

MINUTES

CITY COUNCIL MEETING
TUESDAY, JANUARY 4, 2005

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:40 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida, Councilman Manuel Zardon and Councilman Rolando Piña. Also present were Mayor Yioiset De La Cruz and attorney J. Frost Walker III for City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Luciano Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor Yioiset De La Cruz led the Pledge of Alliance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** December 21, 2004. Chairman Garcia made a motion to approve the minutes of December 21, 2004, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Proclamation for Mr. Jose L. Dotres, Principal of Hialeah Gardens Elementary School:** Mayor Yioiset De La Cruz.

Mayor De La Cruz recognized Ms. Lubby Navarro representing Miami Dade County School Board member Mrs. Perla Tabares Hantman. The Mayor spoke of the accomplishments of Mr. Jose L. Dotres, Principal of Hialeah Gardens Elementary School. Mr. Dotres came forward and expressed his appreciation for the recognition bestowed upon him, thanking the Mayor, the Council members and the Chief of Police for their support. Chairman Garcia echoed the Mayor's comments. A short recess was taken at 7:45 p.m.

The meeting reconvened at 7:48 p.m.

At this time, Mr. Walker swore in all those that would be testifying on any of the items for public hearing.

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS APPROVING A SITE PLAN FOR OFF STREET PARKING LOT UNDER POWER LINE EASEMENT FOR MANUEL A. FERNANDEZ CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 3 AND 4, OF “FLORIDA FRUIT LAND 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. FOLIO #: 27-3003-001-0057. APPROXIMATE LOCATION: EAST OF NW 80 AVENUE AND SOUTH OF NW 103 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.***
 (Location: East of N.W. 80 Avenue and South of N.W. 103 Street)
 (Vote: P&Z 4-0; T.R.C. 5-0)

Mr. Walker read the full title of the ordinance into the record. Chairman Garcia stated that he is both an employee and shareholder of Florida Power and Light Co. therefore; he will abstain from voting on this item and passed the gavel to Vice Chairman Piña at 7:50 p.m. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and asked that the item be tabled as the applicant is pending approval from Florida Power and Light Co. Vice Chairman Garcia made a motion to table the item, seconded by Councilman Zardon. The motion was approved (**Tabled 4-0**) with Chairman Garcia abstaining from voting on this item.

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCE AND SITE PLAN REVIEW FOR: PALMETTO 103 PROPERTIES, LLC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 9 AND 10 OF “FLORIDA FRUIT LAND COMPANY’S SUBDIVISION NO. 1”, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-3003-001-0142, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.*** (Location: West of N.W. 80 Avenue and North of N.W. 98 Street) (Vote: P&Z 4-0; T.R.C. 4-0)

Mr. Walker read the full title of the ordinance into the record. Vice Chairman Piña returned the gavel to Chairman Garcia at 7:53 p.m. Mr. Jack Calderon, the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Calderon answered questions regarding the request for the

variance. Chairman Garcia opened the public hearing at 7:55 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:55 p.m. A motion to approve the variance was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-1)** with Councilman Zardon voting against the item. A motion to approve the site plan was made by Chairman Garcia, 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 A SITE PLAN FOR: 138TH STREET COMMERCIAL PARK INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT D SHOMA COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH OF NW 138 STREET, BETWEEN NW 107 AVENUE AND OKEECHOBEE ROAD. FOLIO #: 27-2030-014-0040, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of N.W. 138 Street Between N.W. 107 Avenue and Okeechobee Road) (Vote: P&Z 4-0; T.R.C. 5-0)**

Mr. Walker read the full title of the ordinance into the record. Mr. Paul Huizenga, the applicant was present. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Huizenga answered questions regarding the site plan. Mayor De La Cruz and Council members had comments regarding possible modifications to the site plan to include additional sidewalks for safety and access. Chairman Garcia opened the public hearing at 8:15 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:15 p.m. A motion to deny the site plan was made by Chairman Garcia, seconded by Councilman Zardon. The item was unanimously denied by individualized voice vote **(5-0)**. Mayor De La Cruz noted that the applicant could agree to modify the site plan to include requested walkways and return to the Council at the next meeting.

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CITY INITIATED APPLICATION CHANGING THE LAND USE FROM LDR (LOW DENSITY SINGLE FAMILY RESIDENTIAL) TO POS (PARK AND OPEN SPACE DISTRICT) FOR THE APPROXIMATE 4.47 ACRES PARCEL. LEGAL DESCRIPTION: THE EAST 590.00 FEET OF TRACT 31 IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO.1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE**

COUNTY, FLORIDA APPROXIMATE LOCATION: NORTH OF NW 136 STREET, BETWEEN NW 104 & NW 107 AVENUES. FOLIO #: 27-2029-001-0310; PROVIDING FOR EFFECTIVE DATE. (Location: North of N.W. 136 Street Between N.W. 104 Avenue and N.W. 107 Avenue) (Vote: P&Z 4-0; T.R.C. 6-0)

Mr. Walker read the full title of the ordinance into the record. The City is the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:24 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:24 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(5-0)**.

E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR CITY OF HIALEAH GARDENS GOVERNMENTAL FACILITIES CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT 31 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", IN SECTION 29, TOWNSHIP 52 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, LESS THE WEST 35 FEET, THEREOF, AND LESS THE EAST 590.00 FEET THEREOF, LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NW 136 STREET AND NW 107 AVENUE. FOLIO #: 27-2029-001-0310 PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: NW. 136 Street and N.W. 107 Avenue) (Vote P&Z 4-0; T.R.C. 6-0)

Mr. Walker read the full title of the ordinance into the record. The City is the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:26 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:26 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved by individualized voice vote **(5-0)**.

10. **City Attorney's Report:** Mr. Walker mentioned the audit report regarding pending litigation. The City has no pending litigation or claims against it in the last report, reflecting the positive accomplishments of the Mayor, and the City Council administration.
11. **Mayor's Report – Miscellaneous:** There were no comments from Mayor De La Cruz.

12. **Council Members Concerns/Reports – Miscellaneous:** There were no comments from the Council members.
13. **Adjournment:** The meeting was adjourned at 8:29 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, February 1, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, February 7, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, February 2, 2005, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, January 25, 2005, 7:00 P.M.

POLICE PENSION BOARD

Wednesday, February 23, 2005, 7:00 P.M.