

Mayor

Yioiset 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, September 6, 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, Councilman Rolando Piña, Chairman Luciano Garcia, Mayor Yioiset De La Cruz, and City Attorney Charles Citrin
- 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: August 16, 2022** Chairman Garcia made a motion to approve the minutes of August 16, 2022. The motion was approved unanimously.
- 7. Public Comments:** None were offered.
- 8. Formal Introduction of the Honorable State Representative / Senator-Elect Bryan Avila.**

Representative Bryan Avila came forward and explained he wanted to introduce himself to the Council members. He stated that it is a great honor to represent, come November, the city of Hialeah Gardens. This past session [in the Florida legislature] was extremely successful working with the Mayor and the lobby team for the City. They were able to bring back over \$3.1 million to the City. Moving forward, he wants to replicate that success at session. Mr. Avila also introduced a member of his staff, Ms. Alicia Araya, who has played an integral role in terms of constituent services in the House district. She will be moving with Mr. Avila to the Senate.

A photo opportunity was afforded at this time.

Mayor De La Cruz added that he has known Mr. Avila for years, and that he has worked with him for issues regarding State funding. Mr. Avila has been helping the City for years even before he officially represented it. This year, he was the architect of a \$3.1 million grant for various City projects. This is the largest amount the City has ever received from the State. The Mayor thanked Mr. Avila for his work and leadership in the community.

9. Introduction of Workforce Programs - Hialeah Gardens Senior High School: Ms. Desiree Sardo-Diaz, Assistant Principal, Miami Springs Adult & Community Education Center.

Ms. Sardo came forward and stated her name and address for the record. She stated that she wanted to introduce herself to the Council and Mayor, as she is the Assistant Principal for the Miami Springs Adult & Community Education Center which utilizes Hialeah Gardens Senior High School as a campus. They have a couple of new programs; the EMR program, which is for students that would like to become firefighters. They also have a childcare program for people who would like to work in childcare centers; there is a huge shortage of childcare center workers. These programs are the lowest cost available anywhere in Miami. Ms. Sardo offered to provide more information and answer questions regarding the programs and explained that they attract students through word of mouth. She welcomed all to come to Gardens [high school] to see the work that they do there.

Mayor De La Cruz added that it would be beneficial for Ms. Sardo to meet with the Police Captain of the City and perhaps create a PSA program through the high school. Ms. Sardo mentioned that she would also leave behind business cards and flyers.

At this time a member of the audience requested that the Council re-open public comments. Mayor De La Cruz suggested they do so before reading the pending resolutions. With no objections, the Chair reopened public comments.

Ms. Nadine Mesfer, a resident of 10075 NW 126th Terrace came forward and stated her name and address for the record. She explained that she had a question for the City regarding the proposed tax statement that she received...she was under the impression that her property taxes would drop down after she purchased the house, but they actually went up. Mayor De La Cruz offered to answer the resident; he explained that the City's millage rate has been the same for several years and is the lowest it's ever been since 1984. The issue is that the County raises property values. When this goes up, this increases the overall property tax [fees that the resident ends up paying]. Chairman Garcia added that the property assessment is not set by the City, it is set by a Miami Dade Property Tax Assessor...on the notice that the resident received, there is a date indicating a deadline by when a resident can file an appeal to the Assessor's office. There are also attorneys that specialize in reducing a property assessment. The resident must go through the appeals process via the County.

Public comments were closed.

10. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF FIVE (5) 2023 DODGE DURANGO PURSUIT VEHICLES TO BE USED BY THE POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-121 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALAN JAY FLEET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Captain Michael Lopez came forward on behalf of Chief Luis Diaz and respectfully requested the approval of this resolution to purchase (5) Dodge Durango Pursuit Vehicles in the amount of \$286,465 which includes the vehicles and the outfitting. The vehicles are being purchased via State contract and it has been budgeted for. This purchase will augment the existing fleet. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF SIX (6) 2023 FORD

MAVERICK SUPER CREW 2 WD XL-HYBRID VEHICLES TO BE USED BY THE POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-121 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALAN JAY FLEET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Captain Michael Lopez came forward once again on behalf of Chief Luis Diaz and respectfully requested the approval of this resolution to purchase (6) 2023 Ford Maverick vehicles to *replace* their current PSA fleet. The total cost is \$173,352 and the vehicles are being purchased via State contract; they have also been budgeted for. The old vehicles will be auctioned off. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) 2022 HARLEY-DAVIDSON POLICE MOTORCYCLE ROAD KING (FLHP) WITH EQUIPMENT TO BE USED BY THE POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-121 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ALLIGATOR ALLEY HARLEY-DAVIDSON; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Martinez-Ruiz read the item into the record. Captain Michael Lopez came forward once again on behalf of Chief Luis Diaz and respectfully requested the approval of this resolution to purchase (1) 2022 Harley-Davidson Police Motorcycle to augment their current traffic division and add an additional motor officer. The total amount is \$29,485.93. The vehicle is being purchased via State contract and has also been budgeted for. Chairman Garcia asked if the salary for a new officer has also been budgeted for; Captain Lopez clarified that they were reallocating a current patrol officer to that division. No further questions or comments. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

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, 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 item into the record. The applicant, Mr. Angel Lopez, surveyor of record for/with E.R. Brownell & Associates, came forward 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. This is a subdivision review for a final plat and the approved use is for a new office building. TRC recommended approval, requiring an offsite improvement bond for construction. Chairman Garcia opened a public hearing at 7:48 p.m.; no one came forward. Public hearing closed at 7:49 p.m. No further comments or questions. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

- 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. Miguel Cabrera, architect for the project, came forward representing 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. This is a subdivision review for a tentative plat. The proposed use is to develop a new building with offices and warehouses on each parcel.

Chairman Garcia opened a public hearing at 7:51 p.m.; no one came forward. Public hearing closed at 7:51 p.m. No further comments or questions. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

- 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. The Chair made a motion to table the item, seconded by Councilman Merida. The ordinance was tabled via individualized voice vote. **(5-0)**

- 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 once again representing 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. The applicant is requesting to develop a new building with offices and warehouses. TRC recommended approval on 7/7/2022 with certain conditions that have since been addressed.

Chairman Garcia opened a public hearing at 7:53 p.m.; no one came forward. Public hearing closed at 7:53 p.m. No further comments or questions. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

- 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 representing the applicant and stated his name and address for the record. This item is adjoined to the previous item (same project). Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her memorandum for recommendation into the record. The applicant is requesting to develop a new building with offices and warehouses. TRC recommended approval on 7/7/2022 with certain conditions that have since been addressed.

Chairman Garcia asked about the timing of construction of these projects; Mr. Cabrera explained that the projects are on two different lots with a lot in between them. Construction of both is going to be done at the same time. Chairman Garcia opened a public hearing at 7:55 p.m.; no one came forward. Public hearing closed at 7:56 p.m. No further comments or questions. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

- 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, 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 and stated her name and address for the record. She was in attendance on behalf of the applicant, RaceTrac. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward once again and read her memorandum for recommendation into the record. The applicant is requesting an amendment of the signage master plan and a new sign variance. On 6/2/2022 TRC recommended the approval with certain conditions that have since been addressed [needed to provide setbacks for two proposed monument signs]. Mrs. Gonzalez clarified that there is a variance of area for one of the monument signs.

Chairman Garcia opened a public hearing at 7:58 p.m.; no one came forward. Public hearing closed at 7:58 p.m. No further comments or questions. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

- 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. Ms. Janice Rivero came forward as translator for the owner, Ms. Susana Romero. Ms. Rivero stated the owner's name and address into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward once again and read her memorandum for recommendation into the record. The applicant is requesting a special exception to allow an existing child daycare facility to add pre-school and 1st grade, as part of a new elementary program. TRC recommended the approval on 5/12/2022 with certain conditions that have since been addressed [maximum capacity of 72 students, correction to survey]. Chairman Garcia asked to clarify whether the maximum capacity was guaranteed by pledge from the applicant; Mrs. Gonzalez

confirmed. Fire Department only does yearly inspections. Applicant agreed to all conditions.

Chairman Garcia opened a public hearing at 8:01 p.m.; no one came forward. Public hearing closed at 8:01 p.m. No further comments or questions. Chairman Garcia reminded the applicant that this approval is only the City portion; they have to make sure they get all State approvals as well. The applicant confirmed they already had these approvals secured. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

- 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 and stated his name and address for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward once again and read her memorandum for recommendation into the record. The applicant is requesting to develop a truck parking [lot] with an office building onsite. TRC recommended approval on 6/2/2022 with certain conditions that have since been addressed [radius for driveway must be 40 feet, required fence around wetland areas]. P&Z recommended approval on 8/8/2022 with certain conditions that have since been addressed [triangle of visibility, more trees].

Chairman Garcia opened a public hearing at 8:04 p.m.; no one came forward. Public hearing closed at 8:05 p.m. No further comments or questions. Councilman Piña asked about the number of trucks they would have parked on the site. Mr. Reus replied, 114 trucks. Hours of operation would be 24/7. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

Tabled 08/16/2022

- I) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING RESOLUTION # 2005-17 FROM SPECIAL EXCEPTION USE FOR DAY CARE FACILITY TO DAY CARE FACILITY AND SCHOOL FACILITY (ELEMENTARY) 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)

Chairman Garcia made a motion to remove the item below from table, seconded by Councilman Merida. The ordinance was removed from table via individualized voice vote. **(5-0)**

Ms. Martinez-Ruiz read the item into the record. This was tabled during the previous meeting due to an error in the legal description. Mr. Octavio Santurio came forward and stated his name and address for the record. Mrs. Gonzalez, Chief Zoning Official, came forward and explained that there was a typo in the ordinance that didn't include the terminology "daycare plus elementary facility" which has since been corrected and re-advertised. Nothing else has changed.

Chairman Garcia opened a public hearing at 8:07 p.m.; no one came forward. Public hearing closed at 8:07 p.m. No further comments or questions. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

12. 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, 2022 AND ENDING SEPTEMBER 30, 2023, AT 5.1613 MILLS, WHICH IS AN INCREASE OF 10.55% 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.

Ms. Martinez-Ruiz read the item into the record. Mayor De La Cruz clarified that the City is not increasing the millage rate; the 10.5% increase accounts for an increase in property values assessed by the County. He added that the way the ordinance reads could be a bit confusing.

Chairman Garcia opened a public hearing at 8:09 p.m.; no one came forward. Public hearing closed at 8:09 p.m. No further comments or questions. 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. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND

FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Chairman Garcia opened a public hearing at 8:10 p.m.; no one came forward. Public hearing closed at 8:10 p.m. No further comments or questions. 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. **(5-0)**

- 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, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Chairman Garcia opened a public hearing at 8:10 p.m.; no one came forward. Public hearing closed at 8:10 p.m. No further comments or questions. 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. **(5-0)**

- 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, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Chairman Garcia opened a public hearing at 8:11 p.m.; no one came forward. Public hearing closed at 8:11 p.m. No further comments or questions. 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. **(5-0)**

- 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, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Chairman Garcia opened a public hearing at 8:11 p.m.; no one came forward. Public hearing closed at 8:11 p.m. No further comments or questions. 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. **(5-0)**

- 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, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Chairman Garcia opened a public hearing at 8:12 p.m.; no one came forward. Public hearing closed at 8:12 p.m. No comments or questions. 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. **(5-0)**

- 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, 2022, AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Chairman Garcia opened a public hearing at 8:12 p.m.; no one came forward. Public hearing closed at 8:13 p.m. No further comments or questions. 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. **(5-0)**

- 13. City Attorney's Report:** Ms. Martinez-Ruiz stated that Mr. Charles Citrin wanted her to relay that a proposed law (CSB-620), he previously reported to the Council regarding business damages against local government, had been vetoed by the Governor.

14. Mayor's Report – Miscellaneous:

Mayor De La Cruz stated that he would be appointing Mr. Francisco Mingo as the Special Master to serve on the City's code compliance cases.

15. Council Members Concerns / Reports / Board Appointments

Police Pension Board Appointment – Pending

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

Councilman Gutierrez congratulated Staff on a great budget.

- 16. Adjournment:** The meeting was adjourned at 8:14 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

Wednesday, October 4, 2022, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 17, 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.