

## MINUTES

**CITY OF HIALEAH GARDENS  
TUESDAY, MAY 07, 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 Jorge A. Merida, Councilman Jorge Gutierrez, and Councilman Elmo L. Urra. Also present were Mayor Yiozet De La Cruz and Mr. Charles A. Citrin, City Attorney. Councilman Rolando Piña was absent.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor Yiozet De La Cruz led the Pledge of Allegiance.
5. **Deletions / Emergency Additions:** None were offered. Items 11A and 11B on the agenda will be reversed.
6. **Review of Minutes: April 02, 2013.** Chairman Garcia made a motion to approve the minutes of April 02, 2013 seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.

**8. Request for approval of 4COP alcohol beverage license for Latin Hialeah Gardens Restaurant Corp. 9160 N.W. 122<sup>nd</sup> Street #1-5, Hialeah Gardens, FL: Mr. Victor Guevara, Owner. Tabled: 04/02/2013**

This item was tabled at the last meeting. Chairman Garcia made a motion to remove from table, seconded by Councilman Merida. The motion was unanimously approved. The applicant Victor Guevara was present. Roberto Lorenzo Business License Tax Director came forward and read the recommendation for approval. No one came forward on the item. Based on staff recommendation Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously.

**9. Request for approval of Water and Sewer Agreements between the City of Hialeah Gardens and Preferred Freezer: Mr. Andres Delgado, Director of Water and Sewer Department.**

Mr. J. Frost Walker III, Water and Sewer Board attorney came forward for the record and mentioned that these were standard agreements which have already been reviewed and recommends approval. Based on the Water and Sewer recommendation Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously.

**10. Proposed Resolutions / Public Hearing for consideration and adoption of the following Resolutions:**

- A) RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, INITIATING AND REQUESTING PROPOSED BOUNDARY CHANGES TO THE CITY IN ORDER TO ANNEX PROPERTY LEGALLY DESCRIBED AS SECTION 2 AND PORTIONS OF SECTIONS 3, 10, 11, 13, 14 AND 24 IN TOWNSHIP 52 SOUTH, RANGE 39 EAST; AND, PORTIONS OF SECTIONS 18 AND 19 IN TOWNSHIP 52 SOUTH, RANGE 40 EAST, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" IN MIAMI-DADE COUNTY, FLORIDA; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE TERMS OF ARTICLE 1, SECTION 20-3 OF THE CODE OF MIAMI-DADE COUNTY TITLED "INITIATED BY GOVERNING BODY OF MUNICIPALITY"; AUTHORIZING THE MAYOR, CLERK AND ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS

RESOLUTION AND ACCOMPANYING DOCUMENTS; AND  
PROVIDING FOR AN EFFECTIVE DATE.

Mr. Charles Citrin read the full title of the resolution into the record. Mr. Alex David with Bell David Planning Group who is serving as the City's consultant on the project came forward. Mr. David gave details on the Annexation Report and the request for property to be annexed by the City which is bounded by the Turnpike on the East all the way to the county line. Mr. David mentions that it is 5.66 square miles, over 3600 acres and that the zoning is a mix industrial, agricultural, and also unzoned areas. In response to Chairman Garcia's inquiry, Mr. David stated that the City had complied with all required public notice to property owners in the annexation area as well as those within the required 600 foot radius. He went on to give details of the process which includes formal submittal of the request, County staff review and finally hearing and approval by the County Commission as an ordinance. Mr. Citrin inquired as to the application fee which also needs to be approved by Council. At this time Mr. David requested approval of the fee which he calculated to be \$19,281.50. Mayor De La Cruz inquired as to the time frame for the complete process. Mr. David responded that it should take anytime from 10 months to a year. Mayor De La Cruz states that this will double the city's size and the cost to serve the area will be covered by increased revenue in ad valorem taxes. Chairman Garcia opened the Public Hearing at 7:50 p.m. At this time, Ms. Carrie Marsh with the law firm of Greenberg Tuarig came forward. Ms. Marsh attended on behalf of Mr. Vicilio Mcgroging a property owner, in the proposed annexation area, who does business with White Rock Quarries. Ms. Marsh states that they actually own approximately 967 of the acres that are proposed for annexation which is over 25%. At this point they have concerns with the annexation regarding urbanization or land uses that may not be compatible. Ms. Marsh mentions that the client also owns significant acreage abutting the area. Mayor De La Cruz stated that during the City's previous annexation, concerns of this nature were resolved and that he would be willing to meet with her client to discuss an amicable resolution. Ms. Marsh goes on to ask if there was any information about the ad valorem tax base. She states that the current one is 1.928 and would like to compare it. The city's current rate is 5.312 which is over three and a half times the amount and this is also a concern. Once Ms. Marsh had completed her comments, Ms. Maria Stack came forward. Ms. Stack was wondering what the boundaries are and whether it includes any of the residential area. Mr. David showed Ms. Stack the boundary map which includes homes that are on a minimum of 5 acre lots. At this time no one else came forward. Chairman Garcia closed the Public Hearing at 7:58 p.m. Chairman Garcia made a motion to approve the resolution and the required fee up the \$20,000.00, seconded by Councilman Merida. The motion was approved unanimously.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS,  
FLORIDA, APPROVING AND RATIFYING A RENEWED  
AGREEMENT WITH FIRST SOUTHWEST COMPANY AS  
THE CITY'S FINANCIAL ADVISOR; AUTHORIZING A

CONTRACT BETWEEN THE CITY AND FIRST SOUTHWEST COMPANY FOR FINANCIAL ADVISOR SERVICES; APPROVING AGREEMENTS RELATED TO SAID; SERVICES PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave complete details of the extension of the agreement with First Southwest Company. This agreement will extend their financial advisor services for the next 3 years with an option to renew each year. Mr. Citrin commended the fine work of First Southwest. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENDING THE AGREEMENT WITH GOVERNMENT SERVICES GROUP, INC.; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE MAYOR TO EXTEND AN AGREEMENT WITH GOVERNMENT SERVICES GROUP, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and gave details of the recommendation to extend the agreement with Government Services Group who provides consultant services for collection and reporting of the City's special assessment. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously.

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

**Tabled: 04/02/2013**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE, SITE PLAN REVIEW AND HEIGHT VARIANCES TO PERMIT AN EXTENSION OF THE CHARTER SCHOOL (MATER ACADEMY) WITHIN THE BUSINESS DISTRICT FOR 900 STUDENTS UNDER MATER ACADEMY FOUNDATION, INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL THAT PART OF TRACTS 15 AND 16, FLORIDA FRUIT

LAND CO. SUBDIVISION, IN SECTION 3, TOWNSHIP 53 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, LYING NORTHERLY OF THE RIGHT-OF-WAY FOR THE NORTHWEST 103<sup>RD</sup> STREET, LESS AND EXCEPTING THEREFROM EACH AND ALL OF THE FOLLOWING: (A) THE NORTH 130 FEET THEREOF FOR CANAL RIGHT-OF-WAY TOGETHER WITH IMPROVEMENTS THEREON; (B) THE EAST 25 FEET THEREOF; AND (C) THE LAND HERETOFORE CONVEYED BY SHELLEY TRACTOR & EQUIPMENT CO. TO LOWELL S. DUNN AND BETTY L. DUNN, HIS WIFE, BY DEED DATED AUGUST 6, 1969 AND RECORDED IN OFFICIAL RECORDS BOOK 6519, AT PAGE 560, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE EAST TWENTY FIVE FEET (E 25') OF ALL THAT PART OF TRACTS 15 AND 16, FLORIDA FRUIT LAND CO. SUBDIVISION, IN SECTION 3, TOWNSHIP 53 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, LYING NORTHERLY OF THE RIGHT-OF-WAY FOR NORTHWEST 103<sup>RD</sup> STREET, LESS AND EXCEPTING THEREFROM THE NORTH 130 FEET THEREOF FOR CANAL RIGHT-OF-WAY TOGETHER WITH IMPROVEMENTS THEREON, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: WEST OF NW 80<sup>TH</sup> AVE AND NORTH SIDE OF NW 103<sup>RD</sup> STREET, HIALEAH GARDENS, FL. 33016. FOLIO: 27-3003-001-0110. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Mr. Cintrin swore in all those who would be providing testimony on items for Second Reading / Public Hearing. Mr. Citrin read the full title of the ordinance into the record. Item 11B was heard ahead of item 11A. Mr. Hugo Arza with Holland & Knight came forward for the applicant. Mirtha Gonzalez Chief Zoning Official then came forward and read staff recommendations which included the proposed conditions into the record. Mr. Arza then stepped forward once again and introduced design professionals Rolando Llanes and Ivan Fajardo, traffic engineer Richard Garcia, Principal Judy Marti from Mater Academy, and Antonio Roca of the Mater Academy Foundation. The applicant is in agreement with all conditions and commended the staff on their professionalism and thanked Deputy Chief Zardon as well for his input regarding police concerns. Mr. Arza goes on to say how this is an existing site for over 10 years that has received many educational awards and now

they would like to construct two additional classroom buildings that will house an additional 900 students. Mr. Arza explains that NW 80 Avenue can be vacated and become an alley way for campus use. Traffic will route through the back portion to take pressure off of 103<sup>rd</sup> street in the City and enter through NW 106 Street. Chairman Garcia inquired whether the stacking length and stacking flow proposed by the traffic engineer will provide adequate levels of service and queuing stack for this amount of students. There will be two drop offs and two pick ups which allows a certain amount of students at one time. Chairman Garcia goes on to ask when this project will go into full operation. Mr. Antonio Roca comes forward and states that completion is expected by the beginning of the 2014 school year. Currently there are about 2000 students on a waiting list to enroll at the school. This year the school was once again at the top of the list of best schools nationwide. Chairman Garcia also wants to know how many additional teachers and staff are going to be employed. Mr. Arza goes on to say that additional teachers and assistants will be added for each 25 students. They estimate that in total about 60 additional staff members will be added. Chairman Garcia opened the Public Hearing at 8:19 p.m. No comments were offered and the Public Hearing was closed at 8:19 p.m. Councilman Urra then asked about the traffic flow. Mr. Garcia explained that pick up and drop off will be allowed in bypass lanes and traffic personnel on site will assist with the route. There will be two shifts for students half an hour apart. There will be a two hour commitment for need of police officers for both shifts. Mayor De La Cruz states that traffic at schools is always an issue but the benefit of the opportunity to add 900 students to such an outstanding school in the City outweighs the traffic concerns which will be resolved. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. **(Vote 4-0)**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS WEST OF NW 80TH AVE AND NORTH SIDE OF NW 103RD STREET, HIALEAH GARDENS, FL. 33016., LEGALLY DESCRIBED AS: THOSE PORTIONS OF TRACTS 1, 2, 3, AND 4, " FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, IN SAID SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST; THENCE ALONG THE WEST LINE OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, AN ASSUMED BEARING S, 01°45'30" E, 207.39 FEET TO THE POINT OF BEGINNING. THENCE CONTINUING S, 01°45'30" E, 407.32 FEET TO THE NORTH RIGHT-OF-WAY LINE OF N.W. 103RD STREET, AS RECORDED IN RIGHT-OF-WAY

MAP SECTION 8759-151 REVISED IN OCT. 01,1956; THENCE S.  $52^{\circ}41'01''$  E, 24.79 FEET TO A TANGENT POINT WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25 FEET; THENCE NORTHWESTERLY 22.22 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  $50^{\circ}55'34''$  TO A TANGENT POINT; THENCE N,  $01^{\circ}45'30''$  W, 285.91 FEET ALONG A LINE PARALLEL WITH AND 10 FEET OF SAID WEST LINE OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25 FEET; THENCE NORTHEASTERLY 35.93 FEET ALONG OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $82^{\circ}20'16''$  TO A POINT OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 50 FEET; THENCE NORTHEASTERLY, NORTHWESTERLY AND SOUTHWESTERLY 176.57 FEET ALONG OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $202^{\circ}20'16''$  TO THE POINT OF BEGINNING. CONTAINING 0.222 ACRES, MORE OR LESS; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mr. Hugo Arza with Holland & Knight came forward for the applicant. Mirtha Gonzalez Chief Zoning Official then came forward and read staff recommendation for approval of the abandonment of road right-of-way in order to give access to the school. Chairman Garcia opened the Public Hearing at 8:29 p.m. No comments were offered and the Public Hearing was closed at 8:29 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. (Vote 4-0)

- C) 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. Mr. Joe Lopez Public Works Director came forward and gave details of the need to amend the City code to provide for submission and procedures for cut and fill approval in the Northwest District. Chairman Garcia opened the Public Hearing at 8:38 p.m. No comments were offered and the Public Hearing was closed at 8:38 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. **(Vote 4-0)**

- 12. City Attorney's Report:** No comments.
- 13. Mayor's Report – Miscellaneous -** No comments.
- 14. Council Members Concerns / Reports / Board Appointments:** No comments.
- 15. Adjournment -** The meeting was adjourned at 8:39 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, June 4, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, June 10, 2013, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, June 6, 2013, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, June 26, 2013, 7:00 P.M.

**POLICE PENSION BOARD**

Tuesday, August 6, 5:30 P.M.