

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, JANUARY 22, 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 Jorge Gutierrez, and Councilman Elmo L. Urra. Also present were Mr. Charles A. Citrin, City Attorney and Mayor Yiozet 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:** Request for authorization to refinance 2010 Transportation Bond: Mr. Marcos Piloto, O.M.B. Director, was added to the agenda as Item 9D.
- 6. Review of Minutes: December 18, 2012.** Chairman Garcia made a motion to approve the minutes of December 18, 2012 seconded by Councilman Merida. The motion was unanimously approved.

7. Public Comments: None were offered.

8. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA DECLARING THE ACQUISITION OF PARCEL ONE REQUIRED FOR THE WIDENING AND IMPROVEMENT OF N.W. 102ND AVENUE WITHIN THE CITY LIMITS TO BE NECESSARY FOR A PUBLIC PURPOSE; AND AUTHORIZING SETTLEMENT WITH THE FEE SIMPLE TITLE HOLDER OF PARCEL ONE BY CONSENT FINAL JUDGMENT IN EMINENT DOMAIN COURT PROCEEDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. The item being discussed is related to a parcel which the city needed to acquire in order to serve the annexed area. A final consent judgement in eminent domain was negotiated between the City and the Dunn family. Mr. Citrin introduced Mr. Jeff Cynamon, Attorney who was present and worked with him on the negotiation. Mr. Citrin added that the Mayor and Joe Lopez, Public Works Director also played a role in negotiations which ultimately has resulted in a savings to the City. Chairman Garcia 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 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.

Mr. Citrin read the full title of the ordinance into the record. 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)**

- B) 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°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°29'11" WEST, 491.11 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 37, TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH 89°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°34'11" EAST, RUN NORTHEASTERLY ALONG SAID CURVE, 344.17 FEET, THROUGH A CENTRAL ANGLE OF 23°52'03", TO A POINT OF INTERSECTION CURVE; THENCE SOUTH 02°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°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°29'11" WEST, 590.33 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 37, TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH 89°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°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°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°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)

Mr. Citrin read the full title of the ordinance into the record. 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)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APROVING A SITE PLAN FOR TACO BELL AT VICENZA PLAZA, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT "A" 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. ALL OF THE ABOVE DESCRIBED LAND BEING AND LYING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 34,103.39 SQUARE FEET OR 0.78 ACRES MORE OR LESS.; FOLIO: 27-2033-067-0014, LOCATION: 11890 HIALEAH GARDENS BOULEVARD, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 5-0; P&Z Vote: 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Eduardo Carcache for the applicant came forward. 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)**

9D. Discussion Item: Request for Authorization to refinance 2010 Transportation Bond: Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto, O.M.B. Director came forward and stated request more time to review analysis sheet and see if it would be feasible to move forward. The approval by the council will allow the city to lock a rate for 30 days. Mr Cintrin commended Mr. Piloto for his hard work on this issue. With no objection the council is instructing staff to go forward and prepare the ordinance for first reading on the next meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. City Attorney's Report: Mr. Citrin congratulated the Mayor and Council Members that were unopposed for this election.

11. Mayor's Report – Miscellaneous: No comments.

12. Council Members Concerns / Reports / Board Appointments: Chairman Garcia congratulated the Mayor as well as Jorge and Roly

13. Adjournment - The meeting was adjourned at 7:56 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, February 19, 2013, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

Monday, February 5, 2012, 5:30 P.M.