

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, FEBRUARY 5, 2013  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:31 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge A. Merida, Councilman Elmo L. Urra and Councilman Jorge Gutierrez. Also present were Mr. Charles A. Citrin, City Attorney, and Mayor Yioset De La Cruz.
- 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 9B.
- 6. Review of Minutes: January 22, 2012.** Chairman Garcia made a motion to approve the minutes of January 22, 2012 seconded by Councilman Merida. The motion was unanimously approved.

- 7. Public Comments:** None were offered.
- 8. Presentation: Students Working Against Tobacco (SWAT):** Ms. Rachelle Theodore, Miami Dade County Health Department.

Ms. Rachelle Theodore SWAT coordinator for the Miami Dade County Health Department came forward and gave details of the organization which has over 300 members and has been conducting presentations at numerous municipalities. Ms. Katherine Fuentes a student and member of the group came forward and gave a presentation to the council which detailed the dangers of the sale of flavored tobacco to minors. Chairman Garcia applauded the students for their actions and the city welcomes the opportunity to review and pass a resolution on behalf of their efforts.

**9. First Reading for consideration 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 144<sup>th</sup> STREET, HIALEAH GARDENS, FL. FOLIO: 27-2019-001-0695; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Abraham Haddad with the surveying firm preparing the plat 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. **(5-0)**

- 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 read the full title of the ordinance into the record. Mr. Marcos Piloto Director of OMB came forward and read his memo into the record. The memo detailed the proposal from TD Bank for the refinancing of the 2010 Transportation Bond. The analysis of the proposal supports refunding the existing loan with TD Bank, which would provide the city with savings over the remaining debt payments of approximately \$96,175.00 after cost of issuance. 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. **(5-0)**

**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 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 PARTICULARY 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. Cintrin swore in those individuals who would be giving testimony on items for Second Reading / Public Hearing. Mr. Citrin then read the full title of the ordinance into the record. The applicant was not present. Chairman Garcia made a motion to table the item seconded by Councilman Merida. The motion was unanimously approved. **(5-0)**

- B) 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 made a motion to table the item seconded by Councilman Merida. The motion was unanimously approved. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING 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 architectural engineer for the project was present. Mrs. Mirtha Gonzalez Chief Zoning Official came forward and gave staff recommendation for approval of the site plan with conditions having been met. 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. **(5-0)**

- 11. City Attorney's Report:** No comments
- 12. Mayor's Report – Miscellaneous:** No Comments
- 13. Council Members Concerns / Reports / Board Appointments:** No comments

**14. Adjournment** - The meeting was adjourned at 7:50 p.m.

Respectfully submitted 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, March 5, 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, February 27, 2013, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.