

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
November 16, 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 –NOVEMBER 16, 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:** November 16, 2004
7. **Public Comments**
8. **Appointments to Personnel Review Board:** Vice Chairman Rolando Piña.
9. **Approval of Water Extension Agreement between the City of Hialeah Gardens and Felix and Mayra Acosta to serve Lots 6 and & of Forrest Farms Subdivision NW 97 Court and approx. NW 119 Street:** Mr. Al Nielson, Water and Sewer Department Director.
10. **Proposed Resolutions:**
 - A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE POLICE BENEVOLENT ASSOCIATION BEGINNING OCTOBER 1, 2004 UNTIL SEPTEMBER 30, 2007; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR EFFECTIVE DATE.***
 - B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY TO COMPENSATE POLICE DISPATCHERS AT AN OVERTIME RATE FOR HOLIDAYS WORKED REGARDLESS OF THE NUMBER OF HOURS WORKED DURING THE WEEK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

AGENDA –NOVEMBER 16, 2004– 7:30 P.M. – COUNCIL CHAMBERS

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; 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, APPROVING A TENTATIVE PLAT FOR KALLIOPE SUBDIVISION. LEGAL DESCRIPTION: FOLIO # 27-2033-001-0593: A PORTION OF TRACT 48 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO # 27-2033-001-0370: A PORTION OF TRACTS 33 AND 34 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO # 27-2033-001-0596: A PORTION OF TRACT 48, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE SW 1/4 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NE of Okeechobee Road and South of NW 114 Street) (Vote: P&Z 3-0; T.R.C. 6-0)**
- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR MARANATA LAND CORPORATION**

AGENDA –NOVEMBER 16, 2004– 7:30 P.M. – COUNCIL CHAMBERS

CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 5 AND 6, 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 #: 27-3003-001-0049. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of NW 80 Avenue and South of NW 103 Street) (Vote: P&Z 3-0; T.R.C. 6-0)

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER THE POWER LINE EASEMENT FOR VICTOR HUGO MONROY CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 6, 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 #: 27-3003-001-0060. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: East of NW 80 Avenue and South of NW 103 Street) (Vote: P&Z 3-0; T.R.C. 4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN SPECIAL EXCEPTION USE TO PERMIT RETAIL OR PERSONAL SERVICE USES, SITE PLAN REVIEW AND GRANTING A SIDE SETBACK VARIANCE FOR BERNIE BUSINESS PARK IN COMMERCIAL BUILDING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT “A” OF “SECOND ADDITION TO RO-JEN ESTATES”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, PAGE 89 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-2029-007-0040. APPROXIMATE LOCATION: CORNER OF WEST**

AGENDA –NOVEMBER 16, 2004– 7:30 P.M. – COUNCIL CHAMBERS

OKEECHOBEE ROAD AND NW 107 AVE. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Corner of West Okeechobee Road and NW 107 Avenue) (Vote: P&Z Special Exception Use 5-0, Variance 4-1 (R. Regalado), Site Plan 5-0; T.R.C. Special Exception Use 4-0, Variance 3-1 (C. Villar), Site Plan 4-0)

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CHANGING THE LAND USE FROM HDR (HIGH DENSITY RESIDENTIAL) TO BU (BUSINESS DISTRICT) FOR THE APPROXIMATE 1.59 ACRES PARCEL. LEGAL DESCRIPTION: THE WEST 264 FEET OF TRACT 1, OF FLORIDA LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 33, 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 AND EXCEPTING THEREFORE THE NORTH 80 FEET; AND ALSO LESS RIGHT-OF-WAY DEDICATED TO THE CITY OF HIALEAH GARDENS PER OFFICIAL RECORDS BOOK 20429, PAGE 903 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: BETWEEN NW 121 STREET AND NW 122 STREET, EAST OF NW 89 AVENUE. FOLIO # 27-2033-001-0012; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.** (Location: Between NW 121 Street and 122 Street, East of NW 89 Avenue) (Vote: P&Z 4-0; T.R.C. 5-0)
- F) 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 ACRES 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**

AGENDA –NOVEMBER 16, 2004– 7:30 P.M. – COUNCIL CHAMBERS

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, AS 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, Mauricci, Cordero) T.R.C. 5-0)

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

A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA ADOPTING THE CITY OF HIALEAH GARDENS EVALUATION AND APPPRaisal REPORT (E.A.R.) OF THE COMPREHENSIVE PLAN AND AUTHORIZING AND APPROVING THE TRANSMITTAL OF SAID REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

13. City Attorney's Report

14. Mayor's Report – Miscellaneous

15. Council Members Concerns/Reports – Miscellaneous

16. Adjournment

AGENDA –NOVEMBER 16, 2004– 7:30 P.M. – COUNCIL CHAMBERS

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, December 7, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 13, 2004, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, December 1, 2004, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Monday, November 15, 2004, 10:00 A.M.