

**Mayor**

Yioset De La Cruz

**City Council Members**

Chairman Luciano "Lucky" García  
Vice Chairman Rolando "Roly" Piña  
Council member Jorge A. Merida  
Council member Jorge Gutierrez  
Council member Elmo L. Urra

**PUBLIC NOTICE: TO ALL CONCERNED CITIZENS OF HIALEAH GARDENS, FLORIDA. NOTICE TO BE POSTED AT CITY HALL.**

**AGENDA: REGULAR CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
Tuesday, February 5, 2013 – 7:30 P.M.**

**NOTE:** In compliance with Robert's Rules of Order, all speakers will be heard only on items which are on the agenda and opened by the Chairperson for discussion by the public. Speakers will be limited to five minutes, unless the Chairperson allows more time for presentation.

**ATTENTION ALL LOBBYISTS:** Chapter 2, Section 2-308 of the City Code of Hialeah Gardens entitled "Lobbying" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Council, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist's laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

**AGENDA –FEBRUARY 5, 2013 – 7:30 P.M. -COUNCIL CHAMBERS**

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation**
- 4. Pledge of Allegiance**
- 5. Deletions/Emergency Additions**
- 6. Review of Minutes:** January 22, 2013
- 7. Public Comments**
- 8. Presentation: Students Working Against Tobacco (SWAT):** Ms. Rachelle Theodore, Miami Dade County Health Department.
- 9. First Reading for consideration of the following ordinance:**
  - 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.
- 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

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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  $02^{\circ}33'57''$  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  $89^{\circ}29'11''$  WEST, 491.11 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 37, TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH  $89^{\circ}29'11''$  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  $26^{\circ}34'11''$  EAST, RUN NORTHEASTERLY ALONG SAID CURVE, 344.17 FEET, THROUGH A CENTRAL ANGLE OF  $23^{\circ}52'03''$ , TO A POINT OF INTERSECTION CURVE; THENCE SOUTH  $02^{\circ}14'13''$  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  $02^{\circ}33'57''$  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  $89^{\circ}29'11''$  WEST, 590.33 FEET ALONG THE SOUTH BOUNDARY OF SAID TRACT 37, TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH  $89^{\circ}29'11''$  WEST, 69.14 FEET ALONG SAID SOUTH BOUNDARY TO A POINT

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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 PARTICULARLY 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)

- 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..

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- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APROVING 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)

- 11. City Attorney's Report**
- 12. Mayor's Report – Miscellaneous**
- 13. Council Members Concerns / Reports / Board Appointments:**
- 14. Adjournment**

Agenda certified by:

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Maria L. Joffe  
City Clerk

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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, February 19, 2013, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, February 11, 2013, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, February 7, 2013, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, February 27, 2013, 7:00 P.M.

**POLICE PENSION BOARD**

Tuesday, February 5, 2013, 5:30 P.M.