

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, October 18, 2011  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Councilman Jorge A. Merida made a motion to select Councilman Gutierrez to serve as Chairman for tonight's meeting in the absence of Chairman Luciano Garcia. The motion was seconded by Councilman Elmo L. Urra and unanimously approved. The meeting was called to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present was City Attorney Charles Citrin. Councilman Luciano Garcia, Councilman Rolando Piiña and Mayor Yioset De La Cruz were absent.
- 3. Invocation:** Chairman Gutierrez gave the invocation.
- 4. Pledge of Allegiance:** Councilman Urra led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** None were offered.
- 6. Review of Minutes:** October 4, 2011. Chairman Gutierrez made a motion to approve the minutes of October 4, 2011, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

## 8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE TOWN OF MEDLEY, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chief Toth came forward and reported on the mutual aid agreement with the Town of Medley for law enforcement needs. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE CITY MAYOR TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA PROGRAM FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A RECORDS IMPROVEMENT PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chief Toth came forward and reported on the grant which will serve to expand the Police Departments records improvement program. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; 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 came forward and explained that the city is required to hold a public hearing and adopt a resolution of intent to use the uniform method of collection for any assessment program in the calendar year prior to any such collection. The city has met the public notice requirements as per Florida Statutes and the next step will require Miami-Dade County Property Appraisal's office to draft an agreement with the city authorizing the tax collection method for the NW District Special Assessment Improvement Fund. The item was opened for discussion. Chairman Gutierrez 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, APPROVING A WAIVER OF PLAT OR TENTATIVE PLAT FOR DIEGO LLANOS. LEGAL DESCRIPTION: 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. CONTAINING 0.409 ACRES MORE OR LESS ±. APPROXIMATE LOCATION: BETWEEN WEST OKEECHOBEE ROAD AND NW 120 STREET AND WEST OF NW 99<sup>TH</sup> AVENUE, HIALEAH GARDENS, FLORIDA, FOLIO: 27-2032-002-0080; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance of into the record. Chairman Gutierrez stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF RIGHT OF WAY KNOWN AS N.W. 112<sup>TH</sup> AVE., LEGALLY DESCRIBED AS: THE WEST 15.00 FEET OF THE WEST ONE-HALF (W. 1/2) OF THE SOUTH ONE-HALF (S. 1/2) OF THE SOUTH ONE-HALF (S. 1/2) OF THE NORTHWEST ONE-QUARTER (NW. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, AND THE EAST 15.00 FEET OF THE SOUTH ONE-HALF (S. 1/2) OF THE SOUTHEAST ONE-QUARTER (SE. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF THE NORTHWEST ONE-QUARTER (NW. 1/4) OF SAID SECTION 19 LAYING EASTERLY OF THE LINE EXTENDED FROM THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 821 (ALSO KNOWN AS FLORIDA TURNPIKE EXTENSION), AS SHOWN ON STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP NUMBER 87005-2313 SHEET 5 OF 7 SHEETS, WHERE SAID LINE DEFLECTS TO THE EAST FOLLOWING THE SOUTH LINE OF THE SOUTH ONE-HALF (S. 1/2) OF THE SOUTHEAST ONE-QUARTER (SE. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF THE NORTHWEST ONE-QUARTER (NW. 1/4) OF SAID SECTION 19, CONTAINING 9,146 SQUARE FEET OR 0.210 ACRES MORE OR LESS; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance of into the record. Chairman Gutierrez stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS N.W. 146 STREET, BETWEEN NW 112 AVE. AND EASTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE (SECTION NUMBER 87005-2501,2312) LIMITED ACCESS R-O-W , LEGALLY DESCRIBED AS: THAT PORTION OF THE NORTH ONE-HALF (N. 1/2) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF THE (SW. 1/4)

OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTER OF SECTION 19-52-40; THENCE WITH A BEARING OF S 89°29'13" W ALONG THE NORTH LINE OF THE SOUTHWEST ONE QUARTER (SW. 1/4 ) OF SAID SECTION 19 FOR 40.03 FEET TO THE POINT OF BEGINNING; THENCE S 02°33'10" E ALONG A LINE PARALLEL WITH AND 40.00 FEET WEST OF THE WEST LINE OF THE SOUTHWEST ONE QUARTER (SW. 1/4 ) OF SAID SECTION 19 FOR 44.33 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 25.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N50°34'19"E; THENCE NORTHWESTERLY 22.29 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51°05'07" TO A POINT OF TANGENCY ON A LINE PARALLEL WITH AND 35.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST ONE QUARTER (SW. 1/4 ) OF SAID SECTION 19; THENCE S 89°29'13" W ALONG SAID LINE FOR 532.82 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE (SECTION NUMBER 87005-2501, 2312) ; THENCE N 14°24'58" E ALONG SAID LINE FOR 36.22 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST ONE QUARTER (SW. 1/4 ) OF SAID SECTION 19; THENCE N 89°29'13" E A DISTANCE OF 541.36 FEET TO THE POINT OF BEGINNING, CONTAINING 0.440 ACRES MORE OR LESS.; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance of into the record. Chairman Gutierrez stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS N.W. 146 STREET, BETWEEN NW 112 AVE. AND EASTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE (SECTION NUMBER 87005-2501,2312) LIMITED ACCESS R-O-W , LEGALLY DESCRIBED AS: THE SOUTH 15.00 FEET OF THE SOUTH ONE-HALF (S. 1/2)

OF THE SOUTHEAST ONE-QUARTER (SE. 1/4) OF THE SOUTHEAST ONE-QUARTER (SE. 1/4) OF THE NORTHWEST ONE-QUARTER (NW. 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; BOUNDED ON THE WEST BY THE EASTERLY LIMITED RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE (SECTION NUMBER 87005-2501, 2312) AND BOUNDED ON THE EAST BY THE WEST LINE OF THE EAST 40.00 FEET OF THE SOUTH ONE-HALF (S. 1/2) OF THE SOUTHEAST ONE-QUARTER (SE. 1/4) OF THE SOUTHEAST ONE-QUARTER (SE. 1/4) OF THE NORTHWEST ONE-QUARTER (NW. 1/4) OF SAID SECTION 19 CONTAINING 0.1856 ACRES MORE OR LESS.; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance of into the record. Chairman Gutierrez stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY (THEORETICAL PORTION OF 112<sup>TH</sup> AVE. AND THEORETICAL PORTION OF NW 138<sup>TH</sup> STREET), LEGALLY DESCRIBED AS: THAT PORTION OF THE NORTH ONE-HALF (N. 1/2) OF SECTION 30, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH 10.00 FEET OF THE NORTHWEST ONE-QUARTER (NW. 1/4) OF SAID SECTION 30 LAYING NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 25 (US 27 HIGHWAY) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87090.2518. AND THE NORTH 10.00 FEET OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 30 BOUNDED ON THE EAST BY THE NORTHWESTERLY LINE OF TRACT B-B OF SHOMA COMMERCIAL REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161 AT PAGE 100 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE EAST 10.00 FEET OF THE NORTHWEST ONE-QUARTER (NW. 1/4) OF SAID

SECTION 30 LAYING NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 25 (US 27 HIGHWAY) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87090.2518. AND THE WEST 10.00 FEET OF THE NORTHEAST ONE-QUARTER (NE. 1/4) OF SAID SECTION 30 LAYING NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 25 (US 27 HIGHWAY) AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 87090.2518, CONTAINING 0.3702 ACRES MORE OR LESS.; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance of into the record. Chairman Gutierrez stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA; REPEALING HIALEAH GARDENS CITY CODE CHAPTER 34 SECTION 2 (DISCHARGING FIREARMS IN PUBLIC); 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 swore in those who would be giving testimony on the item. He reported that the State Legislature recently passed a law that took away the right of local governments to regulate firearms in a more restrictive way than the Sate does. The city's code has been reviewed and adjusted accordingly by this resolution and the following one. Chairman Gutierrez opened the public hearing for comments at at 7:47 p.m. no one came forward; therefore he closed the public hearing at 7:47 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA; AMENDING THE CITY CODE CHAPTER 38 (PARKS AND RECREATION STANDARDS OF CONDUCT) SECTION 28(m) (PROHIBITED ACTIVITIES... FIREARMS AND FIREWORKS); 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 stated this ordinance served to amend the city code for the same reasons as did the previous one. Chairman Gutierrez opened the public hearing for comments at 7:48 p.m. no one came forward; therefore he closed the public hearing a 7:48 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- 11. City Attorney's Report:** Mr. Citrin wished Chairman Gutierrez and his wife Paola, who is expecting a baby any day now, good luck and much success.
- 12. Mayor's Report – Miscellaneous:** Mayor De La Cruz was absent.
- 13. Council Members Concerns / Reports/ Board Appointments:** No comments
- 14. 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, November 15, 2011, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, November 7, 2011, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, November 3, 2011, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, November 23, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.