

## MINUTES

**CITY OF HIALEAH GARDENS  
TUESDAY, February 16, 2021  
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 Chairman Luciano Garcia, Councilman Elmo Urra, Councilman Jorge Gutierrez, Councilman Rolando Piña, Councilman Jorge Merida, Deputy City Attorney Aida Martinez-Ruiz, and Mayor Yioiset De La Cruz.
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: February 2, 2021** Chairman Garcia made a motion to approve the minutes of February 2, 2021, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.

**8. Request for approval of transfer of 2 COP alcohol beverage license for Belly Fuel Restaurant, 9101 W. Okeechobee Road, Hialeah Gardens, FL**

Owner: Ms. Yamilka Lazara Barzaga.

Ms. Yamilka Barzaga came forward and stated her name and address for the record. Mr. Robert Lorenzo, Business License Tax Director, came forward and read his recommendation for approval into the record. City staff in conjunction with the Police Department recommends that the City Council approve the new 2 COP alcohol beverage license to Belly Fuel Restaurant. No comments or questions from Councilmembers. Chairman Garcia made a motion to approve the request, seconded by Councilman Merida. The item was approved unanimously. **(5-0)**

**9. Proposed Resolution:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE PURCHASE OF A VAN SKID TO BE ATTACHED TO A FORD F-150 TO BE UTILIZED BY THE WATER & SEWER DEPARTMENT; 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 JET-VAC EQUIPMENT COMPANY LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Mr. Andres Delgado, Water & Sewer Director, came forward and read his memorandum for this request into the record. The Department is requesting Council approval to purchase a skid mounted Sewer Jetter, which will allow access to areas otherwise inaccessible to their full-size Vac Truck. Utilizing existing contract with Sourcewell for a quoted amount of \$33,546.68. Ms. Martinez-Ruiz explained that the City has used Sourcewell before to purchase park equipment. The advantage to this equipment is that it would do the work of a larger truck that cleans out W&S drains without the need for a CDL driver. Any municipality can take advantage of this agency [Sourcewell].

No comments or questions. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(5-0)**

**10. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR AGS TRANSPORT, INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION

OF TRACT 38, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SPECIFICALLY DESCRIBED BELOW:  
 BEGIN AT THE S.E. CORNER OF SAID TRACT 38, THENCE RUN SOUTH 89°28'42" WEST A DISTANCE OF 493.00 FEET ALONG THE SOUTH LINE OF TRACT 38 TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE HOMESTEAD EXTENSION OF THE FLORIDA TURNPIKE ( STATE ROAD NUMBER 821 ); THENCE RUN NORTH 2°14'42" WEST ALONG THIS RIGHT OF WAY LINE A DISTANCE OF 329.96 FEET TO A POINT ON THE NORTH LINE OF TRACT 38; THENCE RUN NORTH 89°26'47" EAST TO A POINT ON THE EAST LINE OF SW 1/4 OF SAID SECTION 19, A DISTANCE OF 491.11 FEET SAID POINT BEING THE N.E. CORNER OF SAID TRACT 38; THENCE RUN SOUTH 02°33'09" EAST A DISTANCE OF 330.01 FEET ALONG THE EAST LINE OF TRACT 38 AND THE EAST LINE OF THE SW 1/4 OF SECTION 19. TOWNSHIP 52 SOUTH, RANGE 40 EAST, RETURNING TO THE POINT OF BEGINING, LESS THE 50 FEET FOR RIGHT OF WAY.FOLIO: 27-2019-001-0400, APPROXIMATE LOCATION: WEST OF N.W 112TH AVENUE BETWEEN N. W. 140TH STREET AND THEORETICAL N.W. 141ST STREET, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the short legal description into the record. Mr. Guillermo Cuadra came forward on behalf of AGS Transport, Inc. 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 item was approved unanimously. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A VARIANCE SIDE SETBACK FOR AN ADDITIONAL BATHROOM AND CLOSET IN OVIDIO EIJAN'S RESIDENCE AS FOLLOW: SIDE SETBACK VARIANCE OF 6' 11" FEET WHERE 10 FEET IS REQUIRED AS PER SECTION 78-106 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF HIALEAH GARDENS. LOCATION: 10372 NW 130TH STREET, HIALEAH GARDENS FL. FOLIO #: 27-2029-006-0110, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
 (TRC Vote: 4-0; P&Z Vote: 4-0)

Ms. Martinez-Ruiz read the item into the record. Councilman Pina recused himself from voting as Mr. Ovidio Eijan is his appointment to the City's Planning & Zoning Board. Mr. Eijan came forward and stated his name and address for the record. Chairman Garcia noted that this is a first reading and as such the opportunity for

public input will be afforded upon second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

**11. Second Reading / Public Hearing for consideration and final adoption of the following ordinance:**

Ms. Martinez-Ruiz swore in those individuals intending to give testimony on the item for public hearing.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN 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 PLAT BOOK 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 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: 27-2019-004-0010, 27-2019-001-0690, 27-2019-001-0681, 27-2019-001-0686, 27-2019-001-0685 AND 27-2019-001-0680, 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, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
(TRC Vote: 4-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the short legal description into the record. Mr. Jeovanny Rodriguez, with SRS Engineering and civil engineer for the project, came forward on behalf of his client and stated his name and address for the record. Ms. Mirtha Gonzalez, Planning & Zoning Director, was unable to attend the meeting and had requested that Ms. Martinez-Ruiz read her recommendation into the record. All comments and requirements have been addressed by the applicant. Chairman Garcia opened the public hearing at 7:42 p.m.; no one came forward and the Public hearing was closed at 7:42 p.m. No comments or questions. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- 12. City Attorney's Report:** No Comments
- 13. Mayor's Report – Miscellaneous:** Mayor De La Cruz reported that the new Hialeah Gardens Branch Library has been officially opened. It is a model library, the first of its kind in the County. Additionally, the new park the City is constructing [replacing Bernie Wilson Park] is about a month from completion. It will have special playground equipment suitable for children with disabilities. He will let the City Council know when a date is set for the grand opening.
- 14. Council Members Concerns / Reports / Board Appointments:** No Comments
- 15. Adjournment:** The meeting was adjourned at 7:46 p.m.

Respectfully submitted by:

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Maria L. Joffee  
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, March 16, 2021, 7:30 P.M.

##### **PLANNING AND ZONING BOARD**

Monday, March 8, 2021, 7:30 P.M.

##### **TECHNICAL REVIEW COMMITTEE**

Thursday, March 4, 2021, 11:00 A.M.

##### **WATER AND SEWER BOARD**

Wednesday, March 24, 2021, 7:00 P.M.

##### **POLICE PENSION BOARD**

Tuesday, May 4, 2021, 5:30 P.M.