

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
December 21, 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 –DECEMBER 21, 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:** December 7, 2004
7. **Public Comments**
8. **Proposed Resolutions**
 - A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF DRAINAGE EQUIPMENT TO BE USED FOR THE GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH FERGUSEN ENTERPRISES INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***
 - B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF DRAINAGE EQUIPMENT TO BE USED FOR THE GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH US PRECAST CORPORATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***
9. **First Reading for consideration of the following ordinances:**
 - A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR MANUEL A. FERNANDEZ CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 3***

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AND 4, OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1” IN 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 #: 27-3003-001-0057. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of N.W. 80 Avenue and South of N.W. 103 Street) (Vote: P&Z 4-0; T.R.C. 5-0)

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCE AND SITE PLAN REVIEW FOR: PALMETTO 103 PROPERTIES, LLC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 9 AND 10 OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-3003-001-0142, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of N.W. 80 Avenue and North of N.W. 98 Street) (Vote: P&Z 4-0; T.R.C. 4-0)**
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: 138TH STREET COMMERCIAL PARK INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT D SHOMA COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH OF NW 138 STREET, BETWEEN NW 107 AVENUE AND OKEECHOBEE ROAD. FOLIO #: 27-2030-014-0040, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of N.W. 138 Street Between N.W. 107 Avenue and Okeechobee Road) (Vote: P&Z 4-0; T.R.C. 5-0)**
- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CITY INITIATED APPLICATION CHANGING THE LAND USE**

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FROM LDR (LOW DENSITY SINGLE FAMILY RESIDENTIAL) TO POS (PARK AND OPEN SPACE DISTRICT) FOR THE APPROXIMATE 4.47 ACRES PARCEL. LEGAL DESCRIPTION: THE EAST 590.00 FEET OF TRACT 31 IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTH OF NW 136 STREET, BETWEEN NW 104 & NW 107 AVENUES. FOLIO #: 27-2029-001-0310; PROVIDING FOR EFFECTIVE DATE. (Location: North of N.W. 136 Street Between N.W. 104 Avenue and N.W. 107 Avenue) (Vote: P&Z 4-0; T.R.C. 6-0)

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FOR CITY OF HIALEAH GARDENS GOVERNMENTAL FACILITIES CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT 31 OF “FLORIDA FRUIT LANDS 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, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE WEST 35 FEET, THEREOF, AND LESS THE EAST 590.00 FEET THEREOF, LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NW 136 STREET AND NW 107 AVENUE. FOLIO #: 27-2029-001-0310 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW. 136 Street and N.W. 107 Avenue) (Vote P&Z 4-0; T.R.C. 6-0)**

- 10. Second Reading / Public Hearing for consideration and final adoption of the following ordinances: (Tabled 12-07-04)**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CHANGING THE LAND USE FROM EU (ESTATE RESIDENTIAL) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT) FOR THE APPROXIMATE 9.99 ACRE PARCEL. LEGAL DESCRIPTION: THE**

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EAST _ OF THE WEST _ OF TRACT 8; THE EAST _ OF THE WEST _ OF THE WEST _ OF TRACT 8 AND THE EAST _ OF THE WEST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THE EAST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO.1, IN SECTION 29-52-40, 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 EAST 50 FEET FOR CANAL RIGHT OF WAY; AND THE WEST _ OF THE WEST _ OF THE WEST _ OF TRACT 8, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO.1, ACCORDING TO THE PLAT THEREOF,RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTH OF NW 130 STREET, BETWEEN NW 97 & NW 99 AVENUES. FOLIO'S #: 27-2029-001-0080, 27-2029-001-0090, 27-2029-001-0092, 27-2029-001-0091; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: North of NW 130 Street, Between NW 97 and NW 99 Avenues) (Vote: P&Z 1-3 Denied (Villar, Maurici, Cordero); T.R.C. 5-0)

11. **City Attorney's Report**
12. **Mayor's Report – Miscellaneous**
13. **Council Members Concerns/Reports – Miscellaneous**
14. **Adjournment**

Agenda certified by:

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 MEETINGS

CITY COUNCIL

Tuesday, January 4, 2005 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, January 10, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, January 12, 2005, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Wednesday, February 23, 2005, 7:00 P.M.