

**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  
SEPT. 14, 2004 – 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.

**AGENDA –SEPTEMBER 14, 2004– 7:30 P.M. – COUNCIL CHAMBERS**

1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**
5. **Deletions/Emergency Additions**
6. **Review of Minutes:** August 17, 2004
7. **Public Comments**
8. **Appointment of Trustees for the Hialeah Gardens Police Pension Board:** Chairman Luciano Garcia.
9. **Discussion of settlement offer by Governmental Risk Insurance Trust (GRIT) re: GRIT v. City of Hialeah Gardens:** Mr. Charles A. Citrin, City Attorney.
10. **Proposed Resolutions:**
  - A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO NW 79<sup>TH</sup> AVENUE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH SOUTHEASTERN ENGINEERING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***
  - B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO NW 89<sup>TH</sup> AVENUE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH SOUTHEASTERN ENGINEERING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***
  - C) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO NW 87<sup>TH</sup> COURT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT***

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**WITH ACOSTA TRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO NW 117<sup>TH</sup> STREET; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ACOSTA TRACTORS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005, AT 612 MILLS, SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.**
- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

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- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER DRAIN FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PARK TRUST FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004, AND ENDING SEPTEMBER 30, 2005; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**
- H) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR MANUEL ZARDON AND REPEALING ORDINANCE NO. 2004-03 FOR TENTATIVE PLAT OF KALLIOPE FIRST ADDITION, BBE DEVELOPMENT CORP. LEGAL DESCRIPTION: THE WEST OF TRACT 7, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE**

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**COUNTY, FLORIDA; LESS THE WEST \_ OF THE WEST \_ OF TRACT 7, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MAAMI-DADE COUNTY, FLORIDA. FOLIO #27-2029-001-0072. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW FOR A WORKOUT WAREHOUSE / CARLOS TORRES TO PERMIT A FITNESS CENTER IN AN EXISTING WAREHOUSE WITHIN A COMMERCIAL DISTRICT. LOCATION: 7802 N.W. 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 7802 N.W. 103 St.) (Vote: P&Z 3-0; TRC 4-0)**
- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING GIRALDO CASTELLON – WAIVER OF PLAT WITH LOT SIZE AND WIDTH VARIANCES CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARENT TRACT: TRACT 2 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. CUT OUT PARCEL A: THE EAST 131.85 FEET OF THE WEST 659.96 FEET OF TRACT 2 OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, OF SECTION 29, TOWNSHIP 52, RANGE 40 EAST, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 30.00 FEET THEREOF, FOLIO #27-2029-001-23. APPROXIMATE LOCATION: N.W. 137 STREET, BETWEEN N.W. 98 AVENUE AND N.W. 99 AVENUE. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 137 St., between N.W. 98 Ave. and N.W. 99 Ave.) (Vote: P&Z 3-0; TRC 3-0)**

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- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING ABRAHAM LATRAS WAIVER OF PLAT WITH LOT SIZE AND WIDTH VARIANCES CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARENT TRACT: TRACT 2 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. CUT OUT PARCEL B: THE EAST 131.85 FEET OF THE WEST 791.81 FEET OF TRACT 2 OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, OF 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 30.00 FEET THEREOF, FOLIO #27-2029-001-0024. APPROXIMATE LOCATION: N.W. 137 STREET, BETWEEN N.W. 97 AVENUE AND N.W. 99 AVENUE. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 137 St., between N.W. 97 Ave. and N.W. 98 Ave.) (Vote: P&Z 3-0;TRC 4-0)**

13. **City Attorney’s Report**
14. **Mayor’s Report – Miscellaneous**
15. **Council Members Concerns/Reports – Miscellaneous**
16. **Adjournment**

Agenda certified 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 FUTURE MEETINGS**CITY COUNCIL

Tuesday, September 28, 2004, 7:30 P.M.

PLANNING AND ZONING BOARD

T.B.A.

TECHNICAL REVIEW COMMITTEE

Wednesday, October 6, 2004, 11:30 A.M.

WATER AND SEWER BOARD

Monday, September 27, 2004, 7:00 P.M.

POLICE PENSION BOARD

Monday, November 15, 2004, 7:00 P.M.