

**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, May 7, 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.

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- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation**
- 4. Pledge of Allegiance**
- 5. Deletions/Emergency Additions**
- 6. Review of Minutes:** April 2, 2013
- 7. Public Comments**
- 8. Request for approval of 4COP alcohol beverage license for Latin Hialeah Gardens Restaurant Corp. 9160 N.W. 122<sup>nd</sup> Street #1-5, Hialeah Gardens, FL:** Mr. Victor Guevara, Owner. **Tabled: 04/02/2013**
- 9. Request for approval of Water and Sewer Agreements between the City of Hialeah Gardens and Preferred Freezer:** Mr. Andres Delgado, Director of Water and Sewer Department.
- 10. Proposed Resolutions / Public Hearing for consideration and adoption of the following Resolutions:**
  - A) RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, INITIATING AND REQUESTING PROPOSED BOUNDARY CHANGES TO THE CITY IN ORDER TO ANNEX PROPERTY LEGALLY DESCRIBED AS SECTION 2 AND PORTIONS OF SECTIONS 3, 10, 11, 13, 14 AND 24 IN TOWNSHIP 52 SOUTH, RANGE 39 EAST; AND, PORTIONS OF SECTIONS 18 AND 19 IN TOWNSHIP 52 SOUTH, RANGE 40 EAST, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" IN MIAMI-DADE COUNTY, FLORIDA; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE TERMS OF ARTICLE 1, SECTION 20-3 OF THE CODE OF MIAMI-DADE COUNTY TITLED "INITIATED BY GOVERNING BODY OF MUNICIPALITY"; AUTHORIZING THE MAYOR, CLERK AND ATTORNEY TO

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TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING A RENEWED AGREEMENT WITH FIRST SOUTHWEST COMPANY AS THE CITY'S FINANCIAL ADVISOR; AUTHORIZING A CONTRACT BETWEEN THE CITY AND FIRST SOUTHWEST COMPANY FOR FINANCIAL ADVISOR SERVICES; APPROVING AGREEMENTS RELATED TO SAID; SERVICES PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.
- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENDING THE AGREEMENT WITH GOVERNMENT SERVICES GROUP, INC.; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE MAYOR TO EXTEND AN AGREEMENT WITH GOVERNMENT SERVICES GROUP, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Tabled: 04/02/2013**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS WEST OF NW 80TH AVE AND NORTH SIDE OF NW 103RD STREET, HIALEAH GARDENS, FL. 33016., LEGALLY DESCRIBED AS: THOSE PORTIONS OF TRACTS 1, 2, 3, AND 4, " FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1", IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK

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2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, IN SAID SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST; THENCE ALONG THE WEST LINE OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4, AN ASSUMED BEARING S, 01°45'30" E, 207.39 FEET TO THE POINT OF BEGINNING. THENCE CONTINUING S, 01°45'30" E, 407.32 FEET TO THE NORTH RIGHT-OF-WAY LINE OF N.W. 103RD STREET, AS RECORDED IN RIGHT-OF-WAY MAP SECTION 8759-151 REVISED IN OCT. 01,1956; THENCE S. 52°41'01" E, 24.79 FEET TO A TANGENT POINT WITH A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25 FEET; THENCE NORTHWESTERLY 22.22 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°55'34" TO A TANGENT POINT; THENCE N, 01°45'30" W, 285.91 FEET ALONG A LINE PARALLEL WITH AND 10 FEET OF SAID WEST LINE OF THE NORTHEAST 1/4, OF THE NORTHEAST 1/4 TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25 FEET; THENCE NORTHEASTERLY 35.93 FEET ALONG OF SAID CURVE THROUGH A CENTRAL ANGLE OF 82°20'16" TO A POINT OF A REVERSE CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 50 FEET; THENCE NORTHEASTERLY, NORTHWESTERLY AND SOUTHWESTERLY 176.57 FEET ALONG OF SAID CURVE THROUGH A CENTRAL ANGLE OF 202°20'16" TO THE POINT OF BEGINNING. CONTAINING 0.222 ACRES, MORE OR LESS; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE, SITE PLAN REVIEW AND HEIGHT VARIANCES TO PERMIT AN EXTENSION OF THE CHARTER SCHOOL (MATER ACADEMY) WITHIN THE BUSINESS DISTRICT FOR 900 STUDENTS UNDER MATER ACADEMY FOUNDATION, INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL THAT PART OF TRACTS 15 AND 16, FLORIDA FRUIT LAND CO. SUBDIVISION, IN SECTION 3,

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TOWNSHIP 53 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, LYING NORTHERLY OF THE RIGHT-OF-WAY FOR THE NORTHWEST 103<sup>RD</sup> STREET, LESS AND EXCEPTING THEREFROM EACH AND ALL OF THE FOLLOWING: (A) THE NORTH 130 FEET THEREOF FOR CANAL RIGHT-OF-WAY TOGETHER WITH IMPROVEMENTS THEREON; (B) THE EAST 25 FEET THEREOF; AND (C) THE LAND HERETOFORE CONVEYED BY SHELLEY TRACTOR & EQUIPMENT CO. TO LOWELL S. DUNN AND BETTY L. DUNN, HIS WIFE, BY DEED DATED AUGUST 6, 1969 AND RECORDED IN OFFICIAL RECORDS BOOK 6519, AT PAGE 560, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND THE EAST TWENTY FIVE FEET (E 25') OF ALL THAT PART OF TRACTS 15 AND 16, FLORIDA FRUIT LAND CO. SUBDIVISION, IN SECTION 3, TOWNSHIP 53 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, LYING NORTHERLY OF THE RIGHT-OF-WAY FOR NORTHWEST 103RD STREET, LESS AND EXCEPTING THEREFROM THE NORTH 130 FEET THEREOF FOR CANAL RIGHT-OF-WAY TOGETHER WITH IMPROVEMENTS THEREON, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: WEST OF NW 80TH AVE AND NORTH SIDE OF NW 103RD STREET, HIALEAH GARDENS, FL. 33016. FOLIO: 27-3003-001-0110. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

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

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, May 21, 2013, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, May 13, 2013, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, June 6, 2013, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, May 22, 2013, 7:00 P.M.

**POLICE PENSION BOARD**

Tuesday, May 7, 2013, 5:30 P.M.