

MINUTES

CITY COUNCIL MEETING
TUESDAY, OCTOBER 1, 2002

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairperson Garcia called the meeting to order at 7:35 p.m.
2. **Roll Call:** Present were Chairperson Garcia, Council members Lucy Valdes, Rolando Piña, Miguel Haddad and Manuel Zardon.
3. **Invocation:** Chairperson Garcia gave the invocation.
4. **Pledge of Allegiance:** Council member Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** A request by Mr. Joe Lopez, Public Works Director, to solicit bids for the purchase of equipment for the Streets Division and Storm Water Utility was added to the agenda as **Item 9c**. A discussion for an annexation study was added to the agenda as **Item 9d**. A discussion regarding the decorum for Council meetings was requested by Council member Haddad and added to the agenda as **Item 9e**.
6. **Review of Minutes: September 17, 2002:** Chairperson Garcia made a motion to approve the minutes of September 17, 2002, seconded by Council member Haddad. The motion was unanimously approved by voice vote.
7. **Request to waive competitive bidding for purchase of playground equipment for Westland Gardens Park improvements:** Mr. Ray Garcia, Department of Parks and Recreation Director, came forward and requested approval for the purchase of playground equipment from Miracle Recreation Equipment Co., based on a state contract. He stated that the purchase through this vendor would save the city a considerable amount on the retail price. A motion to approve was made by Chairperson Garcia, seconded by Council member Haddad and approved unanimously by voice vote. An instruction to prepare a resolution to waive competitive bidding was made by Chairperson Garcia. Mr. Ray Garcia also requested an extension of two weeks to continue soliciting bids for pending advertised park improvement projects.

8. **Request for owner transfer of alcohol beverage license for Palmetto Liquors, 7916 N.W. 103rd Street:** Ms. Daisy Rodriguez, Manager. The applicants had informed earlier in the day that they would not be able to attend the meeting; therefore a motion was made by Chairperson Garcia to table the item, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

9. **PROPOSED RESOLUTIONS:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE EXECUTION OF CONTRACTS WITH MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR THE PROVISION OF SOCIAL/CRIME PREVENTION SERVICES; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Ms. Arlene Yera, Director of Human Services addressed the Council and explained that this funding would provide meals for those seniors who had received a high score on the nutrition survey and needed additional food supplements. A motion to approve was made by Chairperson Garcia, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

- B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING AND RATIFYING THE AGREEMENT FOR RENEWAL OF THE CITY'S DISABILITY INSURANCE COVERAGE FOR ELIGIBLE EMPLOYEES, GENERAL PROFESSIONAL LIABILITY, AUTOMOBILE INSURANCE, PROPERTY AND ALLIED COVERAGE AND WORKERS COMPENSATION INSURANCE BETWEEN THE FLORIDA LEAGUE OF CITIES AND THE CITY OF HIALEAH GARDENS, PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Ms. Aida Martinez, Assistant City Attorney came forward and explained the merits for the renewal of insurance coverage with the Florida League of Cities. A motion to approve was made by Chairperson Garcia, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

- 9c. **Request to solicit bids to purchase equipment for the Streets Division and Storm Water Utility:** Mr. Joe Lopez, Public Works Director asked for the Council's approval to receive bids to purchase a Water Truck, Grater and Sweeper to be used by the Public Works department. Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

- 9d. **Annexation study:** Mr. Charles Citrin, City Attorney explained the need for a study to be conducted in order to go forward with the City's application for annexation. A request to waive competitive bidding and approval to negotiate with The Corradino Group, who specializes in these types of studies, was made. Chairperson Garcia made a motion to authorize the negotiation of a contract for the study within the parameters of \$18,000.00 to \$20,000.00. Council member Haddad offered a second and the motion was approved unanimously by voice vote.
- 9e. **Discussion of Council meeting decorum:** Council member Haddad brought to everyone's attention the need to conduct council meetings in a respectful and organized forum. Mr. Citrin read section 2-84(d) and section 2-85 of the City Charter that specifically addresses adopted procedure and conduct at council meetings.
10. **FIRST READING for consideration of the following proposed ordinances:**

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING THE CITY CODE CHAPTER 78 (LAND USE REGULATIONS) AMENDING SECTION 78-131(7)(d) BUSINESS DISTRICT SPECIAL EXCEPTION USES ALLOWING FOR VEHICLE SALES AND GAS STATIONS (NO MECHANICAL REPAIR PERMITTED); PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. Mirtha Gonzalez, Chief Zoning official addressed the Council and explained the need to conform the existing code regulating permitted uses in the business district to compatible development. Chairperson Garcia made a motion to approve the ordinance, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote of the Council. (Vote 5-0)

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 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 DATE.***
(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. He proceeded to swear in all those present who would be offering testimony on any of the public hearing items. The applicant for this particular ordinance was not present and therefore Chairperson Garcia made a motion to table the item, seconded by Council member Haddad. The motion was unanimously approved. **(Vote 5-0 Tabled)**

- 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 SUBDIVISION NO. 1", OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, 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. Mr. Phil Ward, consulting engineer with power of attorney for the applicant was present. Mirtha Gonzalez, Chief Zoning official, came forward and gave a brief description of the project and the department's recommendation based on P & Z and T.R.C. approval. Chairperson Garcia opened the public hearing for discussion on the item at 8:06 p.m. Mrs. Gerri Fontanella, resident of Hialeah Gardens, addressed the council with her concerns. No further testimony was offered from the public, therefore Chairperson Garcia closed the public hearing at 8:08 p.m. and made a motion to approve the ordinance. Council member Haddad seconded the motion and it 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: THAT 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, FOLIO #27-2033-001-0280; PROVIDING FOR 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. Mr. Michael Osman, the applicant was present and stated that he had also submitted an application for a land use amendment for this project. Mirtha Gonzalez, Chief Zoning official came forward and gave the department's recommendation based on P&Z and T.R.C. approval. Chairperson Garcia opened the public hearing for discussion on the item at 8:08 p.m. Mrs. Gerri Fontanella, resident of Hialeah Gardens, addressed the Council with her concerns. No further testimony was offered; therefore Chairperson Garcia 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, 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. Mr. Chris Ralph was present for the applicant. Mr. Ralph came forward and gave a brief description of the project including the requirements for a pre-fabricated structure. Mirtha Gonzalez, Chief Zoning official, gave the department's recommendation and added that State and County approval for these types of structures was also required and as such had to be submitted during the building permitting process. Chairperson Garcia opened the public hearing at 8:16 p.m. for discussion on the item. Mrs. Gerri Fontanella, resident of Hialeah Gardens, addressed the Council with her concerns. No further testimony was offered from the public, therefore, Chairperson Garcia closed the public hearing at 8:18 p.m. and made a motion to approve the ordinance, seconded by Council member Haddad. The motion passed unanimously by individualized voice vote. **(Vote 5-0)**

- E) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA GRANTING VARIANCES, AND SITE PLAN REVIEW FOR: FELIX ACOSTA FOR A PROPOSED 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 FOR 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. The applicant, Mr. Felix Acosta was present. Mirtha Gonzalez, Chief Zoning official, addressed the Council and gave a description of the project and the department's recommendation based on P&Z and T.R.C. approval. Chairperson Garcia opened the public hearing for discussion on the item at 8:23 p.m. Mrs. Gerri Fontanella, resident of Hialeah Gardens, addressed the Council with her concerns. No further testimony was offered from the public and as such Chairperson Garcia closed the hearing at 8:25 p.m. and made a motion to approve the ordinance. Council member Haddad seconded the motion and it was unanimously approved by individualized 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. Mr. Frank Valladares, Chairman of the Youth Co-Op Charter School's Board of Directors, was accompanied by Ms. Martiza Aragon, principal of Youth Co-Op, Mr. Bob Hass, General Contractor, Mr. David Tom, and Mr. Chris Hagen were present in support of the application. Mirtha Gonzalez, Chief Zoning official, gave a description of the project as well as the department's recommendation based on P & Z and T.R.C. approval. Chairperson Garcia opened the public hearing for discussion on the item at 8:38 p.m. Mrs. Gerri Fontanella, resident of Hialeah Gardens, addressed the Council with her concerns. No further testimony was offered on the item; therefore Chairperson Garcia 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, 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. 5-1, T.R.C. 0-6)***

Mr. Citrin read the full title of the ordinance into the record. Ms. Annette Barrio, counsel for the project was present as was Mr. Felix Pardo, the project's architect, who addressed the Council offered a formal presentation. Mirtha Gonzalez, Chief Zoning official came forward and gave a description of the project including details of the T.R.C. vote which denied variances for both the greenbelt area and rear setback. Mr. Joe Lopez, Public Works Director as well as Mr. Rey Regalado, Building Official also gave testimony regarding their concerns with the variances requested. Chairperson Garcia opened the public hearing for discussion on the item at 8:55 p.m. The following individuals addressed the Council:

Mr. Benjamin Sedeño, 8390 N.W. 103 Street, #101H, Hialeah Gardens, FL
 Ms. Maria Londono, 9837 W. Okeechobee Rd. #102, Hialeah Gardens, FL
 Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL

No further testimony was offered, therefore Chairperson Garcia closed the public hearing at 9:10 p.m. At this time he voiced his concerns of the project and made a motion to deny the approval of the ordinance, Council member Valdes seconded the motion. The motion to deny was approved unanimously by individualized voice vote. **(Vote 5-0)**. Mr. Pardo was allowed to address the Council once again and requested a reconsideration of the vote in order to address more specifically the issue of the two variances that were denied by T.R.C. A motion to reconsider was made by Chairperson Garcia, seconded by Council member Zardon and unanimously approved by individualized voice vote. Chairperson Garcia then made a motion to deny the ordinance based on T.R.C.'s denial of the greenbelt and rear setback variances allowing the applicant to work with staff and have the item brought back for reconsideration when staff recommendations were met. The motion was seconded by Council member Zardon and unanimously approved by individualized voice vote. **(Vote 5-0)**

11a. Reconsideration of Ordinance 11a. tabled earlier.

Chairperson Garcia made a motion to reconsider Ordinance 11a. which was read into the record and tabled earlier in the evening. The motion to reconsider was seconded by Council member Haddad and unanimously approved by individualized voice vote. **(Vote 5-0)** The applicant, Mr. Lowell Dunn and Mr. Ray Robaina, consultant for the project were present. Mr. Robaina came forward and gave a brief description of the application. Mirtha Gonzalez, Chief Zoning official offered the department's recommendation based on P & Z and T.R.C. approval. Chairperson Garcia opened the public hearing for discussion on the item at 9:37 p.m. As no one came forward, Chairperson Garcia closed the public hearing at 9:37 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)**

12. Public Comments: The following individuals addressed the Council:

Mr. Lowell Dunn, 1101 Quail Avenue, Miami Springs, FL
 Mr. Benjamin Sedeño, 8390 N.W. 103 Street #101H, Hialeah Gardens, FL
 Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL

13. **City Attorney's Report:** Announced that the City website was now available for viewing at www.cityofhialeahgardens.org.
14. **Mayor's Report – Miscellaneous:** The Mayor was not present.
15. **Council Members Concerns/Reports – Miscellaneous:**
Council member Valdes: Informed that Mr. Joe Sherron's mother had passed away and offered her condolences and congratulated Mrs. Fontanella's mother on her 82 birthday.
Council member Zardon: Offered his best wishes to his father on his 93 birthday.
16. **Adjournment:** The meeting was adjourned at 9:54 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, October 15, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 12, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, November 20, 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.