

Mayor
Yioset 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
November 5, 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:** October 15, 2002
7. **Recommendation on proposals received for Westland Gardens Park improvements:** Mr. Ray Garcia, Director, Department of Parks and Recreation.

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8. Request for approval of water and sewer extension agreements between the City of Hialeah Gardens and MDT, LLC, for Maco Commerce Center. (Location: N.W. 107th Avenue and Okeechobee Road): Mr. Al Nielson, Director Department of Water and Sewers.

9. **PROPOSED RESOLUTIONS:**

- 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 LIMITED PARTNERSHIP NO. 3; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 103rd Street and 87th Avenue and Frontage Rd.)***
- B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN APPLICATION BY THE CITY FOR FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT; AUTHORIZING THE CITY TO EXPEND MATCHING FUNDS FOR THE PROGRAM GRANT; AUTHORIZING THE EXECUTION BY THE MAYOR AND CITY CLERK OF ALL DOCUMENTS REQUIRED FOR THIS GRANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***
- C) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, DADE COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO SEEK FROM MIAMI-DADE COUNTY A CHANGE OF STREET DESIGNATION FROM THE CURRENTLY ENUMERATED N.W. 77TH COURT AND REDESIGNATING SAME TO N.W. 77TH AVENUE, PROVIDING FOR EFFECTIVE DATE.***

10. **FIRST READING** for consideration of the following proposed ordinances:

- A) ***ORDINANCE OF THE MAYOR AND THE CITY COUNCIL, INITIATING AND REQUESTING A PROPOSED BOUNDARY CHANGE OF THE CITY OF HIALEAH GARDENS FLORIDA, IN ORDER TO ANNEX PROPERTY BEARING THE LEGAL DESCRIPTION CONTAINED IN COMPOSITE EXHIBIT "1", AUTHORIZING THE MAYOR***

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AND THE CITY CLERK AND OTHER PROPER CITY OFFICERS AND OFFICIALS TO TAKE ANY AND ALL ACTIONS AS MAY BE NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGE TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, AND AUTHORIZING THE CITY CLERK TO TRANSMIT COPIES OF THIS ORDINANCE TO THE CLERK OF THE COMMISSION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. (Location: Bounded on the Southwest by the centerline of the Miami Canal, on the West by the centerline of N.W. 117th Avenue, on the North by the centerline of N.W. 170th Street, on the East by the centerline of N.W. 107th Avenue and includes on the easterly side a 330 foot strip between the centerlines of N.W. 137th Street on the South, N.W. 138th Street on the North, N.W. 97th Avenue on the East and N.W. 117th Avenue of the West.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A MASTER SITE PLAN AND VARIANCES FOR PLANNED UNIT DEVELOPMENT (PUD) PHASE I CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS 19, 20, 21, 22, 23 LESS THE EAST 35.00 FEET THEREOF; AND PORTIONS OF TRACTS 26, 27, 28, 29, 30, AND 31 LYING EAST OF CONNECTOR ROAD, NORTH AND EAST OF THE BUSINESS ZONED AREA AS SHOWN ON ZONING MAP; ALL LYING AND BEING IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #'s 27-2033-01-0220, 27-2033-001-0210, 27-2033-01-0230, 27-2033-01-0240, 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, 27-2033-0010340, 27-2033-001-0350, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.** (Location: N.W. 92nd-97th Avenue (Connector Road), Okeechobee Road & West of N.W. 92nd Avenue) (P & Z Vote: Variances a: 4-1, b: 3-2, c: 3-2, d: 2-3 disapproved, e: 2-3 disapproved, f: 3-2, g: 1-4 disapproved, h: 2-3 disapproved, i: 4-1) (T.R.C. Vote 6-0 on 9-04-02; T.R.C. Vote: 6-0 on 9-17-02)

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- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND VARIANCES FOR PLANNED UNIT DEVELOPMENT (PUD) PHASE II CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS 19, 20, 21, 22, 23 LESS THE EAST 35.00 FEET THEREOF; AND PORTIONS OF TRACTS 26, 27, 28, 29, 30, AND 31 LYING EAST OF CONNECTOR ROAD, NORTH AND EAST OF THE BUSINESS ZONED AREA AS SHOWN ON ZONING MAP; ALL LYING AND BEING IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #'s 27-2033-01-0220, 27-2033-001-0210, 27-2033-01-0230, 27-2033-01-0240, 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, 27-2033-0010340, 27-2033-001-0350, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 92nd-97th Avenue (Connector Road), Okeechobee Road & West of N.W. 92nd Avenue) (P & Z Vote: Variances: a: 4-1, b: 4-1, c: 4-1, d: 3-2, e: 3-2, f: withdrawn, g: 4-1) (T.R.C. Vote: Variances: a: 6-0, b: 6-0. c: 6-0, d: 5-1, e: 6-0, f: 6-0, g: 5-1)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 46 (TAXATION AND FINANCE) ADDING SECTION 46-119 STATE, COUNTY OR OTHER GOVERNMENTAL AGENCY BIDS OR CONTRACTS, PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR VILLAS DE VALENCIA. LEGAL DESCRIPTION: A PORTION OF TRACTS 10 AND 23, 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**

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MIAMI DADE COUNTY, FLORIDA. FOLIO #27-3003-001-0139. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 98th Street and Okeechobee Road) (P & Z 4-0, T.R.C. 5-1, T.R.C. 0-6)

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR MARIO FERRO (EMERALD PLAZA) CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST _ OF TRACT 16, LESS THE NORTH 80.00 FEET AND LESS THE WEST 35.00 FEET, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LAND COMPANY, 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 CONDITIONS; PROVIDING FOR EFFECTIVE DATE.** (Location: N.W. 122nd Street & East of N.W. 92nd Avenue) (P & Z Vote: 5-0, T.R.C. Vote 6-0)
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE TO PERMIT A NAME TRANSFER FROM NUEVO AMANECER DAY CARE PRE-SCHOOL PREVIOUSLY APPROVED BY RESOLUTION #1446 TO TINY SMILES DAYCARE & PRE-SCHOOL, SAME LOCATION AND SITE PLAN REVIEW. LOCATION: 10550 N.W. 77th COURT, SUITE 211-212. FOLIO #27-3003-001-0012. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.** (Location: 10550 N.W. 77th Court, Suite 211-212) (P & Z Vote: 5-0, T.R.C. 6-0)
- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING THE CITY CODE CHAPTER 78 (LAND USE REGULATIONS) AMENDING SECTION 78-131(7)(d) BUSINESS DISTRICT SPECIAL EXCEPTION USES ALLOWING FOR VEHICLE SALES AND GAS STATIONS (NO MECHANICAL REPAIR PERMITTED); PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

12. Public Comments

13. City Attorney's Report

14. Mayor's Report – Miscellaneous

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15. Council Members Concerns/Reports – Miscellaneous

16. 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 November 19, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Tuesday, November 12, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, November 20, 2002, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, November 27, 2002, 7:30 P.M.

POLICE PENSION BOARD

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