

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, OCTOBER 4, 2016
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 Elmo L. Urra and Councilman Rolando Piña. Also present were Mayor Yiozet De La Cruz and Assistant City Attorney Aida Martinez-Ruiz. City Attorney Charles A. Citrin was 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: October 4, 2016.** Chairman Garcia made a motion to approve the minutes of October 4, 2016 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

- 8. Request for approval of transfer of 2 COP alcohol beverage license for Mi Bandeja Latina Corp., 10550 N.W. 77 Court #101-04, Hialeah Gardens, Florida.** Owner: Mr. Wilmer Roa.

Mayor De La Cruz asked to table the item as the applicant had not arrived. It was noted that Councilman Urra joined the meeting at 7:32 p.m. Chairman Garcia made a motion to table item, seconded by Councilman Merida. The motion was unanimously approved. The applicant arrived at 7:52 p.m. At this time Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida and unanimously approved. Mr. William Roa came forward and Ms. Martinez-Ruiz swore him in. Mr. Robert Lorenzo, Director of Business Tax Receipt came forward and read his recommendation for approval of the transfer of the 2COP license. No one came forward to comment. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR ACE TRANSPORT MIAMI, LLC.; OWNER: ACE TRANSPORT MIAMI, LLC / RODOLFO ALVAREZ; CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT 8 OF "FLORIDA FRUITS LANDS COMPANY'S SUBDIVISION NO. 1" OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, LESS THE LANDS DEDICATED AS PER OFFICIAL RECORD BOOK 27616, PAGE 1887 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. (WARRANTY DEED, DATED FEBRUARY 4TH, 2010, RECORDED IN OFFICIAL RECORDS BOOK 27171, PAGE 3432, MIAMI-DADE COUNTY RECORDS) AND CONTAINING 360,697 SQUARE FEET OR 8.28 ACRES, MORE OR LESS BY CALCULATIONS. FOLIO: 27-2019-001-0080, APPROXIMATE LOCATION: BETWEEN N.W 107TH AVENUE AND N.W. 109TH AVENUE AND NORTH SIDE OF N.W 146TH STREET, HIALEAH GARDENS, FLORIDA.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

Chairman Garcia asked all individuals testifying on items for Second Reading /Public Hearing to rise and they were sworn in by Ms. Martinez-Ruiz. She then proceeded to read the ordinance into the record. Mr. Rodolfo Alvarez, the applicant, was present and came forward. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendation for approval with conditions from TRC having been addressed and no variances had been requested. The public hearing was opened at 7:34 p.m. No one came forward and the hearing was closed at 7:34 p.m. Chairman Garcia made

a motion to approve based on staff recommendation, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR LUIS DELIVERIES, INC.; OWNER: LUIS ALBERTO RAMIREZ; CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE SOUTH ½ OF TRACT 12, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF SUBDIVISION FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO: 27-2019-001-0120, APPROXIMATE LOCATION: BETWEEN NW 109TH AVENUE AND NW 112TH AVENUE AND NORTH OF THEORETICAL 149TH STREET, HIALEAH GARDENS, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 3-0)

Ms. Martinez-Ruiz read the ordinance into the record. Mr. Manny Reus, architect for the project, was present and came forward. Chief Zoning Official Mirtha Gonzalez came forward and gave staff recommendation for approval. No variances were requested and Chairman Garcia clarified that this was a CBS building. The public hearing was opened at 7:37 p.m. No one came forward and the hearing was closed at 7:37 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SPECIAL EXCEPTION USE AND SITE PLAN FOR LBA CHARTER SCHOOL. FOLIO #: 27-2030-015-0110. LOCATION: 11093 NW 138TH STREET, SUITES 201, 202, 203, 204, 205, 206, 207, 208 AND 209, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 3-0)

Ms. Martinez-Ruiz read the item into the record. Ms. Melissa Tapanes was present for the applicant and came forward. Chief Zoning Official Mirtha Gonzalez came forward and gave staff recommendations for a special exception use for a charter school for 267 students with 51 parking spaces. TRC had set conditions which were addressed. Chairman Garcia made comments regarding the school's capacity and potential growth. Ms. Tapanes stated that they would not be able to grow based on their lease requirements. Should the school's enrollment increase, the school will come before the Council for additional classroom space. There are currently less than 200 students. Chairman Garcia also made comments regarding traffic whereby getting into property would not be a problem to drop off students but when leaving there would need to be a police officer. Chairman Garcia wanted a commitment from the school that should an officer be needed, the school provide for one at their expense. Ms. Tapanes stated that

the school is working with MDX and FDOT, proposing two signals at these intersections also 107th to Okeechobee Road and also plans for Gragny Road. Ms. Tapanes proffered a condition to include with the ordinance that an officer would be hired at a cost by the school. Mayor De La Cruz indicated that the City and not the school would determine if an officer is needed because of traffic issues. Ms. Tapanes also proffered a condition which included legally permissible signage on the property specifying that trespassing, loitering and soliciting are prohibited on the property and that the school would take reasonable measures to prevent these activities. Mayor De La Cruz stated he agreed with Ms. Tapanes' voluntary condition of approval, only that he would strike the line "and violators will be prosecuted," and place the burden of prosecution on the City, not the school. The public hearing was opened at 7:49 p.m. No one came forward and the hearing closed at 7:49 p.m. Councilman Piña inquired as to the student grade levels. Ms. Tapanes stated students are in grades 9-12. Councilman Piña added his concerns regarding available parking for students of driving age. Ms. Tapanes responded that some students have vehicles but many do not as they come from low-income households. She added that there are 15 staff members which would leave approximately 35 remaining parking spaces and that the spaces would be assigned. The school provides for a closed lunch. Chairman Garcia made a motion to approve the item with the condition for the need of police officers required at the City's determination and to be paid for by the school. The proffered trespassing condition with the change made by the Mayor was also accepted. The motion was seconded by Councilman Merida and unanimously approved.

- 10. City Attorney's Report:** Nothing to report.
- 11. Mayor's Report – Miscellaneous:** Mayor De La Cruz stated that City is prepared for hurricane Matthew as Public Works and Maintenance Departments have taken preventative measures for the safety of the residents.
- 12. Council Members Concerns / Reports / Board Appointments:** None offered.
- 13. Adjournment:** The meeting was adjourned at 7:55 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, November 1, 2016, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 7, 2016, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, November 3, 2016, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, October 26, 2016, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 1, 2016, 5:30 P.M.