

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, MAY 1, 2007

HOLLINGSWORTH HALL
SENIOR CENTER
10003 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:40 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo L. Urrea, Councilman Jorge Gutierrez, and Councilman Jorge A. Merida. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent
3. **Invocation:** Chairman Garcia led 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:** April 17, 2007. Chairman Garcia made a motion to approve the minutes of April 17, 2007, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Recommendation for Police Station Fencing RFP No. PW-07-B110:** Mr. Jose M. Lopez, Public Works Director.

Mr. Jose M. Lopez, Public Works Director came forward and gave recommendations to award the contract to Island Fence of Florida, Inc. who was the only responsive bidder to the request for proposals number PW-07-B110. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

9. **Proposed Resolutions:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TRANSIT SYSTEM SURTAX PROCEEDS LEVIED BY MIAMI-DADE COUNTY ATTACHED HEREIN AS EXHIBIT "A"; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave details of the amendments to the interlocal agreement with Miami-Dade County for the city's surtax proceeds. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

- B) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY FIREWORKS ENTERTAINMENT TO ADD FIRE, INC., FOR THE CITY'S INDEPENDENCE DAY CELEBRATION; UTILIZING AN EXISTING MUNICIPAL CONTRACT FROM THE CITY OF NORTH BAY VILLAGE AS ALLOWED BY ORDINANCE 2002-54; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE AN AGREEMENT WITH ADD FIRE, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the resolution into the record. Mr. Walter Dubon, Director of Parks and Recreation came forward and gave information regarding the contract with Add Fire, Inc. who will provide the fireworks display for the 4th of July celebration for a total cost of \$68,000.00. Chairman Garcia made a motion to approve, seconded by Councilman Merida and the motion was unanimously approved.

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

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR "FDC FLORIDA INVESTMENT INC.", CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT "Z" OF "SHOMA COMMERCIAL REPLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 61 PAGE 100 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA; TOGETHER WITH THE PORTION OF***

TRACT "Y" OF SAID PLAT; AND TOGETHER WITH A PORTION OF VACATED RIGHT-OF-WAY OF NW 112TH COURT (PER ORDINANCE # 2006-23 ADOPTED AUGUST 1, 2006 M.D.C.). SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF SAID TRACT "Z", SAID POINT BEING ON THE SOUTHEAST RIGHT-OF-WAY LINE OF N.W. 138TH STREET; THENCE S50° 59' 15" E ON THE NORTHERLY LINE OF SAID TRACT "Z" AND ITS EASTERLY EXTENSION FOR 327.81 FEET TO THE INTERSECTION WITH A LINE LYING 11.28 FEET SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF SAID TRACT "Z"; THENCE S39° 00' 45" W FOR 225.83 FEET TO THE INTERSECTION WITH THE SOUTHEASTERLY LINE OF TRACT "Y"; THENCE N50° 59' 15" W ON SAID SOUTHWESTERLY LINE AND ON THE SOUTHERLY LINE OF TRACT "Z" FOR 74.05 FEET S39° 00' 45" W FOR 35.00' TO THE INTERSECTION WITH THE CENTERLINE OF THE AFOREMENTIONED VACATED RIGHT-OF-WAY, THENCE N50° 59' 15" W ON SAID CENTERLINE FOR 253.62 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED SOUTHEAST RIGHT-OF-WAY LINE OF NW 138TH STREET; THENCE N38° 50' 58" E ON SAID RIGHT-OF-WAY LINE AND ON THE NORTHWESTERLY OF SAID TRACT "Z" FOR 260.83' FEET TO THE POINT OF BEGINNING, CONTAINING 82,891 SQUARE FEET, 1.9029 ACRES; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 4-0)

Mr. Citrin read the full title of the ordinance into the record. Ms. Jane Storms 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. Councilman Gutierrez stated that he would be abstaining from voting on this item due to professional conflict of interest. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote (3-0 with Councilman Gutierrez abstaining from voting on this item).

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR TRI-GROUP HOLDINGS, LLC. LEGAL DESCRIPTION: TRACT 38 SECTION 19, TOWNSHIP 52 SOUTH, RANGES 40 EAST, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION N° 1", ACCORDING TO

THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. CUT OF PARCEL: A PORTION OF TRACT 38, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGES 40 EAST, OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION N°1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID TRACT 38; THENCE RUN SOUTH 89° 28' 42" WEST, A DISTANCE OF 493.00 FEET ALONG THE SOUTH LINE OF SAID TRACT 38 TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE (STATE ROAD N° 821); THENCE RUN NORTH 02° 14' 42" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 329.96 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 38; THENCE RUN NORTH 89° 28' 47" EAST TO A POINT ON THE EAST LINE OF THE SOUTHWEST ¼ OF SAID SECTION 19, A DISTANCE OF 491.11 FEET, SAID POINT BEING THE NORTHEAST CORNER OF SAID TRACT 38; THENCE RUN SOUTH 02° 33' 09" EAST, A DISTANCE OF 330.01 FEET ALONG THE EAST LINE OF TRACT 38 AND THE EAST LINE OF THE SOUTHWEST ¼ OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST TO THE POINT OF BEGINNING. LESS THE EAST 35 FEET THEREOF FOR PUBLIC RIGHT OF WAY. APPROXIMATE LOCATION: BETWEEN N.W. 140 STREET AND N.W. 112TH AVENUE, HIALEAH GARDENS, FLORIDA, FOLIO #: 27-2019-01-0400; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
 (TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mr. Robert Saroza 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 (4-0).

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 07-01 TO THE**

FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM EU (ESTATE RESIDENTIAL DISTRICT) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: TRACT 22 LESS THE WESTERLY 30.00 FEET, ALL OF TRACT 23, AND TRACT 24 LESS THE EAST 30.00 FEET, THE SOUTH 30.00 FEET AND LESS THE WEST 30.00, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS 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. APPROXIMATE LOCATION: BETWEEN NW 130TH & NW 133RD STREETS, BETWEEN NW 102ND & NW 104TH AVENUES. FOLIOS: 27-2029-001-0240, 27-2029-001-0245, 27-2029-001-0230, 27-2029-001-0250; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 1-3)

Mr. Citrin read the full title of the ordinance into the record. Mr. Juan Carlos Alvarez, the applicant was present. Chairman Garcia stated that this first reading would be a public hearing as it is a land use change application and was advertised as such. Mr. Alvarez stated that his attorney was not present and wanted the item tabled. Chairman Garcia made a motion to table the item until the end of the meeting to give the attorney the opportunity to arrive, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Tabled 4-0**).

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR LA ALAMEDA. LEGAL DESCRIPTION: A PORTION OF TRACT 57, OF FLORIDA FRUIT LAND CO. SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST. DEED LEGAL DESCRIPTION: A PORTION OF LAND OF TRACT 57, OF FLORIDA FRUIT LAND CO. SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID**

TRACT 57; THENCE SOUTH 89°42'37" WEST ALONG THE SOUTH LINE OF SAID TRACT 57, A DISTANCE OF 519.58 FEET TO THE SOUTHWESTERLY CORNER OF THE SUBDIVISION OF BILTMORE VILLAS III, AS RECORDED IN PLAT BOOK 135, AT PAGE 91 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA BEING AT THE SAME TIME THE POINT OF BEGINNING OF THE HEREIN AFTER PORTION OF LAND; THENCE CONTINUING SOUTH 89°42'37" WEST, ALONG SAID TRACT 57, A DISTANCE OF 319.00 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 25 (OKEECHOBEE ROAD); THENCE NORTH 50°59'16" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAID TRACT 57; THENCE NORTH 89°42'37" EAST, ALONG SAID NORTHERLY LINE OF SAID TRACT 57, A DISTANCE OF 599.33 FEET TO THE NORTHWESTERLY CORNER OF SAID SUBDIVISION OF BILTMORE VILLAS SECTION III; THENCE (THE FOLLOWING 4 COURSES ARE RUNNING ALONG THE WESTERLY BOUNDARY OF SAID PLAT BILTMORE VILLAS SECTION III) SOUTH 02°35'05" EAST A DISTANCE OF 97.76 FEET; THENCE SOUTH 50°59'16" EAST, A DISTANCE OF 19.34 FEET, THENCE CONTINUESOUTH 50°59'16" EAST, A DISTANCE OF 127.20 FEET, THENCE SOUTH 02°35'05" EAST, A DISTANCE OF 139.59 FEET TO THE POINT OF BEGINNING. FOLIO #: 27-2029-001-0430; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Mr. Citrin swore in all those who would be testifying on any of the items for second reading, then read the full title of the ordinance into the record. Mr. Eliezer Palacios was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. There were no changes to the tentative plat. Chairman Garcia opened the public hearing at 8:01 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:01 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR FDC FLORIDA INVESTMENT INC. / SHOPPING CENTER. LEGAL DESCRIPTION: TRACT Z, OF SHOMA COMMERCIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE PLAT BOOK 161 AT PAGE 100 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE**

LOCATION: CORNER OF 138TH STREET NW AND 112TH COURT. FOLIO #: 27-2030-015-0090, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 4-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Paul Huizenga was present for the applicant. Councilman Gutierrez stated that he would be abstaining from voting on this item due to professional conflict of interest. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. All conditions noted by the Technical Review Committee and the Planning and Zoning Board were addressed by the applicant. Chairman Garcia opened the public hearing at 8:03 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:03 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (3-0 with Councilman Gutierrez abstaining from voting on this item).

Tabled (10-17-06)

C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE COMPREHENSIVE PLAN AS AMENDED BY THE 2006 EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0). Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and read the recommendations and comments from D.C.A. for the E.A.R. report. The comments from the Department of Community Affairs were addressed by the city. Chairman Garcia opened the public hearing at 8:07 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:07 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

12. **City Attorney's Report:** Mr. Citrin had no comments.
13. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.
14. **Council Members Concerns/Reports – Board Appointments (Police Pension Board)**

The council members had no comments.

The meeting recessed at 8:07 p.m. in order to give the attorney for Los Jardines time to arrive.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 07-01 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM EU (ESTATE RESIDENTIAL DISTRICT) TO LDR (LOW DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: TRACT 22 LESS THE WESTERLY 30.00 FEET, ALL OF TRACT 23, AND TRACT 24 LESS THE EAST 30.00 FEET, THE SOUTH 30.00 FEET AND LESS THE WEST 30.00, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS 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. APPROXIMATE LOCATION: BETWEEN NW 130TH & NW 133RD STREETS, BETWEEN NW 102ND & NW 104TH AVENUES. FOLIOS: 27-2029-001-0240, 27-2029-001-0245, 27-2029-001-0230, 27-2029-001-0250; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 1-3)**

The meeting reconvened at 8:24 p.m. Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0). Mr. Citrin swore in all those who would be testifying on the item. Mr. Javier Vazquez as legal counsel for the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Vazquez gave details regarding the application for a land use change from estate residential to low density and why it should be approved. Mr. Vazquez argued that the parcel in question has different zoning designations on the four sides of the property including low density residential and estate density and therefore any future development should take this fact into consideration when rendering a decision. Mr. Juan Carlos Alvarez, the applicant came forward and offered his comments on the proposed project. A lengthy commentary ensued from Mr. Alvarez in which he offered several different site plans that could be tied to a covenant with the city. Mr. Vazquez came forward again and reiterated his request for the Council's consideration of the zoning designation of the surrounding properties of the parcel in question. Chairman Garcia opened the public hearing at 8:59 p.m.

The following individuals addressed the council:

Mr. Eloy Roman, 10430 NW 130 Street, Hialeah Gardens, FL
 Mr. Mario Cordova, 10462 NW 130 Street, Hialeah Gardens, FL
 Mrs. Gerri Fontanella, 13425 NW 102 Avenue, Hialeah Gardens, FL
 Mr. Eduardo del Toro, 10380 NW 130 Street, Hialeah Gardens, FL
 Mr. Raul Gonzalez, 10378 NW 129 Street, Hialeah Gardens, FL
 Mr. Roberto Perera, 10100 NW 130 Street, Hialeah Gardens, FL

Ms. Silvia Dones, 10190 NW 130 Street, Hialeah Gardens, FL
 Mr. Samir Fayad, 10346 NW 130 Street, Hialeah Gardens, FL

Chairman Garcia closed the public hearing at 9:23 p.m. Both Mr. Vazquez and Mr. Alvarez came forward at this time and were given the opportunity to make gave further comments on the land use application in question. Once Mr. Vazquez and Mr. Alvarez completed their commentary, Chairman Garcia made a motion to deny, seconded by Councilman Merida. The motion to deny was approved by individualized voice vote (3-1 with Councilman Gutierrez voting against).

15. **Adjournment:** The meeting was adjourned at 9:29 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, May 15, 2007, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, May 7, 2007, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, June 7, 2007, 3:30 P.M.

WATER AND SEWER BOARD

Tuesday, May 22, 2007, 7:00 P.M.

POLICE PENSION BOARD

Monday, May 21, 2007, 6:00 P.M.