

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, NOVEMBER 6, 2012
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 Rolando Piña, Councilman Jorge A. Merida, Councilman Jorge Gutierrez and Councilman Elmo L. Urra. Also present was Mr. Charles A. Citrin, City Attorney. Mayor Yioiset De La Cruz was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** There were none.
- 6. Review of Minutes: October 16, 2012.** Chairman Garcia made a motion to approve the minutes of October 16, 2012 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR LAS PALMAS CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 24, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 33, 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 DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 33-52-40, THENCE RUN SOUTH 89 DEGREES 36 MINUTES 38 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACT 24 FOR 659.02 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 22 SECONDS WEST FOR 329.51 FEET TO THE NORTH LINE OF SAID TRACT 24; THENCE NORTH 89 DEGREES 36 MINUTES 34 SECONDS EAST ALONG THE NORTH SIDE OF SAID TRACT 24 FOR 649.01 FEET, TO A POINT ON THE EAST LINE OF SAID TRACT 24; THENCE SOUTH 02 DEGREES 39 MINUTES 02 SECONDS EAST FOR 329.78 FEET TO THE POINT OF BEGINNING FOLIO #:27-2033-001-0290. APPROXIMATE LOCATION: NW CORNER OF INTERSECTION OF NW 114 STREET AND NW 92nd AVENUE, HIALEAH GARDENS, FL. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mr. Gene was present for the applicant. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized vote. **(5-0)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR BLUE BELL CREAMERIES: LEGAL DESCRIPTION: COMMENCE AT THE MOST WESTERLY CORNER OF TRACT "N" OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF

STATE ROAD NO. 25 A.K.A. OKEECHOBEE RD., THENCE RUN $S50^{\circ}59'15''E$ ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 25 FOR A DISTANCE OF 482.09 FEET, TO THE POINT OF BEGINNING (POB), THENCE RUN $N39^{\circ}00'45''E$ FOR A DISTANCE OF 332.60 FEET TO A POINT BEING ON THE NORTHERLY LINE OF SAID TRACT "N" OF AFOREMENTIONED SUBDIVISION, THENCE RUN $S50^{\circ}46'28''E$ ALONG THE DIVIDING LINE OF TRACTS "N" AND "P" OF AFOREMENTIONED SUBDIVISION FOR A DISTANCE OF 144.00 FEET, THIS POINT BEING THE NORTHERLY CORNER OF TRACT "M", THENCE RUN $S50^{\circ}46'28''E$ ALONG THE DIVIDING LINE OF TRACTS "M" AND "P" OF AFOREMENTIONED SUBDIVISION FOR A DISTANCE OF 106.00 FEET, THENCE RUN $S39^{\circ}00'45''W$ TO A POINT BEING ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO.25 A.K.A. OKEECHOBEE RD. FOR A DISTANCE OF 331.68 FEET, THENCE RUN $N50^{\circ}59'15''W$ ALONG THE NORTH RIGHT OF WAY LINE OF AFOREMENTIONED STATE ROAD NO.25 A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING (P.O.B.) PROPERTY CONTAINS 83,035 SQUARE FEET MORE OR LESS OR 1.910 ACRES MORE OR LESS. AND: COMMENCE AT THE MOST WESTERLY CORNER OF TRACT "N" OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 A.K.A. OKEECHOBEE RD., THENCE RUN $S50^{\circ}59'15''E$ ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 25 FOR A DISTANCE OF 911.25 FEET, TO THE POINT OF BEGINNING (POB), THENCE RUN $N39^{\circ}00'45''E$ FOR A DISTANCE OF 330.29 FEET TO A POINT BEING ON THE NORTHERLY LINE OF SAID TRACT "M" OF AFOREMENTIONED SUBDIVISION, THENCE RUN $S50^{\circ}29'02''E$ ALONG THE DIVIDING LINE OF TRACTS "M" AND "P" OF AFOREMENTIONED SUBDIVISION FOR A DISTANCE OF 179.19 FEET, THENCE RUN $S39^{\circ}00'45''W$ TO A POINT BEING ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO.25 A.K.A. OKEECHOBEE RD. FOR A DISTANCE OF 328.71 FEET, THENCE RUN $N50^{\circ}59'15''W$ ALONG THE NORTH RIGHT OF WAY LINE OF AFOREMENTIONED STATE ROAD NO.25 A DISTANCE OF 179.16 FEET TO THE POINT OF BEGINNING (P.O.B.) OF SAID PARCEL # 3. PROPERTY CONTAINS 59,034 SQUARE FEET MORE OR LESS OR 1.360 ACRES MORE OR LESS. ALSO KNOWN AS: TRACT "M" AND THE SOUTHEASTERLY

144.00' OF TRACT "N" OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. FOLIO #: 27-2030-014-0131. LOCATION: 13295 WEST OKEECHOBEE ROAD, HIALEAH GARDENS, FL.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mr. Eddy Martinez surveyor for the project was present for the applicant. Mr. Citrin swore in those who would be providing testimony on items for Second Reading / Public Hearing. Mrs. Mirtha Gonzalez, Chief Zoning official came forward and gave staff recommendation for approval. Chairman Garcia opened the public hearing at 7:45 p.m. No one came forward; he therefore closed the public hearing at 7:45 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF THE EXCLUSIVE FRANCHISE WITH WASTE MANAGEMENT FOR THE PURPOSE OF TRASH AND GARBAGE SERVICES OF THE CITY OF HIALEAH GARDENS AND COLLECTION OF RECYCLABLE MATERIALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin recused himself from this item as he represents Waste Management. Ms. Aida Martinez-Ruiz came to the dais and read the full title of the ordinance into the record. Mr. Alex Gonzalez for Waste Management came forward and briefly stated that Waste Management has worked well with the City for a number of years and this ordinance provided an extension of the current contract. Chairman Garcia commented favorably about the responsiveness of Waste Management and their continued sponsorship of many of the City's events benefitting the City and its residents. He then opened the public hearing at 7:49 p.m. No one came forward; therefore Chairman Garcia closed the public hearing at 7:49 p.m. and made a motion to approve seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- 10. City Attorney's Report:** Mr. Citrin returned to the dais and had nothing to report.
- 11. Mayor's Report – Miscellaneous –** The Mayor was absent.

- 12. Council Members Concerns / Reports / Board Appointments –** Councilman Piña made mention of his appointment to the Water and Sewer Board. Chairman Garcia responded that the appointment had brought forward and approved on his behalf at the last Council Meeting.
- 13. Adjournment** - The meeting was adjourned at 7:50 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, December 4, 2012, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 3, 2012, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, December 6, 2012, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, November 28, 2012, 7:00 P.M.

POLICE PENSION BOARD

Monday, November 19, 2012, 5:30 P.M.