

**Mayor**

Yioset De La Cruz

**City Council Members**

Chairman Luciano "Lucky" García  
Vice Chairman Rolando "Roly" Piña  
Council member Jorge A. Merida  
Council member Jorge Gutierrez  
Council member Elmo L. Urra

**PUBLIC NOTICE: TO ALL CONCERNED CITIZENS OF HIALEAH GARDENS, FLORIDA. NOTICE TO BE POSTED AT CITY HALL.**

**AGENDA: REGULAR CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
Tuesday, January 3, 2012 – 7:30 P.M.**

**NOTE:** In compliance with Robert's Rules of Order, all speakers will be heard only on items which are on the agenda and opened by the Chairperson for discussion by the public. Speakers will be limited to five minutes, unless the Chairperson allows more time for presentation.

**ATTENTION ALL LOBBYISTS:** Chapter 2, Section 2-308 of the City Code of Hialeah Gardens entitled "Lobbying" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Council, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist's laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation**
- 4. Pledge of Allegiance**
- 5. Deletions/Emergency Additions**
- 6. Review of Minutes:** December 20, 2011
- 7. Public Comments**
- 8. Proposed Resolutions:**
  - A) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH LOOK ADVERTISING, LLC FOR THE INSTALLMENT OF ADVERTISING GARBAGE CONTAINERS IN DESIGNATED LOCATIONS THROUGHOUT THE CITY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH LOOK ADVERTISING, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
  - B) RESOLUTION OF THE CITY OF HIALEAH GARDENS RATIFYING THE ENTERING INTO AN AGREEMENT WITH ACT TECHNOLOGY GROUP USA, INC. FOR THE PURCHASE OF THE WEB-BASED MANAGEMENT SYSTEM GECOR; THE MAYOR IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH ACT TECHNOLOGY GROUP USA, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE SIGNING AND SUBMISSION OF A GRANT APPLICATION AND SUPPORTING DOCUMENTS AND ASSURANCES TO THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND ACCEPTANCE OF A GRANT AWARD FROM THE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

**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 SITE PLAN FOR RO-MA HOLDINGS, LLC FOR A FAMILY DOLLAR STORE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT A, OF LONDON ESTATES COMMERCIAL CENTER, ACCORDING TO THE MAP PLAT THEREOF, AS RECORDED IN PLAT BOOK 133, AT PAGE 80 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.; FOLIO: 27-2033-009-0010, APPROXIMATE LOCATION: NW CORNER OF NW 112<sup>TH</sup> STREET AND NW 87<sup>TH</sup> COURT, HIALEAH GARDENS, FL, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 3-0)
- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR LAKE GARDEN CENTER, CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARENT TRACT. TRACT "M" AND THE SOUTHEASTERLY 144.00' OF TRACT "N" OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. PARCEL # 1. COMMENCE AT THE MOST WESTERLY CORNER OF TRACT "N" OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 A.K.A. OKEECHOBEE RD., THENCE RUN S50°59'15"E ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID

**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

STATE ROAD NO. 25 FOR A DISTANCE OF 482.09 FEET, TO THE POINT OF BEGINNING (POB), THENCE RUN N39°00'45"E FOR A DISTANCE OF 332.60 FEET TO A POINT BEING ON THE NORTHERLY LINE OF SAID TRACT "N" OF AFOREMENTIONED SUBDIVISION, THENCE RUN S50°46'28"E ALONG THE DIVIDING LINE OF TRACTS "N" AND "P" OF AFOREMENTIONED SUBDIVISION FOR A DISTANCE OF 144.00 FEET, THIS POINT BEING THE NORTHERLY CORNER OF TRACT "M", THENCE RUN S50°46'28"E ALONG THE DIVIDING LINE OF TRACTS "M" AND "P" OF AFOREMENTIONED SUBDIVISION FOR A DISTANCE OF 106.00 FEET, THENCE RUN S39°00'45"W TO A POINT BEING ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO.25 A.K.A. OKEECHOBEE RD. FOR A DISTANCE OF 331.68 FEET, THENCE RUN N50°59'15"W ALONG THE NORTH RIGHT OF WAY LINE OF AFOREMENTIONED STATE ROAD NO.25 A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING (P.O.B.) PROPERTY CONTAINS 83,035 SQUARE FEET MORE OR LESS OR 1.910 ACRES MORE OR LESS. PARCEL # 2. COMMENCE AT THE MOST WESTERLY CORNER OF TRACT "N" OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. ALSO BEING ON THE NORTH TO A POINT BEING ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO.25 A.K.A. OKEECHOBEE RD. FOR A DISTANCE OF 328.71 FEET, THENCE RUN N50°59'15"W ALONG THE NORTH RIGHT OF WAY LINE OF AFOREMENTIONED STATE ROAD NO.25 A DISTANCE OF 179.16 FEET TO THE POINT OF BEGINNING (P.O.B.) OF SAID PARCEL #3 PROPERTY CONTAINS 59,034 SQUARE FEET MORE OR LESS OR 1.360 ACRES MORE OR LESS. PARCEL # 4 COMMENCE AT THE MOST SOUTHERLY CORNER OF TRACT "M" OF "SHOMA COMMERCIAL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA. ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 25 A.K.A. OKEECHOBEE RD., THENCE RUN N50°59'15"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 25 FOR A DISTANCE OF 176.18 FEET TO THE POINT OF BEGINNING, THENCE RUN N39°00'45"E FOR A DISTANCE OF 328.71 FEET TO

**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

A POINT BEING ON THE NORTHERLY LINE OF SAID TRACT "M" OF AFOREMENTIONED SUBDIVISION, THENCE RUN S50°29'02"E ALONG SAID NORTHERLY LINE FOR A DISTANCE OF 11.84 FEET, THENCE RUN S02°37'33"E ALONG THE DIVIDING LINES OF TRACT "L" AND TRACT "M" OF AFOREMENTIONED SUBDIVISION A DISTANCE OF 40.46 FEET, THENCE RUN S50°29'02"E THENCE RUN ALONG THE DIVIDING LINES OF TRACT "L" AND TRACT "M" OF AFOREMENTIONEDSUBDIVISION A DISTANCE OF 32.38 FEET, THENCE RUN N85°00'07"E ALONG THE DIVIDING LINES OF TRACT "L" AND TRACT "M" OF AFOREMENTIONED SUBDIVISION A DISTANCE OF 18.96 FEET, THENCE RUN S83°55'34"E ALONG THE DIVIDING LINES OF TRACT "L" AND TRACT "M" OF AFOREMENTIONED SUBDIVISION A DISTANCE OF 109.13 FEET, TO THE MOST EASTERLY CORNER OF SAID TRACT "M" , THENCE RUN S39°02'03"W ALONG THE DIVIDING LINES OF SAID TRACT "M" AND TRACT "7" OF PLAT BOOK 2 AT PAGE 68 A.K.A. FOLIO # 27-2030-001-0011 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA, FOR A DISTANCE OF 370.60 FEET TO THE POINT OF COMMENCEMENT (P.O.C.), THENCE RUN N50°59'15"W ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO.25 A DISTANCE OF 176.18 FEET TO THE POINT OF BEGINNING (P.O.B.) PROPERTY CONTAINS 57,327 SQUARE FEET MORE OR LESS OR 1.32 ACRES MORE OR LESS; FOLIO: 27-2030-014-0135, APPROXIMATE LOCATION: NW WEST OKEECHOBEE ROAD AND N.W. 107<sup>TH</sup> AVENUE, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 3-0)

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND VARIANCES FOR LIEBHERR CRANES, INC. D/B/A LIEBHERR NENZING CRANE TO PERMIT CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARCEL 1: THE WEST ½ 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 TOGETHER WITH:

**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

PARCEL 2: TRACT 14, LESS THE EAST ½ 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" EAST, 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. TOGETHER WITH: 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,

**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

659.98 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTH WEST CORNER OF SAID 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: PARCEL 4: 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. APPROXIMATE LOCATION: HOMESTEAD EXTENSION OF FLORIDA TURNPIKE (HEFT)

**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

AND THEORETICAL NW 110 AVENUE, AND NORTH OF THEORETICAL NW 150<sup>TH</sup> STREET AND SOUTH OF THEORETICAL NW 152<sup>ND</sup> STREET, HIALEAH GARDENS, FL. FOLIOS: 27-2019-001-0220, 27-2019-001-0150 and 27-2019-001-0160, PROVIDING FOR CONDITIONS; EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 3-0)

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT CHANGING THE LAND USE FROM MER (MEDIUM DENSITY RESIDENTIAL) TO BU (GENERAL BUSINESS) ZONING: B-2, FOR THE APPROXIMATELY 3.8 ACRES PARCEL. PROPOSED COMMERCIAL SITE LEGAL DESCRIPTION: TRACT "C", OF VICENZA AT HIALEAH GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 169, AT PAGE 13, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-2033-001-0330 APPROXIMATE LOCATION: BETWEEN NW 92 – 97<sup>TH</sup> AVENUE HIALEAH GARDENS CONNECTOR AND NW 93<sup>RD</sup> PLACE AND BETWEEN NW 121 STREET AND NW 119 TERRACE, HIALEAH GARDENS, FL., PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)
- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCES FOR WEST GARDEN PLAZA LLC TO PERMIT TWO (2) PYLONS SIGNS AT NW 95<sup>TH</sup> STREET (NORTH ENTRANCE) AND AT W. OKEECHOBEE RD. (SOUTH ENTRANCE). LOCATION: 8040 N.W. 95 STREET, HIALEAH GARDENS, FL., FOLIO #: 27-2030-014-0131, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

**10. City Attorney's Report**

**11. Mayor's Report – Miscellaneous**

**12. Council Members Concerns / Reports / Board Appointments:**

**13. Adjournment**



**AGENDA –January 3, 2012 – 7:30 P.M. -COUNCIL CHAMBERS**

Agenda certified 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, January 17, 2012, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, January 9, 2012, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, January 5, 2012, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, January 25, 2012, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.