

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, AUGUST 1, 2006

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:35 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Elmo L. Urra, Councilman Jorge A. Merida and Councilman Jorge Gutierrez. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** Items 11A and 11B will be heard after Item 11G.
6. **Review of Minutes:** June 20, 2006. Chairman Garcia made a motion to approve the minutes of June 20, 2006, seconded by Councilman Merida. The motion was unanimously approved.

Chairman Garcia recognized Councilman Eduardo Gonzalez from the City of Hialeah.

7. **Public Comments:** None were offered.
8. **Recognition of Palmetto General Hospital and Administration, Mr. Ralph Aleman, Mr. Alex Contreras-Soto, Mr. Oscar Vicente, Mr. Ben Rodriguez and Mr. Kaya Ates:** Mayor Yioiset De La Cruz.

Mayor De La Cruz recognized Palmetto General Hospital and members of their administration with a proclamation from the city and certificates of recognition. Hialeah Councilman Eduardo Gonzalez presented certificates of recognition on behalf of the City of Hialeah.

9. **Opening of sealed bids for Carnival Rides (R.F.P. No. 2006-05):** Mr. Walter Dubon, Director, Parks and Recreation Department.

Mr. Walter Dubon, Parks and Recreation Director came forward and opened the two sealed bids received from Dodge City Amusements and Mega Parties. Mr. Dubon will make a recommendation on the proposals at the next council meeting scheduled for August 15, 2006.

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

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING A WAIVER OF PLAT FOR DUKE SCHOOL PROPERTIES, LLC. MATER ACADEMY ANNEX AS TENTATIVE PLAT AS APPROVED BY MIAMI-DADE COUNTY PLAT COMMITTEE UNDER T-PLAT #:22480-2-CORR. LEGAL DESCRIPTION: TRACT 1, LESS THE NORTH 130.00 FEET THEREOF, "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. LOCATION: 10505 NW 80 AVE. FOLIO #: 27-3003-001-0010 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. 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 (**Vote 5-0**)

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

Mr. Citrin swore in all those who would be testifying on any of the items for second reading.

- C) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND VARIANCE***

FOR 84A HOLDINGS LLC / VICENZA AT HIALEAH GARDENS CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 19, 20, 21, 27, 28, 29, 30, AND 31, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUITS 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. CONTAINING 1,181,930.21 SQUARE FEET AND / OR 27.13 ACRES MORE OR LESS; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of NW 92 Avenue, East of Hialeah Gardens Boulevard, North of NW 114 Street) (P&Z Vote: 4-0;TRC Vote: 6-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Shahin Etessam was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations, which included conditions from both the Technical Review Committee and the Planning and Zoning Board. Mr. Etessam came forward and gave a presentation of the site plan. Chairman Garcia opened the public hearing at 7:56 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:56 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR VICENZA AT HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 19, 20, 21, 27, 28, 29, 30, AND 31, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUITS 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; CONTAINING 1,181,930.21 SQUARE FEET AND / OR 27.13 ACRES MORE OR LESS; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of NW 92 Avenue, East of Hialeah Gardens Boulevard, North of NW 114 Street) (P&Z Vote: 4-0; TRC Vote: 6-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Shahin Etessam was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. 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. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR: HOME DEPOT – HIALEAH GARDENS CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS R, S, T, U, V, W, X & Y OF “SHOMA COMMERCIAL REPLAT” ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161 AT PAGE 100 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA TOGETHER WITH ALL OF TRACT “Q” (LAKE MAINTENANCE / ACCESS TRACT) OF “SHOMA COMMERCIAL” ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIOS #: 27-2030-015-0010, 27-2030-015-0020, 27-2030-015-0030, 27-2030-015-0040, 27-2030-015-0050, 27-2030-015-0060, 27-2030-015-0070, AND 27-2030-015-0080. APPROXIMATE LOCATION: OKEECHOBEE ROAD AND NW 138 STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Okeechobee Road and NW 138 Street) (P&Z Vote: 4-0; TRC Vote: 6-0)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Melissa Tapanes Llahues, Mr. Daniel Waguespack, Mr. Peter Van Rens, and Ms. Jane Storms were present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations and conditions set by the Technical Review Committee and the Planning and Zoning Board. Ms. Tapanes Llahues came forward and gave details of the project. Chairman Garcia opened the public hearing at 8:13 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:13 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR HOME DEPOT-HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACTS R, S, T, U, V, W, X & Y OF “SHOMA COMMERCIAL REPLAT” ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161 AT PAGE 100 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA TOGETHER WITH ALL OF TRACT “Q” (LAKE MAINTENANCE / ACCESS TRACT) OF “SHOMA COMMERCIAL” ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIOS #: 27-2030-015-0010, 27-2030-015-0020, 27-2030-015-0030, 27-2030-015-0040, 27-2030-015-0050, 27-2030-015-0060, 27-2030-015-0070, AND 27-2030-015-0080. APPROXIMATE**

LOCATION: OKEECHOBEE ROAD AND NW 138 STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Okeechobee Road and NW 138 Street) (P&Z Vote: 4-0; TRC Vote 6-0)

Mr. Citrin read the full title of the ordinance into the record. Ms. Melissa Tapanes Llahues was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:16 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:16 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE VACATION OF RIGHT OF WAY KNOWN AS NW 112TH COURT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF NORTHWEST 112TH COURT AS DEPICTED ON "SHOMA COMMERCIAL REPLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161, PAGE 100 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. CONTAINING: 52,148 SQUARE FEET, 1.1972 ACRES; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (P&Z Vote: 4-0 TRC Vote: 6-0)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Melissa Tapanes Llahues was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Jose M. Lopez, Public Works Director came forward and asked to place a hold on the final plat regarding the conditions imposed on the original developer, he also made reference of an agreement for the relocation of an FPL pole. Council was advised that the developer has secured the bond. A motion to approve with conditions was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPLACING AND SUPERCEDING CHAPTER 78 ("LAND USE REGULATIONS"), CITY'S CODE OF ORDINANCES; REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record. Mr. Alex David with Bell David Planning came forward and gave a power point presentation on the final draft of the new zoning code. Chairman Garcia opened the public hearing at 8:40 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:40 p.m. A motion to approve with an amendment on the effective date of August 15, 2006 was made by

Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPLACING AND SUPERCEDING ARTICLE II, CHAPTER 70 (FLOOD HAZARD REDUCTION”), CODE OF ORDINANCES, CITY OF HIALEAH GARDENS; REPEALING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.*

Mr. Citrin read the full title of the ordinance into the record. Mr. Alex David with Bell David Planning came forward and gave a brief presentation of the changes to Chapter 70 in the city's code. Chairman Garcia opened the public hearing at 8:42 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:42 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

12. **City Attorney’s Report:** Mr. Citrin had no comments, other than agreeing with Chairman Garcia's sentiments in his invocation.
13. **Mayor’s Report – Miscellaneous:** Mayor De La Cruz had no comments.
14. **Council Members Concerns/Reports:** Councilman Gutierrez congratulated the mayor on the birth of his son.
15. **Adjournment:** The meeting was adjourned at 8:45 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, August 15, 2006, 7:30 P.M.

PLANNING AND ZONING BOARD

Wednesday, September 6, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, September 7, 2006, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, August 22, 2006, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, August 26, 2006, 6:00 P.M.