

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, NOVEMBER 3, 2015
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 Gutierrez, Councilman Jorge A. Merida, Councilman Rolando Piña, Councilman Elmo L. Urra and Aida Martinez-Ruiz Assistant City Attorney. Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** None were offered.
- 6. Review of Minutes: October 6, 2015.** Chairman Garcia made a motion to approve the minutes of October 6, 2015 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA REGARDING FILM PERMITTING; 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.

Ms. Martinez-Ruiz read the full title of the resolution into the record and proceeded to explain that the resolution would facilitate filming in the City. The previous interlocal agreement with Miami-Dade county was done five years ago has expired. This resolution would serve to renew the agreement. The film office receives a request for a permit and then notifies the City of which dates filming will occur. After the fact, the City is compensated separately by the person doing the filming. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. First Reading for consideration and final adoption of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR 112 INVESTMENTS, LLC. LEGAL DESCRIPTION: THE NORTH 1/2 OF TRACT 12, ALL BEING IN THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 19, TOWNSHIP 52 SOUTH. RANGE 40 EAST AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS THE WEST 40 FEET, AND LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 12 ALSO BEING THE SOUTHEAST CORNER OF NORTH ONE-HALF (N. 1/2) OF THE NORTH ONE-HALF (N. 1/2) OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 19; THENCE N02°34'00"W ALONG THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 19 FOR 165.00 FEET TO THE POINT OF BEGINNING; THENCE S89°29'30"W FOR 35.02 FEET TO A POINT ON A LINE PARALLEL WITH AND 35.00 FEET WEST OF THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE.1/4) OF SAID SECTION 19; THENCE N02°34'00"W ALONG SAID LINE FOR 36.32 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST

HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY 20.51 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 47°00'51" TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 63.00 FEET, A RADIAL LINE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS N40°25'09"E; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY 150.65 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 137°00'51" TO A POINT ON THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 19; THENCE S02°34'00"E ALONG SAID LINE FOR 164.95 FEET TO THE POINT OF BEGINNING. APPROXIMATE LOCATION: BETWEEN NW 109TH AVENUE AND NW 112TH AVENUE AND SOUTH OF THEORETICAL 150TH STREET, HIALEAH GARDENS, FLORIDA. FOLIOS: 27-2019-001-0130 AND 27-2019-001-0121. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote n/a)

Ms. Martinez-Ruiz read the full title of the resolution into the record. Manny Reus, architect for the project was present and came forward. Chairman Garcia stated that this was a first reading and as such 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. **(5-0)**

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

Tabled 10/06/2015

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR SPECIAL EQUIPMENT SERVICES, LLC.; OWNER: ABRAHAM HERNANDEZ / SPECIAL EQUIPMENT, LLC.; CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE NORTH 1/2 OF TRACT 12, ALL BEING IN THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 19, TOWNSHIP 52 SOUTH. RANGE 40 EAST AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LESS THE WEST 40 FEET, AND LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 12 ALSO BEING THE SOUTHEAST CORNER OF NORTH ONE-HALF (N. 1/2) OF THE NORTH ONE-HALF (N. 1/2) OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE

NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 19; THENCE N02°34'00"W ALONG THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 19 FOR 165.00 FEET TO THE POINT OF BEGINNING; THENCE S89°29'30"W FOR 35.02 FEET TO A POINT ON A LINE PARALLEL WITH AND 35.00 FEET WEST OF THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE.1/4) OF SAID SECTION 19; THENCE N02°34'00"W ALONG SAID LINE FOR 36.32 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY 20.51 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 47°00'51" TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 63.00 FEET, A RADIAL LINE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS N40°25'09"E; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY 150.65 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 137°00'51" TO A POINT ON THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 19; THENCE S02°34'00"E ALONG SAID LINE FOR 164.95 FEET TO THE POINT OF BEGINNING. FOLIOS: 27-2019-001-0130 AND 27-2019-001-0121, APPROXIMATE LOCATION: BETWEEN NW 109TH AVENUE AND NW 112TH AVENUE AND SOUTH OF THEORETICAL 150TH STREET, HIALEAH GARDENS, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote 3-0)

Chairman Garcia stated that this item had been tabled at the last council meeting. Ms. Martinez-Ruiz swore in those giving testimony on the item. Chairman Garcia made a motion to remove the item from the table, seconded by Councilman Merida, which was unanimously approved. Chairman Garcia gave details as to review the item, which entails the use of a prefabricated trailer to be placed on the property. Ms. Martinez-Ruiz asked if the motion should be read into the record. Chairman Garcia stated that there was no need for it to be read as it was done so during the previous meeting. Mr. Reus stated that a property was eventually going to be constructed and would like to have the prefabricated trailer on-site for however long the council allows and is open to abide. Chairman Garcia stated his opinion being there was some confusion and so as to not penalize the applicant, motioned to approve the site plan for six months with a temporary trailer in order to confer with staff to reach agreement on use. Councilman Piña asked for how long the trailer would be on-site. Mr. Reus stated that he wanted the trailer there for two years. Until the property is developed, the site would be used for truck parking. Chairman Garcia reiterated that

with six month approval, plans should be started for construction of site. The applicant would have to return before council after six months to ask for continued approval. At that point, the council can choose to approve or deny said request. If approved, applicant would receive another six month extension. If denied, applicant would then have to either come into conformity or remove the structure. Councilman Urra asked if the space was to be rented out. Applicant stated that most of the site was going to be owner-occupied. The rear third (1/3) of the property is to be used for the owner's own business. Ms. Martinez-Ruiz stated that council was willing in good faith to approve six months for the trailer, but that it should be used as a construction office. Applicant said he will discuss with owner. Chairman reiterated that trailers are only allowed as construction offices. Chairman stated that improvement of the site can be considered as part of construction. Legally, the requirement is reached, but applicant only has six months. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- 11. City Attorney's Report:** No Comments
- 12. Mayor's Report – Miscellaneous –** No Comments
- 13. Council Members Concerns / Reports / Board Appointments:**
Water and Sewer Board – Councilman Merida
- 14. Adjournment** – The meeting was adjourned at 8:01 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, December 1, 2015, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 14, 2015, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, November 19, 2015, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, TBD, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, February 2, 2016, 5:30 P.M.