

**Mayor**  
Yioset De La Cruz

**City Council Members**  
Chairman Luciano “Lucky” Garcia  
Vice Chairman Rolando “Roly” Piña  
Council member Manuel “Manny” Zardon  
Council member Jorge A. Merida  
Council member Jorge Gutierrez

**PUBLIC NOTICE: TO ALL CONCERNED CITIZENS OF HIALEAH GARDENS, FLORIDA. NOTICE TO BE POSTED AT CITY HALL.**

**AGENDA: REGULAR CITY COUNCIL MEETING/BUDGET HEARING  
SEPT. 28, 2004 – 7:30 P.M. – COUNCIL CHAMBERS**

**NOTE:** In compliance with Robert’s Rules of Order, all speakers will be heard only on items which are on the agenda and opened by the Chairperson for discussion by the public. Speakers will be limited to five minutes, unless the Chairperson allows more time for presentation.

**ATTENTION ALL LOBBYISTS:** Chapter 2, Section 2-308 of the City Code of Hialeah Gardens entitled “Lobbying” requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Council, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist’s laws are available in the City Clerk’s office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

**AGENDA –SEPTEMBER 28, 2004– 7:30 P.M. – COUNCIL CHAMBERS**

1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**
5. **Deletions/Emergency Additions**
6. **Review of Minutes:** September 14, 2004
7. **Public Comments**
8. **Discussion regarding Disaster Relief Funding / State of Florida Department of Community Affairs (Agreement No. 05-PA-C% - 11-23-02-745):** Police Chief H. Keith Joy.
9. **Proposed Resolutions:**
  - A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING THE RENEWAL OF AN AGREEMENT FOR THE CITY'S PROPERTY, LIABILITY, AUTOMOBILE AND WORKER'S COMPENSATION INSURANCE BETWEEN THE FLORIDA LEAGUE OF CITIES AND THE CITY OF HIALEAH GARDENS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.***
  - B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY COUNCIL, AS ATTESTING WITNESS, ON BEHALF OF TH CITY, TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF HIALEAH FOR ONE YEAR TO REPAIR POLICE VEHICLES FOR THE CITY OF HIALEAH GARDENS AT \$30.00 AN HOUR AND TO ALLOW HIALEAH GARDENS POLICE OFFICERS TO FUEL POLICE VEHICLES AT FIRE STATION NO. 7 AT THE SAME RATE CHARGEABLE TO THE CITY OF HIALEAH; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

**AGENDA –SEPTEMBER 28, 2004– 7:30 P.M. – COUNCIL CHAMBERS**

- C) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY TO CONDUCT AN E-AUCTION FOR THE SOLE PURPOSE OF SELLING SURPLUS CITY PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIE DATE.**
10. **First Reading / Public Hearing for consideration of the following ordinance:**
- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ("CITY") ESTABLISHING CHAPTER 78, "LAND USE REGULATIONS," ARTICLE IV, "TYPE, DENSITY, INTENSITY OF USE; DIVISION 2, ZONING DISTRICTS AND LAND DEVELOPMENT REGULATIONS FOR NEWLY ANNEXED AREA," AND ADOPTING PORTIONS OF THE MIAMI-DADE COUNTY ZONING DISTRICT MAP FOR THE ANNEXED AREA, ALL FOR THE PURPOSE OF ADOPTING, AMENDING, RENAMING, AND RESTATING MIAMI-DADE COUNTY ZONING DISTRICTS FOR THE NEWLY ANNEXED AREA CONSISTING OF RENAMING ZONING DISTRICTS, PROVIDING USE REGULATIONS INCLUDING PERMITTED AND PROHIBITED USES, SPECIAL EXCEPTION USES, SQUARE FOOTAGE REQUIREMENTS, BULK, AREA, LOT SIZE, DESIGN, LANDSCAPE, OPEN SPACE, AND ACCESSORY USE REQUIREMENTS; THE ORDINANCE ADOPTS, RENAMES AND MODIFIES THE EXISTING ZONING DISTRICTS OF THE MIAMI-DADE COUNTY CODE IN EFFECT AS TO PROPERTY WITHIN SAID ANNEXED AREA PRIOR TO ANNEXATION BY THE CITY, REAFFIRMS THAT EXISTING LAND USE REGULATIONS AND ORDINANCES OF THE CITY NOT SPECIFICALLY AMENDED OR MODIFIED BY THIS ORDINANCE CONTINUE IN FULL FORCE AND EFFECT AS TO SAID ANNEXED AREA, AFFIRMS THAT EXCEPT FOR THE SPECIFIC MIAMI-DADE COUNTY ZONING DISTRICTS FOR THE ANNEXED AREA WHICH ARE HEREIN ADOPTED AND MODIFIED, NO OTHER PROVISION OF THE MIAMI-DADE COUNTY CODE, OR REGULATION ENACTED PURSUANT THERETO, IS HEREBY ADOPTED OR INCORPORATED BY THE CITY AS BEING APPLICABLE TO SAID ANNEXED AREA, AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, CONFLICTS; AND AN EFFECTIVE DATE.**

**AGENDA –SEPTEMBER 28, 2004– 7:30 P.M. – COUNCIL CHAMBERS**

**THE ANNEXED AREA IS APPROXIMATELY 1.03 SQUARE MILES OR 665 ACRES OF REAL PROPERTY NOW ANNEXED INTO THE CITY LIMITS OF THE CITY. THE ANNEXED AREA IS BOUNDED ON THE SOUTHWEST BY THE CENTERLINE OF THE MIAMI CANAL, ON THE WEST BY THE CENTERLINE OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE, ON THE NORTH BY THE CENTERLINE OF NORTHWEST 170TH STREET, ON THE EAST BY THE CENTERLINE OF NORTHWEST 107TH AVENUE, AND INCLUDES ON THE EASTERLY SIDE A 330 FOOT STRIP BETWEEN THE CENTERLINE OF THE FOLLOWING ROADS: NORTHWEST 137TH STREET ON THE SOUTH, NORTHWEST 138TH STREET ON THE NORTH, NORTHWEST 97TH AVENUE ON THE EAST AND NORTHWEST 107TH AVENUE ON THE WEST.**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR GARDEN GATE III / LAKELAND HOMES LLC. TENTATIVE PLAT. LEGAL DESCRIPTION: THAT PORTION OF LOTS 4, 5, AND 6, LYING NORTHEASTERLY OF THE RIGHT-OF-WAY LINE OF STATE ROAD 25, AND THAT PORTION OF LOT 13, LYING NORTHWESTERLY OF CANAL C-7, LESS THE NORTH 25.00 FEET THEREOF “NINA GARDENS”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, AT PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE SOUTHEAST \_ OF THE LOT 2 AND ALL OF LOT 3, BEING NORTHEASTERLY ON STATE ROAD 27, LESS RIGHT-OF-WAY PER STATE ROAD DEPARTMENT SECTION 87090-2510, “NINA GARDENS”, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 29 AT PAGE 15 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO’S # 27-3004-004-0040, 27-3004-004-0050, 27-3004-004-0020. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**  
 (Location: Northeast of Frontage Road (SR25, Northwest of Canal, South of NW 106 Street) (Vote: T.R.C. 6-0; P&Z 3-0)
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OMAR ROMAY / AMERICA TE VE FOR A 67 FEET HIGH COMMUNICATION TOWER FOR WJAN (CHANNEL 41). CONCERNING PROPERTY LEGALLY DESCRIBED AS:**

**AGENDA –SEPTEMBER 28, 2004– 7:30 P.M. – COUNCIL CHAMBERS**

**TRACT “A” OF “MACO COMMERCE PARK” ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 160 PAGE 58 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #27-2029-001-0260 AND #27-2029-001-0270. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**  
(Location: 13001 NW 107 Avenue) (Vote: T.R.C. 6-0; P&Z 3-0)

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES FOR PEDRO GONZALEZ AT 13525 NW 102 AVE. CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE SOUTH \_ OF THE WEST \_ OF THE WEST \_ OF TRACT 14, OF SECTION 29, OWNERSHIP 52 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. LESS THE 35 FEET AND LESS THE SOUTH 30.00 FEET FOR ROAD RIGHT-OF WAY. FOLIO # 27-2029-001-0152. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**  
(Location: 13525 NW 102 Avenue) (Vote: T.R.C. 0-6 Denied; P&Z 0-3 Denied)

**11. Second Reading / Public Hearing 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, 2004, AND ENDING SEPTEMBER 30, 2005, AT 6.12 MILLS, WHICH IS AN INCREASE OF 10.27% OVER THE ROLL BACK RATE SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

**AGENDA –SEPTEMBER 28, 2004– 7:30 P.M. – COUNCIL CHAMBERS**

- C) 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, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- D) 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, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER UTILITY FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- F) 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, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PARK TRUST FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

**AGENDA –SEPTEMBER 28, 2004– 7:30 P.M. – COUNCIL CHAMBERS**

**H) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR MANUEL ZARDON AND REPEALING ORDINANCENO. 2004-03 FOR TENTATIVE PLAT OF KALLIOPE FIRST ADDITION, BBE DEVELOPMENT CORP. LEGAL DESCRIPTION: THE WEST OF TRACT 7, 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 WEST OF THE WEST OF WEST OF TRACT 7, 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 MAIMI-DADE COUNTY, FLORIDA. FOLIO #27-2029-001-0072. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**

12. **City Attorney's Report**

13. **Mayor's Report – Miscellaneous**

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

15. **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, October 5, 2004, 7:30 P.M.

SPECIAL CITY COUNCIL

Tuesday, October 12, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 18, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, October 6, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, October 26, 2004, 7:00 P.M.

POLICE PENSION BOARD

Monday, November 15, 2004, 7:00 P.M.