

MINUTES

CITY COUNCIL MEETING
TUESDAY, JULY 2, 2002

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:48 p.m.
2. **Roll Call:** Present were Chairperson Garcia and Council members Rolando Piña and Manuel Zardon. Also present were Mayor Yioiset De La Cruz, Assistant City Attorney Aida Martinez and Mr. J. Frost Waler III, Esq.
3. **Invocation:** Chairperson Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** First reading of an ordinance regarding the consolidation of existing debt of radio purchase and Westland Gardens Park was added to the agenda as **Item 10b**.
6. **Review of Minutes: June 18, 2002:** Chairperson Garcia made a motion to approve the minutes of June 18, 2002, seconded by Council member Zardon. The motion was approved unanimously.
7. **Request for approval of a water extension agreement between Hialeah Gardens Fast Food LLC. (Burger King) and the City of Hialeah Gardens:** Mr. Albert Nielson, Director Water & Sewer Department came forward and gave a brief description of the agreement. Chairperson Garcia made a motion to approve, seconded by Council member Zardon. The motion was approved unanimously.
8. **Discussion of deposit to City of Hialeah Gardens by Mr. Miguel Haddad:** Mr. Ralph Ventura, Esq. (**Tabled Item**) Request by Mr. Ralph Ventrua, Esq. to postpone the

9. PROPOSED RESOLUTIONS:

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING THE AGREEMENT FOR DENTAL INSURANCE BETWEEN GUARDIAN AND THE CITY OF HIALEAH GARDENS, PROVIDING FOR EFFECTIVE DATE.***

Ms. Aida Martinez read the full title of the resolution into the record and explained that this served to memorialize the action taken by the council at their last meeting. Chairperson Garcia made a motion to approve, seconded by Council member Zardon. The motion was unanimously approved.

- B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) CHEVY SILVERADO 3500 HD CHASSIS CAB TRUCK; WAIVING COMPETITIVE BIDDING; USING THE EXISTING CONTRACTS TO THE STATE WHICH HAD USED COMPETITIVE BIDDING; APPROVING AGREEMENTS RELATED TO SAID PURCHASES; PROVIDING FOR EFFECTIVE DATE.***

Ms. Aida Martinez read the full title of the resolution into the record and explained that this served to memorialize the action taken by the council at their last meeting. Mrs. Gerri Fontanella, resident, came forward and voiced her concerns. Chairperson Garcia then made a motion to approve, seconded by Council member Zardon. The motion was unanimously approved.

- C) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE RECONSTRUCTION OF N.W. 80TH AVENUE BETWEEN NW 98TH STREET AND N.W. 103RD STREET INCLUDING A PORTION OF N.W. 98TH STREET; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH GONZALEZ PAVEMENT EQUIPMENT, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVER ABILITY ; AND PROVIDING FOR AN EFFECTIVE DATE.***

Ms. Aida Martinez read the full title of the resolution into the record and explained that this served to memorialize the action taken by the council at their last meeting. Mrs. Gerri Fontanella, resident, came forward and voiced her concerns. Chairperson Garcia

then made a motion to approve, seconded by Council member Zardon. The motion was unanimously approved.

10. **FIRST READING** for consideration of the following proposed ordinance:

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR GARDENS COMMERCIAL HOLDINGS LTD.'S PLAT CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT GARDENS COMMERCIAL HOLDINGS, LTD., A FLORIDA LIMITED PARTNERSHIP, UNDER THE UNIFORM PARTNERSHIP LAWS OF THE STATE OF FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT OF "BJ'S PLAT REPLAT", THE SAME BEING A REPLAT OF A PORTION OF TRACT "E", "BJ'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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TRACT "E", "BJ'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. 98th Street, Northeast of Frontage Road or West Okeechobee Road, Southwest of the existing BJ's building at Hialeah Gardens)

Ms. Aida Martinez read the full title of the ordinance into the record. Mr. Christopher Ralph, surveyor for the project 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 Zardon. The motion was unanimously approved by individualized voice vote.

(Vote 3-0)

- 10b. ***B) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS REFUNDING NOTE, SERIES 2002, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$335,000.00 TO REFINANCE EXISTING OBLIGATIONS PAYABLE TO UNION PLANTERS BANK AND MIAMI DADE COUNTY RESPECTIVELY, AND COSTS RELATED THERETO; COVENANTING TO BUDGET AND APPROPRIATE FUNDS, FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES, TO REPAY SUCH NOTE; PRESCRIBING THE FORM, TERMS AND DETAILS OF THE NOTE, AWARDING THE NOTE TO SUNTRUST BANK BY NEGOTIATED SALE; DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; REPEALING ALL ORDINANCES, PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Ms. Aida Martinez read the full title of the ordinance into the record. Mr. Marcos Piloto, Director, O.M.B. was present for the City. 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 Zardon. The motion was unanimously approved by individualized voice vote.
(Vote 3-0)

11. **PUBLIC HEARING and Second Reading for consideration and final adoption of the following 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. 133rd Street and East of 102nd Avenue) (P&Z 3-0 T.R.C. 4-0)

Ms. Aida Martinez read the full title of the ordinance into the record. As the applicant was not present, Chairperson Garcia made a motion to table the item, seconded by Council member Zardon. Council member Piña voted against and therefore the motion failed for lack of three affirmative votes. (Vote 2-1)

- 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)

Ms. Aida Martinez read the full title of the ordinance into the record. Mr. J. Frost Walker swore in all those present who would be giving testimony on any of the public hearing items. Mr. Sergio Anchia, for the applicant was present. Chairperson Garcia opened the public hearing for discussion on this item at 8:07 p.m. Mrs. Gerri Fontanella, resident, voiced her concerns regarding compliance with the City’s

ordinance regulating billboards. Ms. Martinez addressed these concerns and explained that FS 479.15 supercedes municipal ordinances. No further testimony was offered. Chairperson Garcia closed the public hearing at 8:11 p.m. and made a motion to approve the ordinance, seconded by Council member Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

- C) *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. 98th 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)***

Ms. Aida Martinez read the full title of the ordinance into the record. Mr. Christopher Ralph, surveyor for the project was present. Chairperson Garcia opened the public hearing for discussion on this item at 8:17 p.m. No testimony from the public was offered. Chairperson Garcia closed the public hearing at 8:18 p.m. and made a motion to approve the ordinance, seconded by Council member Zardon. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

**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. 103rd
STREET. FOLIO #27-3003-001-0020; PROVIDING FOR
EFFECTIVE DATE. (Location: 7901 N.W. 103rd Street)
(P&Z 3-0 T.R.C. 6-0)**

Ms. Aida Martinez read the full title of the ordinance into the record. Mr. Fernando Zulueta, the applicant came forward and provided a brief description of the project. Mr. Rolando Llanes, architect for the project, also came forward and gave a detailed presentation of the site plan. Mr. Chris Hagen testified as to the traffic analysis. Chairperson Garcia opened the public hearing for discussion on this item at 9:10 p.m. A discussion regarding the phases of construction ensued and as a result the following provisions were added to the ordinance: Construction of a canopy in the student drop off and pick up area during phase I of construction, erection of a second fence around the green field area, developer will provide Miami Dade County right turn only signs for school exits, developer will provide either on-duty or off-duty police officers for traffic control, development of subsequent phases of construction will be subject to review by the City Council. The following individuals gave testimony on the item:

Mrs. Susan Menendez, 9900 N.W. 137 Street, Hialeah Gardens, FL
Mrs. Gerri Fontanella 13425 N.W. 102 Avenue, Hialeah Gardens, FL
Ms. Karen Artiaga, 7525 W. 20th Avenue, Hialeah, FL
Ms. Maritza Aragon, Principal of Youth Co-op Charter School, Hialeah Gardens, FL
Henry Gonzalez, 9895 N.W. 131st Street, Hialeah Gardens, FL

Chairperson Garcia asked for a show of hands from the public in favor of the project. The record reflects an overwhelming majority in favor. No hand was raised in opposition. He then closed the public hearing at 9:32 p.m. and made a motion to approve the amended ordinance, seconded by Council member Piña. The motion was unanimously approved by individualized voice vote. **(Vote 3-0)**

**** Chairperson Garcia called a recess, the meeting was reconvened at 9:52 p.m. ****

12. **City Attorney's Report** – Ms. Aida Martinez serving as attorney for the council noted a correction in procedure regarding Item 11a. As the motion to table had failed, the item should be heard as scheduled. At this time Ms. Martinez read the full title of the

ordinance into the record. Chairperson Garcia opened the public hearing for discussion at 9:54 p.m. Testimony was given by residents, Mrs. Gerri Fontanella and Mrs. Susan Menendez. Chairperson Garcia made a motion to approve the ordinance, seconded by Council member Zardon. Council member Piña voted against and the motion failed for lack of three affirmative. **(Vote 2-1)**

13. **Mayor's Report – Miscellaneous** – No comments were offered.
14. **Council Members Concerns/Reports – Miscellaneous** – No comments were offered
15. **Public Comments** – The following individuals addressed the council

Mrs. Susan Menendez, 9900 N.W. 137th Street, Hialeah Gardens, FL
 Mrs. Gerri Fontanella, 13425 N.W. 102nd Avenue, Hialeah Gardens, FL
 Mr. Henry Gonzalez, 9895 N.W. 131st Street, Hialeah Gardens, FL
 Mrs. Niraida Suarez, 10100 N.W. 130th Street, Hialeah Gardens, FL
 Mr. Pablo Alvarez, 10100 N.W. 135th Street, Hialeah Gardens, FL

16. **Adjournment** – The meeting was adjourned at 10:36 p.m.

Respectfully submitted 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, September 3, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 9, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, August 1, 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.