

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, NOVEMBER 18, 2014
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:32 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Jorge Gutierrez, Councilman Rolando Piña, Councilman Elmo L. Urra, and Mr. Charles A. Citrin, City Attorney. Mayor Yioiset De La Cruz was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mr. Charles A. Citrin led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** None were offered.
- 6. Review of Minutes: November 04, 2014.** Chairman Garcia made a motion to approve the minutes of November 04, 2014 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, FLORIDA, AUTHORIZING THE ENTERING INTO A LEASE AGREEMENT WITH MANNY DIAZ JR., FOR RENTAL OF OFFICE SPACE IN THE HIALEAH GARDENS CITY HALL; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVE DIAZ; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia stated that Representative Diaz has been a very strong advocate of the City. Chairman Garcia welcomed State Representative Diaz to the City and looked forward to having his district office located in the City Hall. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, MEMORIALIZING THE AUTHORIZATION OF ENTERING INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION GRANTING A TEMPORARY EASEMENT FOR THE PURPOSE OF REPLACING FOUR (4) PARKING SPACES AND A PORTION OF THE CITY HALL MAIN ENTRANCE WITH SIDEWALK AND ROADWAY PAVEMENT FOR THE NW 87TH AVENUE WIDENING; 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.

Mr. Citrin mentioned that items B, C, and D on the agenda were items that were previously discussed and voted on at the previous council meeting. Mr. Citrin then read the full title of the resolution into the record. Chairman Garcia stated that once again that these items had been previously addressed with Mr. Joe Lopez, Public Works Director and this resolution serves to memorialize council's action. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, MEMORIALIZING THE AUTHORIZATION OF ENTERING INTO A LEASE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR PARCEL 3931 FOR RECREATIONAL AMENITIES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH FDOT; PROVIDING FOR CONFLICTS;

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia stated that this resolution serves to memorialize action taken at the previous council meeting. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, MEMORIALIZING THE AUTHORIZATION OF ENTERING INTO A LEASE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR PARCEL 5249 FOR RECREATIONAL AMENITIES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH FDOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia stated that this resolution serves to memorialize action taken at the previous council meeting. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR ADRIAN FISH MARKET & RESTAURANT, LOCATED AT 13115 W. OKEECHOBEE ROAD, SUITES 115-116, HIALEAH GARDENS, FLORIDA, TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES 2COP (WINE AND BEER) TO BE CONSUMED ON THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE (TRC Vote: 5-0; P&Z Vote 3-0)

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia mentioned that Councilman Urrea is off the dais at 7:37 p.m. At this time the applicant Adolfo Benitez-Garcia came forward. Chairman Garcia stated that this was a first reading and as such an opportunity for public input would be provided on second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously with Councilman Urrea off the dais. **(4-0)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS N.W. 148 STREET, BETWEEN NW 107TH AVENUE AND NW 109th AVENUE IN HIALEAH GARDENS, FL., LEGALLY DESCRIBED AS: THAT PORTION OF THE NORTH 35.00 FEET OF THE SOUTH ONE-HALF (S, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, BOUNDED ON THE EAST BY THE WEST LINE OF THE EAST 40.00 FEET THE NORTHEAST ONE-QUARTER (NE, 1/4) OF SAID SECTION 19, AND BOUNDED ON THE WEST BY THE EAST LINE OF THE WEST 35.00 FEET OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) OF SAID SECTION 19.

AND:

THAT PORTION OF THE SOUTH 35.00 FEET OF THE NORTH ONE-HALF (N, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, BOUNDED ON THE EAST BY THE WEST LINE OF THE LAST 40.00 FEET THE NORTHEAST ONE-QUARTER (NE,1/4) OF SAID SECTION 19, AND BOUNDED ON THE WEST BY THE EAST LINE OF THE WEST 35.00 FEET OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) OF SAID SECTION 19.

AND:

THAT PORTION OF THE NORTH ONE-HALF (N, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) OF SAID SECTION 19 BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTH ONE-HALF (N, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) AND BOUNDED BY THE EAST LINE OF THE WEST 35.00 FEET OF THE NORTH ONE-HALF (N, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) AND LYING EXTERNAL OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25.00 FEET AND BEING TANGENT TO BOTH OF THE TWO LAST DESCRIBED LINES.

AND:

THAT PORTION OF THE SOUTH ONE-HALF (S, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) OF SAID SECTION 19 BOUNDED BY THE SOUTH LINE OF THE NORTH 35.00 FEET OF THE SOUTH ONE-HALF (S, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) AND BOUNDED BY THE EAST LINE OF THE WEST 35.00 FEET OF THE SOUTH ONE-HALF (S, 1/2) OF THE SOUTHEAST ONE-QUARTER (SE, 1/4) OF THE NORTHEAST ONE-QUARTER (NE, 1/4) AND LYING EXTERNAL OF A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET AND BEING TANGENT TO BOTH OF THE TWO LAST DESCRIBED LINES. PORTIONS OF ABOVE-DESCRIBED LANDS BEING PREVIOUSLY DEDICATED TO MIAMI-DADE COUNTY FOR RIGHT-OF-WAY PURPOSES AS RECORDED IN OFFICIAL RECORDS BOOK 27709, PAGE 4347, OFFICIAL RECORDS BOOK 27709, PAGE 4351, OFFICIAL RECORDS BOOK 27709, PAGE 4355, OFFICIAL RECORDS BOOK 27709, PAGE 4359, AND OFFICIAL RECORDS BOOK 27845, PAGE 3511, ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID LANDS LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, AND CONTAINING 87,350 SQUARE FEET OR 2.005 ACRES, MORE OR LESS; FOLIOS #: 27-2019-001-0050, 27-2019-001-0063, 27-2019-001-0062, 27-2019-001-0061, 27-2019-001-0060 and 27-2019-001-0070.; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote n/a)

Mr. Citrin swore in all those who would be providing testimony on items for Second Reading / Public Hearing and proceeded to read the full title of the ordinance into the record. The applicant Mike Troxell with Thomas Engineering was present and came forward. Mr. Rey Regalado, Building Director then came forward on behalf of Joe Lopez, Public Works Director and Mirtha Gonzalez, Chief Zoning Official, who were unable to attend. Mr. Regalado referred to Mrs. Gonzalez's memo recommending approval as conditions by T.R.C. and Zoning had been met. He went on to read Mr. Lopez's memo which stated the following conditions: The Public Works Department owns and operates an existing retention area over and cross the subject right-of-way; The Department, however, supports the vacation with the following condition...The developer at his cost shall relocate the existing retention area including all the necessary plans, calculations, and approvals. The road closing petition, if approved, should be held in escrow into such time as said conditions are met. Chairman Garcia wanted to confirm that that there is no need for this road or for right of way. The applicant Mr. Troxell stated that he agrees with all the conditions and mentioned that the right of way is currently being used as a covenant overtop for the derm permit for

the road throughout the whole NW area. Mr. Troxell said that what they are doing is dedicating an easement over top of the pond to relocate the storm water area from the right of way that currently exist to overtop of a portion of our storm water retention pond and Mr. Lopez is reviewing this as well as Derm. Mr. Troxell also mentioned that they need to execute a covenant with Miami-Dade County to relocate that which they're in full agreement to do. Mr. Regalado stated that prior to the first permit with the County all the conditions must be met. Chairman Garcia then opened the public hearing at 7:46. No one came forward. He then closed at 7:46. He then made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously with Councilman Urra off the dais. **(4-0)**

- 11. City Attorney's Report:** Mr. Citrin wished everybody a Happy Thanksgiving.
- 12. Mayor's Report – Miscellaneous –** No comments.
- 13. Council Members Concerns / Reports / Board Appointments:**
Water & Sewer Board: Councilman Merida and Councilman Gutierrez – Council is still working on board appointment.
- 14. Adjournment -** The meeting was adjourned at 7:52 p.m.

Respectfully submitted by:

Maria L. Joffee
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 16, 2014, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 8, 2014, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, December 4, 2014, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Tuesday, February 3, 2015, 5:30 P.M.