

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, SEPTEMBER 3, 2002

CITY HALL COUNCIL CHAMBERS  
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:38 p.m.
2. **Roll Call:** Present were Chairperson Garcia, Council members Manuel Zardon, Miguel Haddad, Lucy Valdes 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. **Ceremonial Check Presentation of Funding for Storm Water Management Project:** State Representative Ralph Arza, Mr. Gerardo Fernandez, Governing Board member, for the South Florida Water Management District, Mr. Humberto Alonso, Regional Director, S.F.W.M.D., and Jose Fuentes, Lead Intergovernmental Representative, S.F.W.M.D. presented a ceremonial check for the \$500,000 awarded to the City for the N.W. 80<sup>th</sup> Avenue drainage improvement project.
6. **Presentation by D.E.A. of forfeiture funds:** Police Chief Joy came forward and introduced Mr. Ernesto Perez, A.S.A.C. who presented the City with a check for \$17,621.81 of forfeiture funds secured by the D.E.A. with the assistance of the Hialeah Gardens Police Department.
7. **Deletions/Emergency Additions:** A request by Mr. Manny Carrera, E.M.C., to solicit proposals for paving and fencing of the parking area for police vehicles, was added to the agenda as **Item 12a**. The opening of sealed bids by Mr. Ray Garcia, Director, Parks and Recreation Department, for proposed park improvement projects was added to the agenda as **Item 12b**.
8. **Review of Minutes: July 16, 2002:** Chairperson Garcia made a motion to approve the minutes of July 16, 2002, seconded by Council member Haddad. The motion was approved unanimously.

9. **Discussion of deposit to City of Hialeah Gardens by Mr. Miguel Haddad:** Mr. Ralph Ventura, Esq. (Tabled Item). This item was removed from the agenda at Council member Haddad's request.
10. **Request for approval of water and sewer extension agreements between the City of Hialeah Gardens and Southern Residential Properties, Inc.:** Mr. Albert Nielson, Director, Department of Water & Sewer, came forward and gave a brief summary of the agreements. He stated that the Water Board had given their unanimous approval and that the Board attorney had reviewed the agreements as well. Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote.
11. **Request to waive competitive bidding for the purchase of a Wacker Roller Model #RD25 from Kelly Tractor:** Mr. Joe Lopez, Director, Public Works Department, addressed the council and stated that it would be feasible to purchase the roller via a municipal contract secured by the City of Lauderdale which provided for a purchase price of \$24,990.00 lower than that currently available on the market. Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote. Chairperson Garcia instructed the City Attorney to prepare a resolution to ratify the action taken.
12. **Request for approval of line item changes to existing budget:** Mr. Marcos Piloto, Director, O.M.B., came forward and provided an explanation for the request to transfer of \$27,000.00 from the Building Department budget and \$33,000.00 from the Zoning and Code Compliance Department budget to the Legal Department in order to cover expenditures pertaining to union negotiations and litigation on other pending matters from prior year budgets. Mrs. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, addressed the council with her concerns. Chairperson Garcia then made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote.
- 12a. **Request to solicit proposals for paving and fencing of parking area for Police vehicles:** Manny Carrera, E.M.C. explained that police vehicles would be parked on City property as of October 2002. As a result the City would need to pave and fence the parking area that will be used for these vehicles and therefore requested approval to go out to bid for the project. Mr. Henry Gonzalez, resident of 9895 N.W. 131 Street, Hialeah Gardens and Mrs. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, Hialeah Gardens addressed the council and voiced their concerns. The savings on the City's gasoline purchases as well as the vehicle exchange agreement with the City of Hialeah were also briefly discussed at this time.
- 12b. **Opening of sealed bids for Westland Gardens Park improvement projects:** Mr. Ray Garcia, Director, Parks and Recreation Department. The following projects were advertised for proposals:
- \* Construction of Backstop and Fencing for Baseball Field
  - \* Lighting for Squash, Racquetball, Basketball Courts and Baseball Field
  - \* Construction of Pre-Cast Concrete Wall
  - \* Construction of Squash and Racquetball Court

Proposals were received from the following:

* Contracting Services, Inc.:	Lighting of Baseball Field -	\$ 135,000.00
“	Lighting of Basketball Court-	\$ 13,500.00
“	Lighting of Racquetball/Squash-	\$ 16,500.00
* Contract Connections, Inc.:	All three Lighting projects-	\$ 183,999.99
* Island Fence Co.:	Fencing for Baseball Field -	\$ 13,500.00

Mr. Garcia asked time to review the proposals received as well as to solicit additional bids if possible for the projects. He would then make a formal recommendation to the council.

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003 AT 6.12 MILLS, SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.***

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 5-0).**

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

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 5-0).**

- C) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PARK TRUST FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

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 5-0)**.

***D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

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 5-0)**.

***E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE C.O.P. GRANT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

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 5-0)**.

***F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

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 5-0)**.

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER DRAIN FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

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 5-0).**

- H) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; PROVIDING FOR EFFECTIVE DATE.**

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 5-0).**

- I) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, PROVIDING FOR PURCHASE FROM MANUEL A. HERRAN, TRUSTEE OF THAT CERTAIN PROPERTY DESCRIBED AS:  
TRACT 31, IN THE NORTHWEST \_ OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40, EAST, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA;  
FOR A PURCHASE PRICE OF \$1,500,000.00;  
AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONCLUDE THE PURCHASE AND/OR FINANCING RELATED TO THE PURCHASING OF SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

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 5-0).**

14. **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 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 95<sup>th</sup> Street & Frontage Road)***

Mr. Citrin read the full title of the ordinance into the record. Chairperson Garcia asked that all those present who would be giving testimony be sworn in at this time. Mr. Robert Jackson and Mr. Charles Wise, were present for the applicant. Mr. Wise stated that no changes had been made to the application from the tentative plat. Mirtha Gonzalez, Chief Zoning Official gave a brief summary of the application and reported that the tentative plat had been approved by Miami Dade County. Chairperson Garcia opened the public hearing for discussion on the item at 8:28 p.m. Ms. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, Hialeah Gardens, addressed the council with her concerns. No further testimony was offered on the item therefore, Chairperson Garcia closed the public hearing at 8:31 p.m. and made a motion to approve. The motion was seconded by Council member Haddad and passed unanimously on individualized voice vote. **(5-0).**

- B) *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 94<sup>th</sup> Avenue) (P&Z 3-0, T.R.C. 6-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman, the applicant was present. Mirtha Gonzalez, Chief Zoning Official gave a brief description of the application and stated staff's recommendation. Chairperson Garcia opened the public hearing for discussion on the item at 8:30 p.m. No testimony was offered and therefore the public hearing was closed at 8:33 p.m. Chairperson Garcia made a motion to approve, seconded by Council member Haddad and the motion was unanimously approved by individualized voice vote. **(Vote 5-0).**

- C) *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 102<sup>nd</sup> Avenue & 131<sup>st</sup> Street) (P&Z 3-0, T.R.C. 6-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Joel Fernandez, for the applicant was present. Mirtha Gonzalez, Chief Zoning Official came forward and described the variances and the circumstances relating to the application and gave staff's recommendation based on P & Z and T.R.C. approvals. Chairperson Garcia opened the public hearing on the item at 8:37 p.m. As no testimony was offered, he closed the public hearing at 8:37 p.m. and made a motion to approve. Council member Haddad offered a second and the motion passed unanimously by individualized voice vote. **(Vote 5-0).**

- D) *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 99<sup>TH</sup> 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 131<sup>st</sup> Street & NW 99<sup>th</sup> Avenue) (P&Z 3-0, T.R.C. 6-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Rafael Blanco, the applicant was present. Mirtha Gonzalez, Chief Zoning Official came forward and explained that this application was identical to the previous ordinance with regard to the variances requested. Mrs. Gonzalez proceeded to give staff's recommendation based on P & Z and T.R.C. approvals. Chairperson Garcia opened the public hearing on the item at 8:37 p.m. As no testimony was offered, he closed the public hearing at 8:37 p.m. and made a motion to approve. Council member Haddad offered a second and the motion passed unanimously by individualized voice vote. **(Vote 5-0).**

15. **Public Comments** – No comments were offered.
16. **City Attorneys Report** – No report was given.
17. **Mayor's Report – Miscellaneous** – Mayor De La Cruz stated the City was in good shape.
18. **Council Members Concerns/Reports – Miscellaneous** –  
**Chairperson Garcia** – Addressed the issue of including the requirement of signed petitions for applications of land use amendments in the City's code. He requested the legal department to look into the matter and prepare a resolution.
19. **Adjournment** - The meeting was adjourned at 8:40 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, October 1, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 7, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 2, 2002, 11:30 A.M.

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

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