

## MINUTES

**CITY OF HIALEAH GARDENS  
TUESDAY, December 1, 2020  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Councilman Rolando Piña, serving as Chairman, called the meeting to order at 7:32 p.m.
- 2. Roll Call:** Present were Councilman Elmo Urra, Councilman Jorge Merida, Councilman Rolando Piña, Councilman Jorge Gutierrez, Deputy City Attorney Aida Martinez-Ruiz and Mayor Yiozet De La Cruz. Councilman Luciano Garcia was absent.
- 3. Invocation:** Councilman Gutierrez 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: November 17, 2020** Chairman Piña made a motion to approve the minutes of November 17, 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, FLORIDA AUTHORIZING THE IMPLEMENTATION AND TRAINING OF THE FLORIDA INCIDENT-BASED REPORTING SYSTEM (FIBRS) AS WELL AS A DELL POWER EDGE R440 WITH WINDOWS AND SQL LICENSING FOR THE POLICE DEPARTMENT IN THE TOTAL AMOUNT OF \$24,006.45 UTILIZING FDLE STATE GRANT FUNDS FOR THIS PURPOSE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO PURCHASE THE FIBRS FROM USA SOFTWARE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the item into the record. She explained that Captain Douglas Zamora with HGPD had asked her to present this resolution to the Council. This is a new mandate by the FBI and Florida Department of Law Enforcement to receive uniform crime reports that will allow them to be better informed of criminal activities under local agencies. Since this was a mandate by these agencies, the FBI and FDLE have provided the grant monies for the entire implementation of the UCR program. Chairman Piña made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH H & R PAVING FOR SERVICES RELATING TO MILLING, PAVING, STRIPPING, ROCK-BASE, AND OTHER POSSIBLE SERVICES THAT THE CITY MAY NEED IN ORDER TO MAINTAIN THE CITY ROADWAYS; 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 AN AGREEMENT WITH H & R PAVING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the item into the record. Mr. Joe Lopez, Public Works Director, came forward. He explained that to continue providing the necessary maintenance and repairs to City roadways, the PW Department is requesting Council approval to contract with H&R Paving, the vendor awarded the FDOT contract number E6L74 for services related to milling, paving, striping, rock base, sub base etc. Mr. Lopez read the rest of his memo for recommendation into the record, mentioning how the Department compared prices and other offers to that of H&R Paving. The intent is to resurface old dilapidated roadways—they are going to mill and repave these areas. H&R Paving has been working on nearby 87<sup>th</sup> Avenue [in

Hialeah]. Funding source is CITT. Chairman Piña questioned the quality of the company's work and the low rates...Mr. Lopez assured him that the Department will be supervising the work...the reason the savings are significant is because H&R owns their own asphalt plant. No further questions. Chairman Piña made a motion to approve the resolution, seconded by Councilman Merida. The resolution 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 SITE PLAN FOR BOWMAN TRAILER LEASING, CONCERNING PROPERTY LEGALLY DESCRIBED AS: 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: 3-0)

Ms. Aida Martinez-Ruiz read the item into the record. She explained that during the last Planning and Zoning Board meeting they failed to have a quorum present; one member participated in the meeting by phone, however the Governor has since rescinded that as an unacceptable substitute for official quorum. Because the P&Z Board is only a recommending board, Ms. Martinez-Ruiz and Mr. Charles Citrin decided to allow these items to move forward as an intended recommendation of the Board and will not count as an official vote. No questions or comments from the Council. This is a first reading; an opportunity for public input will be afforded upon second reading. Chairman Piña made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR OBSESSION LIQUOR, LIQUOR PACKAGE STORE, LOCATED AT: 13750 NW 107 AVENUE, SUITES 110-111, HIALEAH GARDENS, FL., TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES TO BE CONSUMED OFF THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0, P&Z Vote: 3-0)

Ms. Aida Martinez-Ruiz read the item into the record. Ms. Isis Masson came forward representing the applicant and stated her name and address for the record. No questions or comments from the Council. This is a first reading; an opportunity for public input will be afforded upon second reading. Chairman Piña made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The ordinance was approved unanimously via individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A VARIANCE REAR SETBACK FOR A NEW POOL IN JORGE LUIS DORTA'S RESIDENCE AS FOLLOWS: REAR SETBACK PROPOSED: 5 FEET WHERE 10 FEET IS REQUIRED AS PER SECTION 78-93(F) OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF HIALEAH GARDENS. LOCATION: 8902 NW 112 STREET, HIALEAH GARDENS FL. 33018. FOLIO #: 27-2033-025-0380, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0, P&Z Vote: 3-0)

Ms. Aida Martinez-Ruiz read the item into the record. Mr. Jorge Luis Dorta came forward and stated his name and address for the record. Chairman Pina questioned the applicant on their requested variance. Translator assisted applicant. No questions or comments from the Council. This is a first reading; an opportunity for public input will be afforded upon second reading. Chairman Piña made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The ordinance was approved unanimously via individualized voice vote. **(4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR HIALEAH GARDENS COMMERCE CENTER CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE SOUTH ONE HALF (S 1/2) OF TRACT 62, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLATBOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS AND EXCEPT THAT PORTION OF TRACT 62 IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 27592, PAGE 3786, MORE PARTICULARLY DESCRIBED AS THOSE PORTIONS OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTH ONE-HALF (N 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 SOUTH ONE-HALF (S 1/2) OF THE NORTH ONE-HALF (N 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 EAST 35.00 FEET OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTH ONE-HALF (N 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. TOGETHER WITH: TRACT "A" TEBA SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 170, PAGE 62, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. TOGETHER WITH: 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. TOGETHER WITH: 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 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 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 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 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 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 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. APPROXIMATE LOCATION: BETWEEN N.W. 142ND STREET AND N.W. 144TH STREET AND BETWEEN N.W. 109TH AVENUE AND N.W. 112TH AVENUE, HIALEAH GARDENS FL. FOLIOS #: 27-2019-004-0010, 27-2019-001-0690, 27-2019-001-0681, 27-2019-001-0686, 27-2019-001-0685 AND 27-2019-001-0680. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0, P&Z Vote: n/a)

Ms. Aida Martinez-Ruiz read the short legal description of the item into the record and requested that the Clerk enter the full legal description into the record as written in the ordinance in the interest of time and accuracy. Mr. Giovanni Rodriguez, of SRS Engineering Inc., came forward representing the applicant and stated his name and address for the record. No questions or comments from the Council. This is a first reading; an opportunity for public input will be afforded upon second reading. Chairman Piña made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The ordinance was approved unanimously via individualized voice vote. **(4-0)**

- 10. City Attorney's Report:** No comments.
- 11. Mayor's Report – Miscellaneous:** The Mayor wanted to inform the Council that the City successfully distributed 1,075 full Thanksgiving meals to citizens in need the weekend before Thanksgiving, surpassing the previous year's distribution amount.

- 12. Council Members Concerns / Reports / Board Appointments:** Councilman Urrea appointed a new member, Erik Espinosa, to the Planning & Zoning Board. Mr. Espinosa currently serves on the Police Pension Board and will resign from that position in order to serve on the P&Z Board.
- 13. Adjournment:** Chairman Pina adjourned the meeting at 7:47 p.m.

Respectfully submitted by:

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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, January 5, 2021, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, January 11, 2021, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, January 7, 2021, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, January 27, 2021, 7:00 P.M.

**POLICE PENSION BOARD**

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