

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 21, 2023
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:32 p.m.
- 2. Roll Call:** Present were Councilman Elmo L. Urra, Councilman Jorge A. Merida, Councilman Jorge Gutierrez, Chairman Luciano Garcia, Mr. Charles A. Citrin, City Attorney. Mayor Yioiset De La Cruz and Councilman Rolando Piña 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:** March 7, 2023 Chairman Garcia made a motion to approve the minutes of March 7, 2023. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF ONE (1) 2024 MICRO BIRD GS TWENTY-FOUR PASSENGER BUS TO BE USED BY THE HUMAN SERVICES 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 MICRO BIRD COMMERCIAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Ms. Aida Martinez-Ruiz, Deputy City Attorney, came forward and noted that there is an error in the short title of the resolution that needs to be corrected. The Human Services Department (Senior Center) needs to purchase a smaller bus that will be able to enter certain areas of the City (including the trailer park) to pick up Senior citizens. There is a large shortage of vehicles via the Florida Sheriff's Bid especially for this type of vehicle. With the help of Captain Michael Lopez, H.G.P.D., they were able to secure an offer from Microbird who promised to match the Sheriff's Bid price. This particular make and model is not currently available via the Sheriff's Bid but it is being offered for \$110,895.00 [by Microbird] which is comparable to the one that is available. Chairman Garcia asked a question about the current fleet; Ms. Martinez-Ruiz explained that there is one small bus on the fleet that has been breaking down and is costing too much to maintain. This older bus will be replaced by the purchase of the Microbird GS and will probably be auctioned off. Mr. Citrin suggested language to amend the short title of the resolution to include the wording "for a comparable bus". Chairman Garcia also asked if the City has budgeted for this purchase in the general fund; Ms. Martinez-Ruiz confirmed that they have.

No further comments or questions. The Chair made a motion to approve the resolution as amended, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE PURCHASE OF TWO (2) 2023 CHEVY SILVERADO 2500HD 2WD 159"-CREW CAB TRUCKS TO BE USED BY THE WATER AND SEWER 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 GARBER CHEVROLET BUICK GMC, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Ms. Aida Martinez-Ruiz, Deputy City Attorney, came forward on behalf of the Water & Sewer Department. These two vehicles are available via the Florida Sheriff's Bid. Chairman Garcia asked if they have budgeted for this purchase; Ms. M-R confirmed that it is budgeted for in the Water & Sewer Compliance Budget.

No further comments or questions. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, FOR EL CAR WASH APPROVING A SITE PLAN REVIEW AND SPECIAL EXCEPTION USE TO DEVELOP AN AUTOMATIC CAR WASH FACILITY AND RETAIL (DONUT SHOP), CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT B OF HOME DEPOT – HIALEAH GARDENS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 166, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: CORNER OF S.E. INTERSECTION OF THEORETICAL N.W. 109TH AVENUE AND FRONTAGE ROAD, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2030-024-0020, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0; P&Z Vote: 5-0)**

Mr. Citrin read the item into the record. He asked that the City Clerk enter the complete legal description into the record as written on the ordinance in order to assure accuracy. Ms. Tracy Slavens, attorney with LSN Law, came forward on behalf of the applicant and stated her name and address for the record. Mr. Citrin offered a suggestion that the "donut shop" term in this proposal be changed to "retail" so as to not limit what type of tenants are allowed in the space. If the currently leased Mojo Donuts tenant were to fall through, this change would prevent the applicant having to go through this process again.

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 ordinance was approved unanimously upon first reading. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR LEONOR PEREZ, LEGAL DESCRIPTION: THE EAST 1/2 OF THE EAST 1/2 OF EAST 1/2 OF TRACT 13, LESS THE NORTH 30 FEET AND LESS THE EAST 30 FEET FOR RIGHT-OF-WAY, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION", 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. APPROXIMATE LOCATION: S.W. INTERSECTION OF N.W 135TH STREET AND THEORETICAL N.W 99TH AVENUE, HIALEAH GARDENS, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record. He asked that the City Clerk enter the complete legal description into the record as written on the ordinance in order to assure accuracy. Mr. Osmary Reguera, general contractor for the project, came forward on behalf of the applicant and stated his name and address for the record.

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 ordinance was approved unanimously by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR 10581 W OKEECHOBEE ROAD V1 LLC., CONCERNING PROPERTY LEGALLY DESCRIBED AS: BEGIN AT A POINT 695.0 FEET WEST OF THE NORTHEAST COMER OF SECTION 4, TOWNSHIP53, SOUTH, RANGE 40 EAST: THENCE WEST ALONG THE NORTH LINE OF THAT SECTION TO THE INTERSECTION WITH THE CENTER LINE OF THE MIAMI CANAL; THENCE SOUTHEASTERLY A TONG THE CENTER LINE OF THE CANAL A DISTANCE OF 707.6 FEET; THENCE NORTHEASTERLY TO THE POINT OF BEGINNING; LESS THAT PART OF THE SAID DESCRIBED PARCEL PLATTED IN PLAT BOOK 9, AT PAGE 65, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. AND A PORTION OF THE WEST 1/2 OF TRACT 56, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2. OF PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING AT THE NORTHWESTERLY CORNER OF SAID LOT 10, HARTFORDSHIRE GARDENS, PLAT BOOK 9, PAGE 65: THENCE NORTH 50°36'00"

WEST ALONG THE NORTHEASTERLY BOUNDARY OF SAID HARTFORDSHIRE GARDENS FOR 98.59 FEET; TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED: THENCE NORTH 39°24,00" EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE FOR 110.00 FEET; THENCE EAST ALONG A LINE PARALLEL WITH AND 85.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 4 FOR 470.71 FEET; THENCE SOUTH 2°16'10" EAST FOR 85.07 FEET, THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 4 FOR 543.90 FEET TO THE POINT OF BEGINNING: LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: S.W. INTERSECTION OF THEORETICAL N.W 106TH TERRACE AND THEORETICAL N.W 88TH AVENUE AND ON THE SOUTH FRONTAGE ROAD / WEST OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-3004-000-0020, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record. He asked that the City Clerk enter the complete legal description into the record as written on the ordinance in order to assure accuracy. No applicant present at the meeting.

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 ordinance was approved unanimously by individualized voice vote. **(4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR HG SUBDIVISION, LEGAL DESCRIPTION: 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. FOLIOS #:27-2019-001-0651 AND 27-2019-001-0652. 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, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record. He asked that the City Clerk enter the complete legal description into the record as written on the ordinance in order to assure accuracy. Mr. Miguel Cabrera, architect for the project, came forward on behalf of the applicant and stated his name and address for the record.

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 ordinance was approved unanimously by individualized voice vote. **(4-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR FLIGHTWAY 17 TO DEVELOP A STREET LEVEL MULTI-TENANT WAREHOUSES, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT E, "B.J.'S PLAT", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 155, PAGE 58, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS AND EXCEPT: A PORTION OF TRACT E, "B.J.'S PLAT", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 155, PAGE 58, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE WEST LINE OF THE SE 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST AND THE EXISTING NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 25 (US 27 / OKEECHOBEE ROAD) AS SHOWN ON SAID "B.J.'S PLAT"; THENCE ALONG SAID WEST LINE OF THE SE 1/4 OF SECTION 3, FOR THE FOLLOWING TWO (2) COURSES 1) THENCE N 01°44'24" W FOR A DISTANCE OF 23.10 FEET TO THE POINT OF INTERSECTION WITH THE EXISTING NORTHERLY RIGHT OF WAY LINE OF ACCESS ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; 2) THENCE N 01°44'24" W FOR A DISTANCE OF 175.89 FEET TO A POINT ON A CURVE, SAID POINT BEARS N 17°13'21" E FROM THE CENTER OF SAID CURVE; THENCE

SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 671.00 FEET AND A CENTRAL ANGLE OF 48°54'13" FOR AN ARC DISTANCE OF 572.72 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 366.00 FEET AND A CENTRAL ANGLE OF 11°00'47" FOR AN ARC DISTANCE OF 70.35 FEET TO A POINT ON SAID CURVE; THENCE S 46°48'19" W FOR A DISTANCE OF 1.23 FEET TO A POINT ON SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF ACCESS ROAD AND A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, SAID POINT BEARS N 46°34'11" E FROM THE CENTER OF SAID CURVE; THENCE CONTINUE ALONG PREVIOUSLY DESCRIBED RIGHT OF WAY LINE, FOR THE FOLLOWING FOUR (4) COURSES; 1) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 292.00 FEET AND A CENTRAL ANGLE OF 07°21'58" FOR AN ARC DISTANCE OF 37.54 FEET TO A POINT OF TANGENCY; 2) THENCE N 50°59'16" W FOR A DISTANCE OF 251.15 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; 3) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 292.00 FEET AND A CENTRAL ANGLE OF 36°56'45" FOR AN ARC DISTANCE OF 188.29 FEET TO A POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST; 4) THENCE CONTINUE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 208.00 FEET AND A CENTRAL ANGLE OF 13°15'36" FOR AN ARC DISTANCE OF 48.14 FEET TO THE POINT OF BEGINNING. FOLIO #: 27-3003-037-0050; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 3-0)

Mr. Citrin read the item into the record. He asked that the City Clerk enter the complete legal description into the record as written on the ordinance in order to assure accuracy. Mr. Nick Rodriguez, with Ralph Merritt Construction, came forward on behalf of the applicant and stated his name and address for the record.

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 ordinance was approved unanimously by individualized voice vote. **(4-0)**

- 10. **City Attorney's Report:** None
- 11. **Mayor's Report – Miscellaneous:** N/A
- 12. **Council Members Concerns/Reports:** Chairman Garcia reminded the Council that there is a scheduled Health Facilities Authority meeting immediately after the next Council meeting on April 4th in order to discuss interest rates.
- 13. **Adjournment:** The meeting was adjourned at 7:46 p.m.

Respectfully submitted by:

Maria L. Joffe
City Clerk

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, April 18, 2023, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, May 8, 2023, 7:30P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, May 4, 2023, 11:30 A.M.

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

Tuesday, May 2, 2023, 5:30 P.M.