

MINUTES

CITY COUNCIL MEETING
TUESDAY, AUGUST 5, 2003

CITY HALL COUNCIL CHAMBERS
10001 N.W. 87 AVENUE

1. **Call to Order:** Councilman Rolando Piña serving as Chairman called the meeting to order at 7:38 p.m.
2. **Roll Call:** Present were Councilman Rolando Piña, Councilman Jorge Gutierrez, Councilman Manuel Zardon, and Councilman Jorge Merida. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Councilman Gutierrez gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes: June 17, 2003:** Councilman Zardon made a motion to approve the minutes of June 17, 2003, seconded by Councilman Merida. The motion passed by unanimous consent.
7. **Appeal of occupational license denial for proposed use at 10701 N.W. 130 Terrace, Hialeah Gardens by Cigarette Racing Team, LLC, pursuant to City Code Sec. 46-36:** Mr. Citrin noted that this being a quasi judicial hearing, those wishing to testify would need to be sworn in. Mr. Myles Tralins attorney with Tralins and Associates came forward in representation of Cigarette Racing Team, LLC and gave a summary of their position on the issue. No further testimony was offered. Mr. Citrin offered nine (9) exhibits to be entered into the record relating to the matter at hand. Further questions by Mr. Citrin went unanswered due to Mr. Tralins departure from the meeting. Mirtha Gonzalez, Chief Zoning Official, came forward and gave further testimony. Mr. Citrin noted that the City code provides for a direct appeal to the Council regarding the denial of an occupational license, therefore the Council would have to make a motion on the item. A motion was forthcoming from Councilman Gutierrez to deny the appeal, the motion was seconded by Councilman Merida and unanimously approved by voice vote.

8. **Request for approval of change order to Senior Center building addition:** Mr. Marcos Piloto, O.M.B. Director addressed the Council and stated the need to replace the roof on the existing Senior Center building. The poor condition of the roof was realized while work was being done on the addition to the building. Mr. Piloto requested approval of a change order for BM Contracting Corp, under contract with the City for the addition, to allow for a new roofing system, windows, and doors throughout the existing Senior Center facility. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by voice vote.
9. **Determination of pending code compliance case no. 99-060013 - Mr. Angel Mesa:** Mr. Arturo Ruiz, Director of Administration and Mr. Angel Mesa resident of 12323 N.W. 98 Avenue came forward and were sworn in. Mr. Ruiz explained that Mr. Mesa was before the Council to find a final resolution to a pending code compliance case for a citation issued to him on June 16, 1999. Mr. Ruiz stated that the Code Compliance department's recommendation was to uphold the original order entered by the Special Master at a hearing held on June 30, 1999 whereby Mr. Mesa would pay a \$500.00 fine and correct the violation within forty five (45) days. A motion to approve the recommendation was made by Councilman Gutierrez, seconded by Councilman Zardon and unanimously approved by voice vote.
10. **Report regarding Council meeting schedule for first reading of FY 2003-04 budget:** Mr. Marcos Piloto, O.M.B. Director came forward and stated that in order to be in compliance with T.R.I.M. (Truth In Millage) guidelines for adopting the City's operating budgets, the first budget would have to be held on September 4, 2003. As a result the Council meeting regularly scheduled for September 2, 2003 will be moved to the 4th to accommodate this requirement.
11. **Proposed Resolutions:**
- A) ***A RESOLUTION OF THE CITY OF HIALEAH GARDENS RECEIVING THE FINANCIAL AUDIT AND REPORT PREPARED BY AVERETT; WARMUS, DURKEE, BAUDER & THOMPSON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2002; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Mr. Jim Warmus, partner with Warmus, Durkee, Bauder & Thompson came forward and stated the auditor's opinion on the City's financial statement recently issued by their firm. Mr. Warmus informed the Council that the City was is in the best financial position it has been since 1990. The City has over \$5.6 million dollars in reserves in the general fund, is in sound financial health, and is very well run. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by voice vote.

- B) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; RECOGNIZING THE INCREASE OF THE PEOPLES TRANSPORTATION REVENUE AND INCREASING THE IMPROVEMENTS OTHER THAN BUILDING FOR THE SAME AMOUNT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto came forward and explained the need for the amendment to the general fund to reflect the increase in revenue from the _ cent sales tax being received by the City. A motion to approve was made by Councilman Gutierrez, seconded by Councilman Zardon and unanimously approved by voice vote.

- C) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; RECOGNIZING THE INCREASE IN REVENUE THROUGH LOAN PROCEEDS FOR THE FINANCING OF A STREET SWEEPER AND INCREASING THE MACHINERY AND EQUIPMENT LINE ITEM IN THE SAME AMOUNT; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director, came forward and explained the need to amend the Storm Water Utility budget to reflect loan proceeds of \$138,073.36 received from Sun Trust used for the purchase of the City's new street sweeper. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by voice vote.

- D) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; RECOGNIZING THE INCREASE IN REVENUE THROUGH LOAN PROCEEDS FOR THE FINANCING OF POLICE VEHICLES AND INCREASING THE MACHINERY AND EQUIPMENT NEW POLICE VEHICLES LINE ITEM IN THE SAME AMOUNT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director, came forward and explained the need to amend the general revenue fund to reflect loan proceeds of \$135,926.64 received from Sun Trust used for the purchase and financing of the City's six (6) new police vehicles. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by voice vote.

E) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH 84-A HOLDINGS, LLC FOR THE CONSTRUCTION OF AN EXTENSION TO NORTHWEST NINETY-SECOND (92ND) AVENUE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH 84-A HOLDINGS, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Joe Lopez, Public Works Director, came forward and explained that the construction of an extension to N.W. 92 Avenue would not meet the City's timetable if the work were to be performed by the developer as required. Therefore an agreement was reached whereby the City would be responsible for the work and the developer upon its completion would reimburse the cost. A motion to approve was made by Councilman Zardon, seconded by Councilman Merida and unanimously approved by voice vote.

F) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF ONE (1) FORD CHASSIS CAB SINGLE AXLE 4 X 2 TRUCK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ATLANTIC TRUCK CENTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Joe Lopez Public Works Director came forward and stated that the Council had previously approved the purchase of six (6) trucks under State contract and only five had been purchased. The City would now go forward with the purchase of a maintenance truck by "piggybacking" on a state contract. The state vendor quoted the cost of the truck at \$36,584.00 and will be funded by the Storm Water Utility budget. A motion to approve was made by made by Councilman Merida, seconded by Councilman Gutierrez and unanimously approved by voice vote.

- G) 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 FAMILY LIMITED PARTNERSHIP NO. 3; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record and explained that this was a transfer of property between the City and the Machado Family Limited Partnership No. 3. The resolution would serve to correct the property records to indicate proper ownership of the corresponding properties and ensure that this information is reflected in County property records office. A motion to approve by was made by Councilman Merida, seconded by Councilman Gutierrez and unanimously approved.

- H) A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, EMPLOYING THE SERVICES OF MR. SEAN A. MORALES, EXPERIENCED AND INTERESTED CITIZEN IN THE AFFAIRS OF CODE ENFORCEMENT, PURSUANT TO THE REQUIREMENTS OF CHAPTER 162 OF THE FLORIDA STATUTES AND CITY CODE SECTION 2-240; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Arturo Ruiz came forward and stated the need to appoint a Special Master in order to comply with the City's Code Compliance procedure, as this office has been vacant for some time. Mr. Ruiz stated that Mr. Morales is more than qualified to hold the position and that he would be waiving the salary that accompanies the position. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by voice vote.

- I) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING AN ADDITIONAL ONE THOUSAND NINE HUNDRED AND SEVENTY DOLLARS AND FORTY CENTS (\$1,970.40) FOR THE PURCHASE OF TWO (2) TORO Z255 RADIUS LAWNMOWERS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH TESCO SOUTH D/B/A HECTOR TURF; UTILIZING AN EXISTING STATE AND MUNICIPAL CONTRACT; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Raymond Garcia, Director of Parks and Recreation was present and gave a detailed summary on the purchase of the equipment. A motion to approve was made by Mr. Merida, seconded by Councilman Zardon and unanimously approved by voice vote.

J) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF NEW COMPUTER SOFTWARE FOR THE BUILDING, CODE COMPLIANCE AND LICENSE DEPARTMENTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AGREEMENT WITH CRW ASSOCIATES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave an account of the efforts made by his office to locate software that was appropriate to the needs of the City's Building, Zoning, Licensing and Code Compliance Departments. Mr. Piloto stated that after careful review he is recommending CRW Associates based on their success in providing service to similar municipalities. He further stated that the purchase would be done by "piggybacking" on three municipal contracts thereby securing a competitive price. A motion to approve was made by Councilman Gutierrez, seconded by Councilman Merida and unanimously approved by voice vote.

K) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF THREE (3) GAZEBOS FOR WESTLAND GARDENS AND GOLDEN EAGLE PARKS; USING AN EXISTING CONTRACT WITH MIAMI-DADE COUNTY; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH CONTRACT CONNECTION INC., PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Raymond Garcia, Director of Parks and Recreation was present and gave a detailed summary on the purchase of three gazebos for Westland Gardens and Golden Eagle Parks. The purchase would be done by "piggybacking" on a Miami Dade County contract to ensure a competitive price. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by voice vote.

A recess was called by Councilman Piña at 8:30 p.m. The meeting was reconvened at 8:37 p.m.

At this time Councilman Piña made a motion to move **Item 13. Public Comments** ahead of Item 12. Second Reading/Public Hearing due to the length of the agenda. Councilman Zardon offered a second and the motion was unanimously approved.

The following individuals addressed the Council:

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

12. Second Reading/Public Hearing for consideration and final adoption of the following ordinances:

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AND APPROVING AMENDMENTS 02-02 TO THE COMPREHENSIVE PLAN INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #1-CHANGE FROM BU/MOR TO MER DISTRICT; CONCERNING PROPERTY LEGALLY DESCRIBED AS: PORTION OF TRACT 25 IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK, 2 AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-2033-001-0280. PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: West of N.W. 94th Avenue, N.E. of Okeechobee Road (S.R. No. 25) and North of N.W. 114 Street) (T.R.C. 5-0; P&Z 3-0))**

Mr. Citrin read the full title of the ordinance into the record and swore in those individuals present who would be testifying on any of the public hearing items. Mr. Michael Osman was present for the applicant and gave a description of the project. Mirtha Gonzalez, Chief Zoning Official came forward and gave the department's recommendation and stated that the land use amendment had been approved by the Department of Community Affairs (D.C.A.) Councilman Piña opened the public hearing at 9:03 p.m. for discussion on the item. The following individuals addressed the Council:

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

No further testimony was offered therefore Councilman Piña closed the public hearing at 9:03 p.m. A motion was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by individualized voice vote. **(Vote 4-0)**

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AND APPROVING AMENDMENTS 02-02 TO THE COMPREHENSIVE PLAN INCLUSIVE OF PROPERTY**

OWNER INITIATED LAND USE APPLICATION #2-CHANGE FROM MOR TO MER AND BU DISTRICT AND RELOCATION OF POS; CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS 19, 20, 21, 22, 23, LESS THE EAST 35.00 FEET THEREOF; AND THAT PART OF TRACTS 26, 27, AND 28, LYING NORTHEASTERLY OF THE AREA ZONED AS BUSINESS DISTRICT AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTER OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE NORTH 02 39' 03" WEST FOR 329.78 FEET; THENCE ALONG THE SOUTH LINE OF TRACTS 23, 26 SOUTH 89 39' 34" WEST FOR A DISTANCE OF 1598.14 FEET TO ITS INTERSECTION WITH THE LINE DELIMITING THE BUSINESS ZONED AREA; THENCE NORTHWESTERLY ALONG SAID BUSINESS ZONE AREA LINE NORTH 51 02' 15" WEST FOR A DISTANCE OF 1,310.07 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY LINE OF NW 92ND - 97TH AVENUE CONNECTOR ROAD; ALSO THAT PART OF TRACTS 28, 29, 30 AND 31, LYING SOUTHEASTERLY OF SAID SOUTHEASTERLY LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT LAST DESCRIBED INTERSECTION; THENCE ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID NW 92ND - 97TH AVENUE CONNECTOR ROAD, NORTH 39 01' 30" EAST FOR 1,483.63 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF TRACT 31, SAID POINT BEING 271.68 FEET WEST OF THE NORTHEAST CORNER OF SAID TRACT 31 AND THERE TERMINATING. ALL LYING AND BEING IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LANDS COMPANY'S 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. FOLIO #'S 27-2033-001-0220, 27-2033-001-0210, 27-2033-001-0230, 27-2033-001-0240, 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 SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 92 - 97 Avenue (Connector Road), Okeechobee Road and West of N.W. 92nd Avenue) (T.R.C. 5-0; P&Z 3-0)

Ms. Aida Martinez, Assistant City Attorney, read the full title of the ordinance into the record. Mr. Julio Robaina was present for the applicant and gave a detailed summary of the project which had previously been approved by the Council. Mirtha Gonzalez, Chief Zoning Official stated that the Department of Community Affairs (D.C.A.) had approved

the land use amendment in this application and gave her recommendations. Councilman Piña opened the public hearing for discussion on the item at 9:12 p.m. The following individuals addressed the Council:

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

Mr. Pablo Alvarez, 10010 N.W. 133 Street, Hialeah Gardens, Florida

No further testimony was offered therefore Councilman Piña closed the public hearing at 9:19 p.m. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by individualized voice vote. **(Vote 4-0)**

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AND APPROVING AMENDMENTS 02-02 TO THE COMPREHENSIVE PLAN INCLUSIVE OF CITY INITIATED LAND USE APPLICATION #3-CHANGE FROM CM, FOLIO # 27-2029-001-0300 AND LDR, FOLIO #'S 27-2029-001-0305 AND 27-2029-001-0340 TO POS; CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST _ OF TRACT 29 AND ALL OF TRACTS 30 IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST "FLORIDA LANDS COMPANY'S 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. PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 104th Avenue and N.W. 107th Avenue, North of N.W. 134th Street) (T.R.C. 5-0; P&Z 3-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Joe Lopez, Public Works Director came forward and explained that this was a City initiated amendment to convert Westland Gardens park to the appropriate POS designation. Mirtha Gonzalez, Chief Zoning Official gave her recommendations and stated the Department of Community Affairs (D.C.A.) had given their approval of the land use application. Councilman Piña opened the public hearing for discussion at 9:23 p.m. No one came forward to speak on the item therefore Councilman Piña closed the public hearing at 9:23 p.m. A motion to approve was made by Councilman Merida, seconded by Councilman Zardon and unanimously approved by individualized voice vote. **(Vote 4-0)**

- D) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR HIALEAH GARDENS CITY HALL. CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 29, 30 AND 31, 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, LYING NORTHERLY OF THE**

NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 25, AS SHOWN IN RIGHT OF WAY MAP SECTION 87090-2518 AND LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF NW 103^d STREET AS RECORDED IN ROAD PLAT BOOK 60, AT PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #27-2033-001-0280. PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 103 Street, N.W. 87 Avenue and Okeechobee Road) (T.R.C. 5-0; P&Z 4-0)

Mr. Citrin read the full title of the resolution into the record. Mr. Joe Lopez, Public Works Director, came forward and explained that this was also a City initiated application for the final plat for City Hall. Councilman Piña opened the public hearing at 9:25 p.m. for discussion on the item. No one offered testimony therefore Councilman Piña closed the public hearing at 9:25 p.m. A motion to approve was made by Councilman Gutierrez, seconded by Councilman Merida and unanimously approved by individualized voice vote. (Vote 4-0)

- E) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR JEANNETTE COVE ONE & TWO. CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARCEL I: THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S 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. TOGETHER WITH A NON-EXCLUSIVE PERPETUAL EASEMENT FUNNING WITH THE LAND OVER AND UPON THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT: THE NORTH 25 FEET OF THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S 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. PARCEL II: THE WEST 230 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT***

PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA TOGETHER WITH A PERPETUAL EASEMENT RUNNING WITH THE LAND AND OVER AND UPON THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT: THE NORTH 25 FEET OF THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. LESS: A PARCEL OF LAND LYING IN THE CITY OF HIALEAH GARDENS, DADE COUNTY, FLORIDA BEING A PORTION OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE CENTER OF SAID SECTION 3; THENCE RUN N89 48' 29"E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, FOR 22.00 FEET TO A POINT; THENCE RUN S000 01'22"E, FOR 70.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST: THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 68 11' 46", FOR AN ARC DISTANCE OF 41.66 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE RUN N00 01'22"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR 102.2 FEET TO THE POINT OF BEGINNING. FOLIO #'S 27-3003-001-4280, 27-3003-001-0900. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 9894 N.W. 82 Avenue and 9862 N.W. 82 Avenue) (T.R.C. 5-0; P&Z 3-1 A. Perez)

Mr. Citrin read the full title of the ordinance into the record. Mr. Corey Collins, was present for the applicant. Mr. Joe Lopez, Public Works Director came forward and gave a detailed summary of the project and gave his recommendation for approval based on his review of the application. Councilman Piña opened the public hearing at 9:32 p.m. No one offered testimony on the item therefore Councilman Piña closed the public hearing at 9:32 p.m. A motion to approve was made by Councilman Merida, seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(Vote 4-0)**

- F) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR PALMETTO-103 PROPERTIES, LLC. LEGAL DESCRIPTION: A PORTION OF TRACT 9 AND 10 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-3003-001-0142. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98 St. and N.W. 80 Ave.) (T.R.C. 4-0; P&Z 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Donny Ramsey was present for the applicant. Mr. Joe Lopez, Public Works Director, came forward and gave a description of the application for final plat and offered his recommendation for approval based on his review. Councilman Piña opened the public hearing at 9:33 p.m. No testimony was offered on the item therefore, Councilman Piña closed the public hearing at 9:33 p.m. A motion to approve was made by Councilman Merida, seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(Vote 4-0)**

13. **Public Comments:** Moved prior to Item 12. via approved motion by Council
14. **City Attorney's Report:** Mr. Citrin commended Aida Martinez on her efforts to obtain a refund for the recent gas leak in front of the Senior Center caused by a D.O.T. subcontractor. He also submitted to the Council a letter which provided a summary of litigation against the City and ALSO commented on the Machado appeal which had been turned down by the Third District Court of Appeals. Mr. Citrin thanked Mr. J. Frost Walker, Esq. and staff for their work on the case.
15. **Mayor's Report – Miscellaneous:** Mayor De La Cruz reported on the success of the Fourth of July event held at Westland Gardens Park. He also thanked staff, Raymond Garcia, Arturo Ruiz, Mirtha Gonzalez, Marcos Piloto, Charles Citrin, and J. Frost Walker for their efforts and hard work in their respective departments. The Mayor also commented on the progress of the Hydra Villas drainage project and perhaps the need for metal detectors in the Council Chamber due to the recent violence in New York. In closing the Mayor thanked Councilman Piña for a job well done in serving as Chairman.
16. **Council Members Concerns/Reports – Miscellaneous:**
Councilman Piña: Thanked staff for their assistance with tonight's meeting.
17. **Adjournment:** The meeting was adjourned at 9:41 p.m.

Respectfully submitted 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 FUTURE MEETINGS:

CITY COUNCIL

Tuesday, August 19, 2003 P.M.

PLANNING AND ZONING BOARD

Monday, August 11, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, August 6, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, August 26, 2003 7:00 P.M.

POLICE PENSION BOARD

Wednesday, August 13, 2003 7:00 P.M.