

MINUTES

CITY OF HIALEAH GARDENS TUESDAY, MAY 15, 2007

HOLLINGSWORTH HALL SENIOR CENTER 10003 NW 87 AVENUE, HIALEAH GARDENS

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:33 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo L. Urra, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Rolando Piña. 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:** None were offered.
6. **Review of Minutes:** May 1, 2007. Chairman Garcia made a motion to approve the minutes of May 1, 2007, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for approval to retain the services of a qualified engineering firm (approved by Miami Dade County) to conduct hydraulic study of water supply and water pressure in the annexed area:** Mr. Albert Nielson, Water and Sewer Department Director.

Mr. Albert Nielson, Water and Sewer Director came forward and gave details for the need to contract an engineer for a hydraulic study of water supply and water pressure in the annexed area. Chairman Garcia made a motion to have Mr. Nielson return with a resolution with the name of an engineer and ask if waiving

competitive bidding is necessary since the engineer would be Miami-Dade County approved, seconded by Councilman Merida. The motion was unanimously approved.

9. Approval of Water and Sewer Extension Agreement between Triangle Property Venture, Inc., and the City of Hialeah Gardens to serve Jeanette Cove First Addition located at N.W. 98 Street and N.W. 82 Avenue:

Mr. Albert Nielson, Water and Sewer Department Director came forward and gave details of a water extension agreement between Triangle Property Venture, Inc. and the city to serve Jeanette Cove First Addition. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. Proposed Resolution:

- A) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH MIAMI-DADE COUNTY IN WHICH THE CITY (THROUGH THE WATER AND SEWER DEPARTMENT) AGREES TO PAY MIAMI-DADE COUNTY ONE HUNDRED THOUSAND (\$100,000) DOLLARS OVER FIVE (5) YEARS IN FIVE (5) EQUAL ANNUAL INSTALLMENTS OF TWENTY THOUSAND (\$20,000) DOLLARS EACH BEGINNING OCTOBER 1, 2007 AND EACH OCTOBER 1 THEREAFTER FOR FOUR ADDITIONAL YEARS IN FULL AND COMPLETE SATISFACTION OF THE CITY'S OBLIGATION TO REPAY "IN WHOLE OR IN PART THE "OVERSIZING CREDIT" DESCRIBED IN THE FEBRUARY 20, 1996, CONTRACT BETWEEN THE CITY AND MIAMI DADE COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Albert Nielson, Water and Sewer Department Director came forward and explained the settlement that the city reached with Miami-Dade County to pay \$100,000.00 for a water main that was constructed in 1996 to serve the city and will be paid over the next five years at \$20,000.00 each year. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

The meeting was recessed at 7:43 p.m. The meeting reconvened at 7:45 p.m.

11. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A NEW INGRESS AND EGRESS ON OKEECHOBEE ROAD FOR IMPACT DEVELOPMENT OF SOUTH FLORIDA LLC. LEGAL DESCRIPTION: TRACT "B-B" "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. APPROXIMATE LOCATION: NW 138TH STREET & OKEECHOBEE FRONTAGE ROAD (SR 25), HIALEAH GARDENS, FLORIDA, FOLIO #: 27-2030-015-0110; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0, P&Z Vote: 4-0)**

Mr. Citrin read the full title of the ordinance into the record. No one was present for the applicant. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Councilman Gutierrez stated that he would be abstaining from voting on this item due to professional conflict of interest. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(3-1 with Councilman Gutierrez abstaining from voting and Councilman Piña voting against)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN AMENDED TENTATIVE PLAT FOR VICENZA AT HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 19,20,21,22,28,29,30 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, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS. COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (N.W. $\frac{1}{4}$) OF SAID SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE S. $02^{\circ} 39' 03''$ E. ALONG THE EAST LINE OF SAID NORTHWEST ONE QUARTER (N.W. $\frac{1}{4}$) OF SAID SECTION 33, A DISTANCE OF 659.55 FEET TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 19; THENCE S. 89°

36' 11" W., ALONG LAST DESCRIBED EASTERLY EXTENSION AND THE
ALONG THE NORTH LINE OF

SAID TRACT 19 A DISTANCE OF 785.03 FEET TO THE
POINT OF BEGINNING; THENCE S 02° 39' 03" E, A
DISTANCE OF 1029.30 FEET; THENCE S. 89 36' 25" W.,
A DISTANCE OF 504.60 FEET; THENCE N. 50° 58' 30"
W., A DISTANCE OF 1136.51 FEET; THENCE N. 39° 01'
30" E., ALONG THE SOUTHEASTERLY LINE OF THE
N.W. 92-97 AVENUE CONNECTOR ROAD, A
DISTANCE OF 823.62 FEET TO ITS INTERSECTION
WITH THE NORTH LINE OF SAID TRACT 31; THENCE
N. 89° 36' 06" E., ALONG THE NORTH LINE OF SAID
TRACT 31, A DISTANCE OF 271.68 FEET TO THE
NORTHEAST CORNER OF SAID TRACT 31; THENCE S.
02° 41' 23" E. ALONG THE EAST LINE OF SAID TRACT
31, FOR A DISTANCE OF 329.75 FEET TO THE
SOUTHEAST CORNER OF SAID TRACT 31, ALSO BEING
THE NORTHWEST CORNER OF SAID TRACT 19,
THENCE N. 89° 36' 11" E, ALONG THE NORTH LINE OF
SAID TRACT 19, A DISTANCE OF 534.17 FEET TO THE
POINT OF BEGINNING. PROVIDING FOR CONDITIONS;
PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0, P&Z
Vote: 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Shahim Ettessan was present for the applicant. 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 **(5-0)**.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AN AMENDED FINAL PLAT FOR VICENZA AT HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 19,20,21,22,28,29,30 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, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS. COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (N.W. ¼) OF SAID SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE S.02°

39' 03" E. ALONG THE EAST LINE OF SAID NORTHWEST ONE QUARTER (N.W. ¼) OF SAID

SECTION 33, A DISTANCE OF 659.55 FEET TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 19; THENCE S. 89° 36' 11" W., ALONG LAST DESCRIBED EASTERLY EXTENSION AND THE ALONG THE NORTH LINE OF SAID TRACT 19 A DISTANCE OF 785.03 FEET TO THE POINT OF BEGINNING; THENCE S 02° 39' 03" E, A DISTANCE OF 1029.30 FEET; THENCE S. 89° 36' 25" W., A DISTANCE OF 504.60 FEET; THENCE N. 50° 58' 30" W., A DISTANCE OF 1136.51 FEET; THENCE N. 39° 01' 30" E., ALONG THE SOUTHEASTERLY LINE OF THE N.W. 92-97 AVENUE CONNECTOR ROAD, A DISTANCE OF 823.62 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID TRACT 31; THENCE N. 89° 36' 06" E., ALONG THE NORTH LINE OF SAID TRACT 31, A DISTANCE OF 271.68 FEET TO THE NORTHEAST CORNER OF SAID TRACT 31; THENCE S. 02° 41' 23" E. ALONG THE EAST LINE OF SAID TRACT 31, FOR A DISTANCE OF 329.75 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 31, ALSO BEING THE NORTHWEST CORNER OF SAID TRACT 19, THENCE N. 89° 36' 11" E, ALONG THE NORTH LINE OF SAID TRACT 19, A DISTANCE OF 534.17 FEET TO THE POINT OF BEGINNING; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0, P&Z Vote: 4-0)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Shahim Ettessan was present for the applicant. 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 **(5-0)**.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR "FDC FLORIDA INVESTMENT INC.", CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT "Z" OF "SHOMA COMMERCIAL REPLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 61 PAGE

100 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA;
TOGETHER WITH THE PORTION

OF TRACT "Y" OF SAID PLAT; AND TOGETHER WITH A PORTION OF VACATED RIGHT-OF-WAY OF NW 112TH COURT (PER ORDINANCE # 2006-23 ADOPTED AUGUST 1, 2006 M.D.C.). SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF SAID TRACT "Z", SAID POINT BEING ON THE SOUTHEAST RIGHT-OF-WAY LINE OF N.W. 138TH STREET; THENCE S50° 59' 15" E ON THE NORTHERLY LINE OF SAID TRACT "Z" AND ITS EASTERLY EXTENSION FOR 327.81 FEET TO THE INTERSECTION WITH A LINE LYING 11.28 FEET SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF SAID TRACT "Z"; THENCE S39° 00' 45" W FOR 225.83 FEET TO THE INTERSECTION WITH THE SOUTHEASTERLY LINE OF TRACT "Y"; THENCE N50° 59' 15" W ON SAID SOUTHWESTERLY LINE AND ON THE SOUTHERLY LINE OF TRACT "Z" FOR 74.05 FEET S39° 00' 45" W FOR 35.00' TO THE INTERSECTION WITH THE CENTERLINE OF THE AFOREMENTIONED VACATED RIGHT-OF-WAY, THENCE N50° 59' 15" W ON SAID CENTERLINE FOR 253.62 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED SOUTHEAST RIGHT-OF-WAY LINE OF NW 138TH STREET; THENCE N38° 50' 58" E ON SAID RIGHT-OF-WAY LINE AND ON THE NORTHWESTERLY OF SAID TRACT "Z" FOR 260.83' FEET TO THE POINT OF BEGINNING, CONTAINING 82,891 SQUARE FEET, 1.9029 ACRES; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0; P&Z Vote: 4-0)**

Mr. Citrin swore in all those who would be testifying on any of the items for second reading, then read the full title of the ordinance into the record. Councilman Gutierrez stated that he would be abstaining from voting on this item due to professional conflict of interest. Ms. Jane Storms was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Applicant is in agreement with staff recommendations. 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0 with Councilman Gutierrez abstaining from voting on the item).**

13. **City Attorney's Report:** Mr. Citrin had no comments.
14. **Mayor's Report – Miscellaneous:** Mayor De La Cruz made comments regarding the upcoming Relay for Life Event.
15. **Council Members Concerns/Reports – Board Appointments (Police Pension Board)**
- There were no comments from the council members.
16. **Adjournment:** The meeting was adjourned at 7:58 pm.

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, June 5, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, June 18, 2007, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, June 7, 2007, 3:30 P.M.

WATER AND SEWER BOARD

Tuesday, May 22, 2007, 7:00 P.M.

POLICE PENSION BOARD

Monday, May 21, 2007, 6:00 P.M.