

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, November 1, 2011
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:36 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were Mayor Yiozet De La Cruz and City Attorney Charles Citrin. Councilman Gutierrez 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:** None were offered.
- 6. Review of Minutes:** October 18, 2011. Chairman Garcia made a motion to approve the minutes of October 18, 2011, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolution:

- A) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA DECLARING SPECIAL ASSESSMENTS; INDICATING THE LOCATION, NATURE AND ESTIMATED COST OF CERTAIN IMPROVEMENTS, THE COST OF WHICH IS TO BE DEFRAID BY SUCH SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; DESIGNATING LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE ADVISABILITY AND PROPRIETY OF SAID ASSESSMENTS AND RELATED IMPROVEMENTS; PROVIDING FOR NOTICE OF SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. He went on to comment that this resolution served to comply with a requirement, as per the city consultant, in the process of the NW District Special Assessment. The resolution makes no substantive changes. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. Second Reading / Public Hearing for consideration and final adoption 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 99TH AVENUE, HIALEAH GARDENS, FLORIDA, FOLIO: 27-2032-002-0080; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote 6-0; P&Z Vote: n/a)

Mr. Citrin swore in those who would be giving testimony on the items for Public hearing / Second reading and proceeded to the full title of the ordinance into the record. The applicant was not present therefore Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **Tabled (4-0)**

- 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. 112TH 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.
(TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and stated that this is a City initiated application for the vacation of a right-of-way. She proceeded to give a recommendation for approval based on the following: the vacation is consistent with the proposed transportation circulation map of the Northwest District, the right-of-way does not provide sole access to any property, would not jeopardize the current or future location of any utility, is not detrimental to the public interest and provides a positive benefit to the City. Chairman Garcia opened the public hearing at 7:56 no one came forward therefore he closed the public hearing at and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 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 SOUTHEAST ONE QUARTER (SE. 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. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and stated that this is a City initiated application for the vacation of a right-of-way. She proceeded to give a recommendation for approval based on the following: the vacation is consistent with the proposed transportation circulation map of the Northwest District, the right-of-way does not provide sole access to any property, would not jeopardize the current or future location of any utility, is not detrimental to the public interest and provides a positive benefit to the City. Chairman Garcia opened the public hearing at 7:56 no one came forward therefore he closed the public hearing at and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 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. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and stated that this is a City initiated application for the vacation of a right-of-way. She proceeded to give a recommendation for approval based on the following: the vacation is consistent with the proposed transportation circulation map of the Northwest District, the right-of-way does not provide sole access to any property, would not jeopardize the current or future location of any utility, is not detrimental to the public interest and provides a positive benefit to the City. Chairman Garcia opened the public hearing at 7:56 no one came forward therefore he closed the public hearing at and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 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 112TH AVE. AND THEORETICAL PORTION OF NW 138TH 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.
(TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and stated that this is a City initiated application for the vacation of a right-of-way. She proceeded to give a recommendation for approval based on the following: the vacation is consistent with the proposed transportation circulation map of the Northwest District, the right-of-way does not provide sole access to any property, would not jeopardize the current or future location of any utility, is not detrimental to the public interest and provides a positive benefit to the City. Chairman Garcia opened the public hearing at 7:56 no one came forward therefore he closed the public hearing at and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 11. City Attorney's Report:** Mr. Citrin stated that it was pleasure working with the City and commended Mrs. Mirtha Gonzalez for taking a detailed task and providing a and professional
- 12. Mayor's Report – Miscellaneous:** No Comments
- 13. Council Members Concerns / Reports/ Board Appointments:** Chairman Garcia congratulated Mayor De La Cruz and Parks and Recreation Director Walter Dubon for the success of the Halloween Event.
- 14. Adjournment:** The meeting was adjourned at 7:50 p.m.

Respectfully submitted by:

Maria L. Joffee
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, December 6, 2011, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 5, 2011, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, December 1, 2011, 11:30 A.M.

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

T.B.A.