

Mayor
Yioiset de la Cruz

City Council Members
Chairman Luciano "Lucky" Garcia
Vice Chairman Rolando "Roly" Piña
Council member Miguel Haddad
Council member Lucy Valdes
Council member Manuel "Manny" Zardon

PUBLIC NOTICE: TO ALL CONCERNED CITIZENS OF HIALEAH GARDENS, FLORIDA. NOTICE TO BE POSTED AT CITY HALL, COMMUNITY HALL, ESTATES AREA, MOBILE HOME PARK, ALL CONDOMINIUMS, SAMARI TOWERS, BILTMORE ESTATES, SAMARI LAKE VILLAS AND HYDRA VILLAS.

**AGENDA: REGULAR CITY COUNCIL MEETING
July 16, 2002 – 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.

1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**
5. **Deletions/Emergency Additions**
6. **Review of Minutes: July 2, 2002**

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7. **Motion to reconsider the following ordinance for Public Hearing and Second reading:** Council member Piña.

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING MIGUEL HADDAD – WAIVER OF PLAT. LEGAL DESCRIPTION: THE EAST _ OF THE WEST _ OF THE WEST _ OF TRACT 6, OF FLORIDA FRUIT LAND 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 NORTH 30 FEET FOR ROAD RIGHT OF WAY. FOLIO #27-2029-001-0061. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 133rd Street and East of 102nd Avenue) (P&Z 3-0, T.R.C. 4-0)

8. **Request for Council approval of line item changes to existing budget:** Mr. Marcos Piloto, Director, O.M.B.
9. **Recommendation regarding changes within the BU district:** Mrs. Mirtha Gonzalez, Chief Zoning Official and Mr. Charles A. Citrin, City Attorney.
10. **Discussion of deposit to City of Hialeah Gardens by Mr. Miguel Haddad:** Mr. Ralph Ventura, Esq. (Tabled Item).
11. **FIRST READING for consideration of the following proposed ordinance:**

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR CACOPHONY CORP., TEMPORARY OFFICE TRAILER, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 48, OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND’S SUBDIVISION, ACCORDING TO THE PLAT THEREOF; RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West Okeechobee Road & NW 94th Avenue) (P&Z 3-0, T.R.C. 6-0)***

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- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR JOSE A. FERNANDEZ’S RESIDENCE AT S.E. CORNER OF NW 102 AVENUE AND 131 STREET; CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 10, BLOCK 1 OF SPLIT RAIL SEC. 1 PB 108-3 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIO #27-2029-002-0100. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: SE Corner of NW 102nd Avenue & 131st Street) (P&Z 3-0, T.R.C. 6-0)**
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR RAFAEL & DELIA BLANCO’S RESIDENCE AT N.W. 131 STREET AND 99TH AVENUE CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 5 IN BLOCK 1 OF SPLIT RAIL SECTION ONE, ACCORDING TO THE PLAT BOOK 108 AT PAGE 3, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIO #27-2029-002-0050. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW 131st Street & NW 99th Avenue) (P&Z 3-0, T.R.C. 6-0)**
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT AND FINAL PLAT FOR HIALEAH GARDENS FAST FOODS, LLC., CONCERNING PROPERTY LEGALLY DESCRIBED: THE WEST 210.00 FEET OF THE EAST 745.00 FEET OF SAID TRACT 61 “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1 OF SECTION 03, 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 DADE COUNTY, FLORIDA LESS THE SOUTH 182.00 FEET AND LESS THE NORTH 25.00 FEET FOR STREET RIGHT-OF-WAY, AND LESS THE RIGHT-OF-WAY OF STATE ROAD NO 25 (US HIGHWAY 27) AS SHOWN ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87090-2540. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: SE Corner NW 95th Street & Frontage Road)**

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12. PUBLIC HEARING and Second Reading for consideration and final adoption of the following ordinances:

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR GARDENS COMMERCIAL HOLDINGS LTD.'S PLAT CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT GARDENS COMMERCIAL HOLDINGS, LTD., A FLORIDA LIMITED PARTNERSHIP, UNDER THE UNIFORM PARTNERSHIP LAWS OF THE STATE OF FLORIDA, HAS CAUSED TO BE MADE THE ATTACHED PLAT OF "BJ'S PLAT REPLAT", THE SAME BEING A REPLAT OF A PORTION OF TRACT "E", "BJ'S PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 155, AT PAGE 58, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TRACT "E", "BJ'S PLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 155, AT PAGE 58, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL: BEGIN AT THE NORTHEAST CORNER OF SAID TRACT "E"; THENCE SOUTH 00 DEGREES 11 MINUTES 12 SECONDS EAST FOR 369.92 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST FOR 66.05 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 46 SECONDS EAST FOR 138.00 FEET (SAID LAST MENTIONED THREE COURSES BEING COINCIDENT WITH THE EASTERLY BOUNDARY LINE OF SAID TRACT "E"); THENCE SOUTH 89 DEGREES 50 MINUTES 14 SECONDS WEST FOR 84.83 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 33 SECONDS EAST FOR 44.94 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 15 SECONDS WEST FOR 72.68 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 45 SECONDS WEST FOR 287.04 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 48 SECONDS EAST FOR 18.68 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 43 SECONDS WEST FOR 56.14 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 14 SECONDS EAST FOR 31.67 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 46 SECONDS WEST FOR 120.00 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST, ALONG THE***

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NORTH BOUNDARY LINE OF SAID TRACT “E”, FOR 40.92 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN THE SOUTHEAST _ OF SECTION 03, TOWNSHIP 53 SOUTH, RANGE 40 EAST, CITY TO HIALEAH GARDENS, MIAMI DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of N.W. 98th Street, Northeast of Frontage Road or West Okeechobee Road, Southwest of the existing BJ’s building at Hialeah Gardens)
(First Reading 3-0)

- B) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS REFUNDING NOTE, SERIES 2002, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$335,000.00 TO REFINANCE EXISTING OBLIGATIONS PAYABLE TO UNION PLANTERS BANK AND MIAMI DADE COUNTY RESPECTIVELY, AND COSTS RELATED THERETO; COVENANTING TO BUDGET AND APPROPRIATE FUNDS, FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES, TO REPAY SUCH NOTE; PRESCRIBING THE FORM, TERMS AND DETAILS OF THE NOTE, AWARDING THE NOTE TO SUNTRUST BANK BY NEGOTIATED SALE; DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; REPEALING ALL ORDINANCES, PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
(First Reading 3-0)

13. **Public Comments**
14. **City Attorneys Report**
15. **Mayor’s Report – Miscellaneous**
16. **Council Members Concerns/Reports – Miscellaneous**
17. **Adjournment**

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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, September 3, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 9, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, September 4, 2002, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, September 24, 2002, 7:30 P.M.

POLICE PENSION BOARD

Monday, November 4, 2002, 10:00 A.M.