

MINUTES

CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 28, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Vice Chairman Piña called the meeting to order at 7:35 p.m.
2. **Roll Call:** Present were Vice Chairman Rolando Piña serving as Chairman, Councilman Manuel Zardon, Councilman Jorge A. Merida, and Councilman Jorge Gutierrez. Also present were Mayor Yioiset De La Cruz, City Attorney Charles A. Citrin and Mr. J. Frost Walker, III, Esq. Chairman Luciano Garcia was absent.
3. **Invocation:** City Attorney Charles A. Citrin led the invocation.
4. **Pledge of Allegiance:** Mayor Yioiset De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Item 8 was deleted from the Agenda.
6. **Review of Minutes:** September 14, 2004. Vice Chairman Piña made a motion to approve the minutes of September 14, 2004, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
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. (Deleted)
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.***

Mr. Citrin read the full title of the resolution into the record and noted that two responsive and responsible proposals had been received, one from Brown and Brown and one from the Florida League of Cities. After a review of the proposals, a recommendation was given to award the contract to the Florida League of Cities. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY COUNCIL, AS ATTESTING WITNESS, ON BEHALF OF THE 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.

Mr. Citrin read the full title of the resolution into the record and mentioned that this was the renewal of the inter-local agreement with the City of Hialeah for police car repairs and fueling. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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.

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and spoke on the merits of the e-surplus auction. This resolution serves to memorialize the action taken by the Council at the previous meeting. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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. 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.

Mr. Citrin read the full ordinance into the record and mentioned that this is a first reading and public hearing. The Council will not be sitting as a quasi judicial body therefore no one testifying on the item is required to be sworn in. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave a visual presentation of the land use regulations, future land use map and zoning districts proposed for the new annexed area.

The public hearing was opened at 7:57 p.m. and the following individuals came forward to address the Council:

Mr. Francisco de la Paz, 10655 SW 113 Place, Miami, FL
 Mr. Paul Huizenga, 2285 West 80 Street, Hialeah, FL
 Mr. Michael Osman, 1474 West 84 Street, Hialeah, FL

No further comments were offered on the item, therefore Vice Chairman Piña closed the public hearing at 8:23 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by voice vote **(4-0)**.

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 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)

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

- 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: 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)

Mr. Citrin read the full ordinance into the record. Mr. Omar Romay, the applicant was present. Vice Chairman Piña stated that this is a first reading and as such, an opportunity for public input will be provided upon second reading. At this time, Mr. Citrin stated for the record that he had represented Mr. Romay in the past, but is not at this time. Mr. Citrin requested in writing that the tower is in compliance and submit it to the City. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and approved by individualized voice vote (4-0).

- 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)

Mr. Citrin read the full ordinance into the record. Mr. Pedro Gonzalez, the applicant was present. Vice Chairman Piña stated that this is a first reading and as such, an opportunity for public input will be provided upon second reading. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida and approved by individualized voice vote (4-0).

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.

Mr. Citrin read the full ordinance into the record. Vice Chairman Piña opened the public hearing at 8:35 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:35 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

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.

Mr. Citrin read the full ordinance into the record. Vice Chairman Piña opened the public hearing at 8:37 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:37 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

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.

Mr. Citrin read the full ordinance into the record. Vice Chairman Piña opened the public hearing at 8:38 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:38 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

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.**

Mr. Citrin read the full ordinance into the record. Vice Chairman Piña opened the public hearing at 8:38 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:38 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

**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.**

Mr. Citrin read the full ordinance into the record. Vice Chairman Piña opened the public hearing at 8:39 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:39 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

**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.**

Mr. Citrin read the full ordinance into the record. Vice Chairman Piña opened the public hearing at 8:39 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:39 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

**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.**

Mr. Citrin read the full ordinance into the record. Vice Chairman Piña opened the public hearing at 8:40 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:40 p.m. and made a motion to approve, seconded by Councilman Merida and unanimously approved by individualized voice vote (4-0).

At this time, Mayor De La Cruz gave a visual presentation of the City's accomplishments and offered budgetary highlights including the purchase of six new vehicles for the Police Department, park improvements and additional park programs, the Hydra Villas drainage project, the hiring of more employees and other heavy equipment for the Public Works & Streets Department. Future construction projects will include a new government complex, which will house the Police Department and Sub Station, Maintenance fleet facility, Water and Sewer Department and over twenty new road improvement projects. Park renovations and improvements such as a passive park and water park, new cafeteria and banquet halls were also mentioned as were plans for a Christmas festival of lights event, new signage around the City, light poles with flowers and landscaping, improvements to the Senior Center and Pro Voting System equipment for the City meetings will be purchased. Mayor De La Cruz thanked the Council for their assistance in achieving all these accomplishments. Vice Chairman Piña thanked the Mayor for his leadership and his administrative staff for their hard work. Councilman Gutierrez also commended the Mayor and his staff for the many accomplishments.

H) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR MANUEL ZARDON AND REPEALING ORDINANCE NO. 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.

Mr. Citrin read the full ordinance into the record. Councilman Manuel Zardon came forward as the applicant and informed that he would abstain from voting on the item. A notice of voting conflict (Form 8B) will be filed with the Clerk's office. Vice Chairman Piña opened the public hearing at 9:02 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 9:02 p.m. and made a motion to approve, seconded by Councilman Merida and the item unanimously approved by individualized voice vote (3-0). Councilman Zardon abstained from voting on this item.

12. **City Attorney's Report:** Mr. Citrin commended the Mayor for the many accomplishments achieved throughout his administration and thanked the Mayor for his hard work on behalf of the City.
13. **Mayor's Report – Miscellaneous:** Mayor De La Cruz thanked his staff for their assistance and Mr. Marcos Piloto, Director of O.M.B., for his assistance with the budget and tonight's presentation.
14. **Council Members Concerns/Reports – Miscellaneous:** Councilman Gutierrez thanked City staff and especially Mr. Rey Regalado, Building Official, for his intervention with Samari Lakes residents regarding their concerns with code violations on their property.
15. **Adjournment:** The meeting was adjourned at 9:05 p.m.

Respectfully submitted by:

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 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

Thursday, October 7, 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.