

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, JUNE 4, 2002

CITY HALL COUNCIL CHAMBERS  
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:40 p.m.
2. **Roll Call:** Present were Chairperson Garcia, Council members Manuel Zardon, Miguel Haddad, and Lucy Valdes. Also present were Mayor Yioset 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:** Item 11 was deleted from the agenda as requested by Mr. Ralph Ventura, Esq.
6. **Review of Minutes: May 21, 2002:** Chairperson Garcia made a motion to approve the minutes of May 21, 2002, seconded by Council member Haddad. The motion was unanimously approved.
7. **Swearing in of new Police Officers Luis Soto and Joel Rivero:** Chief Keith Joy administered the oath of office. Mayor De La Cruz offered his congratulations and presented the officers with their badges.
8. **Opening of sealed bids for Dental Insurance Coverage:** Ms. Aida Martinez, Assistant City Attorney, stated that no proposals had been received in response to the City's R.F.P. As such, she requested the council's approval to extend the current dental coverage for one month. This would allow time to review the possibility of renewing the existing policy or seeking other options. Chairperson Garcia made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved.

9. **Opening of sealed bids for N.W. 80<sup>th</sup> Avenue (South District) Drainage Improvements:** Mr. Joe Lopez, Director Public Works, opened and read the following three proposals received by the advertised deadline:

Acosta Tractors, Inc.	\$ 524,490.45
Willams Paving Co., Inc.	\$ 450,110.70
Gonzalez Pavement Equipment, Inc.	\$ 343,875.00

Mr. Lopez will review the proposals and offer his recommendation at the next council meeting.

10. **Request for waiver of City fees for Samari Lake Condominium improvements:** Council member Miguel Haddad. Mr. Rafael Peñalver, receiver, for Samari Lake Condominiums, addressed the council to request a waiver of the City's permit fees for proposed roof repairs. Mr. Peñalver stated that repairs to the roof would amount to approximately \$1.2 million dollars and that \$1 million had been raised to date. Permit fees for the project would run \$12,000 to \$15,000. A lengthy discussion ensued wherein several issues concerning the state of the condominium were addressed. As a result of the discussion, Mr. Citrin was instructed to draft a resolution that would provide the provisions for a waiver of permit fees and a second resolution expressing the City's support for the residents regaining control of the condominium association. The following individuals gave testimony on this item:

Mrs. Gerri Fontanella 13425 N.W. 102 Avenue, Hialeah Gardens, FL  
 Mr. Jorge Gutierrez 10090 N.W. 80 Court, Unit 1521, Hialeah Gardens, FL  
 Mr. Rey Regalado, Building Official, City of Hialeah Gardens, FL

11. **Discussion of deposit to City of Hialeah Gardens by Mr. Miguel Haddad – Mr. Ralph Ventura, Esq.** This item was deleted from the agenda.
12. **FIRST READING for consideration of the following proposed ordinances:**

- A) ***ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.***

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

13. **PUBLIC HEARING and Second Reading for consideration and final adoption of the following 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. 135<sup>th</sup> 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. Chairperson Garcia asked Mr. Citrin to swear in those present who would be providing testimony on any of the public hearing items. Mr. Andres Marquez, 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 to the application. Chairperson Garcia opened the public hearing for discussion on the item at 8:41 p.m., as no one came forward he closed the floor at 8:41 p.m. and made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- 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. 77<sup>th</sup> Ave.) (T.R.C. 4-0, P&Z 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Danny Ramirez, for 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 to the application. Chairperson Garcia opened the public hearing for discussion on the item at 8:46 p.m., as no one came forward he closed the floor at 8:46 p.m. and made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- 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. 87<sup>th</sup> 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, for 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 to the application. Chairperson Garcia opened the public hearing for discussion on the item at 8:48 p.m., as no one came forward he closed the floor at 8:48 p.m. and made a motion to approve, seconded by Council member Haddad and approved by individualized voice vote, with Council member Haddad off the dais. **(Vote 3-0)**

- 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'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, 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. 82<sup>nd</sup> Ave. South of N.W. 98<sup>th</sup> St.) (T.R.C. 6-0, P&Z 3-0)***

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Ms. Niurka Esquivel, for the applicant, came forward and introduced herself 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 8:54 p.m. Mr. Daniel Cruz, resident, came forward and addressed the council. As no further testimony was

offered, the public hearing was closed at 8:56 p.m. Council member Valdes made a motion to approve the ordinance, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. **(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. Mirtha Gonzalez, Chief Zoning Official stated that the City was a co-applicant in this application and provided a brief description of the project. Chairperson Garcia opened the public hearing for discussion on the item at 9:02 p.m., as no one came forward he closed the floor at 9:02 p.m. Council member Haddad made a motion to approve, seconded by Council member Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- 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 PUBIC 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. 82<sup>nd</sup> Ave., South of N.W. 98<sup>th</sup> 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, Esq., for the applicant, came forward and introduced himself for the record. Mirtha Gonzalez, Chief Zoning Official provided a brief description of the project. Mr. Ferro addressed the council and explained the reasons for the request of a variance. Chairperson Garcia opened the public hearing for discussion on the item at 9:17 p.m. The following individuals provided testimony on the item:

Mr. Daniel Cruz, 8187 N.W. 99 Street, Hialeah Gardens, Florida.  
 Mr. Bruce Nordhagen 8195 N.W. 98 Street, Hialeah Gardens, Florida.  
 Mrs. Gerri Fontanella 13425 N.W. 102 Avenue, Hialeah Gardens, Florida.

As no further testimony was offered, the public hearing was closed at 9:31 p.m. Chairperson Garcia made a motion to approve the ordinance, seconded by Council member Haddad. Council member Valdes voted in favor with Council member Zardon voting against. **(Vote 3-1)**

- 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, Esq., for the applicant, came forward and introduced himself for the record. Mirtha Gonzalez, Chief Zoning Official provided a brief description of the project. Mr. Ferro addressed the council once again and explained that this property was adjacent to the previous property discussed and that the variance request was identical. Chairperson Garcia opened the public hearing for discussion on the item at 9:27 p.m. Mrs. Gerri Fontanella addressed the council. No further testimony was offered therefore Chairperson Garcia closed the public hearing at 9:31 p.m. Council member Valdes made a motion to approve, seconded by Council member Haddad. Chairperson Garcia voted in favor with Council member Zardon voting against. **(Vote 3-1)**

14. **City Attorney’s Report** – Introduced Mr. J. Frost Walker III, Esq., who serves as the attorney for the City’s Water and Sewer Board.
15. **Mayor’s Report – Miscellaneous** – No Comments
16. **Council Members Concerns/Reports – Miscellaneous** –

**Chairperson Garcia** – Made mention that the developer of Los Jardines Estates on the 30 acre property had requested an indefinite deferment of their zoning application. He provided a letter from the applicant’s attorney to this effect.



**Council member Valdes** – Stated her views on the benefits of having resident/owners serving on the boards of their own homeowners' associations. She also requested that the council be informed of any upcoming events at the City's Senior Center.

**Council member Zardon** – No Comments

**Council member Haddad** – Commented on his request to have Item 10 (Waiver of permit fees for Samari Lake Condominium) placed on the agenda.

17. **Public Comments** – The following individuals came forward to address the council:

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

Mr. Gilbert Farinas, 10488 N.W. 130 Street, Hialeah Gardens, Florida.

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

Mr. Henry Gonzalez, 9895 N.W. 135 Street, Hialeah Gardens, Florida.

Mr. Sergio Menendez, 9900 N.W. 137 Street, Hialeah Gardens, Florida.

18. **Adjournment:** The meeting was adjourned at 10:11 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, July 02, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, June 08, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, July 03, 2002, 11:30 A.M.

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

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