

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, SEPTEMBER 4, 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 Rolando Piña, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were Mr. Charles A. Citrin, City Attorney and Mayor Yioset De La Cruz.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** Item 9C was deleted from the agenda.
- 6. Review of Minutes: August 21, 2012.** Chairman Garcia made a motion to approve the minutes of August 21, 2012 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

**8. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013, AT 5.3812 MILLS, WHICH IS THE ROLL BACK RATE SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin mentioned that items 8A-8G are items open for Public Hearing and if anyone wished to speak on these items, they could step forward and do so after the item is read into the record. Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:38 p.m. No comments were offered and the Public Hearing was closed at 7:38 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:39 p.m. No comments were offered and the Public Hearing was closed at 7:39 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:39 p.m. No comments were offered and the Public Hearing was closed at 7:39 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER UTILITY FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:40 p.m. No comments were offered and the Public Hearing was closed at 7:40 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:41 p.m. No comments were offered and the Public Hearing was closed at 7:41 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:41 p.m. No comments were offered and the Public Hearing was closed at 7:41 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:42 p.m. No comments were offered and the Public Hearing was closed at 7:42 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

**9. Second Reading / Public Hearing for consideration and final adoption 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  $S89^{\circ}43'01''$  W ALONG THE NORTH LINE OF SAID TRACT FOR 135.00 FEET TO THE POINT OF BEGINNING OF TRACT OF LAND HEREINAFTER DESCRIBED; THENCE  $S14^{\circ}13'03''$  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  $N50^{\circ}59'15''$  W ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD FOR 113.76 FEET; THENCE  $N20^{\circ}18'59''$  E FOR 151.90 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 7; THENCE  $N89^{\circ}43'01''$  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 swore in those who would be providing testimony on the items for Public Hearing / Second Reading. Mr. Citrin read the full title of the ordinance into the record. Applicant Diego Llanos was present for the record. Mrs. Mirtha Gonzalez, Chief-Zoning Official, came forward and gave staff recommendation for approval. Chairman Garcia opened the Public Hearing at 7:47 p.m. No comments were offered and the Public Hearing was closed at 7:47 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- 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 107TH 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)

Given that the applicant was not in attendance for Second Reading, Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0) TABLED**

- C) 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.

**Item was deleted**

**Tabled: 08/21/2012**

- D) 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.

- 10. City Attorney's Report** – Mr. Citrin wanted to thank everyone as he is now serving his 13th year with the City. He stated that it has been an honor working for the City and expressed his gratitude to Mayor De la Cruz, Chairman Garcia and the all the Council members, as well as Deputy Chief of Police Manny Zardon and City staff.
- 11. Mayor's Report – Miscellaneous** – No comments
- 12. Council Members Concerns / Reports / Board Appointments** – Chairman Garcia mentioned that it has been a privilege and an honor to serve with Charles. He thanked Charles for his service and guidance. Charles has done an excellent job keeping the City out of litigation resulting in savings to the City and its residents.
- Councilman Gutierrez thanked Mr. Citrin for his personal advice regarding Samari Lake and its residents.
- 13. Adjournment** - The meeting was adjourned at 7:50 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, October 2, 2012, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, October 1, 2012, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, October 4, 2012, 11:30 A.M.

**WATER AND SEWER BOARD**

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

**POLICE PENSION BOARD**

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