

MINUTES

CITY COUNCIL MEETING
TUESDAY, DECEMBER 3, 2002

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:31 p.m.
2. **Roll Call:** Present were Chairman Garcia, Council members Rolando Piña, Lucy Valdes, Miguel Haddad, Manuel Zardon and City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Councilman Piña led the Pledge of Alleginace.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes: November 19, 2002:** Chairman Garcia made a motion to approve the minutes of November 19, 2002, seconded by Councilman Haddad. The motion was unanimously approved by voice vote.
7. **Police Pension Board Nominations and Appointments of Trustees** (Tabled Item)
Chairman Garcia made a motion to remove the item from the table, seconded by Councilman Zardon. The motion was unanimously approved by voice vote. Councilman Piña nominated Mr. Jorge Gutierrez to serve as a trustee. The motion was seconded by Councilman Haddad and unanimously approved by voice vote. Councilman Zardon nominated Ms. Margarita Sales to serve as a trustee. This motion was seconded by Councilman Haddad and also unanimously approved by voice vote. The new trustees will serve two year terms.
8. **Request for approval to purchase new phone system:** Mr. Marcos Piloto, O.M.B addressed the council and requested their approval to “piggy back” on a State contract in order to secure the best price on the purchase of a new phone system. He recommended accepting the proposal submitted by Bellsouth for a Nortel system, under Florida State contract #250-000-03-01. The total price for the system is \$29,957.20. A motion was made by Chairman Garcia to waive competitive bidding, seconded by Councilman Zardon. The motion was unanimously approved by voice vote. A second motion was made by Chairman Garcia to approve the purchase, this motion was seconded by Councilman Haddad, and also approved by unanimously by voice vote.

9. PROPOSED RESOLUTION:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXECUTION OF A CONTRACT WITH MIAMI DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR THE PROVISION OF CAPITAL IMPROVEMENTS TO THE HYDRA-SAMARI ACCESS ROAD. PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Ms. Maria Joffee, City Clerk came forward and explained that the City had been recommended by Miami Dade County's Office of Community and Economic Development (OCED) for funding of \$249,000.00 through a Community Development Block Grant (CDBG) and that this resolution was required as part of the contract development process. Chairman Garcia made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by voice vote. **(Vote 5-0)**

- 10. PUBLIC HEARING and Second Reading for consideration and final adoption of the following ordinances:** (All those present who would be giving testimony on items for Public Hearing were sworn in by the City Attorney at this time)

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A MASTER TENTATIVE PLAT FOR 84-A HOLDINGS, L.L.C. PLANNED UNIT DEVELOPMENT (PUD) CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARCEL "A": ALL OF TRACTS 19, 20, 21, 22, 23 LESS THE EAST 35.00 FEET THEREOF; AND THAT PART OF TRACTS 27 AND 28 LYING NORTHEASTERLY OF THE AREA ZONED AS BUSINESS DISTRICT; ALSO THAT PART OF TRACT 28, 29, 30 AND 31 LYING SOUTHEASTERLY OF SAID SOUTHEASTERLY LINE AND CONTAINING 79.7908 +/- ACRES. PARCEL "B": THAT PORTION OF TRACT 26 LYING NORTHEASTERLY OF THE AREA ZONED AS BUSINESS DISTRICT AND CONTAINING 3.5880 +/- ACRES. 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 27-2033-001-0220, 27-2033-001-0210, 27-2033-001-0230, 27-2033-0240, 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, 27-2033-001-0340, 27-2033-001-0350, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**
(Location: N.W. 92-97 Avenue (Connector Road), Okeechobee Road and West of N.W. 92 Avenue) (P&Z Vote: 3-0, T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Shahin Etessam, architect for the project, was present. Mirtha Gonzalez, Chief Zoning official came forward, stated the particulars of the application and gave the T.R.C. and P&Z Board's recommendations. Chairman Garcia opened the public hearing for discussion on the item at 7:44 p.m.

The following individuals addressed the council:

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

No further testimony was offered therefore, Chairman Garcia closed the public hearing at 7:45 p.m. and made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING WAIVER OF PLAT FOR NILO VENTURA, JR. AND LUCY VENTURA. LEGAL DESCRIPTION: THE SOUTH _ OF THE WEST _ OF THE WEST _, LESS THE SOUTH 30.00 FEET AND LESS THE WEST 35. 00 FOR RIGHT OF WAY, IN TRACT 14, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #27-2029-001-0152. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast corner of N.W. 102 Avenue and N.W. 135 Street) (P&Z Vote: 3-0, T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Nilo Ventura Jr., the applicant, was present. Mirtha Gonzalez, Chief Zoning official came forward, stated the particulars of the application and gave the T.R.C. and P&Z Board's recommendations. Chairman Garcia opened the public hearing for discussion on the item at 7:49 p.m.

The following individuals addressed the council:

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

No further testimony was offered therefore, Chairman Garcia closed the public hearing at 7:50 p.m. and made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING WAIVER OF PLAT CIRO A. & BENITA E. FRIAS. LEGAL DESCRIPTION: THE EAST _ OF THE WEST _ OF THE EAST _ LESS THE SOUTH 30.00 FEET FOR RIGHT-OF-WAY, OF TRACT 21, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF

SECTION 29. TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-2029-001-0223. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of N.W. 102 Avenue and North of N.W. 133 Street) (P&Z Vote: 3-0, T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Nilo Ventura Jr., the applicant, was present. Mirtha Gonzalez, Chief Zoning official came forward, stated the particulars of the application and gave the T.R.C. and P&Z Board's recommendations. Chairman Garcia opened the public hearing for discussion on the item at 7:52 p.m. As no one came forward, Chairman Garcia closed the public hearing at 7:52 p.m. and made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING WAIVER OF PLAT FOR OMAR & BEATRIZ TOLEDO. LEGAL DESCRIPTION: THE EAST _ OF THE EAST _ OF THE WEST _ OF TRACT 6 OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", OF SECTION 29. TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 30 FEET THEREOF. FOLIO # 27-2029-001-0065. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 97 Avenue and 99 Avenue, South of N.W. 133 Street) (P&Z Vote: 3-0, T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Frank De La Paz, was present for the applicant. Mirtha Gonzalez, Chief Zoning official came forward, stated the particulars of the application and gave the T.R.C. and P&Z Board's recommendations. Chairman Garcia opened the public hearing for discussion on the item at 7:54 p.m.

The following individuals addressed the council:

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

No further testimony was offered therefore, Chairman Garcia closed the public hearing at 7:55 p.m. and made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT ANDRES & ANA AMADOR. LEGAL DESCRIPTION: THE WEST OF THE NORTH OF THE EAST OF TRACT 4 OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", OF SECTION 29. TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 30 FEET FOR ROAD PURPOSES. FOLIO #27-2029-001-0043. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 97 Avenue and 99 Avenue, South of N.W. 135 Street) (P&Z Vote: 3-0, T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Ana Amador, the applicant, was present. Mirtha Gonzalez, Chief Zoning official came forward, stated the particulars of the application and gave the T.R.C. and P&Z Board's recommendations. Chairman Garcia opened the public hearing for discussion on the item at 7:57 p.m. As no came forward, Chairman Garcia closed the public hearing at 7:57 p.m. and made a motion to approve, seconded by Councilman Haddad. The motion was unanimously approved by individualized voice vote. **(Vote 5-0)**

11. **Public Comments** – The following individuals addressed the Council:

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

12. **City Attorney's Report** – No comments.

13. **Mayor's Report – Miscellaneous** – Mayor De La Cruz was not present.

14. **Council Members Concerns/Reports – Miscellaneous**

Council member Valdes – Commented on the procedure for the appointments to the Police Pension Board. It was explained by the City Attorney that the Council makes nominations for the Board and then proceeds to vote on each nomination and that each of the two nominations presented today was unanimously elected; thereby precluding the need for further nominations. A memo had been provided to the Council with respect to this procedure as outlined in Ordinance 90-33, Article 3.1 of the Declaration of Trust (Board of Trustees).

15. **Adjournment** – The meeting was adjourned at 8:02 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 December 17, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Thursday, December 19, 2002 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, January 8, 2002, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Monday, February 10, 2002, 10:00 A.M.