

MINUTES

CITY COUNCIL MEETING
TUESDAY, OCTOBER 21, 2003

CITY HALL COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:30 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Manuel Zardon, and Councilman Jorge Merida. Also present was City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** City Attorney Charles A. Citrin led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** A request for proposals for consultant services for revision of land use regulation was added to the agenda as **Item 7A** by unanimous consent of the Council.
6. **Review of Minutes of October 7, 2003:** Chairman Garcia made a motion to approve the minutes of October 7, 2003, seconded by Councilman Merida. The motion passed by unanimous consent of the Council.
7. **Public Comments:** The following individuals came forward to address the Council:
Sergio Menendez, 9900 NW 137 Street, Hialeah Gardens, FL, Romelio Garcia, 9985 NW 130 Street, Hialeah Gardens, FL, Felipe Lata, 10001 NW 135 Street, Hialeah Gardens, FL, Pablo Alvarez, 10010 NW 135 Street, Hialeah Gardens, FL.
- 7^a **Request for proposals for consultant services for revision of land use regulations:** Mirtha Gonzalez, Chief Zoning Official, came forward and gave a summary of the bid. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by unanimous consent.

8. **Request for approval of 3PS transfer of alcohol beverage license, 12537 W.Okeechobee Road, Hialeah Gardens, Florida:** Mr. Jethalal K. Laungani, Owner was present. Menace Rodriguez, Occupational Licenses Director, came forward and gave his recommendation. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.
9. **Designation of representative for Canvassing Board:** Mr. Charles A. Citrin, City Attorney gave a recommendation for the need to designate a representative for the Canvassing Board if the Council would not be able to attend all the meetings scheduled by the Elections Department. It was agreed that that the City Clerk would serve as the designee for the Canvassing Board and a recommendation for a secondary representative for Election Day was also discussed.
10. **First Reading for consideration of the following ordinance:**

A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR JULIAN'S ESTATE FOR A PROPOSED USE OF LONG JOHN SILVERS/A&W. FOLIO #27-2033-001-0011. APPROXIMATE LOCATION: BETWEEN NW 121 STREET AND NW 122 STREET, WEST OF NW 87 AVENUE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 122 Street, West of N.W. 87 Avenue) (T.R.C. Vote: 6-0; P & Z Vote: 4-0)*

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

B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND GRANTING SIGN VARIANCES FOR LONG JOHN SILVERS/A&W FAST FOOD DRIVE-THRU ESTABLISHMENT CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 140 FEET OF THE WEST 660 FEET OF TRACT 1, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 OF SECTION 33, 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 FOLIO #27-2033-001-0011. APPROXIMATE LOCATION: BETWEEN NW 121 STREET AND NEW 122 STREET, WEST OF NW 87 AVENUE; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 121 Street West of N.W. 87 Avenue) (T.R.C. Vote: 6-0; P & Z Vote: 4-0)*

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

C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR CARLOS MARTINEZ. LEGAL DESCRIPTION : THE EAST OF TRACT 5, SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AT RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTH OF NW 133 STREET AND EAST OF NW 99 AVENUE FOLIO #27-2029-001-0053; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: North of N.W. 133 Street and East of N.W. 99 Avenue) (T.R.C. Vote: 5-0: P & Z Vote 3-1 A. Perez)

Mr. Citrin read the full title of the ordinance into the record. There was no one present for the applicant. Chairman Garcia stated that this was a first reading for the record, and as such, an opportunity for public input will be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING A SITE PLAN FOR LORENZO AND MINERVA ARGUELLO FOR A PROPOSED WAREHOUSE BUILDING, CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 12, BLOCK 1, OF "HILLS INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120, PAGE 44 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. APPROXIMATE LOCATION: NW 119 STREET AND 89 AVENUE FOLIO #27-2033-004-0120 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 119 Street and N.W. 89 Avenue) (T.R.C. Vote: 5-0: P & Z Vote: 4-0)

Mr. Citrin read the full title of the ordinance into the record. There was no one present for the applicant. Chairman Garcia stated that this was a first reading for the record, and as such, an opportunity for public input will be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

11. **Second Reading/Public Hearing for consideration and final adoption of the following ordinances:**

- 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 DINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin swore in those who would testify and read the ordinance into the record. Mr. Marcos Piloto, O.M.B. Director came forward and explained the amendment to the annexation application. Chairman Garcia opened the public hearing at 7:55 p.m. Mr. Frank de la Paz, 10585 SW 119 Court, Miami, FL came forward and gave testimony. Chairman Garcia closed the public hearing at 7:57 p.m. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 4-0)**

12. **City Attorney's Report:** Mr. Citrin reported that the Third District Court of Appeals had denied a rehearing on the Machado case and therefore rendered the case closed.
13. **Mayor's Report:** The Mayor was not present.
14. **Council Members Concerns/Reports:** No comments
15. **Adjournment:** The meeting was adjourned at 7:59 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 18, 2003, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

Wednesday, December 3, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, November 25, 2003, 7:00 P.M.

POLICE PENSION BOARD

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