

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, NOVEMBER 19, 2013
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 Elmo L. Urra, and Mr. Charles A. Citrin, City Attorney. 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:** Mr. Citrin led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** None were offered.
- 6. Review of Minutes: November 5, 2013.** Chairman Garcia made a motion to approve the minutes of November 5, 2013 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

- 8. Presentation of Certificate of Appreciation to Hialeah Gardens Police Department by Hialeah Pan American Lions Club:** Mr. Hipolito Leon, President and Mr. Rafael Hernandez, Secretary.

Mr. Hipolito Leon, President of the Pan American Lion's Club came forward and presented the certificate to Deputy Chief Manuel Zardon in appreciation of the Police Department for their participation in the back to school event held earlier this year. Mr. Leon also thanked Manny Carrera, Community Relations Officer for his assistance. A photo opportunity was afforded at this time.

- 9. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR DON MATIAS CAFÉ RESTAURANT, LOCATED AT 8012 – 8014 NW 103RD STREET, 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 4-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant Angela Florez 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 unanimously approved. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR THE SHOPPES AT VICENZA PLAZA, TRACT "C", CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "C", OF VICENZA AT HIALEAH GARDENS ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 169, AT PAGE 13, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA CONTAINING 165,436.01 SQUARE FEET OR 3.80 ACRES MORE OR LESS.; FOLIO: 27-2033-067-0030, APPROXIMATE LOCATION: NORTH EAST CORNER OF HIALEAH GARDENS BOULEVARD AND NW 120 STREET, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 6-0; P&Z Vote 4-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant Shahin Etesam 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 unanimously approved. **(3-0)**

10. Second Reading for consideration and final adoption of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING ORDINANCE NO. 2013-17 CONCERNING THE AMENDMENT OF THE CITY OF HIALEAH GARDENS POLICE PENSION TRUST FUND PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN (DROP); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin swore in those individuals who would be giving testimony on items for Second Reading / Public Hearing. Mr. Citrin then read the full title of the ordinance into the record. In the absence of the Mayor, Mr. Citrin stated that when this ordinance was passed there was a defect in it so rather than engage the city in costly and unnecessary litigation; this ordinance was proposed which will in fact repeal the previous ordinance and reinstate the DROP program. Chairman Garcia then opened the Public Hearing at 7:42 p.m. No comments were offered and the Public Hearing was closed at 7:42 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING WAIVER OF PLAT AND VARIANCE TO PERMIT A LOT AREA OF 1.20 ACRES WHERE 1.25 ACRES IS REQUIRED FOR DOUGLAS VALLEJOS. PROPERTY IS LEGALLY DESCRIBED AS: PARENT TRACT PARCEL A: THE WEST 159.03 FEET OF THE EAST 523.63 FEET OF TRACT 19, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, OF SECTION 29, TOWNSHIP 52 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, LESS THE SOUTH 35 FEET THEREOF WHICH HAVE BEEN DEDICATED FOR ROAD RIGHT OF WAY. SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. FOLIO #:27-2029-001-0205. APPROXIMATE LOCATION: NORTH SIDE OF NW 135 STREET BETWEEN NW 102ND AVENUE AND THEORETICAL NW 104TH AVENUE, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 6-0; P&Z n/a)

Mr. Citrin read the full title of the ordinance into the record. The applicant Douglas Vallejos was present and came forward. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and stated that it is a waiver of plat with a variance and gave staff's recommendation. The lot size is a little bit smaller than the one required. Instead of 1.25 acres, it is 1.21 acres. It is a substandard lot but it doesn't affect it. Chairman Garcia stated that the size of the lot was not due to anything that the applicant did but rather because of the easement requirements and the dedications for that parcel of land not just their property. Chairman Garcia then opened the Public Hearing at 7:45 p.m. No comments were offered and the Public Hearing was closed at 7:45 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- 11. City Attorney's Report:** Mr. Citrin wished everybody a happy Thanksgiving and also a happy Hanukah. Mr. Citrin stated that this year both holidays land on the same date and that the next time that will occur again will be in 79,000 years.
- 12. Mayor's Report – Miscellaneous –** No comments.
- 13. Council Members Concerns / Reports / Board Appointments –** No comments.
- 14. Adjournment -** The meeting was adjourned at 7:46 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, December 17, 2013, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 9, 2013, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, December 5, 2013, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, January 22, 2014 7:00 P.M.

POLICE PENSION BOARD

Tuesday, February 4, 2014, 5:30 P.M.