

MINUTES

CITY COUNCIL MEETING
TUESDAY, OCTOBER 15, 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 Rolando Piña, Manuel Zardon, Lucy Valdes, Miguel Haddad and City Attorney Charles A. Citrin.
3. **Invocation:** Chairperson Garcia gave the invocation.
4. **Pledge of Allegiance:** Council member Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** **Item 8** was removed from the agenda. A resolution opposing the proposed Florida Constitutional Amendment No. 3 was added to the agenda as **Item 10c**.
6. **Review of Minutes: October 1, 2002:** Chairperson Garcia made a motion to approve the minutes of October 1, 2002, seconded by Council member Haddad. The motion was unanimously approved voice vote.
7. **Opening of sealed bids for Westland Gardens Park improvements:** Mr. Ray Garcia, Director, Department of Parks and Recreation. Chairperson Garcia made a motion to table the item until Mr. Garcia arrived. Council member Piña offered a second and the motion was unanimously approved by voice vote. **(Tabled)**
8. **Request for owner transfer of alcohol beverage license for Palmetto Liquors, 7916 N.W. 103rd Street:** Ms. Daisy Rodriguez, Manager. **(Deleted Item)**
9. **Request to rename N.W. 77th Court to N.W. 77th Avenue, from N.W. 103rd Street to Okeechobee/Frontage Road:** Council member Rolando Piña gave a brief explanation of the issue, which had been brought to his attention by Mr. Joe Lopez, Public Works Director. Chairperson Garcia made a motion to table the item to allow time for Mr. Lopez to arrive and further elaborate on the process of renaming the street. The motion was seconded by Council member Valdes and unanimously approved by voice vote. **(Tabled)**

10. PROPOSED RESOLUTIONS:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR WESTLAND GARDENS PARK AND JOE SHERRON PARK WAIVING COMPETITIVE BIDDING; USING THE EXISTING STATE CONTRACTS WHICH HAD USED THE COMPETITIVE BIDDING PROCESS; APPROVING AGREEMENTS RELATED TO SAID PURCHASES; PROVIDING FOR EFFECTIVE DATE.**

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

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING AN ANNEXATION STUDY BY THE CORRADINO GROUP; WAIVING COMPETITIVE BIDDING; APPROVING AGREEMENTS RELATED TO SAID PURCHASES; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Chairperson Garcia once again explained that this resolution would memorialize the action taken by the Council at their last meeting. At this time, Mrs. Gerri Fontanella 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 voice vote.

Tabled Items:

At this time Chairperson Garcia made a motion to remove **Item 7** from the table, seconded by Council member Haddad and unanimously approved by voice vote. Mr. Ray Garcia, Director of Parks and Recreation came forward and proceeded to open the sealed bids he had received for park improvements. Proposals were submitted by:

Artistic Fence, 1070 S.E. 9th Terrace, Hialeah, FL 33010
 J.E.M. Construction Co., 3525 N.W. 115 Avenue, Miami, FL 33178
 Seldin Construction Co., 1391 Shot Gun Road, Sunrise, FL 33326

Mr. Garcia was asked to make recommendations on the proposals at the next Council meeting scheduled for November 5, 2002.

Chairperson Garcia made a motion to remove **Item 9** from the table, seconded by Council member Valdes and unanimously approved by voice vote. Mr. Joe Lopez, Public Works Director came forward and explained that the renaming of N.W. 77th Street would be a corrective measure and that the proper County officials would be contacted to pursue the matter. Chairperson Garcia asked that a resolution be prepared to memorialize the action taken.

10. Ordinance added to the agenda:

- C) *ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, STRONGLY OPPOSING PROPOSED FLORIDA CONSTITUTIONAL AMENDMENT NO. 3 THAT WILL BE PRESENTED TO VOTERS AT THE GENERAL ELECTION ON NOVEMBER 5, 2002 AND THAT WOULD AMEND ARTICLE VIII, SECTION 6, OF THE FLORIDA CONSTITUTION TO ALLOW THE FLORIDA LEGISLATURE TO INITIATE AMENDMENTS OR REVISIONS OF THE MIAMI-DADE COUNTY HOME RULE CHARTER BY SPECIAL LAW FOR LOCAL REFERENDUM.***

This item was added to the agenda at the request of Council member Piña. Mr. Citrin read the full title of the ordinance into the record. Council member Piña explained that this ordinance would offer the City's support to the opposition of Amendment 3 which will appear on the ballot November 5, 2002. The amendment if approved would diminish the strength of local governance of the Miami Dade County home rule charter. Chairperson Garcia made a motion to approve the ordinance, seconded by Council member Haddad. The motion passed unanimously by voice vote.

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR MARIO FERRO (EMERALD PLAZA) CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST _ OF TRACT 16, LESS THE NORTH 80.00 FEET AND LESS THE WEST 35.00 FEET, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LAND COMPANY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 122nd Street & East of N.W. 92nd Avenue) (P & Z Vote: 5-0, T.R.C. Vote 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. Mario Ferro the applicant was present as was Mr. Rolando Artiz, architect for the project. 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, GRANTING A SPECIAL EXCEPTION USE TO PERMIT A NAME TRANSFER FROM NUEVO AMANECER DAY CARE PRE-SCHOOL PREVIOUSLY APPROVED BY RESOLUTION #1446 TO TINY SMILES DAYCARE & PRE-SCHOOL, SAME LOCATION AND SITE PLAN REVIEW. LOCATION: 10550 N.W. 77th COURT, SUITE 211-212. FOLIO #27-3003-001-0012. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.***
(Location: 10550 N.W. 77th Court, Suite 211-212) (P & Z Vote: 5-0, 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. Council members Valdes and Zardon voted in favor of the motion with Council member Piña voting against. The motion was approved. **(Vote 4-1).**

12. Reconsideration of the following ordinance: Council member Rolando Piña.

- A) *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)**

Council member Piña, who was on the prevailing side of the vote taken at the last Council meeting, made a motion to reconsider the ordinance. The motion was seconded by Council member Haddad and unanimously approved by voice vote. Ms. Ana Barrio, counsel for the applicant, and Mr. Felix Pardo, architect for the project were present. Ms.

Barrio addressed the Council and requested the item be heard at this time. Mr. Citrin advised the council that although the item had been approved for reconsideration, time for proper notice of a public hearing must be given. A motion to hear the item for a second reading at the next council meeting, allowing time for notice, was made by Chairperson Garcia. Council member Haddad offered a second and the motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

13. PUBLIC HEARING and Second Reading for consideration and final adoption of the following 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, came forward and explained the need to amend the City's land use regulations to reflect special exception uses in the business district. Mr. Citrin requested that the item be tabled in order to clarify the ordinance and make the special exception language more specific to the proposed amendments. Chairperson Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 5-0 Tabled)**

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

Mr. Ben Sedeño,
Mr. Yuri Viera, 8916 N.W. 112 Street, Hialeah Gardens, FL 33016
Mrs. Gerri Fontanella, 13425 N.W. 102 Avenue, Hialeah Gardens, FL 33018

- 15. City Attorney's Report:** Advised that he would have requests to waive competitive bidding accompanied by an authorizing resolution, therefore avoiding the need to memorialize action taken by the council at subsequent meetings.

- 16. Mayor's Report – Miscellaneous:** The Mayor was not present.

17. Council Members Concerns/Reports – Miscellaneous

Council member Valdes: Informed the need to appoint trustees to the Police Pension Board as the terms of two trustees had expired on September 30, 2002. She also inquired as to the possibility of having the trustees' terms increased from 2 to 4 years. Mr. Citrin advised that the current trustees could serve until their reappointment or until other trustees were named. In the meantime, he would research the term limits as outlined in Article III of the Police Pension Trust Fund.

At 8:02 p.m. Chairperson Garcia convened for an Executive Meeting to discuss the on-going litigation concerning the case of Ricardo Vazquez v City of Hialeah Gardens Case No. 99-15782-CA-01.

Chairperson Garcia reconvened the council meeting at 8:22 p.m.

18. **Adjournment:** The meeting was adjourned at 8:22 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 November 5, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

Thursday, November 20, 2002, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, November 27, 2002, 7:30 P.M.

POLICE PENSION BOARD

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