

MINUTES

CITY OF HIALEAH GARDENS
TUESDAY, DECEMBER 5, 2006

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:32 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo L. Urra, Councilman Jorge A. Merida, Councilman Jorge Gutierrez, and Councilman Rolando Piña. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin.
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:** November 21, 2006. Chairman Garcia made a motion to approve the minutes of November 21, 2006, 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, AUTHORIZING THE PURCHASE OF ONE (1) ACTERRA DUMP TRUCK; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ATLANTIC TRUCK CENTER; WAIVING COMPETITIVE PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave details of the purchase of the Acterra dump truck. 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 GRANTING A SIGN VARIANCES OF HEIGHT AND TOTAL AREA FOR HOME DEPOT USA CONCERNING LEGALLY DESCRIBED AS: ALL OF TRACTS R, S, T, U, V, W, X & Y OF "SHOMA COMMERCIAL REPLAT" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161 AT PAGE 100 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF TRACT "Y" OF SAID PLAT. TOGETHER WITH A PORTION OF NORTHWEST 112TH COURT DEPICTED ON SAID PLAT. TOGETHER WITH ALL OF TRACT "Q" (LAKE MAINTENANCE / ACCESS TRACT) OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. FOLIOS #: 27-2030-015-0010, 27-2030-015-0020, 27-2030-015-0030, 27-2030-015-0040, 27-2030-015-0050, 27-2030-015-0060, 27-2030-015-0070, AND 27-2030-015-0080. APPROXIMATE LOCATION: OKEECHOBEE ROAD AND NW 138 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. Ms. Melissa Tapanes Llahues was present for the applicant. 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 (**Vote 5-0**).

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE CITY CODE CHAPTER 56 SECTION 23 (ADDITIONAL REQUIREMENTS), PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record and gave information on the changes of the city's code regarding towing. Mayor De La Cruz added his comments regarding the change to allow other companies to bid for the towing services. 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 (**Vote 5-0**).

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

Mr. Citrin swore in all those who would be testifying on any of the items for public hearing.

- A) ***ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OR TENTATIVE PLAT FOR LA ALAMEDA CONGREGATION OF JEHOVAHS WITNESSES. LEGAL DESCRIPTION: PARENT TRACT: A PORTION OF TRACT 57, OF FLORIDA FRUIT LAND CO. SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST. DEED LEGAL DESCRIPTION: A PORTION OF LAND OF TRACT 57, OF FLORIDA FRUIT LAND CO. SUBDIVISION, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 57; THENCE SOUTH 89°42'37" WEST ALONG THE SOUTH LINE OF SAID TRACT 57, A DISTANCE OF 519.58 FEET TO THE SOUTHWESTERLY CORNER OF THE SUBDIVISION OF BILTMORE VILLAS III, AS RECORDED IN PLAT BOOK 135, AT PAGE 91 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA BEING AT THE SAME TIME THE POINT OF BEGINNING OF THE HEREINAFTER PORTION OF LAND; THENCE CONTINUING SOUTH 89°42'37" WEST, ALONG SAID TRACT 57, A DISTANCE OF 319.00 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 25 (OKEECHOBEE ROAD); THENCE NORTH 50°59'16" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF SAID TRACT 57; THENCE NORTH 89°42'37" EAST, ALONG SAID NORTHERLY LINE OF SAID TRACT 57, A DISTANCE OF 599.33 FEET TO THE NORTHWESTERLY CORNER OF SAID SUBDIVISION OF BILTMORE VILLAS SECTION III; THENCE (THE FOLLOWING 4 COURSES ARE RUNNING ALONG THE WESTERLY BOUNDARY OF SAID PLAT BILTMORE VILLAS SECTION III) SOUTH 02°35'05" EAST A DISTANCE OF 97.76 FEET; THENCE SOUTH 50°59'16" EAST, A DISTANCE OF 19.34 FEET, THENCE CONTINUE SOUTH 50°59'16" EAST, A DISTANCE OF 127.20 FEET, THENCE SOUTH 02°35'05" EAST, A DISTANCE OF 139.59 FEET TO THE POINT OF BEGINNING. APPROXIMATE LOCATION: BETWEEN NW 122 STREET AND WEST OKEECHOBEE ROAD, PROVIDING***

FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(Location: Between 122 Street & West Okeechobee Road) (T.R.C. Vote: 5-0;
P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mr. Eliezer Palacios was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations and details of the conditions as set by the Technical Review Committee. The applicant addressed all conditions. Chairman Garcia opened the public hearing at 7:46 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:46 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 5-0**).

11. **City Attorney's Report:** Mr. Citrin made comments on the Archdiocese of Miami approaching the city regarding the issuance of bonds for the new Saint Catherine rehabilitation center. Mr. Citrin noted that the bonds could be issued through either the City or Miami-Dade County, which would have direct jurisdiction. Mr. Citrin asked authority from the council to prepare an ordinance regarding the bond issue. Chairman Garcia made a motion to approve the preparation of the ordinance, seconded by Councilman Merida. The motion was unanimously approved (**Vote 5-0**).

12. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.

13. **Council Members Concerns/Reports – Board Appointments:**

The council members had no comments.

14. **Adjournment:** The meeting was adjourned at 7:54 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, January 2, 2007, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, January 8, 2007, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, December 7, 2006, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, January 23, 2007, 7:00 P.M.

POLICE PENSION BOARD

Monday, February 12, 2007 6:00, P.M.