

MINUTES

CITY COUNCIL MEETING
TUESDAY, NOVEMBER 16, 2004

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order 7:38 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Manuel Zardon. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yioset De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** A resolution approving and ratifying the agreement for renewal of the City's health insurance with Humana was added to the Agenda as Item 10 D.
6. **Review of Minutes:** November 2, 2004. Chairman Garcia made a motion to approve the minutes of November 2, 2004, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Appointments to Personnel Review Board:** Vice Chairman Rolando Piña.

Chairman Garcia stated that Councilman Piña was unable to attend tonight's meeting, but prepared a memorandum nominating Mr. Raul L. Lafita for appointment to the Personnel Review Board. Chairman Garcia made a motion to ratify Mr. Lafita's appointment, seconded by Councilman Merida and the motion was unanimously approved.

9. **Approval of Water Extension Agreement between the City of Hialeah Gardens and Felix and Mayra Acosta to serve Lots 6 and & 7 of Forrest Farms Subdivision NW 97 Court and approx. NW 119 Street:** Mr. Albert Nielson, Water and Sewer Department Director.

Mr. Albert Neilson, Director of the Water and Sewer Department came forward and gave a report on the item and stated that the Water and Sewer Board had reviewed and unanimously approved the agreement. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

10. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE POLICE BENEVOLENT ASSOCIATION BEGINNING OCTOBER 1, 2004 UNTIL SEPTEMBER 30, 2007; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mrs. Aida Martinez came forward and gave a report on the agreement between the Police Benevolent Association and the City. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY TO COMPENSATE POLICE DISPATCHERS AT AN OVERTIME RATE FOR HOLIDAYS WORKED REGARDLESS OF THE NUMBER OF HOURS WORKED DURING THE WEEK; 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 came forward and stated that this resolution will serve to memorialize the policies that are currently in place for the police dispatchers. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Chief H. Keith Joy came forward and stated that this is a renewal of the Mutual Aid Agreement with Miami-Dade County. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING AND RATIFYING THE AGREEMENT FOR RENEWAL OF THE CITY'S HEALTH INSURANCE BETWEEN HUMANA AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mrs. Aida Martinez came forward and gave information regarding the renewal of the City employees' health insurance. Brown & Brown agent, Mr. Alex Guerra, was present and had obtained numerous quotes for coverage. After review of the proposals, it was determined that Humana was the most beneficial for the employees and was selected. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

11. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE 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. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NE of Okeechobee Road and South of NW 114 Street) (Vote: P&Z 3-0; T.R.C. 6-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman, the applicant was 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 (4-0).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR MARANATA LAND CORPORATION CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 5 AND 6, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" IN SECTION 3, TOWNSHIP 53 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. FOLIO #: 27-3003-001-0049. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of NW 80 Avenue and South of NW 103 Street) (Vote: P&Z 3-0; T.R.C. 6-0)**

Chairman Garcia stated that he is both an employee and shareholder of Florida Power and Light Co. therefore; he will abstain from voting on items B and C, handing the gavel over to Councilman Zardon at 7:45 p.m. Mr. Citrin read the full title of the ordinance into the record, and stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Councilman Merida made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved by individualized voice vote (3-0) with Chairman Garcia abstaining.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER THE POWER LINE EASEMENT FOR VICTOR HUGO MONROY CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 6, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" IN SECTION 3, TOWNSHIP 53 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. FOLIO #: 27-3003-001-0060. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of NW 80 Avenue and South of NW 103 Street) (Vote: P&Z 3-0; T.R.C. 4-0)**

Mr. Citrin read the full title of the ordinance into the record, and stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Councilman Merida made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved by individualized voice vote **(3-0)** with Chairman Garcia abstaining. Councilman Zardon returned the gavel to Chairman Garcia at 7:48 p.m.

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN SPECIAL EXCEPTION USE TO PERMIT RETAIL OR PERSONAL SERVICE USES, SITE PLAN REVIEW AND GRANTING A SIDE SETBACK VARIANCE FOR BERNIE BUSINESS PARK IN COMMERCIAL BUILDING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT "A" OF "SECOND ADDITION TO RO-JEN ESTATES", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, PAGE 89 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-2029-007-0040. APPROXIMATE LOCATION: CORNER OF WEST OKEECHOBEE ROAD AND NW 107 AVE. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.** (Location: Corner of West Okeechobee Road and NW 107 Avenue) (Vote: P&Z Special Exception Use 5-0, Variance 4-1 (R. Regalado), Site Plan 5-0; T.R.C. Special Exception Use 4-0, Variance 3-1 (C. Villar), Site Plan 4-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Bernie Maribona, the applicant was 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 **(4-0)**.

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CHANGING THE LAND USE FROM HDR (HIGH DENSITY RESIDENTIAL) TO BU (BUSINESS DISTRICT) FOR THE APPROXIMATE 1.59 ACRES PARCEL. LEGAL DESCRIPTION: THE WEST 264 FEET OF TRACT 1, OF FLORIDA LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 33, TOWNSHIP 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 AND EXCEPTING THEREFORE THE NORTH 80 FEET; AND ALSO LESS**

RIGHT-OF-WAY DEDICATED TO THE CITY OF HIALEAH GARDENS PER OFFICIAL RECORDS BOOK 20429, PAGE 903 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: BETWEEN NW 121 STREET AND NW 122 STREET, EAST OF NW 89 AVENUE. FOLIO # 27-2033-001-0012; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Between NW 121 Street and 122 Street, East of NW 89 Avenue) (Vote: P&Z 4-0; T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. Ms. Fleta Stamen Esq. with J. Patrick Fitzgerald, P.A. attorney for the applicant Catholic Health Services was 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 (4-0).

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CHANGING THE LAND USE FROM EU (ESTATE RESIDENTIAL) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT) FOR THE APPROXIMATE 9.99 ACRES PARCEL. 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. FOLIO'S #: 27-2029-001-0080, 27-2029-001-0090, 27-2029-001-0092, 27-2029-001-0091; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: North of NW 130 Street, Between NW 97 and NW 99 Avenues) (Vote: P&Z 1-3 Denied (Villar, Mauricci, Cordero) T.R.C. 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Javier Vazquez, attorney for the applicant Castellon & Associates was present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Councilman Merida made a motion to approve, seconded by Councilman Zardon. The motion was unanimously approved by individualized voice vote (**3-1** with Chairman Garcia voting against).

12. Second Reading / Public Hearing for consideration and final adoption of the following ordinance:

- 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. Mr. Jerry H. Bell, and Mr. Alex A. David, consultants were present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and stated that an Evaluation and Appraisal Report (E.A.R.), is a required by the Florida Department of Community Affairs (D.C.A.) every seven years, its adoption at this time is necessary in order to transmit the report to the Department of Community Affairs. Chairman Garcia opened the public hearing at 8:00 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:00 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida, and the motion was unanimously approved by individualized voice vote. (**4-0**).

- 13. City Attorney's Report:** No comments.
- 14. Mayor's Report – Miscellaneous:** Mayor De La Cruz stated that he would report on future City projects at the next council meeting.
- 15. Council Members Concerns/Reports – Miscellaneous:** No comments.
- 16. Adjournment:** The meeting was adjourned at 8:01 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 21, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

Wednesday, January 12, 2004, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Wednesday, February 23, 2004, 7:00 P.M.