

MINUTES

CITY COUNCIL MEETING  
TUESDAY, APRIL 19, 2005

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:37 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Manuel Zardon, Mayor Yioiset De La Cruz, and City Attorney Charles A. Citrin. Councilman Jorge Gutierrez and Councilman Rolando Piña were absent.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yioiset De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** April 5, 2005. Chairman Garcia made a motion to approve the minutes of April 5, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** No one came forward.
8. **Request for extension of Invitation for Bids #2005-03 for Bus Bench Advertising Companies:** Mr. Marcos Piloto, Director O.M.B.

Mr. Marcos Piloto, Director of O.M.B. came forward and explained the need for an extension for the bus bench bid advertising until May 17, 2005.

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

A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES; ADOPTING THE STANDARD INDUSTRIAL***

**CLASSIFICATION MANUAL NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) FOR THE PURPOSE OF CLASSIFYING ALL OCUPATIONS AND ECONOMIC ACTIVITIES IN THE NEWLY ANNEXED AREA; PROVIDING FOR OCCUPATIONAL LICENSE REQUIRED; PROVIDING FOR SCHEDULE OF FEES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record. 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 3-0**).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR CASTELLON ESTATES SUBDIVISION, LEGAL DESCRIPTION: THE 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, AS 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. FOLIOS #: 27-2029-001-0080, 27-2029-001-0090, 27-2029-001-0092, 27-2029-001-0091, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: North of NW 130 Street, Between NW 97 A NW 99 Avenues) (P & Z Vote: 2-2 Perez, Maurici in favor, Villar, Eijan against) (T.R.C. Vote: 1-5 Denied, Al Nielson in favor.**

Mr. Citrin read the full title of the ordinance into the record. Mr. Giraldo Castellon and Mr. Mark Maycock the applicants were 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 3-0**).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR KALLIOPE SUBDIVISION. LEGAL DESCRIPTION: FOLIO #: 27-2033-001-0593: A PORTION OF TRACT 48 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO #: 27-2033-001-0370 A PORTION OF TRACTS 33 AND 34 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO #: 27-2033-001-0596: A PORTION OF TRACT 48, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE SW 1/4 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA. LOCATION NORTHEAST OF OKEECHOBEE ROAD AND SOUTH OF NW 114 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**

(Location: Northeast of Okeechobee Road and South of NW 114 Street)  
(P & Z Vote: 4-0; T.R.C. Vote 6-0).

Mr. Citrin read the full title of the ordinance into the record. Ms. Mene Osman 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 3-0**).

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2002-24 AND APROVING A MODIFICATION ON THE SITE PLAN FOR MATER ACADEMY CHARTER SCHOOL, CONCERNING PROPERTY ADDRESS: 7901 NW 103 STREET. FOLIO #27-3003-001-0020; PROVIDING FOR EFFECTIVE DATE.**

(Location: 7901 NW 103 Street) (P & Z Vote: 4-0; T.R.C. Vote: 5-0)

Mr. Citrin read the full title of the ordinance into the record. Representatives for the applicant were 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 3-0**).

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

At this time, Mr. Citrin swore in all those who would be testifying on the item for second reading.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SPECIAL EXCEPTION USE AND SITE PLAN FOR A CHILD CARE CENTER (MAGIC KIDS LEARNING CENTER II) IN EMERALD PLAZA SHOPPING CENTER. APPLICANT: MARIO FERRO. LEGAL DESCRIPTION: THE WEST \_ OF TRACT 16, LESS THE NORTH 80.00 FEET AND LESS THE WEST 35.00 FEET, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LOCATION: 9160 NW 122 STREET. FOLIO # 27-2033-001-0171. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 9160 NW 122 Street) (P&Z Vote: 4-0, TRC: 6-0) Tabled 4-05-05**

Mr. Citrin read the full title of the ordinance into the record. Mr. Mario Ferro, the applicant was present. Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 7:50 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:50 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote **(Vote 3-0)**.

11. **City Attorney's Report:** Mr. Citrin had no comments.
12. **Mayor's Report – Miscellaneous:** Mayor De La Cruz reported that he is in talks with Florida Power and Light Company regarding decorative street lighting with old fashioned poles.
13. **Council Members Concerns/Reports:**

Chairman Garcia offered a resident the opportunity to come forward with public comments because she had missed it during first call. Mrs. Adriana Silvera wife of Mr. Carlos Chivás, new owner of El Grande Restaurant is requesting an extension of the hours of service of alcohol beverages. Chairman Garcia explained that in order to consider an extension a public hearing with proper notice must be given in order to revisit the item. In order to place the item on the Agenda for the next meeting, Mrs. Silvera has to begin the process again. Chairman Garcia asked Mrs. Silvera to speak to the City Clerk.

14. **Adjournment:** The meeting was adjourned at 7:57 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, May 17, 2005, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, May 9, 2005, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Wednesday, May 4, 2005, 11:30 A.M.

**WATER AND SEWER BOARD**

Tuesday, April 26, 2005, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.