

MINUTES

CITY COUNCIL MEETING  
TUESDAY, OCTOBER 5, 2004

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Vice Chairman Piña called the meeting to order at 7:38 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 Yiozet De La Cruz and City Attorney Charles A. Citrin. Chairman Luciano Garcia was absent.
3. **Invocation:** City Attorney Charles A. Citrin led the invocation.
4. **Pledge of Allegiance:** Mayor Yiozet De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** September 28, 2004. Vice Chairman Piña made a motion to approve the minutes of September 28, 2004, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Presentation of Business Recognition Awards and Certificates of Appreciation for participants in the City of Hialeah Gardens and The Home Depot Community Project (Courtly Manor Trailer Park):** Mayor Yiozet De La Cruz.

Mayor De La Cruz presented certificates of Appreciation and Business Recognition Awards to the following sponsors and participants:

The Home Depot	City Furniture	Wal-Mart
"Ño" Que Barato	Julio Tages Electric	Overland Carriers
Omega Roofing	Waste Management	Five Star Inc. Painting
U.S. Installation Floor	J & G Carpentry	Mr. R. Rodriguez
Extreme Installations Kitchen		Mr. J. Salicco

**The Home Depot Store No. 202-Hialeah**

Omar López	Jennyfer Puentes	Miriam Portell
Rene Guerra	Rubén Sánchez	Rene Pérez
Daniel Carambot	Argeo Tamayo	José Acosta
Debise Moulrier	Rafy Songuel	Frenchy Paz
Yadia Estrada		

**The Home Depot Store No. 206-Bird Road**

Octavio Nuñez

**The Home Depot Store No. 209-Red Road**

Cynthia Rogers	Juan McCausland	Orlando Rodriguez
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**The Home Depot Store No. 210-Kendall**

Terry Miller	Sandra Nuñez
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**The Home Depot Store No. 6339-West Kendall**

Alex Clay	Darryl Glaid	Gleydis Jimenez
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**The Home Depot Store No. 6378-East Hialeah**

Jose Gutierrez	Adrian Collier	Sabrina Blanchard
Zilla Bodden	Nicole Hernández	Janne Laguerre

**City Employees**

Mayor Yioiset De La Cruz	Councilman Manuel Zardon	Councilman Rolando Piña
Councilman Jorge A. Merida	Manuel J. Carrera	Aída Martínez Ruiz
Arturo L. Ruiz	Maritza Peña	Mirtha S. González
Maria L. Joffee	Adalina Morales	Chief H. Keith Joy
Lt. Van Toth	Marta S. Rodríguez	Marcos Piloto
Rafael Amoretti		

At this time Mayor Yioiset De La Cruz was presented with a glass sculpture in appreciation of his support of Home Depot and his work on the community project.

**9. Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING AN AGREEMENT FOR THE CITY'S LONG AND SHORT TERM DISABILITY AND LIFE INSURANCE BETWEEN JEFFERSON PILOT 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. Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and gave details of the request for proposals and based on staff's review recommended to award the contract to Jefferson Pilot for the disability and life insurance. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

***B) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF THE EXCLUSIVE FRANCHISE WITH WASTE MANAGEMENT FOR THE PURPOSE OF TRASH AND GARBAGE SERVICES OF THE CITY OF HIALEAH GARDENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVEABILITY; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and asked that the item be deferred to the next council meeting. Vice Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

***A) 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.***

Mr. Citrin read the full title of the ordinance into the record and swore in all those who would be testifying on any of the items for public hearing. Ms. Amy Khamissian was present for the applicant. Mr. Reynaldo Regalado, Chief Building Official, came forward and gave staff recommendations. Vice Chairman Piña opened the public hearing at 8:03 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:03 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(4-0)**.

- B) 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 title of the ordinance into the record. Mr. Omar Romay the applicant was present. Mr. Reynaldo Regalado, Chief Building Official, came forward and spoke on the issue and mentioned that the F.A.A. did not require a permit for the tower; therefore, he stated that a condition can be set to provide documentation to this effect and the ordinance can move forward. Vice Chairman Piña opened the public hearing at 8:07 p.m. No one came forward; Vice Chairman Piña closed the public hearing at 8:07 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(4-0)**.

- C) 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 title of the ordinance into the record. Mr. Pedro Gonzalez, the applicant was present accompanied by Mr. Adalberto Miranda. Both spoke on the issue

and asked that consideration be taken regarding their “honest mistake” and misunderstanding of the height requirements for the wall surrounding Mr. Gonzalez property. Mr. Reynaldo Regalado, Chief Building Official came forward and stated that the applicant had been made aware of the discrepancy with the elevation requirements and added that the variance had been denied by both the Technical Review Committee and the Planning and Zoning Board, therefore, staff stands by the Boards' recommendation to deny the variance application. The public hearing was opened at 8:20 p.m. and the following individual came forward to address the Council:

Mr. Aldo Oliveros, 9920 NW 135 Street, Hialeah Gardens, Florida.

Mayor De La Cruz, Councilman Merida and Councilman Zardon added further comments on the matter noting that a precedent would be set if the variance were to be approved. Vice Chairman Piña closed the public hearing at 8:21 p.m. and made a motion to deny, seconded by Councilman Zardon. The motion to deny the variance application was unanimously approved by voice vote **(4-0 Denied)**.

11. **City Attorney’s Report:** Mr. Citrin stated for the record that Chairman Luciano Garcia's absence is job related due to hurricane difficulties.
12. **Mayor’s Report – Miscellaneous:** No comments.
13. **Council Members Concerns/Reports – Miscellaneous:** No comments.
14. **Adjournment:** The meeting was adjourned at 8:43 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 FUTURE MEETINGS

##### CITY COUNCIL

Tuesday, November 2, 2004, 7:30 P.M.

##### PLANNING AND ZONING BOARD

Monday, October 18, 2004, 7:30 P.M.

##### TECHNICAL REVIEW COMMITTEE

Thursday, November 3, 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.