

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, MARCH 16, 2010**

**CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:32 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Jorge Gutierrez, and Councilman Elmo L. Urra. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** None were offered.
- 6. Review of Minutes:** March 2, 2010. Chairman Garcia made a motion to approve the minutes of March 2, 2010, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Request for approval of 2COP alcohol beverage license transfer of ownership for Latin Hialeah Gardens Restaurant Corp., 9160 N.W. 122 Street #1-5, Hialeah Gardens, Florida: Mr. Jesus Iraheta, Owner.

The following individuals came forward and gave testimony:

Mr. Victor Guevara, register agent

Mr. Robert Lorenzo, Chief of Business License Tax Department

Mr. Victor Guevara was present for the owner. Mr. Robert Lorenzo Chief of the Business License Tax Department came forward and read staff's recommendation to approve the transfer of the 2COP alcohol beverage license into the record. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. Recommendation for Public Works proposals R.F.P. No. PW 10-200 and R.F.P. No. PW 10-210: Mr. Joe Lopez, Public Works Director.

Mr. Jose M. Lopez, Director of Public Works came forward and gave the recommendation of the selection committee who reviewed and scored the proposals received through the R.F.P. process. Rock Power Paving, Inc. was recommended for R.F.P. PW-200, and Maytin Engineering Corp. was recommended for R.F.P. PW-210. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

Mr. Citrin asked to take Item 12A before 10A and 10A moved to 12A.

10. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PROVIDE EACH REGION OF THE STATE, INCLUDING SOUTHEAST FLORIDA AND MIAMI-DADE COUNTY, ITS FAIR SHARE OF STATE FUNDING BASED ON WHERE REVENUE IS GENERATED, PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This is a city-initiated request. Mayor De La Cruz made comments regarding the resolution. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

11. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR WEST GARDEN PLAZA, CONCERNING PROPERTY LEGALLY DESCRIBED AS: (O.R.B. 15117 PG. 3295) THE WEST 225 FEET OF THE EAST 515 FEET OF TRACT 61 "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION N° 1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA LESS: THE NORTH 25 FEET THEREOF, AND LESS THE FOLLOWING DESCRIBED PARCEL OF LAND: BEGIN AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PARCEL, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID TRACT 61 FOR 68.06 FEET, THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD N° 25 FOR 89.91 FEET TO A POINT ON THE WESTERLY LINE OF THE ABOVE DESCRIBED PARCEL, THENCE SOUTHERLY ALONG THE WEST LINE OF ABOVE DESCRIBED PARCEL FOR 57.09 FEET TO THE POINT OF BEGINNING. AND: (O.R.B. 19304 PG. 3813) THE WEST 20 FEET TO THE EAST 535 OF TRACT 61 LESS THE RIGHT-OF-WAY OF STATE ROAD N° 25 IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION N° 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. BEST DESCRIBED AS FOLLOWS: COMMENCE AT NE CORNER OF TRACT 61 OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S89°39'50" W ALONG THE CENTER LINE OF NW 95 STREET FOR 290.00 FEET; THENCE RUN S01°45'56" E, FOR 25.00 FEET TO A POINT OF BEGINNING (POB) OF THE HEREINAFTER DESCRIBED PARCEL OF LAND, SAID POINT IS LOCATED ON SOUTH RIGHT OF WAY OF NW 95 STREET; THENCE RUN S89°39'50" W ALONG

THE SAID SOUTH RIGHT OF WAY FOR 245.07 FEET; THENCE RUN S01°45'56" E, FOR 230.91 FEET TO A POINT LOCATED ON NORTH RIGHT OF WAY OF RIGHT-OF-WAY LINE OF S.R.25 AS SHOWN IN FDOT RIGHT-OF-WAY MAP 87090-2518; THENCE RUN S50°56'14" E ALONG THE NORTH RIGHT OF WAY OF SAID S.R. 25 FOR 116.35 FEET TO A POINT; THENCE RUN N89°39'50" E, FOR 157.01 FEET; THENCE RUN N01°45'56" W, FOR 304.78 FEET TO THE POINT OF BEGINNING. CONTAINING: 71,418 SQ. FT +- 1.64 ACRES. FOLIOS: 27-3003-001-0851 AND 27-3003-001-0852; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 5-0; P&Z Vote: n/a)

Mr. Citrin read the full title of the ordinance into the record. Mr. Guillermo Guerrero was present for the applicant. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(4-0)**.

12. Second Reading / Public Hearing for consideration and final adoption of the following ordinance:

- A) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,550,000 OF TRANSPORTATION TAX 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.

Mr. Citrin read the full title of the ordinance into the record. Ms. Lakshmi McGrath, the city's financial advisor, Mr. Jeffrey DeCarlo, bond counsel from Adorno and Yoss and Mr. Delle Joseph, SunTrust Bank representative were present to answer questions. Chairman Garcia opened the public hearing at 7:46 p.m. No one came forward; therefore, Chairman Garcia closed the public hearing at 7:46 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(4-0)**

12. Proposed Resolution:

- B) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS TRANSPORTATION TAX REVENUE BONDS, SERIES 2010, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,550,000, FOR THE PURPOSE OF REFUNDING THE CITY'S TRANSPORTATION TAX REVENUE BONDS, SERIES 2004, FINANCING THE COSTS OF ROAD IMPROVEMENTS WITHIN THE CITY, FINANCING ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LEGAL AND OTHER PLANNING COSTS RELATED THERETO, AND 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 SUNTRUST BANK 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; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to authorize issuance of the City's Tax Revenue Bond Series 2010. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- 13. City Attorney's Report:** Mr. Citrin made favorable comments on the work done by all parties involved on the bond issue.
- 14. Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.
- 15. Council Members Concerns / Reports / Board Appointments:**
- All council members reappointed their respective board members.
- 16. Aournment:** The meeting was adjourned at 7:50 p.m.

Respectfully submitted by:

Maria L. Joffee
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, April 20, 2010, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, May 10, 2010, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, May 6, 2010, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday April 27, 2010. 7:00 P.M.

POLICE PENSION BOARD

Wednesday, April 28, 2010, 5:30 P.M.