MINUTES

CITY COUNCIL MEETING TUESDAY, SEPTEMBER 17, 2002

CITY HALL COUNCIL CHAMBERS 10001 N.W. 87 AVENUE

- 1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:32 p.m.
- 2. **Roll Call:** Present were Chairperson Garcia, Council members Miguel Haddad, Lucy Valdes, Rolando Piña and Manuel Zardon. 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:** There were no additions or deletions made.
- 6. **Review of Minutes: September 3, 2002:** Chairperson Garcia made a motion to approve the minutes of September 3, 2002, seconded by Council member Haddad. The motion was approved unanimously by voice vote.
- 7. Recommendation on proposals submitted for Westland Gardens Park improvements: Mr. Ray Garcia, Director, Department of Parks and Recreation came forward and recommended the lowest bidder, Electrical Contracting Service, for the lighting project for the baseball field, racquetball, basketball and squash courts. He asked the council for an extension to solicit additional bids for the construction of the backstop and fencing for baseball field, construction of pre-cast concrete wall and construction of squash and racquetball court. A motion was made by Chairperson Garcia to approve staff's recommendation, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

8. Proposed Resolutions:

A) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE TEAMSTERS LOCAL 769 "WHITE COLLAR" BEGINNING OCTOBER 1, 2001 UNTIL SEPTEMBER 30, 2002; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Ms. Aida Martinez, Assistant City Attorney, came forward as did Ms. Daisy Gonzalez, representative for Teamsters Local 769. Ms. Martinez explained that both she and Gonzalez had reviewed the agreements and had made the necessary corrections which were technical in nature. Ms. Martinez and Ms. Gonzalez answered questions from the council and the following individuals voiced their concerns:

Mr. Benjamin Sedeño, 8390 N.W. 103 Street, #101H, Hialeah Gardens, FL Mrs. Gerri Fontanella 13425 N.W. 102 Avenue, Hialeah Gardens, FL No further testimony was offered; therefore Chairperson Garcia made a motion to approve the resolution, seconded by Council member Haddad. The motion was approved by voice vote with Council member Piña excusing himself from voting on the item.

B) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE TEAMSTERS LOCAL 769 "BLUE COLLAR" BEGINNING OCTOBER 1, 2001 UNTIL SEPTEMBER 30, 2002; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Ms. Martinez and Ms. Gonzalez, once again addressed questions concerning the contract and acknowledged their mutual agreement of its contents. After a brief discussion, Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was approved by voice vote with Council member Piña excusing himself.

C) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PUCHASE OF ONE (1) WACKER RD 25, WAIVING COMPETITIVE BIDDING; USING THE EXISTING CONTRACTS WITH THE CITY OF LAUDERHILL WHICH HAD USED COMPETITIVE BIDDING; APPROVING AGREEMENTS RELATED TO SAID PURCHASES; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. He explained that this resolution would memorialize the action taken by the Council at their last meeting. Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

9. FIRST READING for consideration of the following proposed ordinances:

A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR BETTY AND LOWELL DUNN. LEGAL DESCRIPTION: A PORTION OF TRACT 59, 60 AND 61 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2 AT PAGE 17, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, CITY OF HIALEAH GARDENS, MIAMI DADE COUNTY, FLORIDA; CONTAINING 297,621 SQUARE FEET AND OR 6.83 ACRES MORE OR LESS; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE D ATE. (Location: U.S. No. 27(Okeechobee Road) S.R. No. 25 between N.W. 108th Street and N.W. 110th Lane) (P & Z 4-0, T.R.C. 5-0)

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. Mr. Rey Robaina, surveyor on the project was present as was the applicant, Mr. Lowell Dunn. Chairperson Garcia 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 APPROVING A TENTATIVE PLAT FOR **PALMETTO** 103 **PROPERTIES** L.L.C.LEGAL DESCRIPTION: A PORTION OF TRACT 9 AND 10 OF "FLORIDA FRUIT LANDS COMPANY'S SUBSDIVISION NO. 1", OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40EAST. MIAMI DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY. FOLIO #27-3003-001-0142. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98th Street and 80th Avenue) (P & Z 4-0, T.R.C. 4-0)

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. Mr. John Nagelis was present for the applicant. Chairperson Garcia made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved by individualized voice vote. (Vote 5-0)

C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING A TENTATIVE PLAT FOR CONSENSUS CORP. LEGAL DESCRIPTION: PORTION OF TRACT 25, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25, AND SUBJECT TO DEDICATIONS, LIMITATIONS, RESERVATIONS, EASEMENTS, OR RESTRICTIONS OF RECORD, IF ANY, #27-2033-001-0280; **PROVIDING** CONDITIONS: PROVIDING FOR EFFECTIVE DATE. (Location: Okeechobee Road and North of N.W. 114th Street) (P & Z 4-0, T.R.C. 6-0)

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. No one was present for the applicant. Chairperson Garcia made a motion to approve, seconded by Council member Haddad with Council members Zardon and Valdes voting in favor and Council member Piña voting against. (Vote 4-1)

D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, SITE PLAN REVIEW FOR BJ'S GAS/GARDENS COMMERCIAL PROJECT. LEGAL DESCRIPTION: BJ'S PLAT, PLAT BOOK 155-58 T-20479 TRACT D. LOCATION: 8005 N.W. 95th STREET. FOLIO #27-3003-037-0040; PROVIDING FOR CONDITION; PROVIDING FOR EFFECTIVE DATE.

(Location: 8005 N.W. 95th Street) (P & Z 4-0, T.R.C. 6-0)

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. Mr. Chris Rolph was present for the applicant. Chairperson Garcia made a motion to approve, seconded by Council member Hadda. The motion was unanimously approved by individualized voice vote. (Vote 5-0).

E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA GRANTING VARIANCES, AND SITE PLAN FELIX ACOSTA FOR A PROPOSED **REVIEW FOR:** WAREHOUSE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 6, OF FORREST FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, AT PAGE 67 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. **FOLIO** #27-2032-003-0014: **PROVIDING** CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of 97th Avenue, Between Okeechobee Road and N.W. 122nd Street) (P & Z 4-0, T.R.C. 6-0)

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. Mr. Felix Acosta the applicant was present. Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote. (Vote 5-0).

F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SITE PLAN REVIEW FOR: YOUTH CO-OP CHARTER SCHOOL, PREFABRICATED MODULAR BUILDING WITH ADDITIONAL PARKING. LEGAL DESCRIPTION: THE PORTION OF THE SOUTH OF TRACT 1, FORREST FARMS, AS RECORDED IN PLAT BOOK 12, AT PAGE 6, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 (OKEECHOBEE ROAD). LOCATION: 12051 W. OKEECHOBEE ROAD. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 12051 W. Okeechobee Road) (P & Z 4-0, T.R.C. 6-0)

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 also stated that his daughter attends Youth Co-Op and while he is actively involved in the school, he has no financial interest or gain in the ordinance before him. Ms. Maritza Aragaon, principal of Youth Co-Op Charter School was present. Chairperson Garcia made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved by voice vote. (Vote 5-0).

G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR VILLAS DE VALENCIA. LEGAL DESCRIPTION: A PORTION OF TRACTS 10 AND 23, 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. FOLIO #27-3003-001-0139. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98th Street and Okeechobee Road) (P & Z 4-0, T.R.C. 6-0)

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. Mr. Felix Pardo, architect for the project was present on behalf of the applicant. Chairperson Garcia made a motion to approve, seconded by Council member Valdes. The motion was unanimously approved by voice vote.

10. PUBLIC HEARING and Second Reading for consideration and final adoption of the following 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. He asked that anyone present who would be giving testimony on any of the items for public hearing, stand up and be sworn in. At this time Mr. Citrin swore in those individuals. Mayor De La Cruz addressed the council and audience regarding the City's proposed budget and sound fiscal responsibility. Mr. Augusto Torres, C.P.A. for the City, came forward and read a letter for the record. He also spoke on the numerous projects completed as well as new projects that will be under taken this upcoming year. The Mayor thanked his staff and the department heads for their hard work which contributed to the City's successes. After the Mayor's testimony, Chairperson Garcia opened the floor for discussion on the item at 8:41 p.m. As no one came forward he closed the public hearing at 8:42 p.m. and proceeded to make a motion to approve the ordinance, 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 opened the public hearing at 8:42 p.m. Mrs. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, came forward and voiced her concerns. Mr. Albert Nielson, Director for the Department of Water and Sewers was present to answer questions regarding the Department's budget. As no further testimony was offered, Chairperson Garcia closed the public hearing at 8:48 p.m. and 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 opened the public hearing at 8:48 p.m. Mr. Henry Gonzalez, resident of 9895 N.W. 131 Street, came forward and voiced his concerns. As no further testimony was offered, Chairperson Garcia closed the public hearing at 8:50 p.m. and 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 opened the public hearing at 8:54 p.m. Mrs. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, came forward and voiced her concerns. As no further testimony was offered, Chairperson Garcia closed the public hearing at 8:58 p.m. and 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 opened the public hearing at 8:59 p.m. No testimony was offered on this item therefore, Chairperson Garcia closed the public hearing at 8:59 p.m. and 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 opened the public hearing at 9:00 p.m. Mrs. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, came forward and voiced her concerns. Chairperson Garcia asked Mr. Joe Lopez to prepare a report on the street improvement projects completed and future projects that have been scheduled. No further testimony was offered at this time therefore, Chairperson Garcia closed the public hearing at 9:02 p.m. and 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 opened the public hearing at 9:07 p.m. Mrs. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, came forward and voiced her concerns. As no further testimony was offered, Chairperson Garcia closed the public hearing at 9:12 p.m. and 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 SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairperson Garcia opened the public hearing at 9:15 p.m. The following individuals addressed the council:

Mr. Benjamin Sedeño, 8390 N.W. 103 Street, #101H, Hialeah Gardens, FL

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

Ms. Daisy Gonzalez, representative of Teamsters Local 769

Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL

Mr. Rolando Duguet, 7891 West 29 Way, #201, Hialeah, FL

Mr. Israel Rangel, 5680 West 21 Court, Hialeah, FL

No further testimony was offered at this time therefore, Chairperson Garcia closed the public hearing at 10:21 p.m. and made a motion to approve, seconded by Council member Haddad. Council members Piña and Zardon voted in favor with Council member Valdes voting against. The motion was approved. (Vote 4-1).

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; PRICE OF \$1,500,000.00; FOR A PURCHASE 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. (Location: N.W. 107th Avenue and N.W. 136th Street)

Mr. Citrin read the full title of the ordinance into the record. Mayor De La Cruz explained that the acquisition of this property would allow the City to construct a passive park, house the Maintenance and Streets and Roads departments, and also provide land for the construction of a new Police Department building. Chairperson Garcia opened the floor for discussion at 10:24 p.m. Mrs. Gerri Fontanella, resident of 13425 N.W. 102 Avenue, addressed the council, as did Mr. Pablo Alvarez, 10010 N.W. 135 Street. As no further testimony was offered, Chairperson Garcia closed the public hearing at 10:32 p.m. and made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. (Vote 5-0).

 Public Comments – The following individuals addressed the Council: Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL Mr. Pablo Alvarez, 10010 N.W. 135 Street, Hialeah Gardens, FL Mrs. Susan Menendez, 9900 N.W. 137 Street, Hialeah Gardens, FL Mr. Henry Gonzalez, 9895 N.W. 131 Street, Hialeah Gardens, FL

- 12. **City Attorneys Report** Mr. Citrin advised that the Hameetman case had been settled and also reported on the Vazquez case.
- 13. Mayor's Report Miscellaneous No further comments.
- 14. Council Members Concerns/Reports Miscellaneous No Comments
- 15. **Adjournment:** The meeting was adjourned at 11:08 p.m.

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Maria L. Joffee		
City Clerk		

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"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:

<u>CITY COUNCIL</u> Tuesday, October 15, 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.