

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, August 7, 2018
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:32 p.m.
- 2. Roll Call:** Present were Councilman Jorge Gutierrez, Councilman Jorge Merida, Councilman Rolando Piña, Councilman Elmo Urra, Chairman Luciano Garcia, Mayor Yiozet De La Cruz, and City Attorney Charles Citrin.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** Item 8C was added to the agenda.
- 6. Review of Minutes: June 19, 2018:** Chairman Piña made a motion to approve the minutes of June 5, 2018. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

Chairman Garcia welcomed County Commissioner Jose "Pepe" Diaz to the meeting and asked him to come forward and share a few words; Commissioner Diaz stated that it was his honor to be in attendance and explained that he wanted to stop by and commend the staff for doing an outstanding job.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE RENEWAL OF THE AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION, STATE OF FLORIDA, AND THE CITY OF HIALEAH GARDENS CONCERNING TURF AND LANDSCAPE MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia opened the item to comments from Council. This is an internal, yearly renewal of the existing agreement with FDOT; there are no changes to the agreement. No comments were offered. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The motion was approved unanimously.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE PURCHASE OF AN INTERNATIONAL TRUCK WITH THE PETERSEN TL3 (GRAPPLER) TO BE USED BY THE MAINTENANCE DEPARTMENT; 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 RECHTIEN INTERNATIONAL TRUCKS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Juan Rivera, OMB Director, came forward and stated that the Maintenance Department has requested a new truck (grapppler) for daily operational use as the two existing ones are too old. The cost of the truck is \$148,658.00 through the Florida Sheriff's Association BID #17-VEH15.0 and the cost has been budgeted for in the current fiscal year budget. Chairman Garcia opened the item to public comments. None were offered. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The motion was approved unanimously.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR THE PLACEMENT OF SCHOOL-BASED LAW ENFORCEMENT OFFICERS AT MIAMI-DADE COUNTY PUBLIC SCHOOLS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. The Mayor explained that they have been going back and forth with the School Board over the last couple of months in an effort to get police safety officers positioned at schools. The City did not agree with the original agreement sent by the School Board. It required the City to pay 100% of officers, cover all the schools, have all the liability, but had no jurisdiction or contract guarantee. After an extensive period of time and several meetings with Mr. Carvalho, School Board Superintendent they came to an agreement that the Mayor feels comfortable with. The Mayor then spoke on the details of the agreement, which requires all municipalities in Miami Dade County to have a sworn in police officer at each elementary school. It states that the County will pay for ½ or \$35,800 of an officer's salary. Charter schools will pay for their own officers. The City will be allowed to hire new officers and have jurisdiction over the officers. Liability is now on the School Board. It is a three-year contract and can only be canceled by both parties. The Mayor concluded that he is comfortable with the outcome of the Memorandum of Understanding. He thanked Commissioner Diaz for his efforts and support. Mr. Citrin added his own remarks, commending the Mayor and Assistant City Attorney Aida Martinez-Ruiz. The Chair opened the item to public comments. None were offered. Chairman Garcia made a motion to approve the item, seconded by Councilman Merida. The motion was approved unanimously.

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR: CITY OF HIALEAH GARDENS AND 13300, LLC. (CITY OF HIALEAH GARDENS (TRACT 4) AND 13300, LLC (TRACTS 1, 2 AND 3)) LEGAL DESCRIPTION: PARENT TRACT: THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, 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, LESS THE SOUTH 30.00 FEET, DEDICATED TO

THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 1

THE WEST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, 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, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 2

THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, 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, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 3

THE WEST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, 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, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 4

THE EAST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, 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, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA. FOLIO: 27-2029-001-0070. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record. The Mayor stated that this is the property the City purchased across from Hialeah Gardens Elementary to build a passive park. The FDOT purchased Bernie Wilson Park because NW 103rd Street is going to be rerouted straight through the park property. They had to purchase property the same size as Bernie Wilson to be able to include the same elements: a playground, a gazebo, walkways—which is why it's a passive park. The waiver of plat is one of the requirements to be able to build the park. 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. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY BETWEEN NW 97TH AVENUE AND NW 97TH COURT AND NW 131 STREET HIALEAH GARDENS, FL., LEGALLY DESCRIBED AS: THAT PORTION OF TRACT 7, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, 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 INSIDE THE 30 FEET RIGHT OF WAY DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LAYING EAST OF THE WEST

LINE OF TRACT "A" OF "CASTELLON ESTATES SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 167, PAGE 50, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, EXTENDED TO THE NORTH LINE OF THE SOUTH 30.00 FEET OF SAID TRACT 7. CONTAINING 3,753.08 SQUARE FEET OR 0.086 ACRES, MORE OR LESS; FOLIO #: 27-2019-001-0070; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record. 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. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS COUNCIL, AMENDING SECTION 78-84 (4) OF THE LAND DEVELOPMENT REGULATIONS CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, FLORIDA, CONDITIONALLY PROVIDING TO ADD METAL AS ACCEPTABLE RESIDENTIAL ROOFING MATERIAL IN THE ESTATE RESIDENTIAL DISTRICT, SETTING FORTH THOSE CONDITIONS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 3-0; P&Z Vote: 4-0)

Mr. Citrin read the item into the record. 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. **(5-0)**

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

- A) ORDINANCE AMENDING CHAPTER 78 (LAND DEVELOPMENT REGULATIONS), ARTICLE III, OF THE HIALEAH GARDENS CITY CODE ENTITLED ZONING DISTRICT TYPE AND USE REGULATIONS BY ADDING A NEW SECTION ENTITLED "ELDERLY HOUSING OVERLAY DISTRICT" (EHO) IN SECTION 78-56 OF SAID CODE; TO PROVIDE A GEOGRAPHIC AREA FOR MULTI-FAMILY RESIDENTIAL CONGREGATE LIVING FACILITIES FOR THE ELDERLY, TO PROVIDE REQUIREMENTS; TO ALLOW

USE WITHIN GEOGRAPHIC BOUNDARIES OF (EHO) DISTRICT IN ADDITION TO THE EXISTING ZONING DESIGNATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin swore in those individuals who would be testifying for the item for public hearing. He then read the item into the record. Mr. Edward Marquez, Esq., came forward on the behalf of the Machado Family LTD to encourage the Council to pass this ordinance. It is greatly needed in the community and they fully support it. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her memorandum into the record detailing the requirements and the three areas that comprise the elderly housing overlay district. Mayor De La Cruz asked Mrs. Gonzalez whether this had been capped at 100 units. Mrs. Gonzalez answered that the density is 75 units per acre and that the project has in fact been capped at 100 units. Chairman Garcia opened the public hearing at 7:56 p.m.; no comments were offered and the public hearing was closed at 7:56 p.m. There were no comments from Council. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- 11. City Attorney's Report:** Mr. Citrin sent his regards to Mr. Gil Pastoriza, who is recovering from open heart surgery.
- 12. Mayor's Report – Miscellaneous:** The Mayor reminded the Council that on Friday, August 10th at 10 a.m. they would be hosting a groundbreaking at the site of the future Miami Dade Library at Westland Gardens Park. It has been almost 10 years in the making. Commissioner Diaz offered remarks regarding the process, supporting the project and thanking the Mayor for his hard work.
- 13. Council Members Concerns / Reports / Board Appointments:** Councilman congratulated the Mayor for negotiating the police officer contract with the School Board.
- 14. Adjournment:** The meeting was adjourned at 7:59 p.m.

Agenda certified 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, September 4, 2018, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 10, 2018, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, September 6, 2018, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, August 22, 2018, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 6, 2018, 5:30 P.M.