

MINUTES

CITY COUNCIL MEETING
TUESDAY, APRIL 2, 2002

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:34 p.m.
2. **Roll Call:** Present were Chairperson Luciano Garcia, Council members Rolando Piña and Manuel Zardon, and City Attorney Charles A. Citrin.
3. **Invocation:** Chairperson Garcia gave the invocation.
4. **Pledge of Allegiance:** Council member Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** A request by Mr. Joe Lopez, Director of Public Works, asking the council to ratify the Storm Water Management Project contract (#C13169) was added to the agenda as **Item 9a**. Chairperson Garcia made a motion to add the item, seconded by Council member Piña and the motion passed unanimously.
6. **Review of Minutes: March 19, 2002:** Chairperson Garcia made a motion to approve the minutes of March 19, 2002, Council member Zardon offered a second and the motion was unanimously approved.
7. **Proposed Resolutions:**
 - A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF RESTROOMS AND CONCESSION STAND AT GOLDEN EAGLE PARK AND DEMOLITION AND RECONSTRUCTION OF ADMINISTRATION BUILDING AT WESTLAND GARDENS PARK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH J.H.C. CONTRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Ms. Aida Martinez, Assistant City Attorney, read the full title of the resolution into the record. Mr. Citrin noted that this resolution, as well as the following two, are resolutions ratifying action approved by the council at their last meeting. Chairperson Garcia asked for any input from the public and proceeded to make a motion to approve the resolution. Council member Zardon offered a second and the motion was unanimously approved. **(Vote 3-0)**

B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING THE AWARD OF A CONTRACT FOR THE CITY PAYROLL SERVICES TO AUTOMATIC DATA PROCESSING, INC., FOR PAYROLL SERVICES FOR HIALEAH GARDENS EMPLOYEES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH AUTOMATIC DATA PROCESSING, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez read the full title of the resolution into the record. Chairperson Garcia made a motion to approve, seconded by Council member Piña and the motion passed unanimously. **(Vote 3-0)**

C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE POLICE BENEVOLENT ASSOCIATION BEGINNING OCTOBER 1, 2001 UNTIL SEPTEMBER 30, 2004, PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez read the full title of the resolution into the record. Chairperson Garcia made a motion to approve, seconded by Council member Zardon and the motion passed unanimously. **(Vote 3-0)**

8. PUBLIC HEARING and Second Reading for consideration of passage of the following ordinances:

A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING A TENTATIVE PLAT FOR GARDENS COMMERCIAL HOLDING, LTD., CONCERNING PROPERTY DESCRIBED AS: REPLAT OF A PORTION OF TRACT "E", B.J.'S PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED

IN PLAT BOOK 155 AT PAGE 58 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING AND BEING IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (P & Z Vote: 3-0, T.R.C. Vote 3-0) Location: South of N.W. 98th Street and Frontage Road)

Ms. Aida Martinez read the full title of the ordinance into the record. Chairperson Garcia asked Mr. Citrin to swear in those present who would be providing testimony on any of the public hearing items. Mr. Robert Jackson, surveyor for the project came forward and introduced himself for the record. Mirtha Gonzalez, Chief Zoning Official provided a brief description of the project and offered no objections to the application. Chairperson Garcia opened the public hearing for discussion on the item at 7:43 p.m., as no one came forward he closed the floor at 7:43 p.m. and made a motion to approve the ordinance, seconded by Council member Zardon and unanimously approved by individualized voice vote. **(Vote 3-0)**

B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING A SITE PLAN FOR IBIS COVE 2 (NORCA 2) CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 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, TOGETHER WITH A NON-EXCLUSIVE PERPETUAL EASEMENT RUNNING WITH THE LAND OVER AND UPON THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT: THE NORTH 25 FEET OF THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 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, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (P & Z Vote: 3-0, T.R.C. Vote: 5-0) Location: East of N.W. 82nd Avenue and South of N.W. 98th Street

Ms. Aida Martinez read the full title of the ordinance into the record. Ms. Niurka Esquivel, owner/representative for the project, came forward and introduced herself for the record. Mirtha Gonzalez, Chief Zoning Official provided a brief description

of the project and offered no objections. Chairperson Garcia opened the public hearing for discussion on the item at 7:45 p.m., as no one came forward he closed the floor at 7:45 p.m. Based on staff recommendation, he made a motion to approve the ordinance, seconded by Council member Piña and unanimously approved by individualized voice vote. **(Vote 3-0)**

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR WENDY'S FAST FOOD DRIVE-IN RESTAURANT CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT "E", B.J.'S PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 155, AT PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (P & Z Vote: 3-0, T.R.C. Vote: 4-0) Location: West of N.W. 95th Street, South of N.W. 80th Avenue, North of Frontage Road or West Okeechobee Road, East of N.W. 98th Street**

Ms. Aida Martinez read the full title of the ordinance into the record. Mr. Eduardo Carcache, CKE Group, Inc., for the project, came forward and introduced himself. Mirtha Gonzalez, Chief Zoning Official provided a brief description of the project and offered no objections. Mr. Citrin noted the case involving Miami-Dade County vs Omnipoint Holdings, Inc. and asked for the applicant's acknowledgement of this case and its possible bearing on zoning law. Mr. Carcache acknowledged the same and proceeded to give a presentation on the project. Chairperson Garcia opened the public hearing for discussion on the item at 7:52 p.m., as no one came forward he closed the floor at 7:52 p.m. Based on staff recommendation, he made a motion to approve the ordinance, seconded by Council member Zardon and unanimously approved by individualized voice vote. **(Vote 3-0)**

- D) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR ENRIQUE BEHAR CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST OF TRACT 4, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" OF SECTION 29, 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, LESS THE WEST 30 FEET THEREOF. FOLIO 27-2029-001-0041, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (P & Z Vote: 3-0, T.R.C. Vote: 6-0) Location: N.W. 135th Street and N.W. 99th Avenue)**

Ms. Aida Martinez read the full title of the ordinance into the record. Mr. Enrique Behar, the applicant, came forward and introduced himself for the record. Mirtha Gonzalez, Chief Zoning Official provided a brief description of the project and offered no objections. Chairperson Garcia opened the public hearing for discussion on the item at 7:55 p.m., as no one came forward he closed the floor at 7:55 p.m. Based on staff recommendation, he made a motion to approve the ordinance, seconded by Council member Piña and unanimously approved by individualized voice vote. **(Vote 3-0)**

8. **City Attorney's Report** – Mr. Citrin informed that a Request for Proposal had been Advertised for financial advisor services. He also reported that the City had successfully acquired the 4.4 acre parcel adjacent to Westland Gardens Park. Mr. J. Frost Walker represented the City at the closing.
- 9a. **Request for approval of Storm Water Management Project:** Mr. Joe Lopez, Public Works came forward and asked the council's approval of contract #13169 with South Florida Water Management District for the \$500,000.00 grant awarded to the City. The funds will be used for stormwater drainage improvements to N.W. 80th Avenue. A motion authorizing Mr. Lopez to go forward with the bid process was made by Chairperson Garcia, seconded by Council member Piña and unanimously approved. A second motion was made by the Chair to accept the executed contract and the drafting of a resolution to that effect by Mr. Citrin.
10. **Mayor's Report – Miscellaneous** – Mayor De La Cruz was not present.
11. **Council Members Concerns/Reports – Miscellaneous** – No comments were offered.
12. **Public Comments** – Mrs. Gerri Fontanella came forward and asked about meeting dates for the Planning and Zoning Board. She also suggested repainting the signs used to notice council meetings.
13. **Adjournment** – The meeting was adjourned at 8:07 p.m.

Agenda Certified 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, April 16, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, May 6, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, May 1, 2002, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, April 23, 2002 , 7:30 P.M.