

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, October 5, 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 Elmo Urra, Councilman Jorge Gutierrez, Councilman Jorge Merida, , Chairman Luciano Garcia, Mayor Yioiset De La Cruz, and Deputy City Attorney Aida Martinez-Ruiz. Councilman Rolando Piña was 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:** N/A
- 6. Review of Minutes: September 21, 2021** Chairman Garcia made a motion to approve the minutes of September 21, 2021, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. First Reading for consideration of the following ordinances:

- A) 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)

Ms. Aida Martinez-Ruiz read the short legal description of the item. She asked that the City Clerk enter the complete legal description as written into the record to assure accuracy. Mr. Danny Espino, of Bercow, Radell, Fernandez, Larkin and Tapanes' law firm, came forward on behalf of the applicant Hialeah 67, and stated his name into the record. This is a first reading; an opportunity for public input will be afforded upon second reading. Chairman Garcia made a motion to approve the item upon first reading; seconded by Councilman Merida. The item was approved unanimously upon first reading. **(4-0)**

- B) 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)

Ms. Aida Martinez-Ruiz read the short legal description of the item. She asked that the City Clerk enter the complete legal description as written into the record to assure accuracy. Mr. Danny Espino, of Bercow, Radell, Fernandez, Larkin and Tapanes' law firm, once again came forward on behalf of the applicant Hialeah 67, and stated his name into the record. This is a first reading; an opportunity for public input will be afforded upon second reading. Chairman Garcia made a motion to approve the item upon first reading; seconded by Councilman Merida. The item was approved unanimously upon first reading. **(4-0)**

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

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR GOLD LAKE INVESTMENT WAREHOUSE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT 60, LESS THE EAST 35 FEET, LESS THE NORTH 40 FEET, LESS THE WEST 40 FEET, LESS THAT EXTERNAL AREA FORM BY A 25 FOOT RADIUS CURVE AT THE NORTHEAST CORNER AND LESS THAT EXTERNAL AREA FORMED AT THE NORTHWEST CORNER BY A 25 FOOT RADIUS CURVE, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH OF N.W 142ND STREET AND BETWEEN N.W 109ND AVENUE AND N.W. 112TH AVENUE, HIALEAH GARDENS, FLORIDA. FOLIOS #: 27-2019-001-0670 AND 27-2019-001-0675; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 4-0)

Ms. Aida Martinez-Ruiz read the short legal description of the item. She asked that the City Clerk enter the complete legal description as written into the record to assure accuracy. Mr. Mike Troxell with Thomas Engineering came forward for the applicant and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her memorandum for recommendation into the record. There were no conditions from TRC or P&Z and no variances. Chairman Garcia opened the public hearing at 7:37 p.m.; no comments were offered. Public hearing closed at 7:37 p.m. Chairman Garcia made a motion to approve the ordinance; seconded by Councilman Merida. The ordinance was approved unanimously upon second reading by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING RESOLUTION #1408 FROM SPECIAL EXCEPTION USE FOR DAY CARE FACILITY TO SCHOOL FACILITY LOCATED AT: 12503 W. OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA, UNDER ROYAL KIDS ACADEMY, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 4-0)

Ms. Aida Martinez-Ruiz read the legal description of the item into the record. The applicant, Mr. Lawrence Barimo came forward and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her recommendation for approval into the record. There were no conditions from TRC or P&Z, however the school will have to go through State approvals as well. Chairman Garcia opened the public hearing at 7:38 p.m.; no comments were offered. Public hearing closed at 7:38 p.m. Chairman Garcia made a motion to approve the ordinance; seconded by Councilman Merida. The ordinance was approved unanimously upon second reading by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR A.J. PROPERTIES TRACT, LEGAL DESCRIPTION: THE SOUTH ½ OF TRACT 12, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS THE LANDS CONVEYED BY RIGHT-OF-WAY DEED RECORDED IN O.R. BOOK 27606, PAGE 2676, DESCRIBED AS FOLLOWS: THOSE PORTIONS OF THE SOUTH ONE-HALF (S. ½) OF THE NORTH ONE-HALF (N. ½) OF THE NORTH ONE-HALF (N. ½) OF THE SOUTHWEST ONE-QUARTER (SW. ¼) OF THE NORTHEAST

ONE-QUARTER (N.E. ¼) 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. ½) OF THE NORTH ONE-HALF (N. ½) OF THE NORTH ONE-HALF (N. ½) OF THE SOUTHWEST ONE-QUARTER (SW. ¼) OF THE NORTHEAST ONE-QUARTER (NE. ¼) OF SAID SECTION 19. AND THE EAST 35.00 FEET OF THE SOUTH ONE-HALF (S. ½) OF THE NORTH ONE-HALF (N. ½) OF THE NORTH ONE-HALF (N. ½) OF THE SOUTHWEST ONE-QUARTER (SW. ¼) OF THE NORTHEAST ONE-QUARTER (NE. ¼) OF SAID SECTION 19. AND EXCEPTING THERE FROM ANY PORTION OF THE ABOVE-DESCRIBED LANDS PREVIOUSLY DEDICATED AS PUBLIC RIGHT-OF-WAY. FOLIO #: 27-2019-001-0120. LOCATION: 14900 NW 109TH AVENUE, HIALEAH GARDENS, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Ms. Aida Martinez-Ruiz read the short legal description of the item. She asked that the City Clerk enter the complete legal description as written into the record to assure accuracy. Ms. Maribel Aguilar came forward for the applicant and stated her name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her recommendation for approval into the record. There were no conditions from TRC or P&Z and no variances. The final plat has no substantive changes from the approved tentative plat; the geometry is exactly the same. Chairman Garcia opened the public hearing at 7:40 p.m.; no comments were offered. Public hearing closed at 7:40 p.m. Chairman Garcia made a motion to approve the ordinance; seconded by Councilman Merida. The ordinance was approved unanimously upon second reading by individualized voice vote. **(4-0)**

- 10. City Attorney's Report:** No comments.
- 11. Mayor's Report – Miscellaneous:** Mayor De La Cruz announced that this year's Halloween event will be held at the Botanical Gardens with a "trick or treat" trail around the grounds.
- 12. Council Members Concerns / Reports / Board Appointments**
Police Pension Board Appointment – Pending
Water & Sewer Board Appointment (L. Garcia, J. Merida, E. Urra) – Pending
- 13. Adjournment:** The meeting was adjourned at 7:41 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, November 2, 2021, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

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

POLICE PENSION BOARD

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