

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 1, 2016
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:31 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Rolando Piña, Councilman Jorge Gutierrez and City Attorney Charles A. Citrin. Mayor Yioiset De La Cruz and Councilman Elmo L. Urra were absent.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Charles Citrin led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes: February 16, 2016** Chairman Garcia made a motion to approve the minutes of **February 16, 2016** 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, APPROVING AND RATIFYING A CONTRACT WITH SUN CITY STRATEGIES, LLC FOR GOVERNMENTAL CONSULTING SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the resolution into the record. Chairman Garcia mentioned that this was an agreement with Mr. Eduardo Gonzalez and his organization to represent the City and provide consulting services. He added that Mr. Gonzalez is well-known, respected, and will do a good job for the City. Mr. Citrin stated that this particular contract specifically excludes representation before the state and is only for federal and local entities. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

9. First Reading for consideration of the following ordinance:

Tabled: 02/16/2016

PUBLIC HEARING

- A) 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 OF N.W. 103rd STREET; THENCE SOUTH 89°40'02" 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 ¼ OF SAID SECTION 3, SAID POINT ALSO KNOWN AS THE NORTHWEST CORNER OF TRACT "A" OF SANTA NAVILLA 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: 5-0; P&Z Vote: 3-0)

Chairman Garcia stated that this item had been tabled at the last council meeting. Mr. Citrin interjected by saying that the ordinance will change and new notice will be given. The item will not be "untabled" but rather withdrawn at this time.

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 SITE PLAN FOR BALDINI ENTERPRISES COMPLEX; OWNER: UR INVESTMENT GROUP INC.; CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT PORTION OF TRACK 22 OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1 OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; WHICH LIES EASTERLY OF EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD#821 (A/K/A FLORIDA TURNPIKE EXTENSION), AS SHOWN ON STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP#87005-2312 SHEET 5 OF 7. FOLIO #:27-2019-001-0231.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

Chairman Garcia asked if anyone was present to testify on any items for public hearing to rise and be sworn in by Mr. Citrin. Mr. Citrin then read the ordinance into the record. Mr. Alfonso Del Valle came forward. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendation for approval of site plan for the construction of a commercial building with 11,100 square feet, with 38 parking spaces, and two handicapped spaces for heavy equipment and parts sales use. All conditions from TRC were addressed. Chairman Garcia opened the public hearing opened at 7:38 p.m., no one came forward and he closed the public hearing at 7:38 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 A SITE PLAN AND VARIANCE OF SIZE OF DEVELOPMENT OF 0.28 ACRES WHERE 1 ACRE MINIMUM IS REQUIRED AS PER SECTION 78-112 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF HIALEAH GARDENS FOR 8433 APARTMENTS, LOCATION: 8433 WEST OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-3003-001-0330., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 3-0)

Mr. Citrin read the ordinance into the record. He took a moment to acknowledge that Mr. Eddy Gonzalez had arrived at the meeting. Ms. Niurka Fonte-Esquivel, the applicant was present and came forward. Mirtha Gonzalez came forward and gave staff recommendation. This is an existing vacated building which is going to be converted to a five unit apartment building and is requesting a variance of size of development of 0.28 acres where 1 acre is required. Ms. Fonte-Esquivel came forward to speak. She said that the building previously served as the office for her company, but was abandoned in 2008. The building would be gutted and rebuilt to provide for five apartment units and required parking. Chairman Garcia opened the public hearing opened at 7:44 p.m., no one came forward and he closed the public hearing at 7:44 p.m. Mr. Citrin stated for the record the applicant has agreed to the maximum of five units. Mrs. Gonzalez informed that the proposal meets all requirements: zoning, parking etc. except for the size of the lot. All conditions from TRC had been addressed and the recommendation for approval of the site plan with the variance would be in the best interest of the City. Councilman Piña mentioned the traffic study shows proposed use has less traffic trips than current use and also inquired as to the size of the units. Mrs. Gonzalez stated that usually commercial use has more traffic than residential and that the apartment building will have three units upstairs and two units downstairs. One section of the building will be open for parking. Each unit has two bedrooms and two bathrooms. Laundry will be located on the first floor. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- C) ORDINANCE ADOPTING THE CITY OF HIALEAH GARDENS, EVALUATION AND APPRAISAL-BASED AMENDMENTS TO THE COMPREHENSIVE PLAN AND AUTHORIZING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. **(First Reading 08/18/2015, Ordinance 2015-07)**

Mr. Citrin read the ordinance into the record. Jerry Bell, consultant, came forward and gave details of the amendments to comprehensive plan which is done every seven years. Amendments were sent to Tallahassee in May of 2014. Amendments were transmitting in August of 2015 after first reading. Tallahassee recommended very limited changes; they asked that we include the Capital Improvements Schedule update, updated transportation concurrency requirements, and also included some police (????) policies, which were done. Chairman Garcia opened the public hearing opened at 7:54 p.m., no one came forward and he closed the public hearing at 7:54 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 the Mayor a happy birthday.
12. **Mayor's Report – Miscellaneous:** Mayor was not present.
13. **Council Members Concerns / Reports / Board Appointments:** None offered.
14. **Adjournment:** The meeting was adjourned at 7:55 p.m.

Agenda certified 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, April 19, 2016, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 11, 2016, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 7, 2016, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, April 27, 2016, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, May 3, 2016, 5:30 P.M.