

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, JUNE 18, 2002

CITY HALL COUNCIL CHAMBERS  
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:36 p.m.
2. **Roll Call:** Present were Chairperson Garcia and Council members, Lucy Valdes, Miguel Haddad, and Manuel Zardon. Also present were Mayor Yiozet 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 motion to table **Item 9** was made by Chairperson Garcia, seconded by Council member Valdes and unanimously approved. A recommendation for a Dental Insurance provider was added to the agenda as **Item 9a**. Council member Valdes suggested a change in the order of the agenda by requesting that the first reading of ordinances be taken up before the proposed resolutions in order to accommodate the public.
6. **Review of Minutes: June 4, 2002:** Chairperson Garcia made a motion to approve the minutes of June 4, 2002, seconded by Council member Valdes. The motion was approved unanimously.
7. **Request to waive competitive bidding for purchase of single axle 15,000 lb. GVWR 4 x 2 truck for Public Works Department.** Mr. Joe Lopez, Director of Public Works addressed the council and recommended waiving competitive bidding and going forward with the purchase via a State contract. Maroone Chevrolet, an approved contractor under state contract specification #070650010 provided a quote of \$27,084.00. A motion to approve the purchase was made by Chairperson Garcia, seconded by Council member Zardon. The motion was approved unanimously. Mr. Citrin was instructed to prepare a resolution memorializing the action taken.

8. **Recommendation to award contract for N.W. 80<sup>th</sup> Avenue (South District) Drainage Improvements project (PW 2002-05):** Mr. Joe Lopez, Director of Public Works recommended awarding the contract to Gonzalez Pavement Equipment, Inc. who was the lowest bidder on the project. Chairperson Garcia made a motion to approve, seconded by Council member Zardon. The motion was unanimously approved.
9. **Discussion of deposit to City of Hialeah Gardens by Mr. Miguel Haddad:** Mr. Ralph Ventura, Esq. This item was tabled. **(Tabled)**
- 9a. **Recommendation for Dental Insurance provider:** Ms. Aida Martinez, Assistant City Attorney speaking as Director of Personnel, stated that she had received R.F.P's to provide dental insurance coverage for City employees. After a review of the proposals she was recommending the City continue with Guardian, the current provider. Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was approved unanimously.
10. **Discussion regarding the City's Comprehensive Plan Amendments:** Mirtha Gonzalez, Chief Zoning Official came forward and explained that Florida Statute 153.3197 allows for two application periods within each year to accept Land Use Amendments to the Comprehensive Plan. The City had only been providing for one. It was Ms. Gonzalez recommendation to advertise for a second filing period in September 2002 allowing for public hearings in December 2002. A motion was made by Chairperson Garcia to permit this as procedure, seconded by Council member Valdes. The motion was unanimously approved.

**\* NOTE - ITEM 12 WAS TAKEN UP PRIOR TO ITEM 11 \***

**11. PROPOSED RESOLUTIONS:**

- A) *RESOLUTION OF THE CITY OF HIALEAH GARDENS, WAIVING THE PERMIT AND INSPECTION FEES FOR THE SAMARI LAKES ROOFING PROJECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

City Attorney Citrin read the full title of the resolution into the record. Mayor De La Cruz stated the provisions of the resolution for waiving of the City's permit and inspection fees. He explained that an amount equal to that of the waived fees will be taken from the monies already collected from the special assessment for roof repairs and applied to Samari Lakes outstanding water and sewer bill. The following individuals gave testimony on the item:

Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL.  
 Mr. Jorge Gutierrez, 10090 N.W. 80 Ct. #1521, Hialeah Gardens, FL.  
 Mr. Carlos Reyes, manager of Samari Lakes Condominiums  
 Mr. Silvio Rodriguez, 10090 N.W. 80 Ct. #2557, Hialeah Gardens, FL.

A motion to approve was then made by Council member Haddad seconded by Council member Valdes. The motion was unanimously approved.

***B) RESOLUTION OF THE CITY OF HIALEAH GARDENS,  
 SUPPORTING THE RESIDENTS OF SAMARI LAKES IN  
 RE-ESTABLISHING THE CONDOMINIUM  
 ASSOCIATION.***

City Attorney Citrin read the full title of the resolution into the record. Mayor De La Cruz explained the resolution which acknowledges the City's support of the efforts by the residents of Samari Lakes to re-establish their condominium association. Chairperson Garcia noted that this resolution would only be stating the opinion of the council and government of Hialeah Gardens and was not a binding document. All final decisions regarding Samari Lakes are made by the Dade County Circuit Court. The following individuals came forward and gave testimony on this item:

Mr. Tom Pilla, counsel for several of the Samari Lakes homeowners.  
 Ms. Blanca Doyle, 10090 N.W. 80 Ct. #1120, Hialeah Gardens, FL  
 Mrs. Lois Joseph, 9950 N.W. 137 Street, Hialeah Gardens, FL  
 Mr. Jorge Gutierrez, 10090 N.W. 80 Ct. #1521, Hialeah Gardens, FL

Following the testimony, Chairperson Garcia made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved.

**12. FIRST READING for consideration of the following proposed ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS,  
 FLORIDA, APPROVING MIGUEL HADDAD – WAIVER  
 OF PLAT. LEGAL DESCRIPTION: THE EAST \_ OF THE  
 WEST \_ OF THE WEST \_ OF TRACT 6, OF FLORIDA  
 FRUIT LAND COMPANY'S SUBDIVISION NO. 1, IN  
 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, LESS  
 THE NORTH 30 FEET FOR ROAD RIGHT OF WAY.  
 FOLIO #27-2029-001-0061. PROVIDING FOR  
 CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
 (Location: N.W. 133<sup>rd</sup> Street and East of 102<sup>nd</sup> Avenue) (P&Z 3-0  
 T.R.C. 4-0)***

City Attorney Citrin read the full title of the ordinance into the record. Mr. Haddad left the dais and came forward as the applicant. 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 Valdes. The motion was unanimously approved by individualized voice vote with Council member Haddad recusing himself and abstaining. **(Vote 3-0)**

**B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SITE PLAN REVIEW AND VARIANCES FOR CLEAR CHANNEL OUTDOOR, INC., AS SUCCESSOR-IN-INTEREST TO AK MEDIA GROUP, INC., CONCERNING THE RELOCATION OF BILLBOARD SIGN LEGALLY DESCRIBED AS: TRACT C AND A PORTION OF TRACT D. ALSO A PORTION OF TRACT A, WAL-MART AT HIALEAH GARDENS, CITY OF HIALEAH GARDENS, MIAMI DADE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 156, AT PAGE 6 SHEET NO. 2 MIAMI DADE COUNTY FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.***

**(Location: State Road 826 (Palmetto Expressway) and Wal-Mart at Hialeah Gardens) (P&Z 3-0, T.R.C. 3-0)**

City Attorney Citrin read the full title of the ordinance into the record. Mr. Sergio Ancia, was present for the applicant. 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 Valdes. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

**C) *AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR GARDENS COMMERCIAL HOLDING/GARDENS SQUARE PLAZA, CONCERNING PROPERTY LEGALLY DESCRIBED: 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, LESS THE FOLLOWING DESCRIBED PARCEL: BEGIN AT THE NORTHEAST CORNER OF SAID TRACT "E"; THENCE SOUTH 00 DEGREES 11 MINUTES 12 SECONDS EAST FOR 369.92 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST FOR 66.05 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 46 SECONDS EAST FOR 138.00***

**FEET (SAID LAST MENTIONED THREE COURSES BEING COINCIDENT WITH THE EASTERLY BOUNDARY LINE OF SAID TRACT "E"): THENCE SOUTH 89 DEGREES 50 MINUTES 14 SECONDS WEST FOR 84.83 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 33 SECONDS EAST FOR 44.94 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 15 SECONDS WEST FOR 72.68 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 45 SECONDS WEST FOR 287.04 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 48 SECONDS EAST FOR 18.68 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 43 SECONDS WEST FOR 56.14 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 14 SECONDS EAST FOR 31.67 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 46 SECONDS WEST FOR 120.00 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST, ALONG THE NORTH BOUNDARY LINE OF SAID TRACT "E", FOR 40.92 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN THE SOUTHEAST \_ OF SECTION 03, TOWNSHIP 53 SOUTH, RANGE 40 EAST, CITY TO HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location South of N.W. 98<sup>th</sup> Street, Northeast of Frontage Road or West Okeechobee Road, Southwest of the existing BJ's building at Hialeah Gardens) (P&Z 3-0 T.R.C. 4-0)**

City Attorney Citrin read the full title of the ordinance into the record. Ms. Linda Stein, 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 then made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

**D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA. GRANTING A SPECIAL EXCEPTION USE TO PERMIT A CHARTER SCHOOL AND SITE PLAN REVIEW FOR MATER ACADEMY CHARTER SCHOOL, CONCERNING PROPERTY ADDRESS: 7901 N.W. 103<sup>rd</sup> STREET. FOLIO #27-3003-001-0020; PROVIDING FOR EFFECTIVE DATE. (Location: 7901 N.W. 103<sup>rd</sup> Street) (P&Z 3-0 T.R.C. 6-0)**

City Attorney Citrin read the full title of the ordinance into the record. Mr. Fernando Zulueta, 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 then made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

**Chairperson Garcia called for a recess at 8:37 p.m. The meeting was reconvened At 8:44 p.m.**

**13. PUBLIC HEARING and Second Reading for consideration and final adoption of the following ordinance:**

- 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.***

City Attorney Citrin read the full title of the ordinance into the record. Mari Joffee, the City Clerk came forward and explained the process involved in providing Municipal Code Corporation with all the prior ordinances and resolutions adopted by the council in order to update the City's code. Chairperson Garcia opened the public hearing for discussion on this item at 8:47 p.m. Mrs. Gerri Fontanella, resident, addressed the council and voiced her concerns. No further testimony was offered and therefore Chairperson Garcia made a motion to approve the ordinance, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 4-0)**

- 14. City Attorney's Report** – Informed the council that he would not be present at the next council meeting, however, Ms. Aida Martinez and Mr. J. Frost Walker, would be acting as counsel. Mr. Citrin also stated that the City is in the process of waiting for a trial date to be set on the Thunderwheels case. Mr. Walker is handling the case.
- 15. Mayor's Report – Miscellaneous** – Noted that he had established a new program through the City's Fast Ball Academy which will provide two scholarships a year for baseball players to attend different colleges throughout the U.S. The Mayor commented on his ongoing efforts for the construction of a baseball stadium at Westland Gardens Park and his progress in talking to the University of Miami to play three games a year at the park. Mayor De La Cruz also mentioned the new City run swimming program and the commencement of construction on the new recreation/office building at Westland Gardens Park.
- 16. Council Members Concerns/Reports – Miscellaneous**

**Council member Haddad** – Expressed his concern of the right of way dedication for N.W. 133 Street, between N.W. 99<sup>th</sup> and 102<sup>nd</sup> Avenues. Mr. Joe Lopez, Director of Public Works, came forward and briefly addressed the issue and the progress to date.

He also voiced his concern for the illegal parking on N.W. 107<sup>th</sup> Avenue around Westland Gardens Park and the Estates area. Lt. Van Toth came forward and stated that the “No Parking” signs had been ordered.

**Council member Valdes** – Requested the status of the meeting with D.E.R.M. regarding the vacant lot on N.W. 135<sup>th</sup> Street. Mayor De La Cruz explained the particulars of the meeting with D.E.R.M. and provided a letter mailed to Mr. and Mrs. Sergio Menendez stating the City’s position on the issue. Mr. and Mrs. Menendez came forward and voiced their concerns on the matter. Chairperson Garcia suggested that Mr. and Mrs. Menendez contact D.E.R.M. and have something put in writing from them to prevent any further inconsistencies with their department’s requirements for the clean up of the lot. Council member Valdes also inquired as to the Fourth of July event. Mayor De La Cruz gave a brief summary of the festivities planned.

**Chairperson Garcia** - Provided a letter from J.C. Alvarez’s counsel regarding the development of the 30 acres.

**Council member Zardon** – No comments.

17. **Public Comments** – The following individuals gave testimony:

Mr. Henry Gonzalez, 9895 N.W. 131<sup>st</sup> Street, Hialeah Gardens, FL  
 Mr. Gilbert Farinas, 10488 N.W. 130<sup>th</sup> Street, Hialeah Gardens, FL  
 Mr. Pablo Alvarez, 10010 N.W. 135<sup>th</sup> Street, Hialeah Gardens, FL  
 Mrs. Susan Menendez, 9900 N.W. 137<sup>th</sup> Street, Hialeah Gardens, FL  
 Mrs. Gerri Fontanelli, 13425 N.W. 102<sup>nd</sup> Avenue, Hialeah Gardens, FL

18. **Adjournment** – The meeting was adjourned at 10:15 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 16, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, July 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.