

Mayor

Yiozet 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. Urra

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, June 21, 2022
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:34 p.m.
- 2. Roll Call:** Present were Councilman Elmo L. Urra, Councilman Jorge A. Merida, Chairman Luciano Garcia, and City Attorney Charles Citrin. Councilman Rolando Piña, Councilman Jorge Gutierrez, and Mayor Yiozet De La Cruz were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mr. Citrin led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** N/A
- 6. Review of Minutes:** June 7, 2022 Chairman Garcia made a motion to approve the minutes of June 7, 2022. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

8. Florida International University (F.I.U.) Scholarship for Hialeah Gardens Residents: Chairman Luciano Garcia.

Chairman Garcia explained that the City has previously funded scholarships for students in the community to attend Miami Dade College and FIU. This year, there is a new proposal with two significant positive changes. First, the money that the City contributes to the general scholarship fund will only be available to students that live in Hialeah Gardens. Second, the State enacted matching fund legislation which means the State will contribute 2 for 1 dollars to funds for first generation college students. For a City contribution of \$25,000, the State would contribute \$50,000 and that student would have a total of \$75,000 in scholarship funds available to them. The only restriction is that it cannot come from directly from the City—it has to go via a 501c3 (charitable organization), which most cities have set up.

Chairman Garcia added that if the Council is in agreement, he would like to instruct the City Attorney to go forward with setting up the 501C3. From there, a resolution should be prepared proposing the City's contribution [to be read at the next Council meeting]. Mr. Citrin noted that there is a process with the IRS to set up a 501c3. Chairman Garcia explained he spoke to the Mayor about it, and that the Mayor believed they could use the existing 501c3 for this program. He stated that the Council recesses in July giving time to look further into the requirements for the State matching funds. Mr. Citrin asked about the selection process; Chairman Garcia explained that the schools will have a roster of eligible residents in Hialeah Gardens. They are required to be eligible for the Pell Grant from the federal government which is intended for low income families. The City can stipulate how many students the money is distributed amongst. He suggested something like \$1,000 per student until the money is depleted.

Chairman Garcia made a motion to approve the project under the discussed conditions; the motion was seconded by Councilman Merida. The motion was approved unanimously.

9. Report on CS/SB 620 Business Damages Against Local Government Florida Legislative Session 2022 (PASSED): Mr. Charles Citrin, City Attorney.

Mr. Citrin spoke only briefly on the item as the Mayor and members of the Council were not present at this meeting. He summarized the background and consequences of this legislation...the bottom line is that the State government continues to preempt...taking away powers from local government. Not obligations, and not responsibilities, just power.

10. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE LEASE TO PURCHASE OF ONE (1) TYMCO 600 SWEEPER IN AN AMOUNT NOT TO EXCEED THREE HUNDRED AND SIXTY THOUSAND ONE HUNDRED AND FOURTEEN DOLLARS AND FORTY-FIVE CENTS (\$360,114.45) TO BE USED BY THE PUBLIC WORKS DEPARTMENT; WAIVING COMPETITIVE BIDDING AND USING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY ORDINANCE 2002-54; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH CONTAINER SYSTEMS & EQUIPMENT CO., INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin recommended that the Council table this item. The documents contain some errors. This item will be taken up again at the second Council meeting on August 16th. Chairman Garcia made a motion to table Item 10A; the motion was seconded by Councilman Merida and approved unanimously.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE RENEWING OF AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR PERFORMANCE OF PROFESSIONAL SERVICES BY MIAMI-DADE COUNTY FOR IDENTIFICATION AND CONTROL OF POLLUTANT DISCHARGES IN SHARED MUNICIPAL SEPARATE STORM SEWER SYSTEMS AND TO NEGOTIATE AND EXECUTE CHANGES TO THE SELECTION OF ACTIVITY PARTICIPATION BY THE CO-PERMITTEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Joe Lopez, Public Works Director, came forward and explained the basis for this item. This is a renewal of an interlocal agreement with Miami-Dade County for the NPDES (National Pollutant Discharge Elimination System). Mr. Lopez read his recommendation for approval into the record. Chairman Garcia asked if there would be any impact on the budget; Mr. Lopez replied that the rate went up from \$600/year to \$1,000/year. They [Miami-Dade County] do all of the Water quality monitoring for the City.

Chairman Garcia made a motion to approve the resolution; the motion was seconded by Councilman Merida. The item was approved unanimously.

11. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR H&M SELF STORAGE TO DEVELOP A NEW LIMITED ACCESS SELF-STORAGE FACILITY. FOLIO #27-2030-014-0020, EXISTING ADDRESS: 10953 NW 138TH STREET, HIALEAH GARDENS, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE (TRC Vote: 4-0; P&Z Vote: 3-0)

Mr. Citrin read the item into the record. Mr. Fernando Silva came forward and stated his name and address for the record. He was in attendance representing the architect for the project. Chairman Garcia stated that as this is a first reading and as such an opportunity for any public input would be afforded upon second reading. The Chair made a motion to approve the item, seconded by Councilman Merida. The ordinance was approved unanimously upon first reading by individualized voice vote. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING RESOLUTION # 2005-17 FROM SPECIAL EXCEPTION USE FOR DAY CARE FACILITY TO SCHOOL FACILITY LOCATED AT: 9160 NW 122ND STREET, HIALEAH GARDENS, SUITES: 11,12,13,14,15 AND 16, HIALEAH GARDENS, FLORIDA, FOLIO #27-2033-056-0010 UNDER MAGIC KIDS LEARNING CENTER II, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE (TRC Vote: 4-0; P&Z Vote: 3-0)

Mr. Citrin read the item into the record. Mr. Octavio Santurio, architect for the project, came forward and stated his name and address for the record. Chairman Garcia stated that as this is a first reading and as such an opportunity for any public input would be afforded upon second reading. The Chair made a motion to approve the item, seconded by Councilman Merida. The ordinance was approved unanimously upon first reading by individualized voice vote. **(3-0)**

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

- A) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO A LEASE AGREEMENT WITH LEASING 2 IN AN AMOUNT NOT TO EXCEED THREE HUNDRED AND SIXTY THOUSAND ONE HUNDRED AND FOURTEEN DOLLARS AND FORTY FIVE CENTS (\$360,114.45) FOR THE PURPOSE OF PURCHASING A TYMCO 600 SWEEPER FOR THE PUBLIC WORKS DEPARTMENT;

AWARDING THE LEASE AGREEMENT TO LEASING 2; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin swore in those individuals who would be providing testimony on the items for second reading. Mr. Citrin recommended tabling Item 12A until the August 16th Council meeting as it is directly tied to Item 10A which was previously tabled.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, SAFEGUARDING THE WELFARE OF RESIDENTS AND BUSINESSES OF THE CITY FROM SOIL EROSION BY GUIDING, REGULATING, AND CONTROLLING THE DESIGN, CONSTRUCTION, USE AND MAINTENANCE OF ANY DEVELOPMENT OR OTHER ACTIVITY THAT DISTURBS THE TOPSOIL OR MOVEMENT OF EARTH ON LAND IN THE CITY; AMENDING THE CITY CODE; AMENDING DEFINITIONS; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Joe Lopez, Public Works Director, came forward and explained the basis for this item. This is an erosion and sediment control ordinance. The State has been requesting that the City enact this legislation for quite some time now. Municipalities were reluctant; we were relying on the County's code for enforcement. The State determined that the City cannot enforce the County ordinances but nonetheless the City has been enforcing erosion and sediment controls on old job sites since 1997/1998. The purpose of these protocols is to avoid erosion and sediment discharge into the stormwater system. We have been enforcing County guidelines all this time, now the City must adopt the same guidelines via ordinance. This will demonstrate to the State that the City DOES have the authority to enforce these regulations.

Chairman Garcia opened the public hearing at 7:55 p.m.; no one came forward. Public hearing closed at 7:55 p.m. No further comments or questions from the Council. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously via individualized voice vote. **(3-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ESTABLISHING METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE CITY'S STORM SEWER SYSTEM IN ORDER TO COMPLY WITH

REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROCESS; AMENDING THE CITY CODE; AMENDING DEFINITIONS; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Joe Lopez, Public Works Director, came forward once again and reiterated his comments for the previous item. This regulation, however, targets illicit discharges. Example being illegal oil dumping into a catch basin. The City has already been enforcing this alongside DERM [inspections], but this ordinance gives the City the authority to pursue and enforce the regulation independent of the County. The State provided a model ordinance.

Chairman Garcia opened the public hearing at 7:56 p.m.; no one came forward. Public hearing closed at 7:56 p.m. No further comments or questions from Council. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously via individualized voice vote.
(3-0)

13. City Attorney's Report: Mr. Citrin commented that he thinks the scholarship program is sensational.

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

15. Council Members Concerns / Reports / Board Appointments

Police Pension Board Appointment – Pending

Water & Sewer Board Appointment (L. Garcia, J. Merida, E. Urra) - Pending

As is custom, Chairman Garcia made a motion to recess for the month of July, seconded by Councilman Merida. The motion was approved unanimously.

16. Adjournment : The meeting was adjourned at 7:58 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

July Recess

Tuesday, August 16, 2022, 7:30 P.M.

Tuesday, September 6, 2022, 7:30 P.M.

PLANNING AND ZONING BOARD

July Recess

Monday, August 8, 2022, 7:30 P.M.

Monday, September 12, 2022, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, September 1, 2022, 11:00 A.M.

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

Tuesday, August 2, 2022, 5:30 P.M.

Tuesday, November 1, 2022 5:30 P.M.