

Mayor
Yioset de la Cruz

City Council Members
Chairman Luciano “Lucky” Garcia
Vice Chairman Rolando “Roly” Piña
Council member Manuel “Manny” Zardon
Council member Jorge A. Merida
Council member Jorge Gutierrez

PUBLIC NOTICE: TO ALL CONCERNED CITIZENS OF HIALEAH GARDENS, FLORIDA. NOTICE TO BE POSTED AT CITY HALL.

**AGENDA: REGULAR CITY COUNCIL MEETING
August 5, 2003– 7:30 P.M. – COUNCIL CHAMBERS**

NOTE: In compliance with Robert’s Rules of Order, all speakers will be heard only on items which are on the agenda and opened by the Chairperson for discussion by the public. Speakers will be limited to five minutes, unless the Chairperson allows more time for presentation.

ATTENTION ALL LOBBYISTS: Chapter 2, Section 2-308 of the City Code of Hialeah Gardens entitled “Lobbying” requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Council, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist’s laws are available in the City Clerk’s office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

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1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**
5. **Deletions/Emergency Additions**
6. **Review of Minutes:** June 17, 2003
7. **Appeal of occupational license denial for proposed use at 10701 N.W. 130 Terrace, Hialeah Gardens by Cigarette Racing Team, LLC, pursuant to City Code Sec. 46-36.**
8. **Request for approval of change order to Senior Center building addition:** Mr. Marcos Piloto, O.M.B. Director.
9. **Determination of pending code compliance case no. 99-060013 - Mr. Angel Mesa:** Mr. Arturo Ruiz, Director of Administration.
10. **Report regarding Council meeting schedule for first reading of FY 2003-04 budget:** Mr. Marcos Piloto, O.M.B. Director.
11. **Proposed Resolutions:**
 - A) ***A RESOLUTION OF THE CITY OF HIALEAH GARDENS RECEIVING THE FINANCIAL AUDIT AND REPORT PREPARED BY AVERETT; WARMUS, DURKEE, BAUDER & THOMPSON FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2001, AND ENDING SEPTEMBER 30, 2002; PROVIDING FOR EFFECTIVE DATE.***
 - B) ***A RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; RECOGNIZING THE INCREASE OF THE PEOPLES TRANSPORTATION REVENUE AND INCREASING THE IMPROVEMENTS OTHER THAN BUILDING FOR THE SAME AMOUNT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

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- C) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; RECOGNIZING THE INCREASE IN REVENUE THROUGH LOAN PROCEEDS FOR THE FINANCING OF A STREET SWEEPER AND INCREASING THE MACHINERY AND EQUIPMENT LINE ITEM IN THE SAME AMOUNT; PROVIDING FOR AN EFFECTIVE DATE.**
- D) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002 AND ENDING SEPTEMBER 30, 2003; RECOGNIZING THE INCREASE IN REVENUE THROUGH LOAN PROCEEDS FOR THE FINANCING OF POLICE VEHICLES AND INCREASING THE MACHINERY AND EQUIPMENT NEW POLICE VEHICLES LINE ITEM IN THE SAME AMOUNT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
- E) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH 84-A HOLDINGS, LLC FOR THE CONSTRUCTION OF AN EXTENSION TO NORTHWEST NINETY-SECOND (92ND) AVENUE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH 84-A HOLDINGS, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
- F) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF ONE (1) FORD CHASSIS CAB SINGLE AXLE 4 X 2 TRUCK; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ATLANTIC TRUCK CENTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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- G) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO THE MACHADO FAMILY LIMITED PARTNERSHIP NO. 3 OF THE LAND DESCRIBED HEREIN EXHIBIT “A” AND TO RECEIVE A QUIT CLAIM DEED OF THE LAND DESCRIBED HEREIN EXHIBIT “B” FROM THE MACHADO FAMILY LIMITED PARTNERSHIP NO. 3; PROVIDING FOR EFFECTIVE DATE.**
- H) A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, EMPLOYING THE SERVICES OF MR. SEAN A. MORALES, EXPERIENCED AND INTERESTED CITIZEN IN THE AFFAIRS OF CODE ENFORCEMENT, PURSUANT TO THE REQUIREMENTS OF CHAPTER 162 OF THE FLORIDA STATUTES AND CITY CODE SECTION 2-240; PROVIDING FOR EFFECTIVE DATE.**
- I) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING AN ADDITIONAL ONE THOUSAND NINE HUNDRED AND SEVENTY DOLLARS AND FORTY CENTS (\$1,970.40) FOR THE PURCHASE OF TWO (2) TORO Z255 RADIUS LAWNMOWERS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH TESCO SOUTH D/B/A HECTOR TURF; UTILIZING AN EXISTING STATE AND MUNICIPAL CONTRACT; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
- J) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF NEW COMPUTER SOFTWARE FOR THE BUILDING, CODE COMPLIANCE AND LICENSE DEPARTMENTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AGREEMENT WITH CRW ASSOCIATES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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- K) A RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE PURCHASE OF THREE (3) GAZEBOS FOR WESTLAND GARDENS AND GOLDEN EAGLE PARKS; USING AN EXISTING CONTRACT WITH MIAMI-DADE COUNTY; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH CONTRACT CONNECTION INC., PROVIDING FOR SEVERABILITY ; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

- A) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AND APPROVING AMENDMENTS 02-02 TO THE COMPREHENSIVE PLAN INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #1-CHANGE FROM BU/MOR TO MER DISTRICT; CONCERNING PROPERTY LEGALLY DESCRIBED AS: PORTION OF TRACT 25 IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK, 2 AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-2033-001-0280. PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: West of N.W. 94th Avenue, N.E. of Okeechobee Road (S.R. No. 25) and North of N.W. 114 Street) (T.R.C. 5-0; P&Z 3-0))**

- B) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AND APPROVING AMENDMENTS 02-02 TO THE COMPREHENSIVE PLAN INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #2-CHANGE FROM MOR TO MER AND BU DISTRICT AND RELOCATION OF POS; CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS 19, 20, 21, 22, 23, LESS THE EAST 35.00 FEET THEREOF; AND THAT PART OF TRACTS 26, 27, AND 28, LYING NORTHEASTERLY**

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OF THE AREA ZONED AS BUSINESS DISTRICT AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTER OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE NORTH 02 39' 03" WEST FOR 329.78 FEET; THENCE ALONG THE SOUTH LINE OF TRACTS 23, 26 SOUTH 89 39' 34" WEST FOR A DISTANCE OF 1598.14 FEET TO ITS INTERSECTION WITH THE LINE DELIMITING THE BUSINESS ZONED AREA; THENCE NORTHWESTERLY ALONG SAID BUSINESS ZONE AREA LINE NORTH 51 02' 15" WEST FOR A DISTANCE OF 1,310.07 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY LINE OF NW 92ND – 97TH AVENUE CONNECTOR ROAD; ALSO THAT PART OF TRACTS 28, 29, 30 AND 31, LYING SOUTHEASTERLY OF SAID SOUTHEASTERLY LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT LAST DESCRIBED INTERSECTION; THENCE ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID NW 92ND – 97TH AVENUE CONNECTOR ROAD, NORTH 39 01' 30" EAST FOR 1,483.63 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF TRACT 31, SAID POINT BEING 271.68 FEET WEST OF THE NORTHEAST CORNER OF SAID TRACT 31 AND THERE TERMINATING. ALL LYING AND BEING IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LANDS COMPANY'S 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. FOLIO #'S 27-2033-001-0220, 27-2033-001-0210, 27-2033-001-0230, 27-2033-001-0240, 27-2033-001-0241, 27-2033-001-0250, 27-2033-001-0260, 27-2033-001-0300, 27-2033-001-0310, 27-2033-001-0320, 27-2033-001-0330, 27-2033-001-0340, 27-2033-001-0350; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 92 – 97 Avenue (Connector Road), Okeechobee Road and West of N.W. 92nd Avenue) (T.R.C. 5-0; P&Z 3-0)

- C) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AND APPROVING AMENDMENTS 02-02 TO THE COMPREHENSIVE PLAN INCLUSIVE OF CITY INITIATED LAND USE APPLICATION #3-CHANGE FROM CM, FOLIO # 27-2029-001-0300 AND LDR, FOLIO #'S 27-2029-001-0305 AND 27-2029-001-0340 TO POS; CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST _ OF TRACT 29 AND ALL OF TRACTS 30 IN SECTION 29, TOWNSHIP 52**

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SOUTH, RANGE 40 EAST “FLORIDA LANDS COMPANY’S 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. PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: Between N.W. 104th Avenue and N.W. 107th Avenue, North of N.W. 134th Street) (T.R.C. 5-0; P&Z 3-0)

- D) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR HIALEAH GARDENS CITY HALL. CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 29, 30 AND 31, OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, 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, LYING NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 25, AS SHOWN IN RIGHT OF WAY MAP SECTION 87090-2518 AND LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF NW 103rd STREET AS RECORDED IN ROAD PLAT BOOK 60, AT PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #27-2033-001-0280. PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 103 Street, N.W. 87 Avenue and Okeechobee Road) (T.R.C. 5-0; P&Z 4-0)**

- E) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR JEANNETTE COVE ONE & TWO. CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARCEL 1: THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, “FLORIDA FRUIT LANDS COMPANY’S 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. TOGETHER WITH A NON-EXCLUSIVE PERPETUAL EASEMENT FUNNING WITH THE LAND OVER AND UPON THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT: THE NORTH 25 FEET OF THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431 FEET OF TRACT 6 4, IN SECTION**

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3, TOWNSHIP 53 SOUTH RANGE 40 EAST, “FLORIDA FRUIT LANDS COMPANY’S 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. PARCEL II: THE WEST 230 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA TOGETHER WITH A PERPETUAL EASEMENT RUNNING WITH THE LAND AND OVER AND UPON THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT: THE NORTH 25 FEET OF THE EAST 201.42 FEET OF THE NORTH 150 FEET OF THE WEST 431.42 FEET OF TRACT 64, IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 40 EAST, “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. LESS: A PARCEL OF LAND LYING IN THE CITY OF HIALEAH GARDENS, DADE COUNTY, FLORIDA BEING A PORTION OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE CENTER OF SAID SECTION 3; THENCE RUN N89 48’ 29”E, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, FOR 22.00 FEET TO A POINT; THENCE RUN S000 01’22”E, FOR 70.19 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST: THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 35.00 FEET AND A CENTRAL ANGLE OF 68 11’ 46”, FOR AN ARC DISTANCE OF 41.66 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE RUN N00 01’22”W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, FOR 102.2 FEET TO THE POINT OF BEGINNING. FOLIO #’S 27-3003-001-4280, 27-3003-001-0900. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 9894 N.W. 82 Avenue and 9862 N.W. 82 Avenue) (T.R.C. 5-0; P&Z 3-1 A. Perez)

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- F) AN ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR PALMETTO-103 PROPERTIES, LLC. LEGAL DESCRIPTION: A PORTION OF TRACT 9 AND 10 OF “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO.1” OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO # 27-3003-001-0142. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98 St. and N.W. 80 Ave.) (T.R.C. 4-0; P&Z 4-0)**

13. **Public Comments**

14. **City Attorney’s Report**

15. **Mayor’s Report – Miscellaneous**

16. **Council Members Concerns/Reports – Miscellaneous**

17. **Adjournment**

Agenda certified 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, August 19, 2003 P.M.

PLANNING AND ZONING BOARD

Monday, August 11, 2003 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, August 6, 2003, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, August 26, 2003 7:00 P.M.

POLICE PENSION BOARD

Wednesday, August 13, 2003 7:00 P.M.