

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, MARCH 19, 2013
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:31 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were Mr. Charles A. Citrin, City Attorney and Mayor Yiozet De La Cruz. Councilman Rolando Piña and Councilman Jorge Gutierrez were 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:** Item 8D was added as a proposed resolution.
- 6. Review of Minutes: March 5, 2013.** Chairman Garcia made a motion to approve the minutes of March 5, 2013 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR OKEE GRILL RESTAURANT, LOCATED AT 8040 N.W 95 STREET, SUITE 101-102, HIALEAH GARDENS, FL. 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: 6-0; P&Z Vote: 5-0)

Mr. Cintrin read the full title of the ordinance into the record. The applicant Siria Amador Lopez came forward. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized vote. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS WEST OF NW 80TH AVE AND NORTH SIDE OF NW 103RD STREET, HIALEAH GARDENS, FL. 33016., LEGALLY DESCRIBED AS: THOSE PORTIONS OF TRACTS 1, 2, 3, AND 4, " FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" , IN 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, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, IN SAID SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST; THENCE ALONG THE WEST LINE OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, AN ASSUMED BEARING S, 01°45'30" E, 207.39 FEET TO THE POINT OF BEGINNING . THENCE CONTINUING S, 01°45'30" E, 407.32 FEET TO THE NORTH RIGHT-OF-WAY LINE OF N.W. 103RD STREET, AS RECORDED IN RIGHT-OF-WAY MAP SECTION 8759-151 REVISED IN OCT. 01,1956; THENCE S. 52°41'01" E, 24.79 FEET TO A TANGENT POINT WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25 FEET; THENCE NORTHWESTERLY 22.22 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°55'34" TO A TANGENT POINT; THENCE N, 01°45'30" W, 285.91 FEET ALONG A LINE PARALLEL WITH AND 10 FEET OF SAID WEST LINE OF THE

NORTHEAST 1/4, OF THE NORTHEAST 1/4 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25 FEET; THENCE NORTHEASTERLY 35.93 FEET ALONG OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°20'16" TO A POINT OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 50 FEET; THENCE NORTHEASTERLY, NORTHWESTERLY AND SOUTHWESTERLY 176.57 FEET ALONG OF SAID CURVE THROUGH A CENTRAL ANGLE OF 202°20'16" TO THE POINT OF BEGINNING. CONTAINING 0.222 ACRES, MORE OR LESS; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Cintrin read the full title of the ordinance into the record. Mr. Hugo Arza for the applicant was present. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized vote. **(3-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE, SITE PLAN REVIEW AND HEIGHT VARIANCES TO PERMIT AN EXTENSION OF THE CHARTER SCHOOL (MATER ACADEMY) WITHIN THE BUSINESS DISTRICT FOR 900 STUDENTS UNDER MATER ACADEMY FOUNDATION, INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL THAT PART OF TRACTS 15 AND 16, FLORIDA FRUIT LAND CO. SUBDIVISION, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTHERLY OF THE RIGHT-OF-WAY FOR THE NORTHWEST 103RD STREET, LESS AND EXCEPTING THEREFROM EACH AND ALL OF THE FOLLOWING: (A) THE NORTH 130 FEET THEREOF FOR CANAL RIGHT-OF-WAY TOGETHER WITH IMPROVEMENTS THEREON; (B) THE EAST 25 FEET THEREOF; AND (C) THE LAND HERETOFORE CONVEYED BY SHELLEY TRACTOR & EQUIPMENT CO. TO LOWELL S. DUNN AND BETTY L. DUNN, HIS WIFE, BY DEED DATED AUGUST 6, 1969 AND RECORDED IN OFFICIAL RECORDS BOOK 6519, AT PAGE 560, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE EAST TWENTY FIVE FEET (E 25') OF ALL THAT PART OF

TRACTS 15 AND 16, FLORIDA FRUIT LAND CO. SUBDIVISION, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTHERLY OF THE RIGHT-OF-WAY FOR NORTHWEST 103RD STREET, LESS AND EXCEPTING THEREFROM THE NORTH 130 FEET THEREOF FOR CANAL RIGHT-OF-WAY TOGETHER WITH IMPROVEMENTS THEREON, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: WEST OF NW 80TH AVE AND NORTH SIDE OF NW 103RD STREET, HIALEAH GARDENS, FL. 33016. FOLIO: 27-3003-001-0110. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Mr. Cintrin read the full title of the ordinance into the record. Mr. Hugo Arza for the applicant was present. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized vote. **(3-0)**

8. Proposed Resolution:

- D) RESOLUTION URGING THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS AND COUNTY MAYOR TO OPPOSE CONTRACTING THE "AIRPORT CITY" PROJECT TO A COMPANY THAT VIOLATES THE INTENT OF CS/CS/HB 959 PROHIBITING THE STATE AND LOCAL GOVERNMENTS FROM ENTERING INTO CONTRACTS WITH COMPANIES ENGAGED IN BUSINESS OPERATIONS IN CUBA OR SYRIA; PROVIDING FOR EFFECTIVE DATE.

Mr. Cintrin read the full title of the resolution into the record. Chairman Garcia stated that many municipalities have already passed similar resolutions to urge the United States government not to use certain companies that are doing business with Cuba or Syria. He then 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 ordinance:

Tabled: 02-19-2013

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING THE CITY CODE CHAPTER 78 (LAND DEVELOPMENT REGULATIONS) AMENDING SUBSECTION 78-73(b) and 78-73(d)(13) [78-13: REQUIREMENTS AND PROCEDURES FOR SITE PLAN REVIEW; 78-13(b) REVIEW PROCEDURES FOR DEVELOPMENTS; 78-13 (d) (13) SUBMISSION REQUIREMENTS] BY ADDING PROCEDURE REGARDING CUT AND FILL APPROVAL IN THE NORTHWEST DISTRICT, SPECIFICALLY FOR THE SPECIAL ASSESSMENT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Item 9A remained tabled.

10. **City Attorney's Report:** Mr. Cintrin wanted to commend the Mayor and Council for passing tonight's resolution.
11. **Mayor's Report – Miscellaneous** - No comments.
12. **Council Members Concerns / Reports / Board Appointments:** Chairman Garcia wanted to remind the council of the Water & Sewer board appointments.
13. **Adjournment** - The meeting was adjourned at 7:44 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, April 16, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 8, 2013, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 4, 2013, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, April 24, 2013, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.