

Mayor

Yioset De La Cruz

City Council Members

Chairman Luciano "Lucky" García

Vice Chairman Rolando "Roly" Piña

Council member Jorge A. Merida

Council member Jorge Gutierrez

Council member Elmo L. Urrea

PUBLIC NOTICE: TO ALL CONCERNED CITIZENS OF HIALEAH GARDENS, FLORIDA. NOTICE TO BE POSTED AT CITY HALL.

**AGENDA: CITY COUNCIL MEETING
COUNCIL CHAMBERS
TUESDAY, September 7, 2021– 7:30 P.M.**

NOTE: In compliance with Robert's Rules of Order, all speakers will be heard only on items which are on the agenda and opened by the Chairperson for discussion by the public. Speakers will be limited to five minutes, unless the Chairperson allows more time for presentation.

ATTENTION ALL LOBBYISTS: Chapter 2, Section 2-308 of the City Code of Hialeah Gardens entitled "Lobbying" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Council, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyist's laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

AGENDA – September 7, 2021– 7:30 P.M. -COUNCIL CHAMBERS

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation**
- 4. Pledge of Allegiance**
- 5. Deletions/Emergency Additions**
- 6. Review of Minutes:** August 17, 2021
- 7. Public Comments**
- 8. First Reading for consideration of the following ordinances:**
 - A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR POINCIANA PALMS CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 40 IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF TRACT 40, THENCE NORTH 165.01 FEET, THENCE WEST 495.84 FEET, THENCE SOUTH 164.98 FEET, THENCE EAST 496.79 FEET TO THE POINT OF BEGINNING, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. LESS: THAT PART OF: THE SOUTH HALF OF TRACT 40 AND TRACT 41 LESS THE NORTH 44.50 FEET IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST WHICH IS BOUNDED ON THE SOUTHWESTERLY BY THE TURNPIKE EXTENSION AND BOUNDED ON THE NORTHEASTERLY BY A LINE 160.50 FEET NORTHEASTERLY AND PARALLEL WITH THE CENTERLINE OF CONSTRUCTION FOR SECTION 97090-2518, STATE ROAD 25, TOGETHER WITH ALL RIPARIAN RIGHTS APPORTIONING THERETO. A PORTION OF SAID CENTERLINE OF CONSTRUCTION MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 2, 3, 10 AND 11, ALL IN TOWNSHIP 53 SOUTH, RANGE 40 EAST; THENCE RUN SOUTH 89°39'44" WEST A DISTANCE OF 501.31 FEET;

AGENDA – September 7, 2021– 7:30 P.M. -COUNCIL CHAMBERS

THENCE RUN NORTH 50°54'44" WEST A DISTANCE OF 1132.75 FEET; THENCE RUN NORTH 39°00'45" EAST A DISTANCE OF 31.50 FEET TO THE BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE RUN NORTH 50°59'15" WEST A DISTANCE OF 42971.08 FEET TO THE END OF SAID DESCRIBED LINE; THENCE CONTINUE NORTH 02°38'59" WEST A DISTANCE OF 998.92 FEET; THENCE RUN NORTH 02°38'59" WEST A DISTANCE OF 410.79 FEET TO A POINT ON THE EAST-WEST QUARTER SECTION LINE OF SECTION 10, TOWNSHIP 52 SOUTH, RANGE 39 EAST; THENCE SOUTH 89°58'42" WEST A DISTANCE OF 14.43 FEET TO THE CENTER OF SAID SECTION 10. CONTAINING 1,800 SQUARE FEET, MORE OR LESS. APPROXIMATE LOCATION: S.W. INTERSECTION OF THEORETICAL N.W 138 STREET AND N.W 112ND AVENUE, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2019-001-0430. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING TO PIVOTAL UTILITY HOLDINGS, INC. D/B/A FLORIDA CITY GAS, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE GAS FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENT OF A FRANCHISE FEE TO THE CITY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN TO DEVELOP A RETAIL SHOPPING CENTER, SPECIAL EXCEPTION USE ALLOWING DUNKIN DONUTS AND CHICK-FIL-A, FAST FOOD ESTABLISHMENTS WITH DRIVE-THROUGH SERVICE FACILITY AND SIGNS VARIANCES AS FOLLOWS; SIGN 1: VARIANCES OF HEIGHT OF 9'3" WHERE 6' IS PERMITTED AND AREA OF 75 SF WHERE 32 SF IS PERMITTED AND SIGNS 1 & 4: VARIANCE OF 36 SF WHERE 32 SF IS PERMITTED FOR HIALEAH SOUTH, CONCERNING PROPERTY LEGALLY DESCRIBED AS:

AGENDA – September 7, 2021– 7:30 P.M. -COUNCIL CHAMBERS**PARCEL 1**

A PORTION OF TRACT 1 AND A PORTION OF THE EAST 1/2 OF TRACT 16, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29, THENCE RUN S 02°34'33" E, ALONG THE EAST LINE THEREOF, FOR A DISTANCE OF 65.05 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 65.00 FEET THEREOF AS SHOWN ON THE RIGHT-OF-WAY MAP OF N.W. 138 STREET APPROVED DECEMBER 6, 2011, FILED FEBRUARY 1, 2012, IN ROAD PLAT BOOK 152 PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S 89°40'20" W ALONG THE NORTH LINE OF TRACT 1 FOR A DISTANCE OF 1,394.50 FEET TO THE POINT OF BEGINNING OF PARCEL 1; THENCE CONTINUE S 89°40'20" W FOR A DISTANCE OF 586.23 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF SAID TRACT 16; THENCE RUN S 02°36'35" E, ALONG SAID WEST LINE OF THE EAST 1/2 OF TRACT 16, FOR A DISTANCE OF 244.92 FEET; THENCE RUN N 89°40'39" E, ALONG A LINE 20.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 16, FOR A DISTANCE OF 655.48 FEET; THENCE RUN N 00°20'24" W FOR A DISTANCE OF 224.83 FEET; THENCE RUN S 89°40'28" W FOR A DISTANCE OF 58.99 FEET; THENCE RUN N 45°19'54" W FOR A DISTANCE OF 28.22 FEET TO THE POINT OF BEGINNING.

PARCEL 2

A PORTION OF TRACT 1 AND A PORTION OF THE EAST 1/2 OF TRACT 16, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29, THENCE RUN S 02°34'33" E ALONG THE EAST LINE THEREOF, FOR A DISTANCE OF 65.05 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 65.00

AGENDA – September 7, 2021– 7:30 P.M. -COUNCIL CHAMBERS

FEET THEREOF AS SHOWN ON THE RIGHT-OF-WAY MAP OF N.W. 138 STREET APPROVED DECEMBER 6, 2011, FILED FEBRUARY 1, 2012, IN ROAD PLAT BOOK 152 PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S 89°40'20" W ALONG THE NORTH LINE OF TRACT 1 FOR A DISTANCE OF 1,092.48 FEET TO THE POINT OF BEGINNING OF PARCEL 2; THENCE RUN S 00°19'47" E FOR A DISTANCE OF 244.81 FEET TO A POINT ON A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF TRACT 1; THENCE RUN S 89°40'39" W FOR A DISTANCE OF 223.03 FEET; THENCE RUN N 00°20'24" W FOR A DISTANCE OF 224.83 FEET; THENCE RUN N 89°40'28" E FOR A DISTANCE OF 33.12 FEET; THENCE RUN N 51°07'51" E FOR A DISTANCE OF 32.03 FEET TO A POINT ON THE NORTH LINE OF TRACT 1; THENCE RUN N 89°40'20" E ALONG THE NORTH LINE OF TRACT 1 FOR A DISTANCE OF 164.91 FEET TO THE POINT OF BEGINNING OF PARCEL 2.

PARCEL 3

A PORTION OF TRACT 1, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE NORTHEAST 1/4 OF SAID SECTION 29, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29, THENCE RUN S. 02°34'33" E., ALONG THE EAST LINE THEREOF, FOR A DISTANCE OF 65.05 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 65.00 FEET THEREOF AS SHOWN ON THE RIGHT-OF-WAY MAP OF N.W. 138 STREET APPROVED DECEMBER 6, 2011, FILED FEBRUARY 1, 2012, IN ROAD PLAT BOOK 152 PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S 89°40'20" W ALONG THE NORTH LINE OF TRACT 1 FOR A DISTANCE OF 359.91 FEET TO THE POINT OF BEGINNING OF PARCEL 3; THENCE RUN S 00°20'20" E FOR A DISTANCE OF 244.87 FEET TO A POINT ON A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF TRACT 1; THENCE RUN S 89°40'39" W FOR A DISTANCE OF 732.60 FEET TO A SOUTHEAST CORNER OF PARCEL 2; THENCE RUN N 00°19'47" W ALONG THE EAST LINE OF PARCEL 2 FOR A DISTANCE OF 244.81 FEET TO A POINT ON THE NORTH LINE OF TRACT 1; THENCE RUN N 89°40'20" E ALONG THE NORTH LINE OF TRACT 1 FOR A DISTANCE OF 430.38 FEET; THENCE RUN S 77°55'33" E

AGENDA – September 7, 2021– 7:30 P.M. -COUNCIL CHAMBERS

FOR A DISTANCE OF 50.69 FEET; THENCE RUN N 89°40'00" E FOR A DISTANCE OF 209.49 FEET; THENCE RUN N 45°00'00" E FOR A DISTANCE OF 15.45 FEET TO A POINT ON THE NORTH LINE OF TRACT 1; THENCE RUN N 89°40'20" E ALONG THE NORTH LINE OF TRACT 1 FOR A DISTANCE OF 32.20 FEET TO THE POINT OF BEGINNING OF PARCEL 3.

PARCEL 4

A PORTION OF TRACT 1, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE NORTHEAST 1/4 OF SAID SECTION 29, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 29, THENCE RUN S. 02°34'33" E., ALONG THE EAST LINE THEREOF, FOR A DISTANCE OF 65.05 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 65.00 FEET THEREOF AS SHOWN ON THE RIGHT-OF-WAY MAP OF N.W. 138 STREET APPROVED DECEMBER 6, 2011, FILED FEBRUARY 1, 2012, IN ROAD PLAT BOOK 152 PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S 89°40'20" W FOR A DISTANCE OF 15.01 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 1; THENCE RUN S 89°40'20" W FOR A DISTANCE OF 81.33 FEET ALONG THE NORTH LINE OF TRACT 1 TO THE POINT OF BEGINNING OF PARCEL 4; THENCE RUN S 30°59'08" E FOR A DISTANCE OF 36.80 FEET; THENCE RUN S 53°59'55" W FOR A DISTANCE OF 9.14 FEET; THENCE RUN S 02°35'25" W FOR A DISTANCE OF 78.74 FEET; THENCE RUN N 86°55'13" E FOR A DISTANCE OF 18.20 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE RUN NORTHERLY, NORTHWESTERLY, AND WESTERLY ALONG THE SAID CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 6.00 FEET, THROUGH A CENTRAL ANGLE OF 67°38'38" FOR AN ARC DISTANCE OF 7.08 FEET TO A POINT; THENCE RUN S 07°21'36" E FOR A DISTANCE OF 137.33 FEET TO A POINT ON A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF TRACT 1; THENCE RUN S 89°40'39" W FOR A DISTANCE OF 308.48 FEET TO THE EAST LINE OF PARCEL 3; THENCE RUN N 00°20'20" W FOR A DISTANCE OF 244.87 FEET TO A POINT ON THE NORTH LINE OF TRACT 1; THENCE RUN N 89°40'20" E ALONG THE NORTH LINE OF TRACT 1 FOR

AGENDA – September 7, 2021– 7:30 P.M. -COUNCIL CHAMBERS

A DISTANCE OF 263.57 FEET TO THE POINT OF BEGINNING OF PARCEL 4. CONTAINING 552,770.14 SQUARE FEET OR 12.69 ACRES MORE OR LESS BY CALCULATIONS. APPROXIMATE LOCATION: S. W. INTERSECTION OF N.W. 138TH STREET AND N.W. 97TH AVENUE, HIALEAH GARDENS, FLORIDA. FOLIOS #: 27-2029-001-0010 AND 27-2029-001-0171, PROVIDING FOR EFFECTIVE DATE PROVIDING FOR CONDITIONS. (TRC Vote: 5-0; P&Z Vote: 5-0 on all variances)

Tabled 8/17/2021

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR ZOE’S TRACT CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST 264 FEET OF TRACT 16, LESS THE NORTH 65 FEET AND ALSO LESS THE WEST 15 FEET THEREOF FOR STREET PURPOSES OF “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1” OF IN SECTION 29, 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. SAID TRACT OF LAND CONTAINING 65,958 SQUARE FEET (1.5142 ACRES), MORE OR LESS. APPROXIMATE LOCATION: S.E. INTERSECTION OF N.W 138 STREET AND N.W 102ND AVENUE, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2029-001-0172. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

10. First Reading / Public Hearing for consideration of the following Budget ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, AT 5.1613 MILLS, WHICH IS AN INCREASE OF 7.11% OVER THE ROLL BACK RATE SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.

AGENDA – September 7, 2021– 7:30 P.M. -COUNCIL CHAMBERS

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.
- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER UTILITY FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.
- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.
- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.
- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

11. City Attorney's Report**12. Mayor's Report – Miscellaneous**

13. Council Members Concerns / Reports / Board Appointments

Police Pension Board Appointment – Pending

Water & Sewer Board Appointment (J. Merida) – (E. Urra) - Pending

14. Adjournment

Agenda certified 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, September 21, 2021, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 13, 2021, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 7, 2021, 11:00 A.M.

WATER AND SEWER BOARD

Wednesday, September 22,, 2021, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 9, 2021, 5:30 P.M.