

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, October 6, 2020
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 Merida, Councilman Rolando Piña, Councilman Jorge Gutierrez, Chairman Luciano Garcia, Mayor Yioiset De La Cruz, and Deputy City Attorney Aida Martinez-Ruiz.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** N/A
- 6. Review of Minutes: September 22, 2020** Chairman Garcia made a motion to approve the minutes of September 22, 2020, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered

8. Proposed Resolutions:

- A) RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, INITIATING AND REQUESTING PROPOSED BOUNDARY CHANGES TO THE CITY IN ORDER TO ANNEX PROPERTY LEGALLY DESCRIBED AS PORTIONS OF SECTIONS 18 and 19, TOWNSHIP 52, RANGE 40 AND PORTIONS OF SECTIONS 2, 3, 10, 11, 13, 14 AND 24, TOWNSHIP 42, RANGE 39, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" in MIAMI-DADE COUNTY, FLORIDA; REQUESTING APPROVAL FOR ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE TERMS OF ARTICLE 1, SECTION 20-3 OF THE CODE OF MIAMI-DADE COUNTY TITLED "INITIATED BY GOVERNING BODY OF MUNICIPALITY"; AUTHORIZING THE MAYOR, CLERK AND ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY TO SUBMIT A REQUEST FOR THE PROPOSED BOUNDARY CHANGES TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING TRANSMITTAL OF THIS RESOLUTION AND ACCOMPANYING DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the item into the record. Chairman Garcia explained that this is the first step in a long process. The request for annexation is to go forward to the County. The County will then have to review and have their own public hearings. Based on their staff recommendations, there may be changes. Eventually, if it is approved, it will come back to the City again. Mr. Alex David, of Calvin, Giordano & Associates, came forward and stated his name and address for the record. He is requesting their approval to transmit the report and resolution to Miami-Dade County to start the annexation process. No comments or questions from Councilmembers. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution 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.

Ms. Aida Martinez-Ruiz read the item into the record. Mr. Juan Rivera, Finance Director, came forward. He explained that the Maintenance Department had requested approval for a Petersen TL3 Grappler at a price of \$156,504 using existing an Florida Sheriffs Bid Association #19-VEH17.0. This truck had been budgeted for under the current fiscal year and will be replacing an old fleet truck. Competitive bidding was waived as they are using an existing State contract. No questions or comments from Councilmembers. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously.

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

Ms. Martinez-Ruiz swore in those in attendance intending to give testimony on any of the following items for public hearing.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR DELIVERY DEPOT SUBDIVISION, LEGAL DESCRIPTION: TRACT "A" THE WEST ½ OF THE EAST ½ OF THE WEST ½ 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 THEREFROM THAT PORTION CONVEYED TO THE CITY OF HIALEAH GARDENS IN RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORD BOOK 27830, PAGE 1341-1344, PUBLIC RECORDS OF MIAMI DADE COUNTY. FOLIO: 27-2019-001-0575, APPROXIMATE LOCATION: BETWEEN NW 107TH AVENUE AND NW 109TH AVENUE AND NORTH 144TH STREET, HIALEAH GARDENS, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 4-0; P&Z Vote: n/a)

Ms. Martinez-Ruiz read the location and short description of item into the record and asked the City Clerk to record the full legal description into the record as written. Mr. Raul Tiza, land surveyor of record, came forward and stated his address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, read her memorandum for recommendation into the record. No variances; this is simply a final plat. Chairman Garcia opened a public hearing at 7:37p.m.; no one came forward. Public hearing closed at 7:37p.m. No questions or comments from the Councilmembers. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was unanimously approved by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED PORTION OF PLANNED RIGHT OF WAY BETWEEN N.W. 102ND AVENUE AND THEORETICAL NW 101ST AVENUE AND NORTH OF THEORETICAL N.W. 134RD STREET, HIALEAH GARDENS, FLORIDA, LEGALLY DESCRIBED AS: SAID PART OF LAND BEING 7 1/2 FEET OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF TRACT 13, LESS THE WEST 35 FEET THEREOF, OF "FLORIDA FRUITLAND COMPANY'S SUBDIVISION" ACCORDING TO THE PLAT THEREOF, AS RECORDED PLAT BOOK 2, AT PAGE 17, SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY FLORIDA. LYING AND BEING IN TOWN OF HIALEAH GARDENS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE S. W. CORNER OF TRACT 13, ACCORDING TO THE AFORESAID PLAT BOOK AND PAGE. THENCE N 89°41'27" E, ALONG THE SOUTH LINE OF MENTIONED TRACT 13 A DISTANCE OF 35 FEET TO THE POINT OF BEGINNING OF THE PART OF LAND HEREIN DESCRIBED. THENCE CONTINUE THIS COURSE A DISTANCE OF 295.00 FEET. THENCE N 02°37'04" W A DISTANCE OF 7.50 FEET. THENCE S 89°41'27" W, A DISTANCE OF 295.00 FEET. THENCE S 02°37'26" E, A DISTANCE OF 7.50 TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN MIAMI- DADE COUNTY, FLORIDA AND CONTAINING 2,213 SQUARE FEET AND/OR 0.051 ACRES MORE OR LESS; FOLIO #: 27-2029-001-0140; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

Ms. Martinez-Ruiz read the short description of item into the record and asked the City Clerk to record the full legal description into the record as written. The applicants, Mr. Dario Gonzalez and his wife Tracey Gonzalez came forward and stated their names and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, read her memorandum for recommendation into the record. The City has verified that there are no underground utilities in that particular easement, and they will not need it for future growth or infrastructure in that area. Chairman Garcia opened a public hearing at 7:40p.m.; no one came forward. Public hearing closed at 7:40p.m. There were no questions or comments from the Councilmembers. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was unanimously approved by individualized voice vote.

(5-0)

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR HIALEAH GARDENS TRADE CENTER, CONCERNING PROPERTY LEGALLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF TRACT 33, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST. "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION", AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA: THENCE RUN S.89°29'07"W. FOR 681.04 FEET; THENCE RUN N.14°24'08"E. FOR 341.33 FEET; THENCE RUN N.89°29'12"E. FOR 581.44 FEET; THENCE RUN S.02°33'09"E. FOR 330.02 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THEREFROM THE EAST 40 FEET THEREOF. AND THAT PORTION OF TRACT 34, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION", LYING EAST OF THE FLORIDA TURNPIKE EXTENSION AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN IN THE S.E. CORNER OF SAID TRACT 34: THENCE RUN S.85°29'12"W. FOR 596.48 FEET; THENCE RUN N.16°47'25"W. FOR 343.60 FEET THENCE RUN N.89°29'07"E FOR 681.04 FEET; THENCE RUN S.02°33'09"E. FOR 330.02 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THEREFROM THE EAST 40 FEET THEREOF. AND THE NORTH 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF TRACT 35, LESS THE EAST 40 FEET THEREOF, AND THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF TRACT 35 ALL IN SECTION 19, TOWNSHIP 52 SOUTH RANGE 40 EAST OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION" AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, TOGETHER WITH THE FOLLOWING: THE EAST ONE-QUARTER OF THE WEST ONE-HALF AND THE WEST ONE-QUARTER OF THE EAST ONE-HALF OF TRACT 35, "FLORIDA FRUIT LANDS COMPANY SUBDIVISION, NO. 1", AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, IN THE SOUTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST BEING ALSO A PORTION OF PARCEL 129.1 AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SHEET 5 OF 7, SECTION 87005-2312; MOST RECENT UPDATE REVISION APRIL 27, 2006; SAID PART BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, RUN THENCE NORTH 2°33'57" WEST, 1980.08 FEET ALONG THE

EAST LINE OF SAID QUARTER SECTION TO THE NORTHEAST CORNER OF TRACT 35 OF SAID SUBDIVISION; THENCE SOUTH 89°29'21" WEST, 596.02 FEET ALONG THE NORTH BOUNDARY OF SAID TRACT 35 TO A POINT OF INTERSECTION WITH THE EXISTING EAST LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 821 AND THE POINT OF BEGINNING; THENCE SOUTH 19°27'58" EAST ALONG SAID RIGHT-OF-WAY LINE, 348.72 FEET; THENCE NORTH 02°33'51" WEST 330.02 FEET ALONG THE EXISTING EAST LIMITED ACCESS RIGHT-OF-WAY LINE; THENCE SOUTH 89°29'21" WEST, 101.45 FEET ALONG SAID EXISTING LIMITED ACCESS RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. RESERVING UNTO THE GRANTOR ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTOR'S REMAINING RIGHT-OF-WAY AND THE WESTERLY LINE OF THE ABOVE DESCRIBED PARCEL, FOLIOS: 27-2019-001-0350, 27-2019-001-0360, 27-2019-001-0371 AND 27-2019-001-0373 APPROXIMATE LOCATION: WEST SIDE OF NW 112TH AVENUE BETWEEN THEORETICAL NW 143RD STREET AND THEORETICAL NW 146TH STREET, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 3-0)

Ms. Martinez-Ruiz read the short description of item into the record and asked the City Clerk to record the full legal description into the record as written. Mr. Adam Ryzewski, for the applicant, came forward and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, read her memorandum for recommendation into the record. This is a site plan review to develop an 180,650 square foot building for office and warehouse use. No variances. Chairman Garcia opened a public hearing at 7:43p.m.; no one came forward. Public hearing closed at 7:43p.m. There were no questions or comments from the Councilmembers. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was unanimously approved by individualized voice vote.

(5-0)

Tabled 08/04/2020

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR SAFIRE TRACT, LEGAL DESCRIPTION: THE EAST 1/2 OF TRACT 58, 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 4153, PUBLICS RECORDS OF MIAMI DADE COUNTY, FLORIDA. FOLIO: 27-2019-001-0650, APPROXIMATE LOCATION: SOUTHWEST INTERSECTION OF N.W 140TH STREET AND N. W. 109TH AVENUE, HIALEAH GARDENS, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

The applicant for this item was unable to attend due to illness. The item remained tabled.

10. **City Attorney's Report:** No comments
11. **Mayor's Report – Miscellaneous:** No comments
12. **Council Members Concerns / Reports / Board Appointments:** No comments

At this point in the meeting, Chairman Garcia acknowledged that there were numerous individuals in the audience and asked if they were present to speak on any particular item. Mr. Orlando Rodriguez, a property owner in the area to be annexed, came forward. Chairman Garcia addressed all those in attendance regarding the annexation item heard earlier. He explained that the letter they received was intended to notify them—the City is starting the annexation process and will be sending an application to the County. Right now, that land does not belong to the City; it is considered unincorporated Miami-Dade County. The City will send the package to the County for their staff to study and forward a recommendation to the County Commission. The County Commission will then have public hearings on the item which are open to the public; they will eventually vote on the request for annexation and send it back to Hialeah Gardens for further approval and input. It is a multi-step process that takes many months. The letter sent to property owners and the item on tonight's agenda was simply to announce that the City was starting the process. Mr. Rodriguez asked if this had previously been done and whether there were any specific advantages to annexation. Mayor De La Cruz briefly went over the last time the City annexed land and described the various benefits of doing so—police presence (substation), road maintenance, drainage and easier access to municipal government services chief among them. The Mayor added that the current zoning and UDB of the area would continue for the time being and that services regulated by the State and County would remain in their respective jurisdictions, such as DERM and Fire. He also offered that if anyone had any additional questions they are welcome to call him directly and he would be happy to address any concerns. At this time, Mr. Luis Hoffman who lives in Opa-Locka but is also a property owner in the proposed annex area came forward. He asked the Council about the item and explained some of the problems he has had such as drifters, dumping and illegal activity on his property.

Councilman Gutierrez added that if the annexation follows through, there will be better police presence that will be able to directly handle these problems.

Mr. Jamie Garmizo, another property owner, came forward and posed further questions regarding the wetlands designation in the area and what would be the advantage to annexing for the property owners and the City. Chairman Garcia responded, as the Mayor had previously, that the wetlands designation is under the jurisdiction of DERM. The Mayor stated that an added benefit to the annexation would be that the City would not be land locked, so that twenty or thirty years from now if the UDB (Urban Development Boundary) were to change the City would be in a good position to grow. He also mentioned that some of the crime that happens in the City such as stolen vehicles, etc. end up in that area and that added police patrols and the building of a police substation in the area would also address the issue. He continued to outline the benefits to property owners as previously stated.

13. Adjournment: Chairman Garcia adjourned the meeting at 8:03 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, December 1, 2020, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, December 7, 2020, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, December 31, 2020, 11:30 A.M.

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

Tuesday, February 2, 2021 5:30 P.M.