

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, AUGUST 21, 2012  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:35 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were Mr. Charles A. Citrin, City Attorney and Mayor Yioiset De La Cruz. Councilman Rolando Piña was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:**

Chairman Garcia made a motion to remove Item 10B from the agenda, seconded by Councilman Merida. The motion was unanimously approved.

6. **Review of Minutes: August 7, 2012.** Chairman Garcia made a motion to approve the minutes of August 7, 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, AUTHORIZING THE CITY TO UTILIZE THE SERVICES THE FIRM OF SUNSHINE UNIVERSAL, LLC, TO ASSIST THE CITY IN APPLYING FOR AN AMERICORPS FEDERAL GRANT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Citrin mentioned that this proposal was brought to the City by Sunshine Universal through its local representatives to submit a proposal on behalf of the City for Americorps Federal Economic Recovery System Program - Local Underemployment Mitigation Program. He added that this group has had success in the past with municipal governments. Mr. Citrin noted that changes have been made to the resolution to include final approval by the Mayor. Chairman Garcia made a motion to approve the resolution, 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, APROVING A SITE PLAN FOR DIEGO LLANOS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 7 OF FORREST FARMS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, AT PAGE 6 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 7; THENCE S89°43'01" W ALONG THE NORTH LINE OF SAID TRACT FOR 135.00 FEET TO THE POINT OF BEGINNING OF TRACT OF LAND HEREINAFTER DESCRIBED; THENCE S14°13'03" W FOR 221.29 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO 25, AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NO 87090-2518; THENCE N50°59'15" W ALONG THE NORTHEASTERLY

RIGHT OF WAY LINE OF SAID STATE ROAD FOR 113.76 FEET; THENCE N20°18'59" E FOR 151.90 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 7; THENCE N89°43'01" E ALONG THE NORTH LINE OF SAID TRACT 7 FOR 90.00 FEET; TO THE POINT OF BEGINNING; FOLIO: 27-2032-002-0080, APPROXIMATE LOCATION: BETWEEN WEST OKEECHOBEE ROAD AND NW 120 STREET AND WEST OF NW 99<sup>TH</sup> AVENUE., HIALEAH GARDENS, FL, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote 3-0)

Mr. Citrin read the full title of the ordinance into the record. Applicant Diego Llanos came forward for the record. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF HIALEAH GARDENS APPROVING THE REZONING OF +-10 ACRES APPROXIMATE LOCATED BETWEEN NW 107<sup>TH</sup> AVENUE AND THEORETICAL NW 109<sup>TH</sup> AVENUE AND BETWEEN THEORETICAL NW 140 STREET AND THEORETICAL NW 142 STREET, HIALEAH GARDENS, FL. FROM IN-1(LIGHT INDUSTRIAL) TO IN-2 (HEAVY INDUSTRIAL). DECLARING THIS ZONING MAP AMENDED TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF HIALEAH GARDENS PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. FOLIO #: 27-2019-001-0610. (TRC Vote: 5-0; P&Z Vote 3-0)

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously 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 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

FEEET 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 112<sup>TH</sup> AVENUE, HIALEAH GARDENS, FL.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

This item was read into the record upon first reading, and due to the uniquely lengthy legal description of the item, Chairman Garcia made a motion to waive the reading of the item. The motion was unanimously approved. Mr. Citrin swore in those who would be providing testimony on the items for Public Hearing / Second Reading. Mr. Omar Amenteros for applicant was present. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendation for approval of the final plat. Chairman Garcia opened the public hearing at 7:47 p.m. No one came forward therefore he closed the public hearing at 7:47 p.m. Chairman Garcia made a motion to approve based on staff recommendation, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

This item was removed from the agenda.

**Tabled: 08/07/2012**

- C) 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 133<sup>RD</sup> STREET AND BETWEEN THEORETICAL NW 99<sup>TH</sup> AVENUE AND NW 97<sup>TH</sup> AVENUE, HIALEAH GARDENS, FL. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Given that the applicant is not present, the item remained tabled.

11. **City Attorney's Report** – No comments
12. **Mayor's Report – Miscellaneous** – No comments
13. **Council Members Concerns / Reports / Board Appointments** –No comments
14. **Adjournment** - The meeting was adjourned at 7:49 p.m.

Respectfully submitted by:

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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 18, 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, September 26, 2012, 7:00 P.M.

**POLICE PENSION BOARD**

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

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