

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 3, 2020
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge Merida, Councilman Rolando Piña, Councilman Elmo Urra, Mayor Yioiset De La Cruz, and City Attorney Charles Citrin.
- 3. Invocation:** Chairman Garcia gave the invocation. Chairman Garcia invited members of Scouts Troupe 242 of Hialeah Gardens who were in attendance to come forth and lead the pledge of allegiance.
- 4. Pledge of Allegiance:** Young members of Scouts Troupe 242 came forward and led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** N/A
- 6. Review of Minutes: February 18, 2020** Chairman Garcia made a motion to approve the minutes of February 18, 2020, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS ENTERING INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ELDER AFFAIRS FOR IMPROVEMENTS AND RENOVATIONS TO THE CITY'S SENIOR CENTER; AUTHORIZING THE EXECUTION OF AN 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. Mr. Joe Lopez, Public Works Director, came forward and addressed the Council. Mr. Lopez explained the State of Florida (Department of Elder Affairs) 2019-2020 General Appropriations Act has appropriated \$800,000 to the City of Hialeah Gardens to support improvements and renovations to the City's Senior Center. This funding will allow the City to rehabilitate, improve and enhance the Senior Center, as per the attached contract. The Department therefore recommends that the City Council approve the agreement. This agreement simply enables the City to secure the funds. No questions or comments from the Council. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously.

(5-0)

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE CITY OF HIALEAH, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; 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. Captain Michael Lopez came forward on behalf of the Police Department and Chief Luis Diaz to respectfully request the approval of this resolution which will renew the mutual aid agreement with the City of Hialeah for law enforcement issues and needs. This is simply a renewal of the existing mutual aid agreements that they have with all numerous municipalities. No questions or comments from the Council. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously.

(5-0)

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE TOWN OF MEDLEY, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; 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. Captain Michael Lopez came forward once again on behalf of the Police Department and Chief Luis Diaz to respectfully request the approval of this resolution which will renew the mutual aid agreement with the Town of Medley. This is simply a renewal of the existing mutual aid agreements that they have with numerous municipalities. No questions or comments from the Council. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(5-0)**

9. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF THE EXCLUSIVE FRANCHISE WITH WASTE MANAGEMENT FOR THE PURPOSE OF TRASH AND GARBAGE SERVICES OF THE CITY OF HIALEAH GARDENS AND COLLECTION OF RECYCLABLE MATERIALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin recused himself due to a conflict of interest and asked the Deputy City Attorney Ms. Aida Martinez-Ruiz to read the item into the record. Ms. Martinez-Ruiz read the item into the record. This is a first reading; an opportunity for public input will be afforded upon second reading. Mr. Alex Gonzalez, representing Waste Management, came forward and stated his name and address for the record. Ms. Martinez-Ruiz explained that the contract expired on March 1, so the City has extended it via a memorandum of understanding to cover the service until the next reading. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(5-0)**

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

Tabled 02/18/2020

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF HIALEAH GARDENS, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin swore in those in attendance intending to give testimony on any of the items for public hearing. This item had been previously tabled. The Chair made a motion to remove the item from the table, seconded by Councilman Merida. The item was removed from the table via individualized voice vote. **(4-0)** Chairman Garcia recused himself from the item due to a conflict of interest and did not cast a vote or discuss the item. Councilman Piña took over as Chairman. Mr. Citrin read the item into the record. No questions or comments from the Councilmembers. The Chair opened the public hearing at 7:42 p.m.; no one came forward. Public hearing closed at 7:42 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING ARTICLE V ENTITLED DEVELOPMENT AND DESIGN STANDARDS, DIVISION 4 FOR BUSINESS AND INDUSTRIAL ZONING DISTRICTS REGULATIONS INCREASING THE MAXIMUM HEIGHT PERMITTED WITHIN IN-1 (LIGHT INDUSTRIAL), IN-2 (HEAVY INDUSTRIAL) AND IN-C (CONTROLLED INDUSTRIAL) ZONING DISTRICTS WITHIN THE NORTHWEST DISTRICT; 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 returned to the dais as did Chairman Garcia. Mr. Citrin read the item into the record. Mrs. Mirtha Gonzalez, Chief Planning Official, came forward and read her memo for recommendation into the record. Chairman Garcia mentioned that they discussed this change at length at the last meeting, which would increase the maximum building height in the industrial zones of the NW District to 50 feet. The Chair opened the public hearing at 7:45 p.m.; no one came forward. Public hearing closed at 7:45 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR A.J. PROPERTIES TRACT CONCERNING PROPERTY LEGALLY DESCRIBED: THE SOUTH 1/2 OF TRACT 12, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" OF SECTION 19, TOWNSHIP 52 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. LESS THEREFROM THAT PORTION CONVEYED TO THE CITY OF HIALEAH GARDENS IN RIGHT-OF WAY DEED RECORDED MARCH 4, 2011 IN OFFICIAL RECORDS BOOK 27606, PAGE 2676, PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. LOCATION: 14900 NW 109TH AVENUE, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2019-001-0120. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0, P&Z Vote: 4-0)

Mr. Citrin read the item into the record. Mr. Manny Reus, architect, came forward and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Planning Official, came forward and read her memo for recommendation into the record. No variances, this is just a simple site plan. The Chair opened the public hearing at 7:47 p.m.; no one came forward. Public hearing closed at 7:47 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(5-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR PULL QUE INVESTMENTS, LLC, CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 23, OF FORREST FARMS, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 20 AT PAGE 67, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIO: 27-2032-003-0027, APPROXIMATE LOCATION: EAST OF NW 98TH AVENUE AND N.W. 97TH AVENUE BETWEEN NW 122ND STREET AND W. OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0, P&Z Vote: 4-0)

Mr. Citrin read the item into the record. Mr. Fernando Montes de Oca came forward representing the applicant and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Planning Official, came forward and read her memo for recommendation into the record. There are no variances and the applicant has addressed all conditions by T.R.C. The Chair opened the public hearing at 7:49 p.m.; no one came forward. Public hearing closed at 7:49 p.m. The Chair made a motion

to approve the ordinance, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(5-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN TO DEVELOP A WAREHOUSE WITH OFFICES AND HEIGHT VARIANCE FOR HIALEAH GARDENS COMMERCE CENTER, CONCERNING PROPERTY LEGALLY DESCRIBED AS: PARCEL 1: THE NORTH ONE HALF (N 1/2) OF TRACT 61, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, IN SECTION 19, 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 AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO THE CITY OF HIALEAH GARDENS IN OFFICIAL RECORDS BOOK 29676, PAGE 4385. THE EAST 35.00 FEET OF THE EAST ONE-HALF (E 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. FURTHER LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO THE CITY OF HIALEAH GARDENS IN OFFICIAL RECORDS BOOK 29676, PAGE 4381. THE WEST 40.00 FEET OF THE WEST ONE-HALF (W 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. PARCEL 2: THE SOUTHEAST 1/4 (SE 1/4) OF TRACT 61, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, IN SECTION 19, 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. AND THE SOUTHWEST 1/4 (SW 1/4) OF TRACT 61, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, IN SECTION 19, 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 AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO THE CITY OF HIALEAH GARDENS IN OFFICIAL RECORDS BOOK 27604, PAGE 2482: THAT

PORTION OF THE EAST ONE-HALF (E 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 35.00 FEET OF THE EAST ONE-HALF (E 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19. AND THE SOUTH 35.00 FEET OF THE EAST ONE-HALF (E 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19. AND THAT PORTION OF THE EAST ONE-HALF (E 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19, BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE EAST ONE-HALF (E. 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19, BOUNDED BY THE WEST LINE OF THE EAST 35.00 OF THE EAST ONE-HALF (E 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19 AND BOUNDED BY A 25.00 FEET RADIUS ARC CONCAVE TO THE NORTHWEST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES. AND EXCEPTING THEREFROM ANY PORTION OF THE ABOVE-DESCRIBED LANDS PREVIOUSLY DEDICATED AS PUBLIC RIGHT-OF-WAY. FURTHER LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY CONVEYED TO THE CITY OF HIALEAH GARDENS IN OFFICIAL RECORDS BOOK 27604, PAGE 2486: THAT PORTION OF THE WEST ONE-HALF (W 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19,

TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE WEST 40.00 FEET OF THE WEST ONE-HALF (W 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19. AND THE SOUTH 35.00 FEET OF THE WEST ONE-HALF (W 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19. AND THAT PORTION OF THE WEST ONE-HALF (W 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19, BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE WEST ONE-HALF (W 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19, BOUNDED BY THE EAST LINE OF THE WEST 40.00 FEET OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 19 AND BOUNDED BY A 25.00 FEET RADIUS ARC CONCAVE TO THE NORTHEAST, SAID ARC BEING TANGENT TO BOTH OF THE LAST DESCRIBED LINES. AND EXCEPTING THEREFROM ANY PORTION OF THE ABOVE-DESCRIBED LANDS PREVIOUSLY DEDICATED AS PUBLIC RIGHT-OF-WAY. FOLIOS #: 27-2019-001-0681, 27-2019-001-0686, 27-2019-001-0680 AND 27-2019-001-0685, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

(TRC Site Plan Vote: 6-0, Height Variance Vote 6-0)

(P&Z Site Plan Vote: 4-0, Height Variance Vote 4-0)

Mr. Citrin asked the applicant if he could refrain from reading the entire legal description. Mr. Adam Rydzewski, applicant, came forward and stated his name and address for the record; he agreed. Mr. Citrin read a short title project description into the record. The applicant is requesting a height variance of 47.5 feet where 40 feet is permitted as per section 78-120. Mrs. Gonzalez read the relevant folio numbers into the record, and read her memo for recommendation into the record. The applicant has addressed all conditions as by TRC. The Chair opened the public hearing at 7:52 p.m.; no one came forward. Public hearing closed at 7:52 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(5-0)**

11. City Attorney's Report:

Mr. Citrin welcomed the Girl Scouts and Boy Scouts in attendance and mentioned that he was once a Cub Scout himself.

12. Mayor's Report – Miscellaneous: N/A**13. Council Members Concerns / Reports / Board Appointments:** Chairman Garcia welcomed the Scouts and allowed them to ask the Council some questions. Several Scout members came forward and questions about local government and encouraged them to continue to play an active role in their community.**14. Adjournment:** The meeting was adjourned at 8:02 p.m.

Respectfully submitted by:

Maria L. Joffe
City Clerk

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office no later than four days prior to the proceeding. For assistance, the City's telephone number is (305) 558-4114; if hearing impaired the telephone for the Florida Relay Service is (800) 955-8771 (TDD) or (800) 955-8770 (VOICE).

Pursuant to Section 286.0105 Florida Statutes, 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 7, 2020, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 13, 2020, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 2, 2020, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, March 25, 2020, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, May 5, 2020 5:30 P.M.