

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, AUGUST 7, 2012
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:37 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge Gutierrez, Councilman Jorge A. Merida 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 Rolando Piña led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** None were offered.
- 6. Review of Minutes: June 19, 2012.** Chairman Garcia made a motion to approve the minutes of June 19, 2012 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 THE RENEWAL OF THE AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION, STATE OF FLORIDA, AND THE CITY OF HIALEAH GARDENS CONCERNING TURF AND LANDSCAPE MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR LIEBHERR TRACT: LEGAL DESCRIPTION: PARCEL ONE: THE WEST 1/2 OF TRACT 13, FLORIDA FRUIT LAND CO. SUBDIVISION, 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. LESS AND EXCEPT; FROM PARCEL 1: THAT PORTION OF TRACT 13, FLORIDA FRUIT LANDS COMPANY 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, THAT IS CONTAINED WITHIN THE FOLLOWING DESCRIBED PROPERTY: BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 13; THENCE N 89°29'33" E ALONG THE SOUTHERLY LINE OF SAID TRACT 13 FOR 40.03 FEET; THENCE N 02°33'09" W ALONG A LINE PARALLEL WITH AND 40.00 FEET EAST OF THE WESTERLY LINE OF SAID TRACT 13, FOR 55.29 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THENCE NORTHWESTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 63.00 FEET, THROUGH A CENTRAL ANGLE OF 235°14'26" FOR AN ARC DISTANCE OF 258.66 FEET TO ITS INTERSECTION WITH THE

SOUTH LINE OF SAID TRACT 20; THENCE N 89°29'33" E ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 58.96 FEET TO THE POINT OF BEGINNING. PARCEL TWO: TRACT 14, LESS THE EAST 1/2 AND LESS THAT PART COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, SAID CORNER LYING SOUTH 89°29'43" WEST, 2637.31 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 19; THENCE RUN SOUTH 2°33'57" EAST (BEARINGS ARE BASED ON THE FLORIDA STATE SYSTEM OF PLANE COORDINATES), 659.98 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHWEST CORNER OF TRACT 14, OF SAID SUBDIVISION, THENCE NORTH 89°29'39" EAST, 35.02 FEET ALONG THE NORTH BOUNDARY OF SAID TRACT 14 TO A POINT OF INTERSECTION WITH THE EXISTING EAST LINE OF DADE COUNTY RIGHT OF WAY AND THE POINT OF BEGINNING; CONTINUE THENCE NORTH 89°29'39" EAST, 97.00 FEET ALONG SAID NORTH BOUNDARY TO A POINT; THENCE SOUTH 18°10'26" WEST (EAST, BY DEED), 273.74 FEET TO A POINT OF INTERSECTION WITH SAID EXISTING EAST RIGHT OF WAY LINE; THENCE NORTH 2°33'57" WEST, 259.49 FEET ALONG SAID EXISTING EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING; FLORIDA FRUIT LAND CO. SUBDIVISION, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALSO KNOWN AS: A PORTION OF TRACT 14, OF "FLORIDA LAND COMPANY'S 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, LESS THE EAST 1/2 AND LESS A PORTION OF LAND BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT 14; THENCE RUN EAST FOR 35.00 FEET; THENCE RUN NORTH FOR 70.50 FEET; THENCE RUN N 18°10'26" E FOR 273.74 FEET; THENCE RUN WEST FOR 132.02 FEET; THENCE RUN SOUTH 329.99 FEET TO THE POINT OF BEGINNING FOR RIGHT-OF-WAY PURPOSES. PARCEL 3: THAT PART OF: THE WESTERLY 35.00 FEET OF TRACT 14, FLORIDA FRUIT LANDS COMPANY SUBDIVISION, NO. 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 68, PUBLIC RECORDS OF MIAMI-DADE COUNTY,

FLORIDA, BEING ALSO AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SHEET 5 OF 7, SECTION 87005-2312; MOST RECENT UPDATE REVISION OCTOBER 1, 2003, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, SAID CORNER LYING SOUTH 89°29'43" WEST, 2637.31 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 19, RUN THENCE SOUTH 2°33'57" EAST, 659.98 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHWEST CORNER OF TRACT 14 OF SAID SUBDIVISION; THENCE NORTH 89°10'26" EAST, 132.02 FEET ALONG THE NORTH BOUNDARY OF SAID TRACT 14 TO A POINT OF INTERSECTION WITH THE EXISTING EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 821; THENCE SOUTH 18°10'26" WEST ALONG SAID RIGHT-OF-WAY LINE, 273.74 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH 02°33'57" EAST 70.50 FEET; THENCE SOUTH 89°29'37" WEST, 35.02 FEET; THENCE NORTH 24°14'53" EAST, 77.58 FEET TO THE POINT OF BEGINNING. TOGETHER WITH: THAT PART OF: TRACT 20, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17 IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 68, MIAMI-DADE COUNTY, FLORIDA, BEING ALSO A POINT OF PARCEL 125.1R AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SHEET 5 OF 7, SECTION 87005-2312; MOST RECENT UPDATE REVISION OCTOBER 1, 2003. COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, SAID CORNER LYING SOUTH 89°29'43" WEST, 2637.31 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 19, RUN THENCE SOUTH 2°33'57" EAST, 659.98 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHWEST CORNER OF TRACT 14 OF SAID SUBDIVISION; THENCE NORTH 89°29'39" EAST, 132.02 FEET ALONG THE NORTH BOUNDARY OF SAID TRACT 14 TO A POINT OF INTERSECTION WITH THE EXISTING EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 821; THENCE SOUTH 18°10'26" WEST ALONG SAID RIGHT-OF-WAY LINE, 273.74 FEET; CONTINUE

THENCE SOUTH 02°33'57" EAST 70.50 FEET; THENCE SOUTH 89°29'37" WEST, 35.02 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°33'57" EAST, 329.99 FEET; THENCE SOUTH 89°29'48" WEST ALONG THE SOUTH LINE OF SAID TRACT 20, 114.69 FEET; THENCE NORTH 16°48'45" EAST, 345.43 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT; FROM PARCEL 3: THAT PORTION OF TRACT 20, FLORIDA FRUIT LANDS COMPANY 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, THAT IS CONTAINED WITHIN THE FOLLOWING DESCRIBED PROPERTY: BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 13; THENCE N 89°29'33" E ALONG THE SOUTHERLY LINE OF SAID TRACT 13 FOR 40.03 FEET; THENCE N 02°33'09" W ALONG A LINE PARALLEL WITH AND 40.00 FEET EAST OF THE WESTERLY LINE OF SAID TRACT 13, FOR 55.29 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THENCE NORTHWESTERLY AND SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 63.00 FEET, THROUGH A CENTRAL ANGLE OF 235°14'26" FOR AN ARC DISTANCE OF 258.66 FEET TO ITS INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 20; THENCE N 89°29'33" E ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 58.96 FEET TO THE POINT OF BEGINNING. FOLIOS #: 27-2019-001-0160 AND 27-2019-001-0150. LOCATION: 15101 NW 112TH AVENUE, HIALEAH GARDENS, FL.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Steven Sosa for the applicant was present. 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)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR YHOAN & NORMA PITALUGA. LEGAL DESCRIPTION: THE EAST 1/2

OF THE WEST 1/2 OF THE WEST OF 1/2 OF TRACT 5, SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, RECORDED IN MIAMI-DADE COUNTY, FLORIDA, FOLIO #: 27-2029-001-0053. CONTAINING 49,489.16 SQUARE FEET OR 1.1 ACRES, MORE OR LESS. APPROXIMATE LOCATION: NORTH SIDE OF NW 133RD STREET AND BETWEEN THEORETICAL NW 99TH AVENUE AND NW 97TH AVENUE, HIALEAH GARDENS, FL. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0; P&Z Vote: n/a)**

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present. Chairman Garcia made a motion to Table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized vote.

(5-0) Tabled

- 11. City Attorney's Report** – No comments
- 12. Mayor's Report – Miscellaneous** – No comments
- 13. Council Members Concerns / Reports / Board Appointments** – Chairman Garcia mentioned the need to appoint new Water & Sewer Board Members.
- 14. Adjournment** - The meeting was adjourned at 7:55 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, September 4, 2012, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 10, 2012, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Wednesday, August, 22, 2012, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, August 21, 2012, 5:30 P.M.

Tuesday, November 6, 2012, 5:30 P.M.