

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 2, 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, Mayor Yioset 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: February 16, 2021** Chairman Garcia made a motion to approve the minutes of February 16, 2021, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** N/A

8. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE RENEWAL OF THE AGREEMENT WITH SYNOVOUS BANK FOR A LINE OF CREDIT IN THE AMOUNT OF \$2,000,000 TO BE UTILIZED AS NECESSARY; AUTHORIZING THE RENEWAL OF THE AGREEMENT BETWEEN THE CITY AND SYNOVOUS BANK; APPROVING AGREEMENTS RELATED TO SAID SERVICES PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the item into the record. Mr. Juan Rivera, Finance Director, came forward. This is a renewal of the current \$2,000,000 line of credit. The only change is in the floor rate to 3%. The ceiling rate stays at 8% and there is a commitment fee of \$5,000. Mayor De La Cruz added that this line of credit has been in place now for two years. The City has not had to use it, but it exists in case of an emergency. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

9. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS COUNCIL AMENDING SECTION 78-84 OF THE LAND DEVELOPMENT REGULATIONS IN THE CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, FLORIDA, TO ADD "STANDING SEAM" OR "S-SHAPE" METAL ROOF AS ACCEPTABLE RESIDENTIAL ROOFING MATERIAL IN ALL RESIDENTIAL DISTRICTS AND PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 5-0)

Ms. Aida Martinez-Ruiz read the item into the record. This a City-initiated change to the code amending roof materials. This is a first reading and as such an opportunity for public input will be afforded upon second reading. Chairman Garcia made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

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

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR AGS TRANSPORT, INC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OT 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. Aida Martinez-Ruiz read the short legal description and instructed the City Clerk to enter the complete legal description as written into record for accuracy. Mr. Guillermo Cuadra came forward on behalf of AGS Transport, Inc. and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, was present and read her recommendation for approval into the record. The applicant is requesting to develop an off-street parking for trucks with an office building. All conditions have been met and there are no variances. Chairman Garcia asked if there were any comments or questions to which there were none. He then made a motion to approve the ordinance upon second reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(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. Aida Martinez-Ruiz read the item into the record. She stated that Councilman Piña did not vote on this item at the last meeting because he maintains a friendship with the applicant and felt he should abstain. Ms. Martinez-Ruiz has since consulted City Attorney Charles Citrin on the matter, and informed that Councilman Piña must step off the dais if he is not going to vote, however because there is no actual conflict of interest, he *can* participate in the vote. Councilman Piña remained on the dais as he decided to vote on the item upon second reading.

Mr. Ovidio Eijan the applicant came forward and stated his name and address for the record. He is requesting a side setback variance for a new addition to his home. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her recommendation for approval into the record. Conditions have been agreed to by the applicant. Mayor De La Cruz added that to his knowledge, no neighbors have voiced any concerns over this variance. Chairman Garcia opened the public hearing at 7:39 p.m.; no comments were offered. The public hearing was closed at 7:39 p.m. No questions or comments from the Councilmembers. The Chair made a motion to approve the item upon second reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

At this time Chairman Garcia noticed that he had not called to open the public hearing for item 10A. He made a motion to reconsider the item, seconded by Councilman Merida and unanimously approved (5-0). Chairman Garcia then opened the public hearing for item 10A at 7:40 p.m. No one came forward and the public hearing was closed at 7:40 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

ORGANIZATIONAL MEETING

11. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS CERTIFYING THE RESULTS OF THE SCHEDULED GENERAL ELECTION ON MARCH 2, 2021; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the item into the record. This resolution serves to certify the that there was no need for an election to be held as current Mayor Yioiset De La Cruz was unopposed and will serve another four year term. No questions or comments on this item. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS CERTIFYING THE RESULTS OF THE SCHEDULED GENERAL ELECTION ON MARCH 2, 2021; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the item into the record. This resolution serves to certify the that there was no need for an election to be held as both current Council members Rolando Piña and Jorge Gutierrez were unopposed and will each serve another four year term. No questions or comments on this item. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- 12. Swearing in ceremony for Mayor Yiozet De La Cruz, Councilman Rolando Piña and Councilman Jorge Gutierrez:** Ms. Aida Martinez-Ruiz, Deputy City Attorney.

Ms. Aida Martinez-Ruiz proceeded to swear in Councilman Piña, Councilman Gutierrez and Mayor Yiozet De La Cruz who all took the Oath of Office for four year terms respectively.

Attendees and Staff congratulated each official and a photo opportunity was afforded at this time. Chairman Garcia congratulated each newly elected official and briefly commemorated their service.

- 13. Reorganization of the City Council's hierarchical order:** Ms. Aida Martinez-Ruiz, Deputy City Attorney.

Ms. Aida Martinez-Ruiz asked if there were any nominations for Chairman of the City Council. Councilman Piña nominated Luciano Garcia, seconded by Councilman Merida. All voted in favor via individualized voice vote.

Ms. Aida Martinez-Ruiz asked if there were any nominations for the Vice-Chair of the City Council. Chairman Garcia nominated Councilman Piña, seconded Councilman Merida. All voted in favor via individualized voice vote.

Ms. Aida Martinez-Ruiz asked if there were any nominations for the Finance Chair of the City Council. Chairman Garcia nominated Councilman Merida, seconded by Councilman Piña. All voted in favor via individualized voice vote.

- 14. Board Appointments: Planning and Zoning Board and Water and Sewer Board.**

All Councilmembers chose to reappoint their existing appointments to the P&Z and W&S Boards. The City Clerk reminded that there was a vacancy on the Police Pension Board and Councilman Merida has a pending W&S Board appointment.

15. City Attorney's Report: Ms. Martinez-Ruiz congratulated Councilman Piña and Councilman Gutierrez on their reelection and committed to continue working together with them. She then congratulated Mayor De La Cruz and commemorated his many accomplishments during his years in public service and the number of years they have been working together. She added that the Mayor is an inspiration for the youth of Hialeah Gardens who come from similarly humble beginnings, and he has consistently put the City's needs before his own. It has been her greatest professional honor to work with him.

16. Mayor's Report – Miscellaneous:

Mayor De La Cruz also spoke on his reelection and sincerely thanked his parents, wife, and children, all of his Staff and the City Council for their continued support. He expressed that City Hall is like his second home and his colleagues have become a part of his family. He is proud and honored to serve Hialeah Gardens for another four years.

17. Council Members Concerns / Reports / Board Appointments

Police Pension Board Appointment – Pending

Councilman Gutierrez also commemorated the reelection of the Mayor and his fellow Councilman, stating that he has been on the Hialeah Gardens City Council for at least 17 years and he can't think of a better group of gentlemen to grow old with.

Councilman Piña also thanked his fellow Councilmembers and Staff for the opportunity to continue working with them.

18. Adjournment: Chairman Garcia adjourned the meeting at 7:54 p.m.

Respectfully submitted by:

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, April 6, 2021, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 5, 2021, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 1, 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.