

MINUTES

CITY COUNCIL MEETING
TUESDAY, MAY 21, 2002

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:35 p.m.
2. **Roll Call:** Present were Chairperson Garcia, Council members Lucy Valdes, Manuel Zardon, Miguel Haddad and Rolando Piña. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Chairperson Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** A request by Council member Haddad to discuss a deposited he made to the City was added as **Item 9b**.
6. **Review of Minutes: May 7, 2002:** Chairperson Garcia made a motion to approve the minutes of April 16, 2002, seconded by Council member Piña and the motion was unanimously approved.

7. PROPOSED RESOLUTIONS:

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING THE SELECTION OF FIRST SOUTHWEST COMPANY AS FINANCIAL ADVISOR TO THE CITY; AUTHORIZING A CONTRACT BETWEEN THE CITY OF HIALEAH GARDENS AND FIRST SOUTHWEST COMPANY FOR FINANCIAL ADVISOR SERVICES; APPROVING AGREEMENTS RELATED TO SAID PURCHASES; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Chairperson Garcia explained that this resolution served to ratify action taken by the council at the last meeting, where the recommendation of First Southwest Company to provide financial advisor services was approved. Mrs. Gerri Fontanella, resident of Hialeah Gardens addressed the council. Following further explanation of the resolution, Chairperson Garcia made a motion to approve, Council member Piña offered a second and the motion was approved unanimously. **(Vote 5-0)**

8. FIRST READING for consideration of the following proposed ordinances:

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING ANDRES MARQUEZ – WAIVER OF PLAT; CONCERNING PROPERTY LEGALLY DESCRIBED AS: WAIVER OF PLAT. LEGAL DESCRIPTION: PARENT TRACT: TRACT 19 OF “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. CUT OUT PARCEL: THE WEST 159.03 FEET OF THE EAST 364.60 FEET OF TRACT 19 OF “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION 1”, OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. SUBJECT TO A 30 FEET EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 30 FEET THEREOF. FOLIO #27-2029-001-0209. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.***
(Location: Between N.W. 135th St. and N.W. 102 Ave.) (T.R.C. 6-0, P&Z 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Andres Marquez, the applicant, was present. Chairperson Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. He made a motion to approve, seconded by Council member Haddad and the motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SITE PLAN REVIEW AND VARIANCES FOR CATAMAR LTD/ACOLITE SIGN CO. CONCERNING PROPERTY LOCATION: 9950 N.W. 77 AVENUE, HIALEAH GARDENS, FLORIDA.***

PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 9950 N.W. 77th Ave.) (T.R.C. 4-0, P&Z 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Daniel Ramirez, representing the applicant, was present. Chairperson Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. He made a motion to approve, seconded by Council member Valdes and the motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR CINGULAR WIRELESS TO ADHERE A 10 FEET HIGHER EXTENSION OF EXISTING 90 FEET FLAG POLE TELECOMMUNICATION TOWER FACILITY AS PER SECTION 78.345(a) (1); LOCATION: 11300 N.W. 87 COURT. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.*** (Location: 11300 N.W. 87th Ct.) (T.R.C. 6-0, P&Z 3—0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Jeff Mertz, representing the applicant, was present. Chairperson Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. He made a motion to approve, seconded by Council member Valdes and the motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR NORCA 1 AND NORCA 2: TENTATIVE PLAT. LEGAL DESCRIPTION: PARCEL 1: THE WEST 230 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. LESS A PARCEL OF LAND LYING IN THE CITY OF HIALEAH GARDENS, MIAMI DADE COUNTY, FLORIDA BEING A PORTION 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, AND BEING MORE PARTICULARLY***

DESCRIBED AS FOLLOWS: BEGIN AT THE CENTER OF SAID SECTION 3; THENCE RUN N89 48'29" E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, FOR 22.00 FEET TO A POINT; THENCE RUN S00 01'22" E, FOR 70.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 68 11'46", FOR AN ARC DISTANCE OF 41.66 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF SOUTHWEST QUARTER OF SAID SECTION 3; THENCE RUN N00 01'22"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR 102.62 FEET TO THE POINT OF BEGINNING. PARCEL 2: NORTH 150 FEET OF THE EAST 201.42 FEET TO THE WEST 431.42 FEET OF TRACT 64 IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, OF "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 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, OF "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. PROPERTY DESCRIBED AS FOLLOWS: LOCATION: EAST OF N.W. 82 AVENUE SOUTH OF N.W. 98 STREET. FOLIO #27-3003-001-4280 AND #27-3003-001-0900. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of N.W. 82nd Ave. South of N.W. 98th St.) (T.R.C. 6-0, P&Z 3-0)

Mr. Citrin read the full title of the ordinance into the record. Ms. Niurka Esquivel and Mr. Carlos Ramos, representing the applicant, were present. Chairperson Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. He made a motion to approve, seconded by Council member Valdes and the motion was approved by individualized voice vote, with Council member Haddad off the dais. (Vote 4-0)

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR MIAMI-DADE FIRE RESCUE CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 29, 30 AND 31, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, 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: SOUTHEAST CORNER OF N.W. 87 AVENUE AND N.W. 103 STREET. FOLIO #27-3003-001-0402. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Southeast corner of N.W. 87 Ave. and N.W. 103 St.) (T.R.C. 5-0, P&Z 5-0)**

Mr. Citrin read the full title of the ordinance into the record. The City is a co-applicant on this project. Chairperson Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. He made a motion to approve, seconded by Council member Haddad and the motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR IBIS COVE #1 (NORCA #1) CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST 230 FEET OF NORTH 150 FEET OF THE WEST 431.42 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 PERPETUAL EASEMENT RUNNING WITH THE LAND AND 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 EAST, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. LESS A PARCEL OF LAND LYING IN THE CITY OF HIALEAH GARDENS, MIAMI DADE COUNTY, FLORIDA, BEING A PORTION 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, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE CENTER OF SAID SECTION 3; THENCE RUN N89 48’29” E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 3, 422.00 FEET TO A POINT; THENCE RUN S00 01’22” E FOR 70.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS 35.00 FEET AND CENTRAL ANGLE 68 11’46”, FOR AN ARC DISTANCE OF 41.66 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3;; THENCE RUN N00 01’22” W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR 102.62 FEET TO THE POINT OF BEGINNING. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of N.W. 82nd Ave., South of N.W. 98th St.) (T.R.C. 4-0, P&Z 0-5)

Mr. Citrin read the full title of the ordinance into the record. Mr. Simon Ferro, representing the applicant, was present. Chairperson Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. He made a motion to approve, seconded by Council member Valdes, Council member Haddad voted in favor, with Council members Zardon and Piña voting against. (Vote 3-2)

- G) 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. (Location: East of N.W. 82 Ave., South of N.W. 98 St.) (T.R.C. 4-0, P&Z 0-5)

Mr. Citrin read the full title of the ordinance into the record. Mr. Simon Ferro, representing the applicant, was present. Chairperson Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. He made a motion to approve, seconded by Council member Valdes, Council member Haddad voted in favor, with Council members Zardon voting against. Council member Piña had excused himself from the meeting at 7:58 p.m. prior to the reading of this item. **Vote (3-1)**

9. PUBLIC HEARING and Second Reading for consideration and final adoption of the following ordinances:

A) ORDINANCE 2002-04

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE TO PERMIT A GARDENS ACADEMY OF EXCELLENCE CHARTER SCHOOL AND SITE PLAN REVIEW FOR GARDENS ACADEMY OF EXCELLENCE CHARTER SCHOOL; SANTA NAVILA SUBDIVISION PB 154-97T-20340 TRACT A LOT SIZE 2.107 ACRES M/L FAU 27-3003-001-0118 OR 17998-3141 0298 2(3); PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 103 St. between Santa Navila and Hialeah Gardens City Hall) (T.R.C. 6-0, P & Z 3-0)

Mr. Citrin read the full title of the ordinance into the record and swore in all members of the public who would be testifying. A motion was made by Chairperson Garcia to remove this item from the table, seconded by Council member Haddad and the motion was unanimously approved. Mr. Felix Lazarte, Esq. and Mr. Loren Granoff, Esq. were present as counsel for the applicant. A lengthy discussion took place wherein the co-counsels presented the applicant's case. Chairperson Garcia opened the public hearing at 8:30 p.m. Testimony was heard from the following residents of the City:

Mrs. Susan Menendez, 9900 N.W. 137 Street, Hialeah Gardens, FL
 Mrs. Gerri Fontanella 13425 N.W. 102 Avenue, Hialeah Gardens, FL
 Ms. Priscilla Menendez, 9900 N.W. 137 Street, Hialeah Gardens, FL
 Mr. Daniel Cruz, 8187 N.W. 99 Street, Hialeah Gardens, FL
 Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL
 Mr. Jorge Merida, 9928 N.W. 133 Street, Hialeah Gardens, FL
 Mrs. Walkiria Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL
 Mrs. Ivette Galindo, 10460 N.W. 131 Street, Hialeah Gardens, FL

Chairperson Garcia closed the public hearing at 9:18 p.m. The discussion continued with questions and comments from the council members, Mr. Citrin and counsel for the applicant. Chairperson Garcia re-opened the public hearing at 11:10 p.m. and the following residents of the City gave further testimony on the item:

Mrs. Susan Menendez, 9900 N.W. 137 Street, Hialeah Gardens, FL
 Mr. Daniel Cruz, 8187 N.W. 99 Street, Hialeah Gardens, FL
 Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL

Chairperson Garcia closed the public hearing at 11:15 p.m. Mayor De La Cruz offered his comments on the project. A motion to approve was made by Council member Valdes, seconded by Council member Haddad, with Council member Zardon and Chairperson Garcia voting against. The motion failed (**Vote 2-2**)

Chairperson Garcia called for a recess at 11:28 p.m.
 The meeting was called to order at 11:35 p.m.

- 9b. **Discussion of deposit made to City of Hialeah Gardens** – Council member Miguel Haddad. Mr. Ralph Ventura, attorney for Mr. Haddad came forward and requested a hearing before the council to provide witnesses in support of Mr. Haddad’s case. Mr. Haddad also addressed the council and gave a history of the issue at hand. It was agreed to place this item on the agenda for discussion at the June 4, 2002 council meeting.
10. **City Attorney’s Report** – Mr. Citrin stated that the Hameetman vs City of Hialeah Gardens case had been settled within the limits set by the council. He also informed that an agreement had been reached in the Wellamerica insurance case and asked the council for their approval to go forward with the settlement. A motion to approve this action was made by Chairperson Garcia, seconded by Council member Valdes and unanimously approved.
11. **Mayor’s Report – Miscellaneous** – No comments
12. **Council Members Concerns/Reports – Miscellaneous**

Council member Valdes – Appointed Mr. Pablo Alvarez to serve on the Personnel Review Board.

Council member Zardon – No Comments

Council member Haddad – Made additional comments regarding Item 9b.

Council member Garcia – Informed that he had met with officials from D.E.R.M., Mr. and Mrs. Menendez and also Council member Haddad regarding the vacant lot behind the Menendez home. Mayor De La Cruz added that the City was waiting for written authorization from D.E.R.M. in order to proceed with the clean up.

13. **Public Comments** – The following residents came forward and addressed the council:

Mrs. Millie Rodriguez, 13375 N.W. 102 Avenue, Hialeah Gardens, FL.

Mrs. Susan Menendez, 9900 N.W. 137 Street, Hialeah Gardens, FL.

Mrs. Gerri Fontanella 13425 N.W. 101 Avenue, Hialeah Gardens, FL.

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

Mr. Fernando Zulueta, representing Mater Academy and Youth Co-op Charter Schools.

14. **Adjournment** – The meeting was adjourned at 12:36 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

Tuesday, June 21, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, June 10, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, June 5, 2002, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, June 25, 2002, 7:30 P.M.

POLICE PENSION BOARD

Monday, August 5, 2002, 10:00 A.M.