

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, August 17, 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 Councilman Jorge Gutierrez, Councilman Jorge Merida, Chairman Luciano Garcia, Mayor Yiozet De La Cruz, and City Attorney Charles Citrin. Councilman Elmo Urra and Councilman Rolando Piña were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** Mr. Citrin stated that Items 10B and 10C were going to be deleted. No objections from Councilmembers. The applicant expressed concern about deferring the items. Chairman Garcia replied that the applicant would have an opportunity to speak during public comments.
- 6. Review of Minutes: August 3, 2021:** Chairman Garcia made a motion to approve the minutes of August 3, 2021, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:**

Mr. Danny Espino, of 'Bercow, Radell, Fernandez, Larkin and Tapanes' law firm, came forward on behalf of Hialeah 67, and stated his name into the record. He stated that the items in question are Planning & Zoning items that have been duly noticed; he asks that the Mayor and Council grant them the opportunity to be heard and present testimony this evening. If deferment is necessary they are willing to work with Staff on any outstanding issues. If they completely delete the items, the cost of re-noticing will have to be incurred by the applicant. Chairman Garcia noted that this will be discussed under Item 10A.

8. **Formal Introduction of the Honorable Miami-Dade County Mayor Daniella Levine Cava.**

Chairman Garcia welcomed Madame Mayor Daniella Levine Cava to the meeting. Mayor Levine Cava came forward and thanked the Council, Mayor, and City Attorney for inviting her in to the City and for the great work that they all do. She explained that she ran for this position on a platform of cooperation with cities and is proud to stand and work together with all municipalities County-wide; she believes that all cities in Miami Dade County have more interests and concerns in common than they have differences. She has been working hard to strengthen the County's relationship not only with cities but with State agencies as well. She stands with Hialeah Gardens and is interested in the City's concerns. [Mr. Tomas Alcala is the liaison]. She continued and explained that some of the issues she wants to work on moving forward include environmental issues (flooding, storms, and sea-level rise) and economic development. Mayor Levine Cava emphasized that she wanted to formally introduce herself; her priority is to work with the [34] cities in MDC whom she views as partners in getting things done. Cities are closer to the people of our communities and she maintains that her office will always have an open-door policy.

Chairman Garcia made a few remarks, followed by comments from Mayor De La Cruz who personally thanked Mayor Levine Cava. They have been able to maintain an open line of communication with her office and her assistant who have been very responsive to the City and any issues they've needed addressed. Mayor Levine Cava thanked the Council and concluded that she is just a phone call away.

Mr. Citrin acknowledged the court recorder in attendance and welcomed her to the City.

At this time Mr. Citrin asked that they take a 5-minute recess; Chairman Garcia called for the recess at 7:39 p.m.

Meeting resumed at 7:43 p.m.

9. **Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, EXTENDING THE CONTRACT WITH SUN CITY STRATEGIES, LLC FOR GOVERNMENTAL CONSULTING SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Ms. Aida Martinez-Ruiz came forward and stated that this a continuation of the current contract with the City's lobbyist [firm]. No changes to the contract; he will continue doing the same scope of work. No comments or questions. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(3-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE RENEWAL OF THE AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION, STATE OF FLORIDA, AND THE CITY OF HIALEAH GARDENS CONCERNING TURF AND LANDSCAPE MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Ms. Aida Martinez-Ruiz came forward and stated that this also a renewal of a contract with FDOT that is made every two years. The City maintains FDOT-owned swale areas and is later compensated for the work. There were no changes to the agreement. No comments or questions. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(3-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS RATIFYING A MEMORANDUM OF UNDERSTANDING WITH THE MATER ACADEMY, INC. FOR THE PLACEMENT OF SCHOOL-BASED LAW ENFORCEMENT OFFICERS AT MATER ACADEMY CHARTER HIGH SCHOOL, MATER ACADEMY CHARTER MIDDLE SCHOOL AND MATER ACADEMY CHARTER ELEMENTARY SCHOOL; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mayor De la Cruz spoke on this item, explaining that this is the contract the City enters into every year to get compensation for the police officers that service Mater Academy for school safety reasons. Miami Dade County Public Schools only provides officers for public schools, not charter schools [like Mater Academy]. The school pays for the officers. There were no changes to the agreement. No comments or questions. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(3-0)**

10. First Reading for consideration 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: 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

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 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 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)

incorrect item read initially

Mr. Hugo Arza, of Holland & Knight, came forward representing the applicant and stated his name and address for the record.

Mr. Citrin read the correct short legal description for Item 10A into the record. He asked that the City Clerk enter the complete legal description into the record in order to assure accuracy. This is a first reading; an opportunity for public input will be afforded upon second reading. The Chair made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The item was approved unanimously upon first reading. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN TO DEVELOP A GAS STATION WITHOUT REPAIR FACILITY AND WITHOUT DESIGN FOR SERVICE TO TRUCKS WITH A CONVENIENCE STORE BUILDING AND SIGN VARIANCES OF HEIGHT OF 14' WHERE 6' IS PERMITTED AND AREA OF 56.6 SF WHERE 32 SF IS PERMITTED AS PER SEC. 78-176 FOR 7-ELEVEN, 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 EFFECTIVE DATE PROVIDING FOR CONDITIONS. (TRC Vote: 5-0; P&Z Vote: 5-0 on all variances)
- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION 2APS (BEER AND WINE FOR SALE IN SEALED CONTAINERS AND FOR CONSUMPTION OFF PREMISES ONLY) FOR 7-ELEVEN, 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, TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES 2APS BEER AND WINE FOR SALE IN SEALED CONTAINERS AND FOR CONSUMPTION OFF PREMISES ONLY; PROVIDING FOR EFFECTIVE DATE PROVIDING FOR CONDITIONS. (TRC Vote: 5-0; P&Z Vote: 5-0 on all variances)

Items 10B and 10C were deleted; Mr. Danny Espino came forward once again and explained that they anticipated making a full presentation tonight on the development; he respectfully asks that the Council allow them the opportunity to be heard and discuss the item. [Mr. Espino takes issue with the deletion of the item since it was already noticed.] Mr. Citrin asked Mr. Espino what notice he was speaking about; Mr. Espino explained that notices (for the item on first reading) were sent to the homes near the development—however the item has not been noticed in a newspaper as of yet. Residents were advised that there was a hearing today. Mr. Citrin stated that they would listen to that testimony upon second reading for this item...if there is an issue, Mr. Espino would welcome a deferral to a later date...Chairman Garcia stated that the second reading would be for both items (10B and 10C) and that there is never a guarantee that an item will be resolved on the date it was noticed for...it is not necessarily a two-meeting process...it can vary and it is all in the interest of making the best decision for the City and its residents.

Mr. Citrin mentioned he had a conversation with Ms. Tapanes (also with Bercow, Radell, Fernandez, Larkin and Tapanes' law firm) on Friday. The City was told they would hear back from the developer about the City's concerns before tonight's meeting...and had not. Mr. Citrin explained that they can table the items, but it is not right to take testimony at this time.

Mr. Espino stated they had been advised of the City's concerns, but to remove an entire component of the project that is permitted by right was what he was ready to discuss.

Mr. Citrin reiterated that they are not voting on the item tonight—nor are they taking any testimony because this is a first reading. They are not treating the applicant any differently than they treat others.

Mr. Espino took issue with the decision to delete the items without an unknown date for future review. Councilman Jorge Gutierrez added that there is never a presentation or testimony given on first reading. Mr. Espino stated that he understood this, but because of the City's concerns, he wanted to provide information without expecting any decisions to be made.

Chairman Garcia stated that as it stands, both items have been deleted. No other comments were offered.

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

Mr. Citrin swore in those in attendance intending to give testimony on either of the following items.

- A) 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)

Mr. Citrin stated that this item also pertains to the 7-Eleven project. This item can/will be tabled, but he will allow those residents wishing to testify a chance to do so. Mr. Danny Espino came forward once again, and added that they also intended to give a presentation on this item. This item meets the technical requirements of the Code. He reiterated that he did not understand why the item should be tabled.

Chairman Garcia stated that they can open the item for comments and discussion to hear from the property owners in attendance and Mr. Espino if he so chooses.

Mr. Citrin read the short legal description into the record. He asked that the City Clerk enter the complete legal description into the record in order to assure accuracy.

Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her memorandum for recommendation into the record. The land use is neighborhood retail, zoning district – neighborhood business district. This is subdivision review; the size of the proposed lot is in compliance with land development regulations. The proposed use is a gas station [without repair facility and without design for service to trucks] with a convenience store. All conditions were addresses by applicant.

Mr. Espino came forward and presented an overview of the 7-Eleven project to the Council. Several members of the development team were also in attendance. The applicant is requesting a site plan approval, a variance for pylon sign, a special exception for beer and wine sales, and the platting of the property. Mr. Espino continued going over the details of the property...the area has been designated as neighborhood retail since circa 2006. B-1 and PUD zoning. He mentioned that on the City's comprehensive plan, it specifically notes that this zoning designation is intended to permit the convenience retail uses that serve everyday shopping needs. This is what this project intends to bring to the area. Only site plan was necessary, no special exception required, but they have gone through an extensive process with Staff to address any concerns that have been raised. The process of the plat was taken in tandem with the site plan. He believes the site plan has met all of the necessary requirements—consistency with the comp plan, conformance with the design standards of the zoning code, and concurrency. They have also met the technical requirements of the plat. Mr. Espino continued to go over the details of their proposed site plan. He respectfully requested that the Council advance these items along on second reading, bearing in mind that they have still have to return for the site plan and special exception items.

Chairman Garcia opened the public hearing at 8:07p.m. Mr. Raul Lozano, resident of 10471 NW 130 Street, came forward and stated his name and address for the record. He stated that he has been a resident of [the Estates area] since 1995. He thanked the Council and explained that he needed to know a little more about the project. He stated that while he has nothing against 7-Eleven, he is concerned about the handling of the perimeter and entrance to his neighborhood. He does not want to see a gas station that serves as a truck stop around the corner from his home, or at the main entrance to his neighborhood; he is against that type of set-up because of the potential problems it may bring. He leaves the decision up to the Council and states that he will attend the second reading.

Mr. Lazaro Sanchez, resident of 10458 NW 130 Street, came forward and stated his name and address for the record. He expressed similar concern about truck stops, adding that he is uncomfortable with one so close to the neighborhood. He stated that the City has invested a lot of years into the area and he does not want to see any damage done because of this project.

No one else came forward; public hearing close at 8:10p.m. Mr. Espino came forward once again and addressed the residents that just spoke. He explained that

this 7-Eleven is not intended to service large trucks. It is simply a typical gas station and convenience store that will only service regular vehicles. He gave the residents copies of the presentations to take home with them and welcomed any questions or concerns they might have for him.

Mr. Citrin asked Mr. Espino who presently owns the property; Mr. Espino answered that he is representing the applicant [Hialeah 67 LLC] who is the contract-purchaser. Mr. Espino stated that they have a letter of authorization from the owner. In response to Mr. Espino's inquiry, Mr. Citrin reiterated that there is no set date to bring the item back to Council.]

The Chair made a motion to table the item, seconded by Councilman Merida. The item was unanimously tabled. **(3-0)**

- B) ORDINANCE AMENDING CHAPTER 46, TAXATION AND FINANCE, ARTICLE II "LOCAL BUSINESS TAX RECEIPTS," SECTION 46-61(4) OF THE HIALEAH GARDENS CODE OF ORDINANCES REMOVING THE REQUIREMENT OF A FULL COURSE MEAL WHEN ALCOHOLIC BEVERAGES ARE SERVED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. This was a Staff-initiated change in order to promote certain types of businesses coming in to the City. Chairman Garcia opened the public hearing at 8:15; no one came forward. Public hearing closed at 8:15. No questions or comments from the Council. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was unanimously approved. **(3-0)**

12. City Attorney's Report:

Mr. Citrin stated that he was pleased to invite Mr. J. Frost Walker, III forward who was to give a short presentation on the latest legislative session [in Tallahassee]. In short, it was bad—Cities were not given any more money, but they were given more responsibility. Additionally, the State has taken away their authorities for different things.

Mr. Walker came forward and addressed the Council and made a few remarks on some of new laws passed in Tallahassee; they have amended many provisions related to Building department matters. These include:

- the City can no longer require a specific design element for a single or two-story family residence (color, tiles, roof material, etc) UNLESS it is part of planned unit development or a master plan community

- the City may create a 'design review board' or 'architectural review board' to address these issues...
- permit fees are subject to many new administrative requirements including a reduction in the fee if the developer uses a private provider for plan review or building inspection services...
- in October, a host of new deadlines are implemented for processing applications for development
- modifications to website regarding building permits

Mr. Walker thinks it is concerning that all of these technical changes have been delegated by Tallahassee and the City will have to decide on who is going to oversee and implement these changes. Chairman Garcia noted that the State doesn't necessarily enforce what is currently imposed upon municipalities. He suggested that Hialeah Gardens should not be the first City to make sure they are in compliance with all of these new provisions; we should wait and see what other municipalities will be doing.

13. Mayor's Report – Miscellaneous: N/A

14. Council Members Concerns / Reports / Board Appointments: N/A

Police Pension Board Appointment – Pending

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

15. Adjournment: The meeting was adjourned at 8:32 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, 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.