

Mayor

Yioset De La Cruz

City Council Members

Chairman Luciano "Lucky" Garcia
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, August 16, 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 Gutierrez Councilman Jorge A. Merida, Chairman Luciano Garcia, and Aida Martinez-Ruiz, Deputy City Attorney. City Attorney Charles Citrin, Councilman Rolando Piña, and Mayor Yioset De La Cruz were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Ms. Martinez-Ruiz led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** N/A
- 6. Review of Minutes: June 21, 2022** Chairman Garcia made a motion to approve the minutes of June 21, 2022. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

Tabled 06/21/2022

Chairman Garcia made a motion to remove the item from table; the motion was passed unanimously and the item was reopened.

- 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.

Ms. Martinez-Ruiz read the item into the record. Mr. Joe Lopez, Public Works Director, came forward. Mr. Lopez read his recommendation for approval of this item into the record. This purchase will assist in providing necessary maintenance to City streets and drainage systems. The Department requested a quote via the Florida Sheriffs Bid...the vendor awarded said contract for a quoted price of \$318,093 through a lease agreement with five annual payments for a total cost of \$360,114.45. Mr. Juan Rivera, Finance Director, reached out to the City's banking partners and was unable to secure a better deal. The Department respectfully requested that the Council waive competitive bidding and allow the City to purchase the TYMCO 600 SWEEPER from the above vendor utilizing an existing contract with the Florida Sheriffs Association. Chairman Garcia asked if the total amount over the whole life of the lease was in the budget; Mr. Lopez confirmed the total amount was budgeted for and would come out of the CITT budget, which is a recurring funding source. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING A GIFT OF \$25,000 TO CHILDREN IN ACTION FOR THE PURPOSE OF GIFTING THE DONATION TO THE FLORIDA INTERNATIONAL UNIVERSITY FOUNDATION, INC. IN ORDER TO PROVIDE FIRST GENERATION COLLEGE SCHOLARSHIPS FOR HIALEAH GARDENS STUDENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Chairman Garcia explained that they had spoken about this item at the last meeting and had asked the City Attorney to prepare a resolution. This is in order to provide a scholarship to prospective FIU students. The City has done this in the past for both FIU and Miami-Dade College, but this time it is specifically for students that live in Hialeah Gardens. The funds, via state grant, are eligible for a 2 for 1 matching...if the City puts in \$25,000, the state will put in \$50,000 and the scholarship can amount to \$75,000. This scholarship program is meant for first-generation college students. Ms. Martinez-Ruiz added that the reason the donation is going to Children in Action organization first [before going to FIU Foundation] is because the State will not match a donation made by a municipality; it has to be made through a 501(c)3 non-profit organization. Children in Action is a charity that the City has utilized in the past for other programs. They have generously offered to accept the donation [from the City] and then donate it to FIU on behalf of the City. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA REGARDING NEIGHBORHOOD IMPROVEMENTS; 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.

Ms. Martinez-Ruiz read the item into the record. She explained that the City was allocated an amount of \$800,000 from Miami-Dade County for transit improvements; instead of using it for a transit system, the funds will be better used to improve roads and certain drainage systems. The caveat was that it needed to be done by July 31, 2022 during which time the Council was recessed. The City went ahead and agreed with the County provisionally; there are still several steps at the County level that must be completed for approval. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING THE PURCHASE OF OUTDOOR WORKOUT GYM EQUIPMENT FOR GOLDEN EAGLE PARK; WAIVING COMPETITIVE BIDDING UTILIZING A GRANT FROM THE MIAMI NATIONAL ASSOCIATION OF REALTORS (NAR); RATIFYING THE PURCHASE FROM OUTDOOR WORKOUT SUPPLY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Mr. Arturo Ruiz, Director of Administration, came forward and read his memorandum for recommendation into the record. The City was awarded a grant in the amount of \$15,000 from that Miami National Association of Realtors (NAR); the purpose of this grant is to enhance a park or open space within the City. After meeting with Mayor De La Cruz, the City has decided to purchase outdoor exercise equipment to fill in the empty space on the Northeast corner of Golden Eagle Park. This portion of the park was left empty when the Miami-Dade County School Board removed the dilapidated jungle gym that had been there for years. This grant needs to be completed in full on or before December 31, 2022. Mr. Ruiz therefore solicited quotes from three companies in order to purchase the equipment and have it installed before this date. Delivery / waiting period is estimated to take 7-8 weeks. Under the guidance of City Attorney Charles Citrin, Mr. Ruiz decided to go ahead and choose the least expensive proposal submitted in the amount of \$14,336 by Outdoor Workout Supply. All paperwork is available for the Council to review. Chairman Garcia asked about installation; Mr. Ruiz confirmed that City Staff would take care of the prep work and installation. Therefore the City should not pay a penny for this, when all is said and done. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- E) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE DESIGN PHASE OF RELOCATING CITY OWNED WATER & SEWER FACILITIES IN CONFLICT WITH PROPOSED MIAMI-DADE COUNTY ROADWAY IMPROVEMENTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH 300 ENGINEERING GROUP, P.A.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Mr. Joe Lopez, Public Works Director, came forward and read a memorandum for recommendation into the record. The Water & Sewer Department is required to relocate certain facilities in conflict with Miami-Dade county work projects within MDC right-of-ways. The Department requested a quote from the County's selected design build contractor. This request is for the design phase of the project and does not include construction costs. The funding source is the W&S Department/Funds Construction Operating account. The Department respectfully requested that the Council waive competitive bidding and allow the City to contract with 300 Engineering, utilizing an existing contract with Miami-Dade County...not to exceed amount of \$104,000 which includes a 10% contingency over the quoted amount of \$94,491. Chairman Garcia asked where the facilities were located; Mr. Lopez replied that this is for the construction of NW 107th Avenue, from 138th Street to 158th Street [along Frontage Road]. The facilities in conflict are an 8-inch sanitary sewer force main and a 16-inch water main. Mr. Lopez does not have an estimate for the

construction portion but explained that they are working very closely with the County to minimize the costs; the design portion of the process will get the City permitted. At that time, the City can reassess and decide how to proceed. There are numerous FDOT construction projects that will occur within or around the city. This is not being let until 2025-26. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- F) 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.

Ms. Martinez-Ruiz read the item into the record. This is the turf and landscape agreement that the City renews every year. The City agrees to maintain State-owned roadways and swales and is reimbursed by the State. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously.

(4-0)

10. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR ARH HOLDINGS SUBDIVISION, LEGAL DESCRIPTION: LOT 4 AND THE EAST 23.42 FEET OF LOT 5, BLOCK 2, "WESTWOOD GARDENS INDUSTRIAL PARK", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 118, PAGE 46, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIOS #: 27-2033-002-0240 AND 27-2033-002-0250. APPROXIMATE LOCATION: S.E INTERSECTION ON N.W. 119TH STREET AND N.W. 88TH AVENUE, HIALEAH GARDENS, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Ms. Martinez-Ruiz read the short title of the item into the record to include the folio and existing address. She asked that the City Clerk enter the full legal description into the record in order to ensure accuracy. Mr. Jose Senas, surveyor of record for the project, came forward representing the applicant and stated his name and address for the record. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR HG SUBDIVISION CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "A": WEST 1/2 OF THE WEST 1/2 OF TRACT 58 OF FLORIDA FRUIT LANDS COMPANY'S NO. 1, SECTION 19, 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; LESS AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF HIALEAH GARDENS BY RIGHT-OF-WAY DEED RECORDED DECEMBER 23, 2011 IN OFFICIAL RECORDS BOOK 27940, PAGE 122 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. TRACT "B": THE EAST 165 FEET OF THE WEST ONE-HALF (W 1/2) OF TRACT 58, IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF FLORIDA FRUIT LANDS COMPANY'S NO. 1, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 35 FEET FOR HIGHWAY PURPOSED AS PER RIGHT-OF-WAY DEED OF CITY OF HIALEAH GARDENS RECORDED OCTOBER 18, 2012 IN OFFICIAL RECORDS BOOK 28318 PAGE 2940, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: TRACT "A": S.E INTERSECTION ON N.W. 112TH AVENUE AND N.W. 140TH STREET, HIALEAH GARDENS, FLORIDA AND TRACT "B": BETWEEN N.W. 109TH AVENUE AND N.W. 112TH AVENUE AND SOUTH OF N.W. 140TH STREET, HIALEAH GARDENS, FLORIDA. FOLIOS #: 27-2019-001-0651 AND 27-2019-001-0652. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 5-0; P&Z Vote: n/a)

Ms. Martinez-Ruiz read the short title of the item into the record to include the folio and existing address. She asked that the City Clerk enter the full legal description into the record in order to ensure accuracy. Mr. Angel Lopez, from E.R. Brownell & Associates, surveyor of record for the tentative plat, came forward representing the applicant and stated his name and address for the record. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR ARH HOLDINGS TO DEVELOP A NEW OFFICE BUILDING. APPROXIMATE LOCATION: S.E

INTERSECTION ON N.W. 119TH STREET AND N.W. 88TH AVENUE, HIALEAH GARDENS, FLORIDA. FOLIOS #: 27-2033-002-0240 AND 27-2033-002-0250; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 5-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the item into the record. The applicant was not present. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR AMC PARK I TO DEVELOP A NEW BUILDING WITH OFFICES AND WAREHOUSES. APPROXIMATE LOCATION: S.E INTERSECTION ON N.W. 112TH AVENUE AND N.W. 140TH STREET, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2019-001-0651; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the item into the record. Mr. Miguel Cabrera, architect for the project, came forward representing the applicant and stated his name and address for the record. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR AMC PARK II TO DEVELOP A NEW BUILDING WITH OFFICES AND WAREHOUSES. APPROXIMATE LOCATION: BETWEEN N.W. 109TH AVENUE AND N.W. 112TH AVENUE AND SOUTH OF N.W. 140TH STREET, HIALEAH GARDENS, FLORIDA. - FOLIO #: 27-2019-001-0652; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the item into the record. Mr. Miguel Cabrera, architect for the project, came forward once again and stated his name and address for the record. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING SIGNAGE MASTER PLAN FOR SIGN #4 WITH A SIGN AREA VARIANCE AS PER ORDINANCE# 2021-12 FOR RACETRAC & INCLUDE NEW SIGN MONUMENT #5 LEGAL DESCRIPTION: A PORTION OF TRACT 1, SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 65 FEET THEREOF PURSUANT TO RIGHT-OF-WAY DEEDS RECORDED IN DEED BOOK 2132, PAGE 44 AND 2132, PAGE 52, AND LESS THAT PORTION AS RECORDED IN OFFICIAL RECORDS BOOK 30433, PAGE 2808, ALL OF SAID PUBLIC RECORDS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 29, ALSO BEING THE NORTHEAST CORNER OF SAID TRACT 1; THENCE SOUTH $02^{\circ}34'33''$ EAST ON THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 29, ALSO BEING THE EAST LINE OF SAID TRACT 1 FOR 330.16 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 1; THENCE SOUTH $89^{\circ}40'32''$ WEST ON SAID SOUTH LINE 100.08 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WEST LINE OF THAT 100 FOOT WIDE CANAL RESERVATION AS RECORDED IN OFFICIAL RECORDS BOOK 1587, PAGE 274, OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH $89^{\circ}40'32''$ WEST ON SAID SOUTH LINE 282.83 FEET; THENCE NORTH $00^{\circ}19'47''$ WEST 264.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 65.00 FEET OF SAID TRACT 1, BEING THE SOUTH RIGHT-OF-WAY LINE OF NW 138TH STREET AS RECORDED IN DEED BOOK 2132, PAGE 44, DEED BOOK 2132, PAGE 52 AND PLAT BOOK 152, PAGE 83, ALL OF SAID PUBLIC RECORDS, LYING 65.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST 1/4 OF SECTION 29; THENCE NORTH $89^{\circ}40'13''$ EAST ON SAID SOUTH RIGHT-OF-WAY LINE 276.17 FEET TO THE NORTHWEST CORNER OF SAID RIGHT-OF-WAY DEDICATION AS RECORDED IN OFFICIAL RECORDS BOOK 30433, PAGE 2808; THENCE ON THE WESTERLY RIGHT-OF-WAY LINE AS DESCRIBED IN SAID DOCUMENT, THE FOLLOWING THREE COURSES AND DISTANCES; 1) SOUTH $30^{\circ}59'16''$ EAST 36.79 FEET; 2) SOUTH $53^{\circ}59'17''$ WEST 9.14 FEET; 3) SOUTH $02^{\circ}35'17''$ WEST 78.74 FEET; THENCE SOUTH $86^{\circ}55'05''$ WEST ON THE WESTERLY EXTENSION OF A SOUTHERLY LINE OF SAID RIGHT-OF-WAY 6.52 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF THAT 100 FOOT WIDE CANAL RESERVATION; THENCE SOUTH $02^{\circ}34'33''$ EAST ON SAID WEST LINE 149.08 FEET TO THE

POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, CONTAINING 74,822 SQUARE FEET (1.7177 ACRES), MORE OR LESS. APPROXIMATE LOCATION: S.W. INTERSECTION ON N.W. 138TH STREET AND N.W. 97TH AVENUE, HIALEAH GARDENS, FLORIDA, FLORIDA, FOLIO #: 27-2029-001-0010 UNDER HIALEAH SOUTH, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the short title of the item into the record to include the folio and existing address. She asked that the City Clerk enter the full legal description into the record in order to ensure accuracy. Ms. Vanessa Madrid, with the law firm of Holland & Knight, came forward on behalf of the applicant and stated her name and address for the record. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING RESOLUTION # 1363 FROM SPECIAL EXCEPTION USE FOR DAY CARE FACILITY TO A DAY CARE AND SCHOOL FACILITY (ELEMENTARY) LOCATED AT: 11300 NW 87TH COURT, SUITES 125, 126, 127, AND 128, HIALEAH GARDENS, FLORIDA, FOLIO #: 27-2033-006-0010 UNDER RUFO THE KANGAROO INTEGRAL CENTER LLC, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the item into the record. The applicant was not present. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

- H) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR ADRIAN & RUIZ ENTERPRISES, INC. TO DEVELOP A TRUCK PARKING WITH OFFICES. APPROXIMATE LOCATION: NORTH OF N.W 148TH STREET AND BETWEEN N.W. 109TH AVENUE AND N.W. 112TH AVENUE, HIALEAH GARDENS, FL - FOLIO #: 27-2019-001-0110; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 5-0)

Ms. Martinez-Ruiz read the item into the record. Mr. Manny Reus, architect for the project, came forward representing the applicant and stated his name and address for the record. Chairman Garcia stated that this is a first reading and as such an opportunity for 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. **(4-0)**

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

Ms. Martinez-Ruiz swore in those intending to give testimony on any of the following items.

- A) 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)

Ms. Martinez-Ruiz read the item into the record. Mr. Octavio Santurio came forward representing the applicant and stated his name and address for the record. Mr. Santurio pointed out a scrivener's error on the ordinance; it should read as "special exception use for a day care facility *and* elementary school." He claims the ordinance was changed after first reading and was unclear how it had been noticed.

Mr. Joe Lopez, Public Works Director, came forward on behalf of Mrs. Mirtha Gonzalez, Chief Zoning Official, to read a memorandum for recommendation into the record. The applicant is requesting a special exception use to allow a school facility to add pre-school and 1st grade only as part of elementary school to an existing child daycare. The memo is written as the ordinance is intended to be written. Chairman Garcia asked Mr. Santurio, for the record, if he was in agreement with the conditions set forth by City staff. Mr. Santurio confirmed that he was. Ms. Martinez-Ruiz added that the ordinance was noticed exactly as written and passed on first reading. The City Clerk will receive a corrected ordinance from P&Z and re-advertise for the next meeting. Mr. Santurio added that it will consist of the same amount of children...this is just a reorganization of the school. Ms. Martinez-Ruiz recommended that the item be tabled until the next meeting to avoid any issues in the future [because of the language error]. Mr. Santurio understood and agreed. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The item was tabled unanimously by individualized voice vote. **(4-0)**

Tabled 06/21/2022

- B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ENTERING INTO A LEASE-PURCHASE AND ESCROW 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-PURCHASE AND ESCROW 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.

Chairman Garcia made a motion to remove the item from table. The motion to remove the item from table was approved unanimously. Ms. Martinez-Ruiz read the item into the record. Mr. Joe Lopez, Public Works Director, came forward. This item is tied directly to item 8A on this meeting's agenda. This is the finance / payment portion of the purchase [of a TYMCO 600 sweeper]. Chairman Garcia opened a public hearing at 8:01p.m.; no one came forward. Public hearing closed at 8:01p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(4-0)**

12. City Attorney's Report: N/A

13. Mayor's Report – Miscellaneous N/A

14. Council Members Concerns / Reports / Board Appointments

Police Pension Board Appointment – Pending

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

Chairman Garcia re-appointed Mr. Austin Garcia, civil engineer, to the W&S Board.

15. Adjournment: The meeting was adjourned at 8:01 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, September 21, 2022, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

Thursday, October 6, 2022, 11:00 A.M.

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

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