

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 20, 2012
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:30 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 Yiozet De La Cruz and Assistant City Attorney Aida Martinez-Ruiz. 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:** RESOLUTION OF THE CITY COUNCIL OF HIALEAH GARDENS, FLORIDA, EXPRESSING THE CITY'S INTENTION TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS FOR CERTAIN CAPITAL EXPENDITURES TO BE PAID BY THE CITY PRIOR TO THE ISSUANCE OF SUCH TAX-EXEMPT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE was added as Item 8B.
6. **Review of Minutes: March 6, 2012.** Chairman Garcia made a motion to approve the minutes of March 6, 2012 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, FLORIDA, AUTHORIZING THE NORTHWEST DISTRICT ROADWAY IMPROVEMENTS; RATIFYING AN AGREEMENT WITH C & W PIPELINE, INC. FOR THE RENTAL OF A VERMEER MODEL T-755 ROCK TRENCHER IN THE AMOUNT OF \$16,500.00 PER MONTH; WAIVING OF COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia commented that this resolution serves to memorialize the action taken by the Council at the last meeting regarding an additional vendor for the Northwest District Roadway Improvement project. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, EXPRESSING THE CITY'S INTENTION TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS FOR CERTAIN CAPITAL EXPENDITURES TO BE PAID BY THE CITY PRIOR TO THE ISSUANCE OF SUCH TAX-EXEMPT OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Citrin clarified that this is a standard resolution when a municipality or governmental entity is contemplating tax-exempt financing and prior to the issuance of the bond sometimes expenditures are required. Furthermore, he explained that in order to allow the reimbursement of those expenditures, the governmental entity expresses its intention to go ahead and issue the bonds. If the city were a private entity this would be called an inducement resolution. However, since the city is not a private entity this is simply a notice of our intention. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR GOLDEN LAKES – ZEALOUS VENTURE CONCERNING PROPERTY LEGALLY DESCRIBED AS PER SURVEYOR: TRACT 60 LESS

THE NORTH 35.00 FEET AND THE SOUTH 1/2 OF TRACT 61 LESS THE SOUTH 35.00 FEET, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No 1, IN SECTION 19 TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS THE WEST 40 FEET AND LESS THE EAST 35 FEET: OF THE TRACTS HEREINBEFORE DESCRIBED. AND ALSO LESS AND EXCEPT: A PORTION OF TRACT 60 IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 27604 PAGE 2498 AND OFFICIAL RECORDS BOOK 27604 PAGE 2490 AND A PORTION OF THE SOUTH 1/2 OF TRACT 61 IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 27604 PAGE 2486 AND OFFICIAL RECORDS BOOK 27604 PAGE 2482 OF SAID PLAT BOOK 2, PAGE 17, LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA. LOCATION: BUILDINGS A, B AND C: 14201 NW 112TH AVENUE (FROM UNIT 1 TO 48), 14101 NW 112TH AVENUE AND 14100 NW 109TH AVENUE, HIALEAH GARDENS, FL. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

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. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(4-0)**

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

Chairman Garcia asked that those that intend to provide testimony on either Item 10A or 10B please rise and be sworn in. Ordinance B was read inadvertently into the record before Ordinance A.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AS AMENDED ENTITLED "LAND DEVELOPMENT REGULATIONS", ARTICLE V, ENTITLED "DEVELOPMENT AND DESIGN STANDARDS", DIVISION 6, ENTITLED "ADDITIONAL REQUIREMENTS FOR SPECIFIC USES", MORE PARTICULARLY BY AMENDING SECTION 78-46, ENTITLED "GENERAL BUSINESS DISTRICT", AND SECTION 78-130, ENTITLED

“SPECIFIC USE REQUIREMENTS”, TO PERMIT ELECTRONIC GAME PROMOTION CENTERS AS AN ACCESSORY USE FOR CERTAIN HOTEL AND MOTEL USES; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin recused himself from this item as well as the following item (10 B) and allowed Ms. Martinez-Ruiz to serve as counsel. Ms. Martinez-Ruiz read the full title of the ordinance into the record. Mayor De La Cruz explained that this is basically to allow the gaming machines already present in the city that are regulated by the state to be used inside of hotels within certain regulations being set forth by the city. More specifically, this is meant to control licensure so that it is only given to hotels with a certain capacity for these machines. He pointed out once again that these machines are regulated by the state and one of the requirements being set forth is that they have to be inspected by the state and that the state will be the one giving out the license to run the machines. If anything were to go wrong with the machines, the state will step forward and cancel the machines or shut down the operation. Chairman Garcia opened the public hearing at 7:40 p.m. No one came forward therefore he closed the public hearing at 7:40 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA ESTABLISHING ARTICLE III OF CHAPTER 11 OF THE CITY OF HIALEAH GARDENS CODE REGARDING THE OPERATION OF ELECTRONIC GAME PROMOTION CENTERS AND THE USE OF ELECTRONIC MACHINES IN OPERATING GAME PROMOTIONS OR SWEEPSTAKES CONDUCTED IN CONNECTION WITH THE SALE OF CONSUMER PRODUCTS OR SERVICES; PROVIDING FOR DEFINITIONS, REGULATIONS FOR OPERATION, AND PERMITTING FEES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance. Mayor De La Cruz stated that this resolution also applies to the gaming machines and focuses on permitting the city to pass fees that will be charged for the machines. Chairman Garcia opened the public hearing at 8:42 p.m. No one came forward therefore he closed the public hearing at 8:42 p.m. 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** – No comments
12. **Mayor's Report – Miscellaneous** – Mayor De La Cruz attended a baseball exhibition game between Florida International University and the Miami Marlins. He expressed that he had a great time and encouraged the Council members to draft a letter to send to the Miami Marlins to make the exhibition game an annual event.
13. **Council Members Concerns / Reports / Board Appointments** – No comments
14. **Adjournment** – The meeting was adjourned at 7:44 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, April 17, 2012, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

Tuesday, May 1, 2012, 5:30 P.M.