

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, August 1, 2023  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Elmo Urra, Councilman Jorge Merida, Councilman Rolando Piña, Chairman Luciano Garcia, Mayor Yioiset De La Cruz and Ms. Aida Martinez-Ruiz, Deputy City Attorney. Mr. Charles A. Citrin, City Attorney and Councilman Jorge Gutierrez were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** Item **8C** was deleted. Ms. Martinez-Ruiz added that the item was to be removed from the agenda at the request of Mr. Citrin.
- 6. Review of Minutes: June 6, 2023** Chairman Garcia made a motion to approve the minutes of June 6, 2023. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

## 8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, RATIFYING THE ENGAGEMENT OF SERVICES FOR TERMITE FUMIGATION OF CITY HALL; WAIVING COMPETITIVE BIDDING; RATIFYING THE AGREEMENT BETWEEN HIALEAH GARDENS AND TRULY NOLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. During the month of July, fumigation services were necessary in response to the discovery of a termite infestation in the main building of City Hall. The City received quotes from three different companies and decided to contract with Truly Nolen for approximately \$15,330. This contract must now be ratified. There were no further questions or comments. The Chair 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, CONVEYING TO MIAMI DADE COUNTY THE FIRE STATION PROPERTY REMOVING ANY RESTRICTIONS FOR THE USE OF THE PROPERTY BY MIAMI DADE COUNTY; AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. The original agreement with Miami Dade County Fire Department stipulates that the property [next to City Hall] is to be used strictly as a fire station, or else be reverted back to the City. Because of ongoing FDOT construction, a portion of the parcel area will be coming off the property and therefore the restriction needed to be removed for legal purposes. The property itself will remain a fire station. There were no further questions or comments. The Chair 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, AMENDING THE PROFESSIONAL SERVICES RETAINER AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND CHARLES A. CITRIN, ESQUIRE FOR CITY ATTORNEY SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

\*item 8C deleted\*

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) PARROT ANAFI USA SMALL UNMANNED AIRCRAFT SYSTEMS, ONE (1) SKYDIO DRONE AND INTEGRATED DRONE FIRST RESPONDER (DFR) SYSTEM FOR THE POLICE DEPARTMENT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH AIRBORNE RESPONSE CORPORATION; WAIVING COMPETITIVE BIDDING DUE TO THE EXISTENCE OF A SOLE PROVIDER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Captain Michael Lopez, on behalf of Chief Luis Diaz, came forward and respectfully requested the approval of the purchase of the aforementioned First Responder Drone Program for the total amount of \$172,468.80. Captain Lopez proceeded to give details of the program which serves to assist in responding quickly to traffic accidents...one of the biggest issues in the City. This program deploys a drone to the site of a crash, provides enroute officers with live-stream video, gives safety commands to the drivers, takes pictures of the accident, etc. all in an effort to assist residents and access the situation before officers can arrive. The Department is requesting the purchase of two drones with two docking stations. One will be docked at the Police Department, and one will be docked at the future HGPD training site. An additional mobile drone will also be purchased.

The Director of Operations for Airborne Response Corporation, Mr. Anthony Loperfido, was in attendance and came forward. Mr. Loperfido stated his name and address for the record. He oversees all their business engagements for public safety. Mr. Loperfido briefed the Council on the details of the program and explained how the drones work. Chairman Garcia asked if the cost included training services for the operators of the drone. Mr. L confirmed this and added that the number of operators is up to the Captain and Chief. Capt. Lopez added that they are considering various ways in which they can operate the drone response shifts...Chairman Garcia continued and asked a few questions regarding the drones. First, he asked if the deployment of the drones is restricted to public right-of-way. Mr. Loperfido responded that it is not; the airspace is governed by the FAA. Hialeah Gardens sits in between two major airports – the maximum altitude that the drone can travel will be built into the software. Chairman Garcia asked how the drone will be able to fly above private properties without having to have a search warrant. Mr. Loperfido explained that traveling across or over, not loitering, over private property, does not violate any laws. Capturing live video or photos or loitering over private property would not be allowed...video that is captured this way would be inadmissible in

a criminal case. Mayor De La Cruz added that the height is approximately 150 feet...

Chairman Garcia continued and asked whether the city is covered in the event of an accident with the drone. Mayor De La Cruz answered that that would be covered under the liability insurance the City has now, specifically under 'Police Operations' but there is nothing specific to the drone...

Councilman Piña asked how soon they would be receiving the equipment. Captain Lopez responded they are ordering the drones tomorrow, but the permitting will take some time. They expect to have one drone deployed by August 17, the first day of school. Mr. Loperfido added that the next phase in the operation is the authorization through the FAA in order to operate as a public safety agency. This may take a couple of months. Right now, an officer can operate as long as he has a line of sight...Officer Reyes is currently permitted to fly drones.

Chairman Garcia asked that dispatchers communicate to residents that these drones are City-owned...Mayor De La Cruz added that they will send out letters [noticing residents of the use of drones]. The maximum altitude the drones will be able to fly is 150-200 feet [when it is not over a right-of-way].

There were no further questions or comments. The Chair 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, 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 agreement is renewed on a yearly basis. The City is compensated to maintain FDOT owned swale areas. There were no further questions or comments. The Chair 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, AUTHORIZING THE PURCHASE OF ONE (1) 2023 CHEVROLET 1500 PICKUP TRUCK TO BE USED BY THE PARKS AND RECREATION 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 FLEET SALES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Mr. Walter Dubon, Director of Parks and Recreation, came forward. He stated that in January of 2022 the Council had approved the purchase of two vehicles for park use. Due to supply chain issues, the seller was unable to provide the vehicles at that time. In March of 2023, the seller was able to provide only one truck. The Department therefore had to look for another dealer to provide the second truck and managed to secure the sale through a Florida Sheriff's Association Bid with Garber Fleet Sales. Mr. Dubon respectfully requested Council approval for the purchase. This purchase will add to the fleet but will eventually replace current vehicles. There were no further questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

- G) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE PURCHASE OF TWO (2) 2023 CHEVROLET TAHOE VEHICLES AND ONE (1) 2024 CHEVROLET 2500 VEHICLE TO BE USED BY THE ADMINISTRATION DEPARTMENT; WAIVING COMPETITIVE BIDDING; PURCHASING THE VEHICLES FROM BOMNIN CHEVROLET WHICH IS PROVIDING THE VEHICLES FOR LESS THAN THE EXISTING GOVERNMENT CONTRACT UTILIZED BY THE CITY; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH BOMNIN CHEVROLET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Captain Michael Lopez, on behalf of Chief Luis Diaz, came forward and respectfully requested approval for this purchase of \$196,336.50. The purchase of these vehicles has also been delayed due to supply chain issues. Three new vehicles will augment the current fleet and eventually replace older vehicles. There were no further questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was approved unanimously. **(4-0)**

**9. First Reading for considerations of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, EXPRESSING ITS INTENT TO APPROVE AND TRANSMIT 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.

Ms. Martinez-Ruiz 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 Merida. The ordinance was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CITY CODE CHAPTER 40 "HIALEAH GARDENS POLICE PENSION TRUST FUND," ARTICLE II "PENSION PLAN," DIVISION IV "PAYMENT OF BENEFITS"; AMENDING SECTION 40-291 TO PERMIT IN-SERVICE DISTRIBUTIONS TO REHIRED POLICE OFFICERS; DELETING SECTION 40-294; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record and stated that this amendment was at the request of the new attorney for the Police Pension Board. It concerns retired police officers and the process of returning to employment. 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. Second Reading / Public Hearing for consideration final adoption of the following ordinance:**

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

- 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)

Ms. Martinez-Ruiz read the item into the record. She asked that the City Clerk enter the full legal description into the record to ensure accuracy. Mr. Gabriel Nieto and Mr. Eddy Suarez came forward representing the applicant. This is a right-of-way abandonment related to a plat that was approved in April 2023. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read a memorandum for approval into the record. The application meets all necessary requirements for abandonment. Chairman Garcia opened a public hearing at 7:55 p.m. No one came forward. Public hearing closed at 7:56 p.m. There were no further comments or questions. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was unanimously approved by individualized voice vote. **(4-0)**

**11. City Attorney's Report:** Ms. Martinez-Ruiz stated that she had provided the Council with physical copies of the final report of the legislative summary from the Florida League of Cities. There are a couple of items of importance to the Council; namely, the financial disclosure form for elected officials will come under greater scrutiny and will have to be submitted electronically. Ms. Martinez-Ruiz will be letting each Department know of other changes that affect them. Lastly, there is a vacancy in the Police Pension Board that must be addressed. Corporal Daniel Montano, who was in attendance, had expressed his intent to be nominated for the position.

**12. Mayor's Report – Miscellaneous:** N/A

**13. Council Members Concerns / Reports**

Police Pension Board Appointment – **Pending – Daniel A. Montano**  
Water & Sewer Board Appointment (J. Merida, E. Urra) – Pending

Chairman Garcia made a motion to nominate Corporal Montano for the vacancy on the Pension Board; the motion was seconded by Councilman Merida. The motion was unanimously approved.

**14. Adjournment:** The meeting was adjourned at 8:00 p.m.

Respectfully submitted by:

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Maria L. Joffee  
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 ensure 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 5, 2023, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, September 11, 2023, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, September 7, 2023, 11:00 A.M.

**WATER AND SEWER BOARD**

T.B.D.

**POLICE PENSION BOARD**

Wednesday, November 1, 2023, 5:30 P.M.