

MINUTES

SPECIAL CITY COUNCIL MEETING
TUESDAY, OCTOBER 12, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:34 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Manuel Zardon, Councilman Jorge A. Merida and Councilman Jorge Gutierrez. Also present were Mayor Yiozet De La Cruz, City Attorney Charles A. Citrin and Mr. J. Frost Walker III, Esquire.
3. **Invocation:** Chairman Luciano Garcia 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:** October 5, 2004. Chairman Garcia made a motion to approve the minutes of October 5, 2004, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Proposed Resolution:**

***A) 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. Mayor De La Cruz gave the particulars of the agreement with Waste Management. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. **Second Reading / Public Hearing for consideration and final adoption 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. J. Frost Walker read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and spoke on the issue. She mentioned that there were three amendments to the original ordinance as passed on first reading, these are noted on pages 3, 4 and 37 of the ordinance. Mr. Walker explained that the amendments are not substantive in nature but serve to clarify the ordinance. Chairman Garcia made a motion to approve the three amendments, seconded by Councilman Merida and approved by individualized voice vote **(5-0)**. Chairman Garcia opened the public hearing at 7:48 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:48 p.m. Mrs. Gonzalez continued to report on the pathway and setback requirements around the lake. Mrs. Gonzalez also pointed out that Miami-Dade County has a Master Plan and resolution that has been approved which requires a twenty-foot setback. Mr. Jose M. Lopez, Public Works Director also came forward and added that the setback starts from the top of the slope of the lake to the property line. The Master Site Plan approved by the County was made available for public review.

The following individuals came forward and addressed the Council:

Mr. Paul Huizenga, 2285 West 80th Street, Hialeah, Florida
 Mr. Jose Ferrer, 8514 N.W. 165th Terrace, Miami Lakes, Florida
 Mr. George Peon, Architect, 4143 S.W. 74th Court, Miami, Florida

Chairman Garcia noted that the ordinance for consideration tonight serves to adopt the zoning designation and land use regulations for the newly annexed area and is not specific to any one property. It was further explained that it is the responsibility of each applicant to research development requirements prior to purchasing land. Chairman Garcia stated that the particulars of individual properties should be discussed with staff, he then made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was unanimously approved by individualized voice vote **(5-0)**.

10. **City Attorney's Report:** Mr. Citrin welcomed back Councilman Luciano Garcia and congratulated Vice Chairman Piña for his service as Chairman in Councilman Garcia's absence.
11. **Mayor's Report – Miscellaneous:** Mayor De La Cruz reminded the Council members of the Halloween Event to be held from October 28 to 31.

12. **Council Members Concerns/Reports – Miscellaneous:** No Comments.
13. **Adjournment:** The meeting was adjourned at 8:18 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, November 2, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 8, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, 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.