

MINUTES

CITY COUNCIL MEETING
TUESDAY, NOVEMBER 2, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:33 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 Yioiset De La Cruz and City Attorney Charles A. Citrin.
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:** October 19, 2004. Chairman Garcia made a motion to approve the minutes of October 19, 2004, seconded by Councilman Merida. The motion was unanimously approved. Ms. Maria L. Joffee, City Clerk came forward and made corrections to the minutes of October 12, 2004. Item 8A of the minutes stated that Mr. Citrin had read the resolution into the record, when in fact Chairman Garcia had read the resolution and both Mr. Citrin and Mr. Walker recused themselves from the action taken on this item.
7. **Public Comments:** The following individual came forward to address the Council: Mr. Fernando Mendez, 10370 NW 135 Street, Hialeah Gardens, Florida 33018. Mr. Mendez expressed his concern regarding the flying of remote control model airplanes on the property west of 107 NW 107 Avenue and north of Shoma Commercial Park. Chairman Garcia explained that this property is located in the newly annexed area and is in the process of being developed thereby impeding this activity from continuing.
8. **Appointments to Personnel Review Board:** Mayor Yioiset De La Cruz, Vice Chairman Rolando Piña.

Mayor De La Cruz re-appointed Mr. Carlos Garcia to the Personnel Review Board. Councilman Rolando Piña is waiting for a response from the person that he approached for serve on this board. The item will be deferred to the next meeting.

9. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE LEASING OF HOLIDAY DISPLAYS FOR BERNIE WILSON PARK; WAIVING COMPETITIVE BIDDING AND USING AN EXISTING COUNTY CONTRACT; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BRANDANO DISPLAYS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. This resolution will serve to formalized the action taken by the Council at their last meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA ADOPTING THE CITY OF HIALEAH GARDENS EVALUATION AND APPRAISAL REPORT (E.A.R.) OF THE COMPREHENSIVE PLAN AND AUTHORIZING AND APPROVING THE TRANSMITTAL OF SAID REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 **(5-0)**.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ARTICLE 16 OF CHAPTER II, PART V OF ORDINANCE NO. 90-33 TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2004-21, LAWS OF FLORIDA, TO PROVIDE THAT RETIREES MAY AUTHORIZE DIRECT THIRD PARTY PAYMENTS AS A DEDUCTION FROM NET BENEFITS FOR SPECIFIC***

PURPOSES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Ken Harrison, attorney for the Pension Board was present and gave a brief overview and recommendation of the ordinance regarding third party payments. Chairman Garcia opened the hearing at 7:46 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:47 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida, and unanimously approved by individualized voice vote (**Vote 5-0**).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR AMERICAN ENGINEERING AND DEVELOPMENT CORP., FOR THE TEMPORARY PLACEMENT OF A MODULAR OFFICE SPACE, PURSUANT TO ARTICLE III, SECTION 58-66, CODE OF HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF LOTS 34, 35, 36, 37, 38, 40 AND 41, "FORREST FARMS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 67 OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE STATE ROAD 25 (U.S. HIGHWAY 27) AND SUBJECT TO DEDICATIONS, EASEMENTS OR RESTRICTIONS OF RECORD, IF ANY. FOLIO #'S: 27-2032-003-0360, 27-2032-003-0370, AND 27-2032-003-0290. LOCATION: 11765 WEST OKEECHOBEE ROAD. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 11765 West Okeechobee Rd.) (Vote P & Z 2-1; T.R.C. 6-0)***

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

Mr. Citrin read the full title of the ordinance into the record. Mr. Charles Levy, attorney and Senior Vice President of American Engineering was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Citrin stated that TRC had approved the item, however the P & Z Board had raised the question that the original application citing Chapter 58-67 of the City code did not conform with the requested use by the applicant. Mr. Levy stated that a new application, citing Chapter 58-66 of the City code, which provides for council approval for temporary modular office space, had been presented and was the issue currently at hand. Mrs. Gonzalez added that the language in the ordinance passed on first reading had been amended to reflect the provisions of Chapter 58-66. Mr. Citrin read the amendment to the ordinance into the record. Chairman Garcia opened the public hearing at 8:02 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:02

p.m. and made a motion to approve the amendment seconded by Councilman Merida. The amendment was unanimously approved by individualized voice vote (**Vote 5-0**). Chairman Garcia then made a motion to approve the ordinance, seconded by Councilman Merida, and unanimously approved by individualized voice vote (**Vote 5-0**).

12. **City Attorney's Report:** Mr. Citrin read the filing of a conflict disclosure for Council member Manuel Zardon on the waiver of plat item for which he abstained from voting. Mr. Citrin also filed and read a conflict disclosure on Item 8A, the Waste Management resolution of the October 12, 2004 Council meeting.
13. **Mayor's Report – Miscellaneous –** Mayor De La Cruz thanked the Council Members for attending the Halloween Event.
14. **Council Members Concerns/Reports – Miscellaneous:** Councilman Piña commended the Elections Department for a successful performance.
15. **Adjournment:** The meeting was adjourned at 8:05 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, December 7, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 13, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, December 1, 2004, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Monday, November 15, 2004, 10:00 A.M.