

MINUTES

CITY OF HIALEAH GARDENS TUESDAY, JUNE 5, 2007

HOLLINGSWORTH HALL SENIOR CENTER 10003 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:44 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo L. Urra, Councilman Jorge Gutierrez, and Councilman Rolando Piña. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Councilman Jorge A. Merida was absent.
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 15, 2007. Chairman Garcia made a motion to approve the minutes of May 15, 2007, seconded by Councilman Gutierrez. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Approval of Water and Sewer Extension Agreements between the City of Hialeah Gardens and Home Depot U.S.A., Inc. (N.W. 138th Street and Okeechobee Road):** Mr. Al Nielson, Director Water and Sewer Department.

Mr. Albert Nielsen, Director of the Water and Sewer Department came forward and gave details on the water main extension agreement between the City and Home Depot U.S.A, Inc. 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 Piña. The motion was approved (**3-0 with Councilman Gutierrez abstaining from voting on this item**).

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA GRANTING A SIGN VARIANCE OF POLE MOUNTED SIGN FOR TRIANGLE CREATIONS CONCERNING LEGALLY DESCRIBED AS: LOTS 5 AND 6 OF THE UNRECORDED PLAT OF "CONGRESS INDUSTRIAL PARK", BEING A PORTION, OF TRACT 8, FLORIDA FRUIT LAND CO'S SUBDIVISION OF NE. ¼ OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-3003-001-0091. APPROXIMATE LOCATION: 9800 N.W. 77 AVE. 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. Mr. Francisco Perdomo the applicant was present. 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 Gutierrez. The motion was unanimously approved by individualized voice vote **(4-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR CAFÉ 41, MARTA MARTINEZ, LOCATED AT 12963 W. OKEECHOBEE ROAD; HIALEAH GARDENS, FL. 33018, TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES (WINE AND BEER) TO BE CONSUMED ON THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 4-0; P&Z Vote 3-0)**

Mr. Citrin read the full title of the ordinance into the record. Ms. Marta Martinez the applicant was present. Ms. Carmen Camino came forward as Ms. Martinez's interpreter. Councilman Gutierrez made a motion to approve, no second was offered. Chairman Garcia opened the item for discussion. Ms. Martinez gave information regarding the process of the establishment of her business and the course of events that led to her application for a special exception to obtain a beer and wine license. She stated that she was applying for the license as a result of requests from the patrons of her restaurant who are professionals in the area and come for in for lunch. She also brought a letter with her from the pastor of one of the churches in the radius area of the location of her business supporting the approval of the special exception. Mr. Citrin read the recommendation from the zoning official; there are two churches and

one school in the radius area; no alcohol beverages licenses are issued within a 2,500 ft. radius of a school or church without the approval of a special exception. Chairman Garcia opened the public hearing at 7:57 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:57 p.m. Chairman Garcia made a motion to deny, seconded by Councilman Piña. The motion was unanimously approved (**Denied 4-0**).

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

- 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 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. Mr. Miguel Cabrera was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward, gave staff recommendations and details of the substantial compliance for ingress and egress. Chairman Garcia opened the public hearing at 8:01 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:01 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Piña. The motion was approved by individualized voice vote (**3-0 with Councilman Gutierrez abstaining from voting on the item**).

- 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. 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. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward, gave staff recommendations, and gave details of the substantial compliance changes for the site plan. No variances are involved. Chairman Garcia opened the public hearing at 8:07 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:07 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was approved by individualized voice vote **(4-0)**.

- 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 THEN 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. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward, gave staff recommendations, details of the review process at Technical Review Committee and the forthcoming process with the county for the application. Chairman Garcia opened the public hearing at 8:13 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:13 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was approved by individualized voice vote **(4-0)**.

11. **City Attorney's Report:** There were no comments from Mr. Citrin.
12. **Mayor's Report – Miscellaneous:** There were no comments from the Mayor.
13. **Council Members Concerns/Reports – Board Appointments (Police Pension Board):**

There were no comments from the council members.

14. **Adjournment:** The meeting was adjourned at 8:15 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

July - Recess

CITY COUNCIL

Tuesday, August 7, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, August 13, 2007, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, August 2, 2007, 3:30 P.M.

WATER AND SEWER BOARD

Tuesday, June 26, 2007, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.