

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 5, 2002

CITY HALL COUNCIL CHAMBERS  
10001 N.W. 87 AVENUE

1. **Call to Order:** The meeting was called to order at 7:30 p.m.
2. **Roll Call:** Present were Chairman Garcia, Council members Rolando Piña, Lucy Valdes, Miguel Haddad and Manuel Zardon.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Council member Piña led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** No deletions or emergency additions were made.
6. **Review of Minutes: October 15, 2002:** Chairman Garcia made a motion to approve the minutes of October 15, 2002, seconded by Council member Haddad. The motion was unanimously approved by voice vote.
7. **Recommendation on proposals received for Westland Gardens Park improvements:** Mr. Ray Garcia, Director, Department of Parks and Recreation came forward and recommended the following proposals:
  - Island Fence of Florida, Inc. for the construction of a backstop and fending for baseball field at Westland Gardens Park. The project cost is \$13,500.00. Chairman Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote.
  - Artistic Fence Corporation for the construction of a pre-cast concrete wall along 116<sup>th</sup> Terrace for the prevention of noise pollution and pest control. The project cost is \$60,720.00. Chairman Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

Mr. Garcia also requested to waive competitive bidding for the purchase of bleachers and a press box for the baseball field from Miracle Recreation Equipment Co., by piggy backing on a contract with Volusia County. The cost of the equipment is \$57,953.62 and includes a 20% discount off the retail price plus a 3% payment in

advance discount. Chairman Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved voice vote.

8. **Request for approval of water and sewer extension agreements between the City of Hialeah Gardens and MDT, LLC, for Maco Commerce Center. (Location: N.W. 107<sup>th</sup> Avenue and Okeechobee Road):** Mr. Al Nielson, Director Department of Water and Sewers addressed the Council and informed that the extension agreements had been reviewed by the Water Board attorney and unanimous approval had been given by the Board. He also stated that current City services would not be affected by the extension. Following Mr. Nielson's recommendation, Chairman Garcia made a motion to approve, 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 MAYOR TO EXECUTE A QUIT CLAIM DEED TO THE MACHADO FAMILY LIMITED PARTNERSHIP NO. 3 OF THE LAND DESCRIBED HEREIN EXHIBIT "A" AND TO RECEIVE A QUIT CLAIM DEED OF THE LAND DESCRIBED HEREIN EXHIBIT "B" FROM THE MACHADO LIMITED PARTNERSHIP NO. 3; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 103<sup>rd</sup> Street and 87<sup>th</sup> Avenue and Frontage Rd.)***

Mr. Citrin read the full title of the resolution into the record. He explained the issue at hand and the need to take corrective measures regarding lands that were erroneously deeded by both the City and the Machado Family Limited Partnership No. 3. Chairman Garcia 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, APPROVING AN APPLICATION BY THE CITY FOR FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT; AUTHORIZING THE CITY TO EXPEND MATCHING FUNDS FOR THE PROGRAM GRANT; AUTHORIZING THE EXECUTION BY THE MAYOR AND CITY CLERK OF ALL DOCUMENTS REQUIRED FOR THIS GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Chief Joy came forward and explained that this grant covered a contract award for FY2003 federal funding of \$6,750.00 and matching funds from the City of \$2,190.00. The grant funding will be used by the department's Community Policing program. Chairman Garcia made a motion to approve, seconded by Council member Haddad. The motion was unanimously approved by voice vote.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, DADE COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO SEEK FROM MIAMI-DADE COUNTY A CHANGE OF STREET DESIGNATION FROM THE CURRENTLY ENUMERATED N.W. 77<sup>TH</sup> COURT AND REDESIGNATING SAME TO N.W. 77<sup>TH</sup> AVENUE, PROVIDING FOR EFFECTIVE DATE.**

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

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

- A) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL, INITIATING AND REQUESTING A PROPOSED BOUNDARY CHANGE OF THE CITY OF HIALEAH GARDENS FLORIDA, IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN COMPOSITE EXHIBIT "1", AUTHORIZING THE MAYOR AND THE CITY CLERK AND OTHER PROPER CITY OFFICERS AND OFFICIALS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGE TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, AND AUTHORIZING THE CITY CLERK TO TRANSMIT COPIES OF THIS ORDINANCE TO THE CLERK OF THE COMMISSION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.** (Location: Bounded on the Southwest by the centerline of the Miami Canal, on the West by the centerline of N.W. 117<sup>th</sup> Avenue, on the North by the centerline of N.W. 170<sup>th</sup> Street, on the East by the centerline of N.W. 107<sup>th</sup> Avenue and includes on the easterly side a 330 foot strip between the centerlines of N.W. 137<sup>th</sup> Street on the South, N.W. 138<sup>th</sup> Street on the North, N.W. 97<sup>th</sup> Avenue on the East and N.W. 117<sup>th</sup> Avenue of the West.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading; he therefore made a motion to approve, seconded which was 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 MASTER SITE PLAN AND VARIANCES FOR PLANNED UNIT DEVELOPMENT (PUD) PHASE I CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS 19, 20, 21, 22, 23 LESS THE EAST 35.00 FEET THEREOF; AND PORTIONS OF TRACTS 26, 27, 28, 29, 30, AND 31 LYING EAST OF CONNECTOR ROAD, NORTH AND EAST OF THE BUSINESS ZONED AREA AS SHOWN ON ZONING MAP; ALL LYING AND BEING IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #'s 27-2033-01-0220, 27-2033-001-0210, 27-2033-01-0230, 27-2033-01-0240, 27-2033-001-0241, 27-2033-001-0250, 27-2033-001-0260, 27-2033-001-0300, 27-2033-001-0310, 27-2033-001-0320, 27-2033-001-0330, 27-2033-0010340, 27-2033-001-0350, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 92<sup>nd</sup>-97<sup>th</sup> Avenue (Connector Road), Okeechobee Road & West of N.W. 92<sup>nd</sup> Avenue) (P & Z Vote: Variances a: 4-1, b: 3-2, c: 3-2, d: 2-3 disapproved, e: 2-3 disapproved, f: 3-2, g: 1-4 disapproved, h: 2-3 disapproved, i: 4-1) (T.R.C. Vote 6-0 on 9-04-02; T.R.C. Vote: 6-0 on 9-17-02)**

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Mr. Julio Robaina for the applicant, came forward and requested variances (d) and (h) be removed from the submitted application. Chairman Garcia made a motion to approve the ordinance on first reading with the noted changes. The motion was seconded by Council member Haddad and unanimously approved by individualized voice vote. (Vote 5-0)

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND VARIANCES FOR PLANNED UNIT DEVELOPMENT (PUD) PHASE II CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS 19, 20, 21, 22, 23 LESS THE EAST 35.00 FEET THEREOF; AND PORTIONS OF TRACTS 26, 27, 28, 29, 30, AND 31 LYING EAST OF CONNECTOR ROAD, NORTH AND EAST OF THE BUSINESS ZONED AREA AS SHOWN ON ZONING MAP; ALL LYING AND BEING IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #'s 27-2033-01-0220, 27-2033-001-0210,**

**27-2033-01-0230, 27-2033-01-0240, 27-2033-001-0241, 27-2033-001-0250, 27-2033-001-0260, 27-2033-001-0300, 27-2033-001-0310, 27-2033-001-0320, 27-2033-001-0330, 27-2033-0010340, 27-2033-001-0350, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**  
 (Location: N.W. 92<sup>nd</sup>-97<sup>th</sup> Avenue (Connector Road), Okeechobee Road & West of N.W. 92<sup>nd</sup> Avenue) (P & Z Vote: Variances: a: 4-1, b: 4-1, c: 4-1, d: 3-2, e: 3-2, f: withdrawn, g: 4-1) (T.R.C. Vote: Variances: a: 6-0, b: 6-0, c: 6-0, d: 5-1, e: 6-0, f: 6-0, g: 5-1)

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Mr. Julio Robaina was present for the applicant. Chairman 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 AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 46 (TAXATION AND FINANCE) ADDING SECTION 46-119 STATE, COUNTY OR OTHER GOVERNMENTAL AGENCY BIDS OR CONTRACTS, PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record. Chairman 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 which was seconded by Council member Haddad. The motion was unanimously approved by individualized voice vote. **(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 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. 98<sup>th</sup> Street and Okeechobee Road) (P & Z 4-0, T.R.C. 5-1, T.R.C. 0-6)

Chairman Garcia asked Mr. Citrin to swear in all those present who would be testifying on any of the items scheduled to be heard for public hearing. Mr. Citrin read the full title of the first ordinance into the record. Ms. Annette Barrios, counsel for the applicant and Mr. Felix Pardo, architect for the project were present. Mr. Pardo gave a brief presentation of the changes made to the site plan after having met and conferred with City staff, including Mirtha Gonzalez, Chief Zoning official, Joe Lopez, Public Works Director, and Rey Regalado, Building Official. Mirtha Gonzalez came forward and gave her recommendation for approval based on the modifications made to the project. Chairman Garcia opened the public hearing for discussion at 7:58 p.m. Mr. Ben Sedeño, resident of 8390 N.W. 103 Street #101h, addressed the Council with his concerns. No further testimony was offered therefore Chairman Garcia closed the public hearing at 8:00 p.m. and based on staff's recommendation made 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, 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. 122<sup>nd</sup> Street & East of N.W. 92<sup>nd</sup> Avenue) (P & Z Vote: 5-0, T.R.C. Vote 6-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Rolando Ortiz was present for the applicant. Mirtha Gonzalez, Chief Zoning official came forward and stated that the application was in compliance with City code. Chairperson Garcia opened the public hearing for discussion on the item at 8:04 p.m. As no testimony was offered, he closed the public hearing at 8:04 p.m. and made a motion to approve which was 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, 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. 77<sup>th</sup> COURT, SUITE 211-212. FOLIO #27-3003-001-0012. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.*** (Location: 10550 N.W. 77<sup>th</sup> 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. Ms. Lily Alcazar was present for the applicant. Mirtha Gonzalez, Chief Zoning official came forward and gave her recommendation. Chairperson Garcia opened the public hearing for discussion on the item at 8:07 p.m. As no testimony was offered, he closed the public hearing at 8:07 p.m. and made a motion to approve. The motion was seconded by Council member Haddad and unanimously approved by individualized voice vote. **(Vote 5-0).**

***D) 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 for the City. Chairperson Garcia opened the public hearing at 8:08 p.m. Mr. Citrin noted a discrepancy in the ordinance language and asked for the item to be tabled to make the proper corrections. Chairperson Garcia closed the public hearing at 8:08 p.m. and made a motion to table the item. Council member Haddad offered a second and the motion was unanimously approved by individualized voice vote. **(Vote 5-0 Tabled).**

12. **Public Comments** – No one came forward.
13. **City Attorney’s Report** – Mr. Citrin reported on a recent trip to New York made by the Mayor, Arturo Ruiz and himself. He was pleased to announce that the City had made a good showing at meetings with rating agencies, Moodys and Standard and Poors. He also informed that the City would be arguing the charter school special exception use case before the Circuit Court sitting as an Appellate Court. In closing Mr. Citrin made reference to a memo provided to the Council regarding the procedure for appointments to the Police Pension Board.
14. **Mayor’s Report** – Mayor De La Cruz was not present.
15. **Council Members Concerns/Reports** –
16. **Adjournment**

Agenda Certified by:

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Maria L. Joffee  
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 19, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Tuesday, December 16, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Tuesday, November 26, 2002, 7:30 P.M.

POLICE PENSION BOARD

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