

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, MARCH 1, 2011
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 Rolando Piña, Councilman Elmo L. Urra, Councilman Jorge A. Merida and Councilman Jorge Gutierrez. City Attorney Charles A. Citrin was also present. Mayor Yioiset De La Cruz was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Councilman Piña led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** None were offered.
- 6. Review of Minutes:** February 15, 2011. Chairman Garcia made a motion to approve the minutes of February 15, 2011, 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 Street #01-05, Hialeah Gardens, FL.** Owner: Mr. Victor Guevara.

Motion was made by Chairman Garcia to remove this item from the table seconded by Councilman Merida. The motion was unanimously approved. Mr. Victor Guevara the applicant was present.

The following individuals came forward and gave testimony:

Mr. Victor Guevara, Owner
Mr. Robert Lorenzo, Chief of Business License Tax Department

Mr. Victor Guevara, applicant and owner of the restaurant was present. Mr. Robert Lorenzo Chief of the Business License Tax Department came forward and read staff's recommendation to approve the transfer of the 4COP alcohol beverage license into the record. Mr. Sotolongo acknowledged that he was aware and agreed to abide by the City's requirements for holding this type of license. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. Proposed Resolution:

- A) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE MAYOR AND THE CITY COUNCIL TO ISSUE TAX-EXEMPT BONDS IN THE AMOUNT NOT TO EXCEED FIFTEEN MILLION (\$15,000,000) DOLLARS TO FINANCE THE COST OF ROAD IMPROVEMENTS, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Mr. Citrin asked the item by tabled until Mr. Joe Lopez, Public Works Director arrived. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was approved unanimously.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, ACCEPTING AND AMENDING THE FY 2005 HOME CONTRACT BETWEEN MIAMI-DADE COUNTY DEPARTMENT OF HOUSING AND COMMUNITY

DEVELOPMENT AND THE CITY OF HIALEAH GARDENS FOR THE SAMARI LAKE EAST CONDOMINIUM REHABILITATION PROJECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Citrin added that this resolution serves to accept additional funding in the amount of \$250,000.00 from Miami-Dade County to continue with the City's rehabilitation project at the Samari Lake Condominiums.

10. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND VARIANCES FOR GOLD LAKE INVESTMENT, INC. AND ZEALOUS FINANCIAL LTD CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACK 60 AND SOUTH ½ OF TRACT 61, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, 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; FOLIOS: 27-2019-001-0670 / 27-2019-001-0675 /27-2019-001-0680 and 27-2019-001-0685, APPROXIMATE LOCATION: BETWEEN THEORETICAL NW 109 AVENUE AND NW 112 AVENUE AND BETWEEN THEORETICAL NW 141 STREET AND NW 143 STREET, HIALEAH GARDENS, FLORIDA, 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 would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion passed with Councilman Piña voting against **(4-1)**.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SITE PLAN, VARIANCES AND SPECIAL EXCEPTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR VICENZA AT HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 19, 20, 28, 29, 30 AND 31, IN SECTION 33, TOWNSHIP 52 SOUTH,

RANGE 40 EAST, OF "FLORIDA FRUITS LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 33; THENCE S02DEG45MIN28SECE, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33, FOR A DISTANCE OF 659.55 FEET TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 19; THENCE S89DEG29MIN45SECW, ALONG THE LAST DESCRIBED LINE FOR A DISTANCE OF 785.03 FEET; THENCE S02DEG45MIN28SECE FOR A DISTANCE OF 1029.30 FEET; THENCE S89DEG29MIN59SECW FOR A DISTANCE OF 504.63 FEET; THENCE N51DEG04MIN50SECW FOR A DISTANCE OF 406.50 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE N51DEG04MIN50SECW FOR A DISTANCE OF 730.00; THENCE N38DEG55MIN10SECE, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE N.W. 92ND - 97TH AVENUE CONNECTOR AS DESCRIBED IN OFFICIAL RECORDS BOOK 12975, PAGE 2386 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR A DISTANCE OF 555.00; THENCE S51DEG04MIN50SECE FOR A DISTANCE OF 408.53 FEET; THENCE EAST FOR A DISTANCE OF 236.24 FEET; THENCE SOUTH FOR A DISTANCE OF 219.14; THENCE S38DEG55MIN10SECW FOR A DISTANCE OF 532.92 FEET TO THE POINT OF BEGINNING; CONTAINING 427,484.27 SQUARE FEET OR 9.81 ACRES MORE OR LESS. FOLIO #: 27-2033-001-0330, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin swore in those individuals who would be providing testimony on the item and proceeded to read the full title of the ordinance into the record. Mr. Shahin Etessam was present for the applicant 84A Holdings. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and read staff's recommendation for approval of the variances and special exception and stated that applicant had met all conditions addressed by the Technical Review Committee and the Zoning Board. Mr. Shahin Etessam came forward and gave a presentation of the proposed project which includes a Wal-Mart Supermarket as an anchor store with three out parcels to include two potential restaurants and a banking institution. Chairman stated his concerns regarding the ingress and egress access for future development of the adjacent parcels zoned for residential use. Mr. Joe Lopez, Public Works Director

addressed his concerns. Chairman Garcia opened the public hearing at 8:08 p.m. No one came forward to speak on the item. Chairman Garcia closed the public hearing at 8:08 p.m. and made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(5-0)**.

At this time a motion was made by Chairman Garcia to remove **Item 9A** from the table, seconded by Councilman Merida. Charles Citrin read the full title of the resolution into the record.

- A) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE MAYOR AND THE CITY COUNCIL TO ISSUE TAX-EXEMPT BONDS IN THE AMOUNT NOT TO EXCEED FIFTEEN MILLION (\$15,000,000) DOLLARS TO FINANCE THE COST OF ROAD IMPROVEMENTS, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE..

Mr. Marcos Piloto, O.M.B. Director came forward and explained the intent of the City to issue tax-exempt bonds to finance the cost of road improvements. A special assessment will be implemented to provide for financing of the cost of road improvement projects to the NW District. Mr. Lopez stated that the collecting of monies from the special assessment will be funneled through the Miami-Dade County's property appraiser's office and included in property tax bills. He also added that notices for public hearings and all required procedures will be followed. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- 12. City Attorney's Report:** Mr. Citrin Thanked Commissioner Jose "Pepe" Diaz for on behalf of Mayor De La Cruz, his assistance in securing the additional funding for the Samari Lake Condominium project and acknowledged Ms. Olga Fulgueira from the Commissioner's office who was present at tonight's meeting.
- 13. Mayor's Report – Miscellaneous:** Mayor was not in attendance.
- 14. Council Members Concerns/ Reports/ Board Appointments:** No comments
- 15. Adjournment:** The meeting was adjourned at 8:22 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 5, 2011, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, March 7, 2011, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, March 3, 2011, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, March 23, 2011 7:00 P.M.

POLICE PENSION BOARD

T.B.A.