

## MINUTES

CITY COUNCIL MEETING  
TUESDAY, DECEMBER 21, 2004

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:36 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Manuel Zardon and Councilman Jorge A. Merida. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Councilman Jorge Gutierrez was absent.
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:** December 7, 2004. Chairman Garcia made a motion to approve the minutes of December 7, 2004, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Proposed Resolutions**
  - A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF DRAINAGE EQUIPMENT TO BE USED FOR THE GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH FERGUSEN ENTERPRISES 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 ratify 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.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF DRAINAGE EQUIPMENT TO BE USED FOR THE GOVERNMENT COMPLEX; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH US PRECAST CORPORATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. Mr. Jose M. Lopez, Public Works Director came forward and gave details of the purchase of the drainage structures which includes a price contingency with the original contract. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**9. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR MANUEL A. FERNANDEZ CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 3 AND 4, 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 #: 27-3003-001-0057. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of N.W. 80 Avenue and South of N.W. 103 Street) (Vote: P&Z 4-0; T.R.C. 5-0)**

Chairman Garcia stated that he is both an employee and shareholder of Florida Power and Light Co. therefore; he will abstain from voting on this item and passed the gavel to Vice Chairman Piña at 7:41 p.m. Mr. Citrin read the full title of the ordinance into the record. Vice Chairman Piña stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote (**Vote 3-0**) with Chairman Garcia abstaining from voting on the item. Vice Chairman Piña returned the gavel to Chairman Garcia at 7:43 p.m.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCE AND SITE PLAN REVIEW FOR: PALMETTO 103 PROPERTIES, LLC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 9 AND 10 OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-3003-001-0142, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of N.W. 80 Avenue and North of N.W. 98 Street) (Vote: P&Z 4-0; T.R.C. 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Jack Calderon, 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 (**Vote 4-0**).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: 138<sup>TH</sup> STREET COMMERCIAL PARK INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT D SHOMA COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH OF NW 138 STREET, BETWEEN NW 107 AVENUE AND OKEECHOBEE ROAD. FOLIO #: 27-2030-014-0040, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of N.W. 138 Street Between N.W. 107 Avenue and Okeechobee Road) (Vote: P&Z 4-0; T.R.C. 5-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Paul Huizenga, 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 (**Vote 4-0**).

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CITY INITIATED APPLICATION CHANGING THE LAND USE FROM LDR (LOW DENSITY SINGLE FAMILY**

**RESIDENTIAL) TO POS (PARK AND OPEN SPACE DISTRICT) FOR THE APPROXIMATE 4.47 ACRES PARCEL. LEGAL DESCRIPTION: THE EAST 590.00 FEET OF TRACT 31 IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF 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 136 STREET, BETWEEN NW 104 & NW 107 AVENUES. FOLIO #: 27-2029-001-0310; PROVIDING FOR EFFECTIVE DATE. (Location: North of N.W. 136 Street Between N.W. 104 Avenue and N.W. 107 Avenue) (Vote: P&Z 4-0; T.R.C. 6-0)**

Mr. Citrin read the full title of the ordinance into the record. The City is the applicant. 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 (**Vote 4-0**).

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR CITY OF HIALEAH GARDENS GOVERNMENTAL FACILITIES CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT 31 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", IN SECTION 29, 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 THE WEST 35 FEET, THEREOF, AND LESS THE EAST 590.00 FEET THEREOF, LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NW 136 STREET AND NW 107 AVENUE. FOLIO #: 27-2029-001-0310 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW. 136 Street and N.W. 107 Avenue) (Vote P&Z 4-0; T.R.C. 6-0)**

Mr. Citrin read the full title of the ordinance into the record. The City is the applicant. 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 (**Vote 4-0**).

10. **Second Reading / Public Hearing for consideration and final adoption of the following ordinances: (Tabled 12-07-04)**

- A) *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 ACRE 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, 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, Maurici, Cordero); T.R.C. 5-0)***

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia made a motion to remove Item 10A from the table seconded by Councilman Merida. The motion was unanimously approved. Mr. Citrin swore in all those that would be testifying on this item. Mr. Javier Vazquez, attorney for the applicant was present. Chairman Garcia made a motion to deny the request. No second was offered. Mr. Vazquez gave a brief presentation regarding the covenant to be included with the small-scale amendment application, which pertains to square footage and facade appearance. Chairman Garcia opened the public hearing at 7:55 p.m.

The following individuals addressed the Council:

Ms. Gerri Fontanella, 13425 NW 102 Avenue, Hialeah Gardens, FL  
 Mr. Andy Marquez, 13498 NW 102 Avenue, Hialeah Gardens, FL

No further testimony was offered therefore; Chairman Garcia closed the public hearing at 7:59 p.m. Councilman Merida made a motion to approve, seconded by Councilman Zardon with Councilman Piña voting in favor and Chairman Garcia voting against. The motion was approved (**Vote 3-1**).

11. **City Attorney's Report:** There were no comments from Mr. Citrin.
12. **Mayor's Report – Miscellaneous:** The Mayor reported on the holiday giveaways, the City's carnival at Golden Eagle Park and invited the Council members to the Senior Center Christmas party.
13. **Council Members Concerns/Reports – Miscellaneous:** There were no comments from the council members.
14. **Adjournment:** The meeting was adjourned at 8:03 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 MEETINGS**

CITY COUNCIL

Tuesday, January 18, 2005 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, January 10, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, January 12, 2005, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, January 25, 2005, 7:00 P.M.

POLICE PENSION BOARD

Wednesday, February 23, 2005, 7:00 P.M.