

**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 19, 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 19, 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:** February 5, 2013
- 7. Public Comments**
- 8. Proposed Resolutions:**
  - A) RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA URGING LOCAL RETAILERS SELLING TOBACCO PRODUCTS TO REFRAIN FROM SELLING AND MARKETING FLAVORED TOBACCO PRODUCTS BECAUSE SUCH PRODUCTS TEND TO PROMOTE AND INFLUENCE TOBACCO USE BY MINORS AND YOUNG ADULTS.
  - B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO A LEASE AGREEMENT WITH EDUARDO "EDDY" GONZALEZ FOR RENTAL OF OFFICE SPACE IN THE HIALEAH GARDENS CITY HALL; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVE GONZALEZ; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
  - C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH DOUGLAS ZAMORA FOR THE PURPOSE OF COORDINATING SPECIAL EVENTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH MR. ZAMORA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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- D) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS TRANSPORTATION TAX REFUNDING REVENUE BONDS, SERIES 2013 (THE "BONDS"), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,120,000, FOR THE PURPOSE OF (I) REFUNDING THE CITY'S OUTSTANDING TRANSPORTATION TAX REVENUE BONDS, SERIES 2010, WHICH REFUNDED THE CITY'S TRANSPORTATION TAX REVENUE BONDS, SERIES 2004 AND FINANCED THE COSTS OF ROAD IMPROVEMENTS WITHIN THE CITY AND RELATED ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS, AND (II) PAYING COSTS OF ISSUANCE OF THE BONDS; PROVIDING SECURITY FOR THE BONDS, PRESCRIBING THE FORM, TERMS AND DETAILS OF THE BONDS; AWARDING THE BONDS TO TD BANK, N.A. BY NEGOTIATED SALE; DESIGNATING THE BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE OFFICE OF MANAGEMENT AND BUDGET DIRECTOR TO ADOPT TAX-EXEMPT BOND COMPLIANCE PROCEDURES PURSUANT TO CURRENT GUIDELINES OF THE INTERNAL REVENUE SERVICE, WHICH WILL APPLY TO THE BONDS AND TO THE CITY'S TAX-ADVANTAGED BONDS CURRENTLY OUTSTANDING AND HEREAFTER ISSUED; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APROVING A SITE PLAN FOR TRIANGULAR SOCCER CENTRE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "B" "SHOMA COMMERCIAL". ACCORDING TO THE PLAT THEREOF RECORDED PLAT BOOK 160 AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA LYING IN SECTION 30, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.; FOLIO: 27-2030-014-0020,

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APPROXIMATE LOCATION: NW SIDE OF NW 138 STREET AND WEST OF THEORETICAL NW 109<sup>TH</sup> AVENUE, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

**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 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. (TRC Vote: 6-0; P&Z Vote: n/a)
- B) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,120,000 OF TRANSPORTATION TAX REFUNDING REVENUE BONDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; AND PROVIDING AN EFFECTIVE DATE.

**Tabled 02/05/2013:**

- C) 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 TRACT 37 IN SECTION 19 TOWNSHIP 52 SOUTH, RANGE

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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 OF INTERSECTION WITH THE WEST BOUNDARY OF THE EAST ONE-HALF OF SAID TRACT 37, THENCE NORTH

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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)

- D) 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.

**11. City Attorney's Report**

**12. Mayor's Report – Miscellaneous**

**13. Council Members Concerns / Reports / Board Appointments:**

**14. Adjournment**

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Agenda certified 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, March 5, 2013, 7:30 P.M.

**PLANNING AND ZONING BOARD**

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

**TECHNICAL REVIEW COMMITTEE**

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

**WATER AND SEWER BOARD**

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

**POLICE PENSION BOARD**

T.B.A.