

## MINUTES

**CITY OF HIALEAH GARDENS  
TUESDAY, August 2, 2011  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Councilman Rolando Piña will be serving as Chairman for tonight's meeting.
- 2. Roll Call:** Present were, Councilman Rolando Piña, Councilman Elmo L. Urra. Councilman Jorge Merida and Councilman Jorge Gutierrez. Also present were City Attorney Charles A. Citrin. And Mayor Yiozet De La Cruz. Chairman Luciano Garcia was absent.
- 3. Invocation:** Chairman Piña gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** Item 9C was moved to the end of the agenda becoming Item 12A. Discussion on RFP 2011-02 Special Assessment Bank Loan was added to agenda as Item 12B.
- 6. Review of Minutes:** June 21, 2011. Councilman Piña made a motion to approve the minutes of June 21, 2011, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

**8. Request for approvals of Water and Sewer Department Items: Mr.**

Andres Delgado, Director of Water and Sewer Department

- Approval of the Water and Sewer Agreements between the City of Hialeah Gardens and The Grand at Doral Two, LTD (The Triangle Hotel).
- Approval of the Water and Sewer Agreements between the City of Hialeah Gardens and Vicenza at Hialeah Gardens Tracts A, B and C.
- Approval of the Final Conveyance for PS # 418

Mr. Andres Delgado, Director of Water and Sewer Department came forward and requested approval of the two water and sewer agreements presented and final conveyance for pump station 418. All items had been reviewed and approved by the Water and Sewer Board at their previous meeting. Mr. Citrin made note that Mr. J. Frost Walker III, attorney for the Water and Sewer Board was present at tonight's meeting and concurred with request for council approval. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**9. Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE RENEWAL OF THE AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION, STATE OF FLORIDA, AND THE CITY OF HIALEAH GARDENS CONCERNING TURF AND LANDSCAPE MAINTENANCE; 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 stated that this resolution served to approve the renewal of the turf and landscape maintenance agreement the city has with FDOT. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING THE URBAN QUALIFICATION AGREEMENT FOR THE MIAMI-DADE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEARS 2012, 2013 AND 2014 BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS, 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 stated that this resolution served to continue participating in Miami-Dade County's CDBG program which has provided funding for the Samari Lake East Condominium Rehabilitation Program. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZED BY CHAPTER 170, FLORIDA STATUTES, AS MORE PARTICULARLY DESCRIBED IN THE SPECIAL ASSESSMENT ALLOCATION REPORT; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON THE PROPERTY SPECIALLY BENEFITED BY SUCH IMPROVEMENTS TO PAY THE COSTS THEREOF; PROVIDING A METHOD FOR ALLOCATING THE TOTAL ASSESSMENTS AMONG THE BENEFITED PARCELS WITHIN THE CITY; CONFIRMING THE CITY'S INTENTION TO ISSUE ITS SPECIAL ASSESSMENT IMPROVEMENT BONDS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

**Item 9C moved to 12A on the agenda.**

- D) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE RELOCATION AND RECONSTRUCTION OF AN EXISTING NON-CONFORMING SIGN STRUCTURE PURSUANT TO SECTION 70.20 FLORIDA STATUTES; AUTHORIZING THE EXECUTION OF A CONTRACT BY AND BETWEEN THE CITY OF HIALEAH GARDENS, FLORIDA, CBS OUTDOOR, INC. ("CBS"), A DELAWARE CORPORATION, AND 9880 PALMETTO, LLC, A FLORIDA LIMITED LIABILITY COMPANY (THE "AGREEMENT"); ACCEPTING THE PERPETUAL NON-EXCLUSIVE EASEMENT ON PROPERTY OWNED BY 9880 PALMETTO, LLC (THE "EASEMENT"); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to authorize the relocation and reconstruction of an exiting non-conforming sign structure. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**10. First Reading for consideration of the following ordinance:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 40 "HIALEAH GARDENS POLICE PENSION TRUST FUND" OF THE CITY CODE BY AMENDING SECTION 40-214 "NORMAL RETIREMENT AGE" AND SECTION 40-281 "CALCULATION OF BENEFIT AMOUNT" TO IMPLEMENT THE PROVISIONS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PBA; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mayor De La Cruz stated that this was the first reading of the ordinance that makes changes agreed to by the city and the PBA with regards to the Police Pension Trust Fund. An opportunity for public input will be provided upon second reading. Chairman Piña made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved, with Councilman Merida off the dais.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SPECIAL EXCEPTION USE AND SITE PLAN FOR MISS CARUSI LEARNING CENTER. FOLIO #27-3003-052-0010. LOCATION: 8040 N.W. 95TH STREET, HIALEAH GARDENS, FL. UNITS: 11, 12, 13 AND 14, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote 5-0; P&Z Vote 3-0)**

Mr. Citrin swore in all those who would be provided testimony on the items for public hearing. He then read the full title of the ordinance into the record. Ms. Yaneiris Cepeda, owner and applicant was present. Mr. Joe Lopez, Public Works Director came forward on behalf of Mrs. Mirtha Gonzalez, Chief Zoning Official, and read her memo recommending approval with conditions into the record. Applicant had complied with all T.R.C. and P & Z conditons. Chairman Piña opened the public hearing at 8: p.m. No one came forward therefore Chairman Piña closed the public hearing at 8. and 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, AMENDING THE CODE OF ORDINANCES BY MODIFYING AND AMENDING ORDINANCE NO. 2008-06, CHAPTER 46-60, TAXATION AND FINANCE, TO ADD A NEW CATEGORY OF BUSINESS CLASSIFICATIONS IN MAJOR GROUP 65, REAL ESTATE, TO WIT: SECTION 6512 OWNERS/OPERATORS OF PROPERTY CONTAINING LEASABLE SPACE IN NONRESIDENTIAL BUILDINGS (SHOPPING CENTERS, INDUSTRIAL BUILDINGS OR WAREHOUSES, AND OFFICE BUILDINGS); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. The ordinance serves to provide for new category of business classification in the City code. Mr. Robert Lorenzo, Business Tax Receipt Department Director came forward and acknowledged changes to the code. Chairman Piña opened the public hearing at 8 No one came forward therefore he closed the public hearing at 8 and made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(4-0)**

**12. PUBLIC HEARING for the purpose of hearing comments and objections as to the propriety and advisability of levying non ad valorem special assessments pursuant to Chapter 170, Florida Statutes (the "Special Assessments") for the purpose of defraying the costs of the construction of roadways, street lighting, water and wastewater facilities and related landscaping, signage and improvements (the "Improvements") to be located in the northwest district of the City, as more particularly described in the Preliminary Special Assessment Allocation Report dated June 2011.**

The Council serving also as the Equalizing Board opened the public hearing at 7:50 p.m. Mr. Citrin read the title of the Public Hearing as described above. Notice for hearing was given pursuant the Florida Statutes.

Mr. Joe Lopez, Public Works Director, came forward and gave a report on the project for the NW District improvements and the special assessment process. The district is the area that is bound approximately by NW 138<sup>th</sup> Sreet on the south, us 27 (State Road 25) on the southwest, the Homestead Extnsion of Florida turnpike on the northwest and NW 150<sup>th</sup> Street on the north. The district also includes a 10 acre parcel abudding the lake. In total there are 62 parcels of land in the district. Improvements to the district include roadways, street lighting, water and wastewater facilities, a pump station and related landscaping and signage within portions of existing right of ways and right of ways to be acquired. Mr. Lopez continued to explain details of the phases of the project and

the special assessment allocation as it pertains to individual property owners. Also discussed was the amortization schedule and proposed changes to zoning in the area from Mixed Use Entertainment (MU-E) to Industrial Use (IU).

Comments and questions were heard from the following property owners:

Mr. Jose "Pepe" Cancio, 799 Crandon Boulevard, Key Biscayne, Florida  
 Ms. Maria de la Portilla, 14530 N.W. 112 Avenue, Hialeah Gardens, Florida  
 Mr. Carlos Lerman, 2110 N.E. 208 Street, Miami, Florida  
 Mr. Abraham Hernandez, 14950 N.W. 112 Avenue, Hialeah Gardens, Florida  
 Mr. Rolando Maytin, 13900 N.W. 112 Avenue, Hialeah Gardens, Florida  
 Mr. Stuart Wyllie, Graham Companies, 6843 Main Street, Miami Lakes, Florida  
 Mr. Osvaldo Maytin, 14400 N.W. 107 Avenue, Hialeah Gardens, Florida  
 Mr. Ignacio Halley, Community Asphalt Real Estate, Hialeah Gardens, Florida

Chairman Piña acknowledged State Representative Eduardo Gonzalez in the audience.

After hearing from property owners, Chariman Piña made a motion to levy the special assessment, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

The public hearing was opened for discussion to address questions, concerns and complaints from property owners with regard to the special assessment as far as equalization is concerned. No one came forward. The public hearing was closed at 8:21p.m.

## **12A.**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZED BY CHAPTER 170, FLORIDA STATUTES, AS MORE PARTICULARLY DESCRIBED IN THE SPECIAL ASSESSMENT ALLOCATION REPORT; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON THE PROPERTY SPECIALLY BENEFITED BY SUCH IMPROVEMENTS TO PAY THE COSTS THEREOF; PROVIDING A METHOD FOR ALLOCATING THE TOTAL ASSESSMENTS AMONG THE BENEFITED PARCELS WITHIN THE CITY; CONFIRMING THE CITY'S INTENTION TO ISSUE ITS SPECIAL ASSESSMENT IMPROVEMENT BONDS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to authorize and approve the construction of improvements in the NW District and the levying of special assessments on the benefitting properties. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

Recess was called at 8:23 p.m. The meeting resumed at 8:27 p.m.

- 12B. Discussion on RFP 2011-02 Special Assessment Bank Loan:** Mr. Marcos Piloto, O.M.B. Director, came forward and stated that one proposal from Regions Bank had been received in response to the RFP which solicited qualified banking institutions for a "Bank-Qualified", tax- exempt fixed rate loan. The proposal has been reviewed and a request for authorization to enter into negotiations for the loan and for the Mayor to sign the commitment letter made due to time restraints in order to lock in a rate. A resolution to this effect will be prepared for the next council meeting on August 16, 2011.
- 13. City Attorney's Report:** Mr. Citrin reported that Mr. J. Frost Walker will be serving as counsel for the meeting of August 16, 2011.
- 14. Mayor's Report – Miscellaneous:** Mayor De La Cruz mentioned that the city's millage rate will be reduced by 0.02% for upcoming year and that once again the city would not be raising taxes to its residents.
- 15. Council Members Concerns / Reports/ Board Appointments:** No comments
- 16. Adjournment:** The meeting was adjourned at 8:31 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, September 6, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, August 22, 2011, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, September 1, 2011, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, August 24, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.