

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, FEBRUARY 19, 2013
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:32 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Elmo L. Urra and Councilman Jorge Gutierrez. Also present were Mr. Charles A. Citrin, City Attorney, and Mayor Yioiset De La Cruz. 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:** None were offered.
- 6. Review of Minutes: February 5, 2013.** Chairman Garcia made a motion to approve the minutes of February 5, 2013 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

Mr. Citrin stated that Item 10B should be moved up on the agenda and addressed following Item 8A.

8. Proposed Resolutions:

- A) RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA URGING LOCAL RETAILERS SELLING TOBACCO PRODUCTS TO REFRAIN FROM SELLING AND MARKETING FLAVORED TOBACCO PRODUCTS BECAUSE SUCH PRODUCTS TEND TO PROMOTE AND INFLUENCE TOBACCO USE BY MINORS AND YOUNG ADULTS.

Mr. Citrin read the full title of the resolution into the record. This item was presented at the previous Council Meeting by Students Working Against Tobacco (SWAT) and serves to memorialize the organization's request for a resolution. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- B) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,120,000 OF TRANSPORTATION TAX REFUNDING REVENUE BONDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Citrin swore in all those who would be testifying and read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and stated that they have been able to negotiate the documents into its final form. Mr. Piloto mentions how the City will be saving over \$90,000 over the life of the loan with the refinancing of the Transportation Tax Bond at a lower interest rate. Chairman Garcia opened the Public Hearing at 7:35 p.m. No comments were offered and the Public Hearing was closed at 7:35 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

8. Proposed Resolutions:

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO A LEASE AGREEMENT WITH EDUARDO "EDDY" GONZALEZ FOR RENTAL OF OFFICE SPACE IN THE HIALEAH GARDENS CITY HALL; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVE GONZALEZ; 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 mentioned that this was just simply organizing a lease agreement between the city and representative Gonzalez for office space in the Hialeah Gardens city hall. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH DOUGLAS ZAMORA FOR THE PURPOSE OF COORDINATING SPECIAL EVENTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH MR. ZAMORA; 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 states that this item is for professional services to be provided for the city, and Mr. Zamora will be working closely with the city and handling special events. Chairman Garcia mentions the agreement is for one year, and it can always be revisited after the year to see if it needs to be renewed. Mr. Citrin then briefly states that there is a 30 day termination period, and that it doesn't necessarily have to go a whole year. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- D) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS TRANSPORTATION TAX REFUNDING REVENUE BONDS, SERIES 2013 (THE "BONDS"), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,120,000, FOR THE PURPOSE OF (I) REFUNDING THE CITY'S OUTSTANDING TRANSPORTATION TAX REVENUE BONDS, SERIES 2010, WHICH REFUNDED THE CITY'S

TRANSPORTATION TAX REVENUE BONDS, SERIES 2004 AND FINANCED THE COSTS OF ROAD IMPROVEMENTS WITHIN THE CITY AND RELATED ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS, AND (II) PAYING COSTS OF ISSUANCE OF THE BONDS; PROVIDING SECURITY FOR THE BONDS, PRESCRIBING THE FORM, TERMS AND DETAILS OF THE BONDS; AWARDING THE BONDS TO TD BANK, N.A. BY NEGOTIATED SALE; DESIGNATING THE BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE OFFICE OF MANAGEMENT AND BUDGET DIRECTOR TO ADOPT TAX-EXEMPT BOND COMPLIANCE PROCEDURES PURSUANT TO CURRENT GUIDELINES OF THE INTERNAL REVENUE SERVICE, WHICH WILL APPLY TO THE BONDS AND TO THE CITY'S TAX-ADVANTAGED BONDS CURRENTLY OUTSTANDING AND HEREAFTER ISSUED; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chairman Garcia stated that this item goes hand in hand with ordinance 10B which was just approved. With no further comments Chairman Garcia 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, APROVING A SITE PLAN FOR TRIANGULAR SOCCER CENTRE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "B" "SHOMA COMMERCIAL". ACCORDING TO THE PLAT THEREOF RECORDED PLAT BOOK 160 AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING IN SECTION 30, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.; FOLIO: 27-2030-014-0020, APPROXIMATE LOCATION: NW SIDE OF NW 138 STREET AND WEST OF THEORETICAL NW 109TH AVENUE, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Felix Pardo for the applicant was present. Chairman Garcia stated that this was a first reading and as

such an opportunity for public input would be provided on second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

10. 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 TEBA SUBDIVISION. LEGAL DESCRIPTION: THE NORTH ONE HALF (N 1/2) OF TRACT 62 OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA APPROXIMATE LOCATION: BETWEEN THEORETICAL NW 109 AVENUE AND NW 112 AVENUE AND SOUTH SIDE OF NW 144th STREET, HIALEAH GARDENS, FL. FOLIO: 27-2019-001-0695; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 6-0; P&Z Vote: n/a)**

Mr. Citrin swore in all those who would be testifying on items for Second Reading/Public Hearing. Mr. Citrin read the full title of the ordinance into the record. The applicant Hernando Jaramillo came forward. Chief Zoning Official Mirtha Gonzalez then came forward and gave staff recommendation for approval with conditions of waiver or tentative plat. Chairman Garcia opened the Public Hearing at 7:46 p.m. No comments were offered and the Public Hearing was closed at 7:46 p.m. Chairman Garcia then 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, APPROVING A WAIVER OF PLAT OR TENTATIVE PLAT FOR CUBRASA SOUTH, LLC. LEGAL DESCRIPTION: DESCRIPTION PARENT TRACT PARCEL A: THE EAST ½ LESS THE WEST ½ OF THE WEST ½ OF THE EAST ½ OF TRACT 37 IN SECTION 19 TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. ALSO LESS THAT PART OF THE ABOVE PROPERTY TAKEN OR CONVEYED TO THE STATE OF FLORIDA OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE. ALSO KNOWN AS: THE EAST ONE-HALF OF TRACT 37, IN SECTION 19, TOWNSHIP 52

SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, RUN THENCE NORTH $02^{\circ}33'57''$ WEST (BEARINGS ARE BASED ON THE FLORIDA STATE SYSTEM OF PLANE COORDINATES), 990.04 FEET ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHEAST CORNER OF TRACT 37, OF SAID SUBDIVISION; THENCE SOUTH $89^{\circ}29'11''$ WEST, 491.11 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 37, TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH $89^{\circ}29'11''$ WEST, 99.22 FEET TO A POINT OF INTERSECTION WITH A CURVE, CONCAVE TO THE NORTHWESTERLY AND HAVING A RADIUS OF 826.00 FEET; THENCE FROM A TANGENT BEARING NORTH $26^{\circ}34'11''$ EAST, RUN NORTHEASTERLY ALONG SAID CURVE, 344.17 FEET, THROUGH A CENTRAL ANGLE OF $23^{\circ}52'03''$, TO A POINT OF INTERSECTION CURVE; THENCE SOUTH $02^{\circ}14'13''$ EAST, 329.96 FEET TO THE POINT OF BEGINNING. ALSO: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, RUN THENCE NORTH $02^{\circ}33'57''$ WEST (BEARINGS ARE BASED ON THE FLORIDA STATE SYSTEM OF PLANE COORDINATES) 990.04 FEET ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHEAST CORNER OF TRACT 37, OF SAID SUBDIVISION; THENCE SOUTH $89^{\circ}29'11''$ WEST, 590.33 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 37, TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH $89^{\circ}29'11''$ WEST, 69.14 FEET ALONG SAID SOUTH BOUNDARY TO A POINT OF INTERSECTION WITH THE WEST BOUNDARY OF THE EAST ONE-HALF OF SAID TRACT 37, THENCE NORTH $02^{\circ}33'50''$ WEST, 330.02 FEET, ALONG SAID WEST BOUNDARY TO A POINT OF INTERSECTION WITH THE NORTH BOUNDARY OF SAID TRACT 37; THENCE NORTH $89^{\circ}29'14''$ EAST, 170.24 FEET, ALONG SAID NORTH BOUNDARY TO A POINT OF INTERSECTION WITH A CURVE, CONCAVE TO THE NORTHWESTERLY AND HAVING A RADIUS OF 826.20 FEET; THENCE FROM A TANGENT BEARING OF SOUTH $02^{\circ}42'08''$ WEST, RUN SOUTHWESTERLY ALONG SAID CURVE 344.17 FEET

THROUGH A CENTRAL ANGLE OF 23°52'03", TO THE POINT OF BEGINNING. LESS AND EXCEPT: THAT PORTION OF TRACT 37 IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 27604 PAGE 2510, MORE PARTICULARLY DESCRIBED AS THE EAST 40.00 FEET OF THE NORTH ONE-HALF (N ½) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE SOUTHEAST ONE-QUARTER (SE ¼) OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: WEST SIDE OF NW 112 AVENUE AND SOUTH OF NW 142 STREET, HIALEAH GARDENS, FL., FOLIO: 27-2019-001-0395; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. Mr. Citrin read the full title of the ordinance into the record. Ms. Maria Martin Hidalgo for the applicant was present. Chief Zoning Official Mirtha Gonzalez came forward and gave staff's recommendation for approval of waiver of plat or tentative subject to the following conditions. The applicant needs to close the open permit for temporary concrete wall and encroachment on south property line where the wall goes into neighbor's property. Chairman Garcia then opened the Public Hearing at 7:51 p.m. No comments were offered and the Public Hearing was closed at 7:51 p.m. Chairman Garcia then 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 AMENDING THE CITY CODE CHAPTER 78 (LAND DEVELOPMENT REGULATIONS) AMENDING SUBSECTION 78-73(b) and 78-73(d)(13) [78-13:REQUIREMENTS AND PROCEDURES FOR SITE PLAN REVIEW; 78-13(b) REVIEW PROCEDURES FOR DEVELOPMENTS; 78-13(d)(13) SUBMISSION REQUIREMENTS] BY ADDING PROCEDURE REGARDING CUT AND FILL APPROVAL IN THE NORTHWEST DISTRICT, SPECIFICALLY FOR THE SPECIAL ASSESSMENT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia then made a motion to table item 10D, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

11. **City Attorney's Report:** Mr. Citrin informed that he will not be present for the next meeting and took this opportunity to congratulate the Mayor and Councilmen Piña and Gutierrez on their re-election.
12. **Mayor's Report – Miscellaneous:** No Comments
13. **Council Members Concerns / Reports / Board Appointments:** No comments
14. **Adjournment** - The meeting was adjourned at 7:54 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, March 19, 2013, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, March 11, 2013, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, March 7, 2013, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, March 27, 2013, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.