

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, December 6, 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 Jorge A. Merida and Councilman Elmo L. Urra. Also present was Ms. Aida Martinez-Ruiz, Assistant City Attorney. Mayor Yioiset De La Cruz, City Attorney Charles Citrin and Councilman Jorge Gutierrez were 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:** November 1, 2011. Chairman Garcia made a motion to approve the minutes of November 1, 2011, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Public Hearing to Impose and Provide for Collection of Special Assessments.

Mr. Joe Lopez, Public Works Director came forward and informed that this public hearing is a requirement per Florida Statutes and is part of the ongoing process of the proposed special assessment for improvements to the NW District. The hearing allows for participation and comments from the public regarding this matter. Chairman Garcia opened the public hearing at 7:38 p.m. No one came forward therefore Chariman Garcia closed the public hearing at 7:38 p.m.

9. Proposed Resolutions:

- A) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA RELATING TO THE PROVIDING 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 FOR THE USE OF THE UNIFORM METHOD FOR COLLECTING SPECIAL ASSESSMENTS AS AUTHORIZED BY CHAPTER 197, FLORIDA STATUTES; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; PROVIDING FOR AN OPPORTUNITY FOR PREPAYMENT OF THE ASSESSMENTS; PROVIDING A METHOD FOR ALLOCATING THE TOTAL ASSESSMENTS AMONG THE BENEFITED PARCELS WITH THE CITY; PROVIDING FOR SEVERALBITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Mr. Joe Lopez, Public Works Director came forward and stated this resolution proports to ratify the last resolution passed creating the assessment, provide for the collection through a tax and allows for a period of prepayment. Chairman Garcia informed, for everyone's benefit, that it seems that we have gone through this process multiple times at multiple hearings but in an abundance of caution the city wanted to make sure that as we go through the assessment process that every opportunity has been given to the public to participate and voice their comments. Chairman Garcia went on to commend staff for all their efforts in protecting the city and its' residents. At this time Mr. Carlos Lerman, part owner of a parcel in the affected area, came forward to speak on the item. Mr. Lerman inquired on when the

assessment would start to be collected and if the improvements were open for changes. Mr. Lopez responded that the improvements which would take approximately 36 months to complete were being analyzed on an ongoing basis as a result of requests from multiple property owners. With respect to Mr. Lerman's parcel, there is a ¼ mile long roadway which fully serves only that particular property. The roadway can be removed from the city's improvement plan allowing the owner to design a complex within their 30 acre property to include internal roads in any fashion they see fit. As for the assessment, Mr. Lopez stated that the tax roll would take effect in 2012. No further comments were offered. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXECUTION OF THE 2011 HOME CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR THE SAMARI LAKE EAST CONDOMINIUM REHABILITATION ASSISTANCE PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE

Ms. Martinez-Ruiz read the full title of the resolution into the record. Mr. Jerry Bell, with Bell David Consultants came forward and explained that this resolution would serve to enter into an agreement with the county for additional recaptured funds to continue the rehabilitation of units in the Samari Lake East Condominiums. The program has been in effect for over four years and these new funds will serve to improve an additional 16 units. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE PURCHASE OF A JOHN DEERE 544K LOADER; A JOHN DEERE 700J DOZER; A JOHN DEERE 200DLC EXCAVATOR; A BOMAG BW211D-40 ROLLER TO BE USED BY THE PUBLIC WORKS DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH NORTRAX, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Mr. Joe Lopez, Public Works Director came forward for Mr. Marcos Piloto, O.M.B. Director and read his memo into the record recommending the purchase of heavy equipment for use by the Public Works department. The city reeached the cost of the equipment and is requesting to waive competitive bidding and use an existing Florida Sheriffs Association contract. The city will finance the purchase of the equipment through Sun Trust Bank. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH FOR A JOHN DEERE 544K LOADER; A JOHN DEERE 700J DOZER; A JOHN DEERE 200DLC EXCAVATOR; AND A BOMAG BW211D-40 ROLLER; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH SUNTRUST EQUIPMENT FINANCE & LEASING CORP.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. Ms. Martinez-Ruiz stated that this resolution would serve to authorize the execution of a lease agreement for the purchase of heavy equipment for use by the Public Works department with Suntrust Equipment Finance & Leasing Corp. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- E) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA RATIFYING THE ENTERING INTO INTERGOVERNMENTAL COOPERATION AGREEMENT ATTACHED HEREIN AS EXHIBIT "A" WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER AND TAX COLLECTOR REQUESTING THAT THE CITY'S NON-AD VALOREM ASSESSMENT BE INCLUDED ON THE NOTICE OF PROPOSED PROPERTY TAXES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the resolution into the record. She went on to inform that this resolution serves to ratify entering into an agreement with Miami-Dade County Property Appraiser and Tax Collector in order to include the city's non-ad valorem assessment on the Notice of Proposed Property Taxes. Chairman

Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APROVING A SITE PLAN FOR VICENZA AT HIALEAH GARDENS RESIDENTIAL SITE CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "B", 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. FOLIO: 27-2030-014-0131, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the ordinance into the record. Mr. Shahin Etessam was present for the applicant 84A Holdings. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APROVING A SITE PLAN FOR BLUE BELL CREAMERIES LP, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS M AND N, "SHOMA COMMERCIAL", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160 AT PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE MOST WESTERLY CORNER OF SAID TRACT N; THENCE SOUTH 50 DEGREES 59 MINUTES 15 SECONDS EAST, ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 25 AS SHOWN ON THE RIGHT-OF-WAY MAP SECTION 87090-2518, STATE ROAD 25, FOR 482.09 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE NORTH 39 DEGREES 00 MINUTES 45 SECONDS EAST FOR 332.60 FEET; THENCE SOUTH 50 DEGREES 46 MINUTES 28 SECONDS EAST FOR 250.00 FEET; THENCE SOUTH 39 DEGREES 00 MINUTES 45 SECONDS WEST FOR 331.67 FEET; THENCE

NORTH 50 DEGREES 59 MINUTES 15 SECONDS WEST, ALONG THE ABOVE MENTIONED RIGHT-OF-WAY LINE, FOR 250.00 FEET TO THE POINT OF BEGINNING. FOLIO: 27-2030-014-0131, LOCATION: 13295 WEST OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the ordinance into the record. Mr. Bradley Miller was present for the applicant, Blue Bell Creameries LP. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR LIEBHERR TRACT CONCERNING PROPERTY LEGALLY DESCRIBED AS: LEGAL DESCRIPTION: PARCEL 1: THE WEST ½ OF TRACT 13, FLORIDA FRUIT LAND CO. SUBDIVISION, IN SECTION 19, TOWNSHIP 52 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. TOGETHER WITH: PARCEL 2: TRACT 14, LESS THE EAST ½ AND LESS THAT PART COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, SAID CORNER LYING SOUTH 89°29'43" WEST, 2637.31 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 19; THENCE RUN SOUTH 2°33'57" EAST (BEARINGS ARE BASED ON THE FLORIDA STATE SYSTEM OF PLANE COORDINATES), 659.98 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHWEST CORNER OF TRACT 14, OF SAID SUBDIVISION, THENCE NORTH 89°29'39" EAST, 35.02 FEET ALONG THE NORTH BOUNDARY OF SAID TRACT 14 TO A POINT OF INTERSECTION WITH THE EXISTING EAST LINE OF DADE COUNTY RIGHT OF WAY AND THE POINT OF BEGINNING; CONTINUE THENCE NORTH 89°29'39" EAST, 97.00 FEET ALONG SAID NORTH BOUNDARY TO A POINT; THENCE SOUTH 18°10'26" EAST, 273.74 FEET TO A POINT OF INTERSECTION WITH SAID EXISTING EAST RIGHT OF WAY LINE; THENCE NORTH 2°33'57" WEST, 259.49 FEET ALONG SAID EXISTING EAST RIGHT OF WAY LINE TO THE

POINT OF BEGINNING; FLORIDA FRUIT LAND CO. SUBDIVISION, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH: PARCEL 3: THAT PART OF: THE WESTERLY 35.00 FEET OF TRACT 14, FLORIDA FRUIT LANDS COMPANY SUBDIVISION, NO. 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 68, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING ALSO AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SHEET 5 OF 7, SECTION 87005-2312; MOST RECENT UPDATE REVISION OCTOBER 1, 2003, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, SAID CORNER LYING SOUTH $89^{\circ}29'43''$ WEST, 2637.31 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 19, RUN THENCE SOUTH $2^{\circ}33'57''$ EAST, 659.98 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTH WEST CORNER OF SAID TRACT 14 OF SAID SUBDIVISION; THENCE NORTH $89^{\circ}10'26''$ EAST, 132.02 FEET ALONG THE NORTH BOUNDARY OF SAID TRACT 14 TO A POINT OF INTERSECTION WITH THE EXISTING EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 821; THENCE SOUTH $18^{\circ}10'26''$ WEST ALONG SAID RIGHT-OF-WAY LINE, 273.74 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH $02^{\circ}33'57''$ EAST 70.50 FEET; THENCE SOUTH $89^{\circ}29'37''$ WEST, 35.02 FEET; THENCE NORTH $24^{\circ}14'53''$ EAST, 77.58 FEET TO THE POINT OF BEGINNING. TOGETHER WITH: PARCEL 4: THAT PART OF: TRACT 20, FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17 IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 68, MIAMI-DADE COUNTY, FLORIDA, BEING ALSO A POINT OF PARCEL 125.1R AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SHEET 5 OF 7, SECTION 87005-2312; MOST RECENT UPDATE REVISION OCTOBER 1, 2003. COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40

EAST, SAID CORNER LYING SOUTH 89°29'43" WEST, 2637.31 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 19, RUN THENCE SOUTH 2°33'57" EAST, 659.98 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHWEST CORNER OF TRACT 14 OF SAID SUBDIVISION; THENCE NORTH 89°29'39" EAST, 132.02 FEET ALONG THE NORTH BOUNDARY OF SAID TRACT 14 TO A POINT OF INTERSECTION WITH THE EXISTING EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 821; THENCE SOUTH 18°10'26" WEST ALONG SAID RIGHT-OF-WAY LINE, 273.74 FEET; CONTINUE THENCE SOUTH 02°33'57" EAST 70.50 FEET; THENCE SOUTH 89°29'37" WEST, 35.02 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 02°33'57" EAST, 329.99 FEET; THENCE SOUTH 89°29'48" WEST ALONG THE SOUTH LINE OF SAID TRACT 20, 114.69 FEET; THENCE NORTH 16°48'45" EAST, 345.43 FEET TO THE POINT OF BEGINNING. APPROXIMATE LOCATION: BETWEEN HOMESTEAD EXTENSION OF FLORIDA TURNPIKE (HEFT) AND THEORETICAL NW 110 AVENUE, AND NORTH OF THEORETICAL NW 150TH STREET AND SOUTH OF THEORETICAL NW 152ND STREET, HIALEAH GARDENS, FL.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of the ordinance into the record. Mr. Omar Armenteros was present for the applicant, Liebherr Nenzing. Chairman Garcia stated that this was a first reading and as such an opportunity for public input will be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(4-0)**

- 11. City Attorney's Report:** No Comments
- 12. Mayor's Report – Miscellaneous:** No Comments
- 13. Council Members Concerns / Reports/ Board Appointments:** Chairman Garcia acknowledged the presence of students from Mater Academy High School who were in attendance at tonight's meeting for a class extra credit assignment.
- 14. Adjournment:** The meeting was adjourned at 8:01 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, January 3, 2012, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, January 9, 2012, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, January 5, 2012, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, January 25, 2012, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.