

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, FEBRUARY 7, 2017
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:34 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Elmo L. Urra, Councilman Jorge Gutierrez and City Attorney Charles A. Citrin. Councilman Rolando Piña and Mayor Yiozet De La Cruz 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: January 17, 2017,** Chairman Garcia made a motion to approve the minutes of January 17, 2017 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, ACKNOWLEDGING THAT THE BAY OF PIGS MUSEUM AND LIBRARY LOCATED AT WESTLAND GARDENS PARK IN HIALEAH GARDENS WILL BE FOR THE EXCLUSIVE USE OF THE 2506 BRIGADE, THE MAYOR WILL AT HIS/ HER SOLE DISCRETION APPOINT THE CHAIRMAN AND CURATOR OF THE MUSEUM AND LIBRARY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This is a city initiated resolution as to the use and operation of the museum and library. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR DELIVERY DEPOT WAREHOUSE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST ½ OF THE EAST ½ OF THE WEST ½ OF TRACT 50, FLORIDA FRUIT LAND COMPANY SUBDIVISION, PLAT BOOK 2, PAGE 17, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO: 27-2019-001-0575, APPROXIMATE LOCATION: BETWEEN NW 107TH AVENUE AND NW 109TH AVENUE AND NORTH 144TH STREET, HIALEAH GARDENS, FLORIDA, 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. Mr. Jose Gonzalez the applicant was present and came forward. 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. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS ADOPTING REQUIREMENTS RELATING TO PROPERTY OWNERS' RESPONSIBILITY FOR MAINTENANCE REPAIR AND RESTORATION OF SWALES ADJACENT TO THEIR PROPERTIES; ADDING DEFINITION OF "SWALE"; PROVIDING INCLUSION IN THE CODE; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This is a city initiated resolution to make necessary changes. 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. **(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 TENTATIVE PLAT FOR MAYTIN CDL SUBDIVISION CONCERNING PROPERTY LEGALLY DESCRIBED: LEGAL DESCRIPTION PARENT TRACT: TRACT 50, FLORIDA FRUIT LAND COMPANY'S, SUBDIVISION No 1 SECTION 19, 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. LEGAL DESCRIPTION: PARCEL"A" THE EAST ½ OF THE EAST ½ OF TRACT 50, FLORIDA FRUIT LAND COMPANY'S, SUBDIVISION No 1, IN SECTION 19, 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. (APPROX. 2.5 ACRES). FOLIO #: 27-2019-001-0570, APPROXIMATE LOCATION: N.W. CORNER OF INTERSECTION OF N.W 144TH STREET AND N.W. 107TH AVENUE, HIALEAH GARDENS, FL. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 6-0; P&Z Vote: n/a)**

Mr. Citrin swore in those individuals present who would be providing testimony on items for public hearing and proceeded to read the full title of the ordinance into the record. Chairman Garcia made motion to table the item as the applicant was not present, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR NABISTA SUBDIVISION CONCERNING PROPERTY LEGALLY DESCRIBED: LEGAL DESCRIPTION PARENT TRACT: TRACT 50, FLORIDA FRUIT LAND COMPANY'S, SUBDIVISION No 1 SECTION 19, 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. LEGAL DESCRIPTION: PARCEL"A"(27-2019-001-0574) THE WEST ½ OF THE WEST ½ OF THE WEST ½, TRACT 50, FLORIDA FRUIT LAND COMPANY'S, SUBDIVISION No 1, IN SECTION 19, 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. (APPROX. 1.2 ACRES). PARCEL"B"(27-2019-001-0576) THE EAST ½ OF THE WEST ½ OF THE WEST ½, TRACT 50, FLORIDA FRUIT LAND COMPANY'S, SUBDIVISION No 1, IN SECTION 19, 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. (APPROX. 1.2 ACRES). FOLIOS #: 27-2019-001-0574 and 27-2019-001-0576. APPROXIMATE LOCATION: N.E. CORNER OF INTERSECTION OF N.W 144TH STREET AND N.W. 109TH AVENUE, HIALEAH GARDENS, FL. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia made a motion to table the item as the applicant was not present, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) THE APPLICATION REQUESTING AN AMENDMENT P1509-0002 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU (GENERAL BUSINESS) TO HDR (HIGH DENSITY RESIDENTIAL). LEGAL DESCRIPTION: PARCEL 1: A PORTION OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 WITH THE SOUTH

RIGHT-OF-WAY LINE WEST ALONG SAID RIGHT-OF-WAY LINE FOR 1443.19 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 1,875.08 FEET AND A CENTRAL ANGLE OF 21°38'12" FOR AN ARC DISTANCE OF 708.09 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 504.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3, SAID POINT ALSO KNOWN AS THE NORTHWEST CORNER OF TRACT "A" OF SANTA NAVILA SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 154 AT PAGE 97 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THIS POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE SOUTH 01°45'04" EAST ALONG THE WEST LINE OF SAID TRACT "A" AND TRACT "D" OF SAID PLAT FOR A DISTANCE OF 574.78 FEET TO A POINT ON THE TOP OF BANK OF A LAKE; THENCE SOUTH 84°54'26" WEST ALONG THE TOP OF BANK FOR A DISTANCE OF 108.91 FEET TO A POINT; THENCE SOUTH 70°01'46" WEST ALONG SAID TOP OF BANK FOR A DISTANCE OF 47.68 FEET TO A POINT; THENCE SOUTH 37°42'47" WEST ALONG SAID TOP OF BANK FOR A DISTANCE OF 31.56 FEET TO A POINT; THENCE SOUTH 88°14'56" WEST FOR A DISTANCE OF 59.92 FEET TO A POINT ON THE EAST LINE OF TRACT "A" OF HIALEAH GARDEN CITY HALL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162 AT PAGE 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 01°45'04" WEST ALONG SAID EAST LINE OF SAID TRACT "A" FOR A DISTANCE OF 146.40 FEET TO A POINT; THENCE SOUTH 88°14'56" WEST BOUNDING THE NORTH SIDE OF SAID TRACT "A" FOR A DISTANCE OF 35.00 FEET TO A POINT; THENCE NORTH 01°45'04" WEST ALONG SAID EAST LINE OF TRACT "A" FOR A DISTANCE OF 159.76 FEET TO A POINT ON THE MOST NORTHEASTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH 89°35'12" WEST ALONG THE NORTH LINE OF SAID TRACT "A" FOR A DISTANCE OF 35.01 FEET TO A POINT ON THE EAST LINE OF TRACT "B" OF HIALEAH GARDEN CITY HALL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162 AT PAGE 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 01°45'04" WEST ALONG SAID EAST LINE OF TRACT "B" FOR A DISTANCE OF 169.30 FEET TO THE MOST NORTHERLY CORNER OF SAID TRACT "B", THIS POINT

ALSO LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF SAID N.W. 103rd STREET, BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIAL BEARING OF SOUTH 32°04'48" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 1,875.08 FEET AND A CENTRAL ANGLE OF 10°17'38" FOR AN ARC DISTANCE OF 336.88 FEET TO THE POINT OF BEGINNING, LAYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH SIDE OF N.W 103RD STREET BETWEEN N.W 87TH AVENUE AND THEORETICAL N.W 86 AVENUE, HIALEAH GARDENS, FLORIDA. FOLIOS: 27-3003-001-0115 AND 27-3003-001-0116; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin read the ordinance into the record. Mr. Edwin Bartos, Attorney for the applicant was present. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendations for approval of the land use amendment from BU (Business Designation) to HDR (High Density Residential) for the proposed construction of elderly housing. The recommendation was based on the following; the area is served by public transportation and the traffic study conducted shows that concurrency is met. The application is consistent with goals in the City's Comprehensive Plan and Land Use Element, most importantly Policy 2.1.10 of the Housing Element. Chairman Garcia asked if there was a guarantee that it would be used for elderly housing. Mrs. Gonzalez stated that under the zoning request it could be made a condition. Chairman Garcia asked if it could be made a condition at this time. The applicant did not object. Chairman Garcia mentioned he has spoken to the Mayor about the project and also discussed with adjacent property owners around the lake, whether the applicant would undertake repairs caused by erosion. Mr. Luis Machado, the applicant, came forward and addressed the erosion around the lake and that he would assist them and put forth his best effort. He also stated however that he will not take the responsibility of a retaining wall. Chairman Garcia asked him to outline or describe the limit of his assistance. He would bring in boulders and fill but at no point did he commit to building a retaining wall and stated that he had discussed this issue with Mr. Herrera, former President of the homeowner's association. He also stated there is an issue with the embankment that could preclude him from doing anything at this moment. The public hearing was opened at 7:51 p.m. Mr. Jose "Pepe" Herrera came forward to "represent his community". It was brought to Mr. Herrera's his attention that he was giving his opinion but he did not have the authority to represent the community as a whole without written consent. Mr. Martos, attorney for the applicant, clarified the position of Mr. Herrera as to his actions when he was the President. At this time Mr. Citrin requested a covenant with the land ensuring that the use will be only for elderly housing. Mr. Martos agreed to proffer that covenant next week as a condition. Councilman Gutierrez raised his concerns regarding the traffic on NW 103rd Street. Mr. Martos referred to the traffic study which showed concurrency.

Councilman Gutierrez stated that he had read the traffic study but was still concerned because most of the traffic will be heading east. Chairman Garcia stated that he believes there will be less traffic because it will be an elderly community and that is why it needs to be established only for that specific use. Chairman Garcia made motion to approve the ordinance with the condition. The motion was seconded by Councilman Merida with Councilman Gutierrez voting against **(3-1)**.

- 11. City Attorney's Report:** No comments.
- 12. Mayor's Report – Miscellaneous:** Mayor De La Cruz is in Tallahassee.
- 13. Council Members Concerns/Reports/Board Appointments:** No comments
- 14. Adjournment:** The meeting was adjourned at 8:05 p.m.

Respectfully submitted by:

Maria L. Joffee
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, March 7, 2017, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, March 13, 2017, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, March 2, 2017, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, February 22, 2017, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, May 2, 2017, 5:30 P.M.