

MINUTES

CITY COUNCIL MEETING
TUESDAY, JULY 16, 2002

CIT HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Council member Rolando Piña, serving as Chairman, called the meeting to order at 7:40 p.m.
2. **Roll Call:** Present were Council members Rolando Piña, Lucy Valdes, Manuel Zardon and Miguel Haddad. Also present was City Attorney Charles A. Citrin.
3. **Invocation:** Council member Valdes gave the invocation.
4. **Pledge of Allegiance:** Chairperson Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Opening of submitted information packages for Sanitary Sewer System Evaluation and Rehabilitation (Consulting Engineering Services for Water and Sewer Department by Mr. Albert Nielson, Director Water and Sewer Department was added to the agenda as **Item 7a**.
6. **Review of Minutes: July 2, 2002:** Chairperson Piña made a motion to approve the minutes of July 2, 200, seconded by Council member Zardon. The motion was approved unanimously by voice vote.
7. **Motion to reconsider the following ordinance for Public Hearing and Second reading:** Council member Piña.

***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)

Chairperson Piña made a motion to reconsider the ordinance, seconded by Council member Valdes. The public hearing was opened at 7:44 p.m. The following individuals gave testimony on the item:

Mr. Joe Sherron 13625 N.W. 106th Avenue, Hialeah Gardens, FL.
 Mrs. Gerri Fontanella 13425 N.W. 102nd Avenue, Hialeah Gardens, FL.

As no further testimony was offered the public hearing was closed at 7:47 p.m. and at this time Chairperson Piña made a motion to approve, seconded by Council member Valdes. Council member Zardon voted in favor with Council member Haddad recusing himself from voting. The motion passed. **(Vote 3-0).**

- 7a. **Opening of submitted information packages for Sanitary Sewer System Evaluation and Rehabilitation Bid LO1#2002-01(Consulting Engineering Services for Water and Sewer Department:** Mr. Albert Nielson, Director, Water and Sewer Department. Proposals were received from the following: CSA Group, Hazan and Sawyer, URS Corp., C3TS Corp., CES Consulting Engineering Services. Criteria for a rating system will be developed and the proposals will be reviewed by Mr. Nielson for his recommendation.
8. **Request for Council approval of line item changes to existing budget:** Mr. Marcos Piloto, Director, O.M.B., came forward and gave a brief explanation of the request to transfer \$40,000 from the Comprehensive Planning budget line item 515650 (Construction in Progress) to the Legal Counsel budget line item 514340. The transfer will cover anticipated expenses associated with legal fees involving the employee union negotiations and other outstanding litigation. Chairperson Piña made a motion to approve, seconded by Council member Zardon. The motion was approved unanimously by voice vote.
9. **Recommendation regarding changes within the BU district:** Mrs. Mirtha Gonzalez, Chief Zoning Official and Mr. Charles A. Citrin, City Attorney. Mrs. Gonzalez addressed the council and gave her recommendation to amend the uses within the BU District in order to establish a more uniform criteria for future zoning applications. A motion to draft an ordinance reflecting the discussed amendments was made by Chairperson Piña and seconded by Council member Zardon. Council member Valdes voted in favor with Council member Haddad voting against. The motion was approved. **(Vote 3-1).**

10. **Discussion of deposit to City of Hialeah Gardens by Mr. Miguel Haddad:** Mr. Ralph Ventura, Esq. (Tabled Item) A motion was made by Council member Haddad to table this item, seconded by Council member Valdes. The motion was approved unanimously by voice vote.
11. **FIRST READING for consideration of the following proposed ordinance:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR CACOPHONY CORP., TEMPORARY OFFICE TRAILER, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 48, OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF; RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West Okeechobee Road & NW 94th Avenue) (P&Z 3-0, T.R.C. 6-0)*

Mr. Charles A. Citrin read the full title of the ordinance into the record. Mr. Michael Osman, for the applicant, was present. Chairperson Piña 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).**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR JOSE A. FERNANDEZ'S RESIDENCE AT S.E. CORNER OF NW 102 AVENUE AND 131 STREET; CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 10, BLOCK 1 OF SPLIT RAIL SEC. 1 PB 108-3 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIO #27-2029-002-0100. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: SE Corner of NW 102nd Avenue & 131st Street) (P&Z 3-0, T.R.C. 6-0)*

Mr. Charles A. Citrin read the full title of the ordinance into the record. Mr. Jose A. Fernandez and Mr. Jason Fernandez, the applicants, were present. Chairperson Piña 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) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR RAFAEL & DELIA BLANCO'S RESIDENCE AT N.W. 131 STREET AND 99TH AVENUE CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 5 IN BLOCK 1 OF SPLIT RAIL SECTION ONE, ACCORDING TO THE PLAT BOOK 108 AT PAGE 3, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIO #27-2029-002-0050. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW 131st Street & NW 99th Avenue) (P&Z 3-0, T.R.C. 6-0)**

Mr. Charles A. Citrin read the full title of the ordinance into the record. Mr. Rafael Blanco, the applicant, was present. Chairperson Piña 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 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 AND FINAL PLAT FOR HIALEAH GARDENS FAST FOODS, LLC., CONCERNING PROPERTY LEGALLY DESCRIBED: THE WEST 210.00 FEET OF THE EAST 745.00 FEET OF SAID TRACT 61 "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 OF SECTION 03, 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 DADE COUNTY, FLORIDA LESS THE SOUTH 182.00 FEET AND LESS THE NORTH 25.00 FEET FOR STREET RIGHT-OF-WAY, AND LESS THE RIGHT-OF-WAY OF STATE ROAD NO 25 (US HIGHWAY 27) AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87090-2540. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: SE Corner NW 95th Street & Frontage Road)**

Mr. Charles A. Citrin read the full title of the ordinance into the record. Mr. John Weiss and Mr. Robert Jackson, for the applicant, were present. Chairperson Piña 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 4-0).**

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

- 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)
(First Reading 3-0)

Mr. Charles A. Citrin read the full title of the ordinance into the record. Ms. Linda Stein, for the applicant was present. Chairperson Piña opened the public hearing for discussion on the item at 8:18 p.m. The following individual gave testimony on the item: Mrs. Gerri Fontanella, 13425 N.W. 102nd Avenue, Hialeah Gardens, FL. As no further testimony was offered, Chairperson Piña closed the public hearing at 8:20 p.m. He then made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved by individualized voice vote. **(Vote 4-0).**

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.
(First Reading 3-0)

Mr. Charles A. Citrin read the full title of the ordinance into the record. Mr. Marcos Piloto, Director, O.M.B. addressed the Council and explained the merits of refinancing existing debt. Chairperson Piña opened the public hearing for discussion on the item at 8:23 p.m. The following individual gave testimony on the item: Mrs. Gerri Fontanella, 13425 N.W. 102nd Avenue, Hialeah Gardens, FL. As no further testimony was offered, Chairperson Piña closed the public hearing at 8:30 p.m. He then made a motion to approve, seconded by Council member Zardon. Council member Valdes

voted in favor with Council member Haddad voting against. The motion was approved. **(Vote 3-1)**. Mr. Piloto also took this opportunity to briefly discuss the Truth in Millage (T.R.I.M.) time table with the council.

13. **Public Comments:** The following individuals addressed the council:

Mr. Joe Sherron, 13625 N.W. 106th Avenue, Hialeah Gardens, FL.
 Mrs. Gerri Fontanella, 13425 N.W. 102nd Avenue, Hialeah Gardens, FL.
 Mr. Gilbert Farinas, 10488 N.W. 130th Street, Hialeah Gardens, FL.
 Mr. Sergio Menendez, 9900 N.W. 137th Street, Hialeah Gardens, FL.
 Mrs. Neraida Suarez, 10100 N.W. 130th Street, Hialeah Gardens, FL.
 Mrs. Ada Tapia, 10144 N.W. 137th Street, Hialeah Gardens, FL.

14. **City Attorney's Report:** Mr. Citrin stated that at the request of several council members he would be issuing an opinion on the public comments section of the agenda and whether it follows the City Code at the next council meeting. Mr. Citrin also mentioned that the Thunderwheels case will be going to trial and that there would be a report on the results.

15. **Mayor's Report – Miscellaneous:** The Mayor was not present at this meeting.

16. **Council Members Concerns/Reports – Miscellaneous:**

Council member Haddad – Addressed several issues, including state certification for Code Compliance officers, ordinance allowing the parking of buses on private property and the matter of the existing mortgage of Westland Gardens Park.

Council Member Valdes – No Comments

Council Member Zardon – No Comments

Chairperson Piña – No Comments

17. **Adjournment:** The meeting was adjourned at 9:12 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 17, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

Thursday, September 4, 2002, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, September 24, 2002, 7:30 P.M.

POLICE PENSION BOARD

Monday, November 4, 2002, 10:00 A.M.