

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, June 6, 2023
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:31 p.m.
- 2. Roll Call:** Present were Councilman Elmo Urra, Councilman Rolando Piña, Chairman Luciano Garcia and Mr. Charles A. Citrin, City Attorney. Mayor Yioiset De La Cruz, Councilman Jorge Merida and Councilman Jorge Gutierrez 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: May 16, 2023** Chairman Garcia made a motion to approve the minutes of May 16, 2023. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

8. First Reading for considerations of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY KNOWN AS 10581 W OKEECHOBEE ROAD V1 LLC., WITH AN APPROXIMATE LOCATION: S.W. INTERSECTION OF THEORETICAL N.W 106TH TERRACE AND THEORETICAL N.W 88TH AVENUE AND SOUTH: FRONTAGE ROAD / WEST OKEECHOBEE ROAD, LEGALLY DESCRIBED AS: A PORTION OF THE SE 1/4 OF SECTION 33 TOWNSHIP 52 SOUTH RANGE 40 EAST AND A PORTION OF THE NE 1/4 OF SECTION 4 TOWNSHIP 53 SOUTH RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOW: COMMENCE AT THE SOUTH EAST AND NORTH EAST 1/4 CORNER OF SAID SECTIONS; THENCE S89°36'41"W ALONG THE SOUTH AND NORTH 1/4 LINE OF SAID SECTIONS, SAID LINE ALSO BEING THE TOWNSHIP LINE BETWEEN TOWNSHIP 52 AND 53 SOUTH AND ALSO BEING THE CENTER LINE OF A 30 FEET WIDE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No 1" AS RECORDED IN P.B. 22, PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FOR A DISTANCE OF 658.61 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING OF THE HERE AND AFTER DESCRIBED PARCEL OF LAND AND LYING ON THE EAST PROPERTY LINE OF SAID PARCEL; THENCE S89°36'41"W ALONG THE SOUTH AND NORTH LINE OF SAID 1/4 SECTIONS AND CENTER OF RIGHT-OF-WAY, FOR A DISTANCE OF 36.39 FEET TO A POINT; THENCE S44°50'02"W ALONG A LINE ON THE SOUTHEASTERLY PROPERTY LINE OF SAID PARCEL, FOR A DISTANCE OF 21.30 FEET TO A POINT; THENCE S89°36'41"W ALONG THE SOUTH LINE AND PARALLEL 15 FEET WITH THE CENTER LINE OF SAID RIGHT-OF-WAY FOR DISTANCE OF 474.12 FEET TO A POINT ON THE SOUTHWESTERLY PROPERTY LINE OF SAID PARCEL; THENCE N50°59'54"W ALONG THE SOUTHWESTERLY PROPERTY LINE A DISTANCE OF 24.77 FEET TO A POINT, SAID POINT BEING THE WEST MOST CORNER OF SAID PARCEL AND ALSO LYING ON THE WESTERLY PROPERTY LINE; THENCE N39°00'06"E ALONG THE WESTERLY PROPERTY LINE TO A POINT, A DISTANCE OF 19.41 FEET; THENCE N89°36'41"E ALONG THE NORTH LINE AND PARALLEL 15 FEET WITH THE CENTER LINE OF SAID RIGHT-

OF-WAY, FOR A DISTANCE OF 530.98 FEET TO A POINT LAYING ON THE EAST PROPERTY LINE OF SAID PARCEL; THENCE ALONG THE EAST PROPERTY LINE FOR A DISTANCE OF 15 FEET TO THE POINT OF BEGINNING. SAID LAND LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 15,423.84 SQUARED FEET MORE OR LESS. (0.354 ACRES MORE OR LESS); FOLIO#: 27-3004-000-0020, PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Mr. Citrin read the item into 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 Piña. The ordinance was approved unanimously upon first reading. **(3-0)**

9. Second Reading / Public Hearing for consideration final adoption of the following ordinance:

Mr. Citrin swore in Mrs. Mirtha Gonzalez, Chief Zoning Official, to give testimony on the following item.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, EXPRESSING ITS INTENT TO APPROVE AND ADOPT A TEXT AMENDMENT TO THE CITY OF HIALEAH GARDENS 2015-2025 COMPREHENSIVE PLAN TO INCORPORATE A NEW ELEMENT, THE PROPERTY RIGHTS ELEMENT; OBJECTIVE 1.1., POLICY 1.1.1 THROUGH 1.1.4; AND PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: n/a; P&Z Vote: 5-0)

Mr. Citrin read the item into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward. Mrs. Gonzalez explained that, in accordance with the legislative intent expressed in Florida Statute 163.3161(10) and 187.101(3), each local government shall include a property rights element in its Comprehensive Plan to ensure that private property rights are considered in local decision making. The City of Hialeah Gardens is therefore proposing to adopt a Property Rights Element into its Comprehensive Plan. The goal of the amendment is to ensure that the City respects judicially acknowledged and constitutionally protected private property rights. These include the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local

ordinances. The right of a property owner to privacy and to exclude others from the property to protect the owner's possessions and property. And, finally, the right of a property owner to dispose of his or her property through sale or gift. The language of the amendment was sent to the City by the State's Department of Economic Opportunities.

Chairman Garcia opened a public hearing at 7:37 p.m. No one came forward. Public hearing closed at 7:37 p.m. No further comments or questions from Councilmembers. The Chair made a motion to approve the ordinance, seconded by Councilman Piña. The ordinance was unanimously approved by individualized voice vote. **(3-0)**

- 10. City Attorney's Report:** Mr. Citrin stated that he would prepare a short summary of the legislative session for the next meeting.
- 11. Mayor's Report – Miscellaneous:** N/A
- 12. Council Members Concerns/Reports:** No comments
Police Pension Board Appointment – Pending
Water & Sewer Board Appointment (J. Merida, E. Urra) - Pending
- 13. Adjournment:** The meeting was adjourned at 7:38 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, June 20, 2023, 7:30 P.M.

PLANNING AND ZONING BOARD

T.B.D.

TECHNICAL REVIEW COMMITTEE

T.B.D.

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

Friday, August 4, 2023, 5:30 P.M.