

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, June 2, 2020
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:34 p.m.
- 2. Roll Call:** Present were Councilman Elmo Urra, Councilman Jorge Merida, Councilman Rolando Piña, Chairman Luciano Garcia, and Deputy City Attorney Aida Martinez-Ruiz. Mayor Yiozet De La Cruz and Councilman Jorge Gutierrez were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Aida Martinez-Ruiz led the led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** N/A
- 6. Review of Minutes: May 19, 2020** Chairman Garcia made a motion to approve the minutes of May 19, 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 CALVIN, GIORDANO & ASSOCIATES, INC FOR THE PREPARATION OF A 2020 ANNEXATION REPORT FOR THE CITY OF HIALEAH GARDENS; WAIVING COMPETITIVE BIDDING; 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 ALL NECESSARY AGREEMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. She explained that the City is looking to annex a new area. Calvin, Giordano & Associates, particularly Alex David, worked with the City on the last annexation application. They charge an hourly rate up to \$17,000. Chairman Garcia added that it would be similar to the annexation package they attempted a few years ago. White Rock Quarries, previously opposed to it, has agreed to move forward. Calvin, Giordano & Associates will prepare the report so the City can submit the application to the County. Councilman Piña asked what the size was of the proposed annexation area. Ms. Martinez-Ruiz responded that it was about approximately 5 square miles. The Council briefly discussed the layout of the site. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY FIREWORKS ENTERTAINMENT TO EXCELLENT ENTERTAINMENT, INC. D/B/A ADD FIRE ("ADD FIRE") FOR THE CITY'S INDEPENDENCE DAY CELEBRATION; RENEWING THE CITY'S CONTRACT WITH ADD FIRE; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE AN AGREEMENT WITH ADD FIRE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Mr. Walter Dubon, Director of Parks & Recreation, came forward. This item is for the City's 4th of July event fireworks; and the City has used Add Fire for the past 15 years. The plan is just to have the fireworks display. Residents will not be allowed to congregate inside the park due to the ongoing coronavirus pandemic. People will be able to view the fireworks from their cars or homes. Negotiations will be afforded to lower the cost of the fireworks if the display itself is reduced. No further comments or questions. Chairman Garcia

made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA REGARDING THE HIALEAH GARDENS POLICE DEPARTMENT TO ENFORCE CERTAIN PORTIONS OF SECTIONS 7, 8, 21, 26 AND 31 OF THE CODE OF MIAMI-DADE COUNTY; 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.

Ms. Martinez-Ruiz read the item into the record. This is an interlocal agreement provided to the City by Miami-Dade County. There are certain things specific to County Code that this agreement enables cities to enforce. The City will pay the County for the prosecution of these types of arrests. The Council briefly discussed the details. No further comments or questions. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS ENTERING INTO AN AGREEMENT WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER TO ALLOW ACCESS TO CERTAIN EXEMPT INFORMATION; AUTHORIZING THE EXECUTION OF AN AGREEMENT BY THE MAYOR; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. This is an agreement that the Miami-Dade County Property Appraiser's office requested. There are individuals whose information is exempt from public disclosure; on occasion, the City needs specific property owner's information which may be exempt. This agreement ensures that if the City needs to access such information, the City shall assume the responsibility that the exempt information remain protected. No further comments or questions. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

- E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING THE AGREEMENT FOR DENTAL INSURANCE BETWEEN AETNA AND THE CITY OF HIALEAH GARDENS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. This is the dental insurance that the employees pay for themselves through the City's contract. The City has had Solstice for the past few years. However, Aetna, our contracted health insurance company, offered the City the same rate with an additional 2.5% deduction. The only minor difference is the requirement to see a primary dentist before seeing a specialist which Ms. Martinez-Ruiz mentioned is usually the case in dental work. No further comments or questions. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR BOWMAN TRAILER TRACT, LEGAL DESCRIPTION: THE WEST 1/2 OF TRACT 55, 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 AUGUST 23, 2012 IN OFFICIAL RECORDS BOOK 28240, PAGE 4158, PUBLICS RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIO: 27-2019-001-0621, APPROXIMATE LOCATION: S.E. CORNER INTERSECTION OF N.W 140 ST. AND N.W 109TH AVENUE, HIALEAH GARDENS, FL.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Ms. Martinez-Ruiz read the item into the record. The applicant, Mr. Leonardo D'Agostini, came forward and stated his name and address for the record. This is a first reading; an opportunity for public input will be afforded upon second reading. The Chair made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR GOLDEN YEARS SUBDIVISION CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 WITH THE SOUTH RIGHT-OF-WAY LINE OF N.W.103RD STREET,

THENCE S89°40'02"W ALONG SAID RIGHT-OF-WAY LINE FOR 1443.19' TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST , THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 1875.08' AND A CENTRAL ANGLE OF 21°38'12" FOR AN ARC DISTANCE OF 708.09' TO A POINT OF INTERSECTION WITH A LINE LYING 504.00' EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3, SAID POINT ALSO KNOWN AS THE NORTHWEST CORNER OF TRACT "A" OF "SANTA NAVILLA SUBDIVISION" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 154 AT PAGE 97 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY , FLORIDA. THIS POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED. THENCE S 01°54'04"E ALONG THE WEST LINE OF SAID TRACT "A" AND TRACT "D" OF SAID PLAT FOR A DISTANCE OF 574.78' TO A POINT ON THE TOP OF BANK OF A LAKE, THENCE S84°54'26"W ALONG THE TOP OF BANK FOR A DISTANCE OF 108.91' TO A POINT, THENCE S70°01'46" W ALONG SAID TOP OF BANK FOR A DISTANCE OF 47.88' TO A POINT , THENCE S37°42'47"W ALONG SAID TOP OF BANK FOR A DISTANCE OF 31.56' TO A POINT, THENCE S88°14'56"W FOR A DISTANCE OF 59.92' TO A POINT ON THE EAST LINE OF TRACT "A" OF "HIALEAH GARDENS CITY HALL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162 AT PAGE 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE N01°45'04"W ALONG SAID EAST LINE OF SAID TRACT "A" FOR A DISTANCE OF 146.40' TO A POINT, THENCE 88°14'56"W BOUNDING THE NORTH SIDE OF SAID TRACT "A" FOR A DISTANCE OF 35.00' TO A POINT, THENCE N01°45'04"W ALONG SAID EAST LINE OF TRACT "A" FOR A DISTANCE OF 159.76' TO A POINT ON THE MOST NORTHEASTERLY CORNER OF SAID TRACT "A", THENCE S89°35'12"W ALONG THE NORTH LINE OF SAID TRACT "A" FOR A DISTANCE OF 35.01' TO A POINT ON THE EAST LINE OF TRACT "B" OF "HIALEAH GARDENS CITY HALL" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162 AT PAGE 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE N01°45'04"W ALONG SAID EAST LINE OF TRACT "B" FOR A DISTANCE OF 169.30' TO THE MOST NORTHERLY CORNER OF SAID TRACT "B", THIS POINT ALSO LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF SAID N.W.103RD STREET, BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIAL

BEARING OF S32°04'48"E, THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 1875.08' AND A CENTRAL ANGLE OF 10°17'38" FOR AN ARC DISTANCE OF 336.88' TO THE POINT OF BEGINNING, LYING AND BEING IN MIAMI-DADE COUNTY , FLORIDA. APPROXIMATE LOCATION: BETWEEN NW 103 ST. AND SAMARI LAKES (LAKE) AND BETWEEN COMMUNITY FACILITY (CITY HALL) AND HDR (HIGH DENSITY RESIDENTIAL, SANTA NAVILA), HIALEAH GARDENS, FLORIDA. FOLIOS #: 27-3003-001-0115 AND 27-3003-001-0116. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 5-0; P&Z Vote: n/a)

Ms. Martinez-Ruiz read the item into the record. The applicant was not in attendance. This is a first reading; an opportunity for public input will be afforded upon second reading. The Chair made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

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

The Chair asked those in attendance intending to testify on the following items to rise and be sworn in by Deputy City Attorney Aida Martinez-Ruiz.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR MAYTIN CDL SUBDIVISION CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST ½ OF THE EAST ½ OF TRACT 50, FLORIDA FRUIT LAND COMPANY'S, SUBDIVISION No 1, 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 THERE FROM THAT PORTION CONVEYED TO THE CITY OF HIALEAH GARDENS IN RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORD BOOK 27592, PAGE 3798 AND RECORD BOOK 31593, PAGE 3364, PUBLIC RECORDS OF MIAMI DADE COUNTY. AND LESS THAT PORTION RESERVED BY DADE COUNTY IN RIGHT OF WAY FOR CANAL AND LEVEE PURPOSES DEED RECORDED IN OFFICIAL RECORDS BOOK 1587, PAGE 274, PUBLIC RECORDS OF MIAMI DADE COUNTY. LOCATION: 14410 NW 107TH AVE HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2019-001-0570. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

Ms. Martinez-Ruiz read the item into the record. Mr. Raul Tiza, surveyor on record, came forward and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her recommendation for approval into the record. Land use is IN, industrial, zoning district IN-2, heavy industrial. The proposed use is an approved CDL Driving Training school and parking spaces. Item B is the site plan for the same property in question. Chairman Garcia opened the public hearing at 7:58 p.m.; no one came forward. Public hearing closed at 7:58 p.m. No questions or comments from the Council. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

Tabled 01/07/2020

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR MAYTIN CDL, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST ½ OF THE EAST ½ OF TRACT 50, OF FLORIDA LANDS COMPANY'S SUBDIVISION NO. 1, IN 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 THE SOUTH 35' OF RIGHT OF WAY. FOLIO: 27-2019-001-0570, LOCATION: 14410 NW 107TH AVE HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 6-0; P&Z Vote: 3-0)**

The Chair made a motion to remove the item from table, seconded by Councilman Merida and unanimously approved. **(4-0)**. Ms. Martinez-Ruiz read the item into the record. Mr. Jorge Szauer, the applicant, came forward and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her recommendation for approval. The applicant is requesting to develop one office building and mechanical shop area with 15 regular parking spaces and 1 handicap space for an existing commercial driver license (CDL) school. Chairman Garcia opened the public hearing at 8:00 p.m.; no one came forward. Public hearing closed at 8:00 p.m. Chairman Garcia asked if there were any variances. Mrs. Gonzalez confirmed that there were none. No further questions or comments from the Council. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- 11. City Attorney's Report:** No comments.
- 12. Mayor's Report – Miscellaneous:** N/A

13. Council Members Concerns / Reports / Board Appointments: No comments.

14. Adjournment: The meeting was adjourned at 8:05 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

July Recess

Tuesday, August 4, 2020, 7:30 P.M.

PLANNING AND ZONING BOARD

July Recess

TECHNICAL REVIEW COMMITTEE

July Recess

WATER AND SEWER BOARD

Wednesday, June 27, 2020, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, August 4, 2020 5:30 P.M.