

MINUTES

CITY COUNCIL MEETING  
TUESDAY, JANUARY 18, 2005

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:40 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Manuel Zardon. Also present were City Attorney Charles A. Citrin and Mayor Yioset De La Cruz who joined the Council meeting at 7:50 p.m. Councilman Rolando Piña was absent.
3. **Invocation:** Chairman Garcia led the invocation.
4. **Pledge of Allegiance:** City Attorney Charles A. Citrin led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Hialeah Gardens Government Complex Parking Area Stabilization Expenditures was added to the Agenda as Item 7A, later changed to Item 8B as requested by City Attorney Charles A. Citrin.
6. **Review of Minutes:** January 4, 2004. Chairman Garcia made a motion to approve the minutes of January 4, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Second Reading / Public Hearing for consideration and final adoption of the following ordinances:**

Mr. Citrin swore in all those who would be testifying on the item for public hearing.

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: 138<sup>TH</sup> 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)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Paul Huizenga, the applicant was present. Chairman Garcia opened the public hearing at 7:44 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:44 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida, and unanimously approved by individualized voice **(4-0)**.

**8B. Hialeah Gardens Government Complex Parking Area Stabilization Expenditures:**  
Mr. Marcos Piloto O.M.B. Director

Mr. Marcos Piloto, O.M.B. Director came forward and gave details of the expenditures and requested to waive competitive bidding and use Juner Hauling, Inc. for the material needed to stabilize the parking area at the new government complex. Mr. Jose M. Lopez, Public Works Director came forward and gave additional information regarding the pricing of the material. Chairman Garcia made a motion to approve, seconded by Councilman Merida and was unanimously approved. Mr. Citrin was instructed to prepare a resolution to memorialize this action.

**9. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: 138<sup>TH</sup> STREET BUSINESS PARK INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT E, 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 #: 27-2030-014-0050, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 138 Street, Between NW 107 Avenue and Okeechobee Road) (P&Z Vote: 5-0; T.R.C. Vote: 4-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Paul Huizenga, the applicant was present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 4-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCES AND SITE PLAN REVIEW FOR: PABLO O. ORTA FOR A PROPOSED WAREHOUSE BUILDING, CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOTS 19, 20 & 21, BLOCK 1, SUBDIVISION "HILLS INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO'S # 27-2033-004-0190, 27-2033-004-0200, 27-2033-004-0210. APPROXIMATE LOCATION: SOUTH OF NW 119 STREET, EAST OF NW 92 AVENUE, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 119 Street, East of NW 92 Avenue) (P&Z Vote: 6-0; T.R.C. Vote: 4-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR LAKELAND HOME LLC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: 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 RECORD OF MIAMI-DADE COUNTY, FLORIDA. FOLIO'S #: 27-3004-004-0040, 27-3004-004-0050, 27-3004-004-0020. APPROXIMATE LOCATION: NORTHEAST OF OKEECHOBEE FRONTAGE ROAD (SR 25), WEST OF CANAL, SOUTH OF NW 106 STREET, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Northeast of Okeechobee Frontage Road (SR25), West of Canal, South of NW 106 Street) (P&Z Vote: 6-0; T.R.C. 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Amy Khamissian was present for the applicant. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

**D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: JPD USA CORP., CONCERNING PROPERTY LEGALLY DESCRIBED AS: SHOMA COMMERCIAL SUBDIVISION, TRACT I, 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: NW 107 AVENUE, SOUTH OF NW 138 STREET. FOLIO #: 27-2030-014-0090, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW 107 Avenue, South of NW 138 Street) (P&Z Vote: 5-0; T.R.C. 4-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

10. **City Attorney's Report:** Mr. Citrin had no comments.
11. **Mayor's Report – Miscellaneous:** Mayor De La Cruz announced the groundbreaking ceremonies for the new police department will be held during the first week of February. Ground breaking ceremonies for the water park will be sometime in February and the groundbreaking ceremonies for the new government complex were held on January 14.
12. **Council Members Concerns/Reports – Miscellaneous:**

Councilman Jorge Gutierrez thanked Mayor De La Cruz and Mr. Citrin for attending the Samari Lakes hearing.

Chairman Garcia had comments regarding the City's wall and fence height requirements. He requested that a review of the Code be conducted and recommended that changes be made to reflect the measurement of walls or fences be from the final grade as opposed to the crown of the road. Mr. Rey Regalado, Building Director, came forward and gave his input regarding the height of fences and the issue of septic tanks.
13. **Adjournment:** The meeting was adjourned at 8:02 p.m.

Respectfully submitted by:

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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 MEETINGS**

CITY COUNCIL

Tuesday, February 15, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, February 7, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, February 2, 2005, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, February 22, 2005, 7:00 P.M.

POLICE PENSION BOARD

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