

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, JANUARY 19, 2010**

**CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:30 p.m.

- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were City Attorney Charles A. Citrin and Mayor Yiozet De La Cruz. Councilman Jorge Gutierrez and Councilman Rolando Piña were absent.

- 3. Invocation:** Chairman Garcia gave the invocation.

- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.

- 5. Deletions / Emergency Additions:** None were offered

- 6. Review of Minutes:** January 5, 2010 Chairman Garcia made a motion to approve the minutes of January 5, 2010, seconded by Councilman Merida. The motion was unanimously approved.

- 7. Public Comments:** None were offered.

8. Request for approval of 2 COP alcohol beverage license transfer of ownership for Barbara's Cuban Café, 8050 N.W. 103 Street, Hialeah Gardens, Florida: Owner, Mr. Antonio Valdes.

The following individuals came forward and gave testimony:

Mr. Antonio Valdes, owner
 Mr. Robert Lorenzo, Chief of Business License Tax Department
 Mr. Jose M. Lopez, interpreter for Mr. Valdes and Ms. Rivero
 Ms. Anabel Rivero, manager
 Chief Van Toth, Police Department

Mr. Antonio Valdes, the applicant was present. Mr. Robert Lorenzo Chief of the Business License Tax Department came forward and read staff's recommendation to deny the transfer of the 2COP alcohol beverage license into the record based on recent incidents that had occurred at the establishment in violation of City ordinances. Discussion with the applicant by way of the interpreter ensued. Based on staff recommendation and testimony, Chairman Garcia made a motion to deny, seconded by Councilman Merida. The motion was unanimously approved.

9. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, CO-DESIGNATING NW 92ND AVENUE FROM OKEECHOBEE FRONTAGE ROAD TO NW 122ND STREET AS "CAPTAIN ALBERTO BENCOSME AVENUE", PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mayor De La Cruz explained that a ceremony was held earlier in the day making this designation together with Miami-Dade County. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING AND REPLACING ORDINANCE # 2009-22 FOR WEST GARDEN PLAZA, CONCERNING PROPERTY LEGALLY DESCRIBED AS: (O.R.B. 15117 PG. 3295) THE WEST 225 FEET OF THE EAST 515 FEET OF TRACT 61, "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION No. 1" OF 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 LESS: THE NORTH 25 FEET THEREOF, AND LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 61 FOR 68.06 FEET; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 FOR 89.91 FEET TO A POINT ON THE WESTERLY LINE OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTHERLY ALONG THE WEST LINE OF ABOVE DESCRIBED PARCEL FOR 57.09 FEET TO THE POINT OF BEGINNING AND: (O.R.B. 19304 PG. 3813) THE WEST 20 FEET OF THE EAST 535 FEET OF TRACT 61 LESS THE RIGHT-OF-WAY OF STATE ROAD NO. 25 IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LAND 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. BEST DESCRIBED AS FOLLOWS: COMMENCE AT NE CORNER OF TRACT 61 OF "FLORIDA FRUIT LAND COMPANY'S DIVISION NO. 1" OF 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; THENCE RUN S89°39'50"W ALONG THE CENTER LINE OF NW 95 STREET FOR 290.00 FEET; THENCE RUN S01°45'56"E, FOR 25.00 FEET TO A POINT OF BEGINNING (POB) OF THE HEREINAFTER DESCRIBED PARCEL OF LAND, SAID POINT IS LOCATED ON SOUTH RIGHT OF WAY OF NW 95 STREET; THENCE RUN S89°39'50"W ALONG THE SAID SOUTH RIGHT OF WAY FOR 245.07 FEET; THENCE RUN S01°45'56"E, FOR 230.91 FEET TO A POINT LOCATED ON NORTH RIGHT OF WAY OF RIGHT OF WAY LINE OF S.R. 25 AS SHOWN IN FDOT RIGHT OF WAY MAP 87090-2518; THENCE RUN S50°56'14"E ALONG THE NORTH RIGHT OF WAY OF SAID S.R. 25 FOR 116.35 FEET TO A POINT; THENCE RUN N89°36'50"E, FOR 157.01 FEET; THEN RUN N01°45'56"W, FOR 304.78 FEET TO THE POINT OF BEGINNING. CONTAINING: 71,418 SQR FT. +- APPROX. 1.64 ACRES, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Guillermo Guerrero, surveyor for the project was present for the applicant. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(3-0)**.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING AND REPLACING ORDINANCE # 2009-20 FOR TRIANGLE VENTURE SUBDIVISION, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT PORTION OF TRACT 33 LYING NORTHEASTERLY OF STATE ROAD S.R. 25 (U.S. 27) LESS THE NORTH 100.00 FEET THEREOF, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION" No 1" OF 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; LESS THE EAST 200.06 FEET. FOLIO #: 27-3003-001-0431, PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin swore in all of those who will be giving testimony on the items for second reading/public hearing. The applicant was not present. Chairman Garcia made a motion to table the item, seconded by Councilman Urra. The motion was approved with Councilman Merida abstaining from voting. **(2-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE CITY OF HIALEAH GARDENS WATER SUPPLY FACILITIES WORK PLAN; AMENDING THE CITY OF HIALEAH GARDENS' COMPREHENSIVE PLAN TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND THE CAPITAL IMPROVEMENT ELEMENTS; PROVIDING AND AUTHORIZING AND APPROVING THE TRANSMITTAL OF SAID PLAN AND AMENDMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and read staff's memorandum into the record amending the city's comprehensive plan to strengthen the water supply plan. Recommendations from the Florida Department of Community Affairs were made and were incorporated into the water plan presented for second reading/public hearing. Chairman Garcia opened the public hearing at 8:00 p.m. No one came forward; therefore, Chairman Garcia closed the public hearing at 8:00 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(3-0)**

- 12. City Attorney's Report:** Mr. Citrin congratulated council members Garcia and Urra for being unopposed for their council seats.
- 13. Mayor's Report – Miscellaneous:** Mayor De La Cruz congratulated Councilman Garcia and Councilman Urra as well.
- 14. Council Members Concerns / Reports / Board Appointments:**
Councilman Merida seconded the congratulations.
- 15. Adjournment:** The meeting was adjourned 8:02 p.m.

Respectfully submitted 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 MEETINGS

CITY COUNCIL

Tuesday, February 16, 2010, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, February 8, 2010, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, February 4, 2010, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, February 23, 2010. 7:00 P.M.

POLICE PENSION BOARD

Wednesday, April 28, 2010, 5:30 P.M.