, November 5, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 10, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Tuesday, October 22, 2003 7:00 P.M.

POLICE PENSION BOARD

Wednesday, November 12, 2003, 7:00 P.M.