

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, February 5, 2019
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Elmo Urra, Councilman Jorge Gutierrez, Councilman Jorge Merida, Councilman Rolando Piña, 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:** None were offered.
- 6. Review of Minutes: January 22, 2019** Chairman Garcia made a motion to approve the minutes of January 22, 2019, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING SECTION 78-156(e) OF THE LAND DEVELOPMENT REGULATIONS IN THE CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, FLORIDA, BY PROVIDING THAT APPLICATIONS BY MICRO WIRELESS AND SMALL WIRELESS TELECOMMUNICATIONS FACILITIES (AS DEFINED IN AMENDED SECTION 78-156(e)) FOR INSTALLATION OR CONSTRUCTION IN RIGHT OF WAYS OR PUBLIC ROADS UNDER FLORIDA STATUTES 337.401(3)(a) ARE NOT REQUIRED TO OBTAIN SITE PLAN REVIEW OR APPROVAL FROM THE CITY, SETTING FORTH THOSE CONDITIONS; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia mentioned that this is a City sponsored item on first reading and opportunity for public input will be afforded upon second reading. Chairman Garcia then made a motion to approve the item, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(5-0)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR WAWA HIALEAH GARDENS, CONCERNING PROPERTY LEGALLY DESCRIBED: A PORTION OF TRACTS 3, 4, AND 5, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE LANDS DESCRIBED AS PARCEL 1 IN OFFICIAL RECORDS BOOK 30408, PAGE 874, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE RUN SOUTH 01°47'11" EAST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 593.13 FEET TO A POINT ON THE NORTH LINE OF PARCEL 19 AS DESCRIBED IN OFFICIAL RECORDS

BOOK 28960, PAGE 4044, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°46'52" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 187.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 79th AVENUE (A 50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 5346, PAGE 288, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE DEPARTING SAID NORTH LINE, RUN NORTH 01°45'34" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 675.36 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST 103rd STREET (STATE ROAD NO. 932, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87260-2589), SAID POINT BEING A POINT ON A 1945.08 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS POINT BEARS NORTH 26°15'17" EAST; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°05'39" AN ARC DISTANCE OF 206.88 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 2.723 ACRES, MORE OR LESS. FOLIOS #: 27-3003-001-0046 and 27-3003-001-0031. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record. Ms. Amanda Naldjieff, of Holland & Knight, came forward representing Wawa. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her recommendation for approval of the tentative plat into the record. The use is for a gas station and food store. Chairman Garcia opened the public hearing at 7:36 p.m.; no comments were offered and he closed the public hearing at 7:36 p.m. Councilman Piña asked about a construction timeline, to which Ms. Naldjieff replied that they are hoping to start construction in the fall of this year. Chairman Garcia then made a motion to approve, seconded by Councilman Merida and the item unanimously approved by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE #2018-11 APPROVING MODIFICATIONS OF THE PREVIOUSLY APPROVED SPECIAL EXCEPTION USE TO A NEW CORPORATION OCOLLE, INC.; TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES TO BE CONSUMED OFF THE PREMISES

LIQUOR PACKAGE STORE, TO BE LOCATED AT: 12547-12549 W. OKEECHOBEE ROAD, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. (TRC Vote: n/a; P&Z Vote: n/a)

Mr. Citrin read the item into the record. Mr. Ramon Diaz, the owner, came forward. Mrs. Mirtha Gonzalez came forward and explained that ordinance 2018-11 was approved by the Council on September 4, 2018. Staff recommends the amendment of the ordinance since there is a change in owner and corporation as listed on the existing approval of the special exception use. Mayor De La Cruz clarified that the previous owner never got to open the business. Mrs. Gonzalez concurred that the previous owner had been in the process of obtaining an alcohol license from the State when the new owner took over. Chairman Garcia opened the public hearing at 7:40 p.m.; no comments were offered. Public hearing closed at 7:40 p.m. Chairman Garcia made a motion to approve the item, seconded by Councilman Merida. The item was unanimously approved by individualized voice. **(5-0)**

10. **City Attorney's Report:** Mr. Citrin noting the next item on the agenda, shared a story about his experience working as a coach for the South Shore Park's boxing team back in 1967, and jokingly offered his managerial help to the recipient of the following award.
11. **Mayor's Report** – Presentation of Proclamation to Mr. Aaron Aponte. Mayor De La Cruz thanked everyone in attendance for supporting the young recipient of the award. The Mayor read the Proclamation into the record, which recognizes Mr. Aponte's numerous athletic achievements in boxing. He also recognized his father's successful fitness center, KO Fitness Center located in the City, which helped develop Aaron's talents. Aaron intends to enter the US Olympic team in the 2020 Olympics. Mr. Aaron Aponte came forward and accepted his award and a photo opportunity was afforded. Aaron was encouraged to say a few words and proceeded to give his thanks to numerous people. Chairman Garcia congratulated Aaron and wished him and his family all the best.
12. **Council Members Concerns / Reports / Board Appointments:** N/A
Water & Sewer Board Appointments: Councilman Jorge Merida
13. **Adjournment:** The meeting was adjourned at 7:48 pm.

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, March 5, 2019, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, March 11, 2019, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, February 21, 2019, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, February 27, 2019, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, May 7, 2019, 5:30 P.M.