

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, November 7, 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 Gutierrez, Councilman Jorge Merida, Chairman Luciano Garcia, and Mr. Charles A. Citrin, City Attorney. Councilman Rolando Piña and Mayor Yioiset De La Cruz 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: October 17, 2023** Chairman Garcia made a motion to approve the minutes of October 17, 2023. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING AMENDING THE MUTUAL AID AGREEMENT AND EXECUTING A NEW AGREEMENT WITH THE CITY OF SWEETWATER, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; 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.

Mr. Citrin read the item into the record. Ms. Martinez-Ruiz, Deputy City Attorney, came forward on behalf of the City's Police Department and explained that there is an existing mutual aid agreement with the City of Sweetwater which needed to be renewed and officials from Sweetwater asked that it be amended to include authorizing off-duty special events and DUI checkpoints for officers. No 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 COUNCIL OF HIALEAH GARDENS, FLORIDA ENTERING INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR REIMBURSEMENT OF THE COST OF MOVING AND RE-INSTALLING OF CERTAIN UTILITY FACILITIES LOCATED ON THE PUBLIC ROAD IDENTIFIED AS STATE ROAD 25/ OKEECHOBEE ROAD FROM EAST OF NW 87 AVENUE TO NW 79 AVENUE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH FDOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Joe Lopez, Public Works Director, came forward to speak on the item. This agreement is for the Florida Department of Transportation to reimburse the City for costs associated with the relocation of a portion of a water main which is in an existing easement, within a recently acquired right-of-way. The cost is estimated at \$670,000. 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. Opening of sealed bids for PW-23-002 New Hialeah Gardens Police Department Training Facility: Mr. Joe Lopez, Public Works Director.

Mr. Joe Lopez, Public Works Director, came forward once again. The Department advertised for the turnkey construction of a new Police training facility under bid # PW-23-002. Mr. Lopez proceeded to open each of the sealed bids that had been submitted to the City Clerk. The first was from FC&E (Florida Construction &

Engineering, Inc.), with a total base bid price of \$3,978,377.00. The second was from HE Builders, with a total base bid price of \$3,868,752.59. Third was from Tadeos Engineering, with a total base bid of \$3,677,268.00. And fourth was from Florida Lemark Corporation, with a total base bid of \$3,795,486.00. Mr. Lopez advised that he would review the submitted bids and return to the Council with a recommendation.

10. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN TO INCORPORATE A NEW ELEMENT, THE PROPERTY RIGHTS ELEMENT, OBJECTIVE 1.1., POLICY 1.1.1 THROUGH 1.1.4, AS PROVIDED IN EXHIBIT "A"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. This is a City-initiated ordinance and a first reading; an opportunity for public input will be afforded upon second reading. The Chair made a motion to approve the item upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, SELLING OF A FEE PARCEL 104 CONSISTING OF 9,146 SQUARE FEET OF CITY OF HIALEAH GARDENS PROPERTY INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE BROTHERS TO THE RESCUE MONUMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO BE UTILIZED FOR PLANNED ROADWAY RECONSTRUCTION ON SR 25/OKEECHOBEE ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 item upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, SELLING OF A FEE PARCEL 110 CONSISTING OF .59 ACRES OF CITY OF HIALEAH GARDENS PROPERTY INCLUDING BUT NOT LIMITED TO COMPENSATION FOR A PORTION OF THE HIALEAH GARDENS POLICE DEPARTMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO BE UTILIZED FOR PLANNED ROADWAY

RECONSTRUCTION THAT WILL REALIGN NORTHWEST 103RD STREET AND ENHANCING SAFETY AND MOBILITY ON SR 25/OKEECHOBEE ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 item upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A PERPETUAL EASEMENT OF PARCEL 801 CONSISTING OF 34 SQUARE FEET OF CITY OF HIALEAH GARDENS PROPERTY INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE LAND AND IMPROVEMENTS TO A PORTION OF THE HIALEAH GARDENS POLICE DEPARTMENT PROPERTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO BE UTILIZED FOR CONSTRUCTING, INSTALLING, AND MAINTAINING A SIGNAL MAST ARM, FOUNDATION, AND SIGNALIZATION HARDWARE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 item upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A PERPETUAL EASEMENT OF PARCEL 802 CONSISTING OF 57 SQUARE FEET OF CITY OF HIALEAH GARDENS PROPERTY INCLUDING BUT NOT LIMITED TO COMPENSATION FOR THE LAND AND IMPROVEMENTS TO A PORTION OF THE HIALEAH GARDENS POLICE DEPARTMENT PROPERTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO BE UTILIZED FOR CONSTRUCTING, INSTALLING, AND MAINTAINING A SIGNAL MAST ARM, FOUNDATION, AND SIGNALIZATION HARDWARE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 item upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, DONATING OF PARCEL 134 CONSISTING OF 379 SQUARE FEET OF CITY OF HIALEAH GARDENS PROPERTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, AND MAINTAINING SOD AND A GRAVITY WALL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 item upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, DONATING PARCEL 131 CONSISTING OF 2,981 SQUARE FEET OF CITY OF HIALEAH GARDENS PROPERTY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION TO BE UTILIZED FOR PLANNED ROADWAY RECONSTRUCTION ON SR 25/OKEECHOBEE ROAD FROM NORTHWEST 116 WAY TO EAST OF NORTHWEST 87 AVENUE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 item upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

Mr. Citrin added that all these ordinances had already been sent to FDOT for review and accuracy.

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

Mr. Citrin swore in those intending to testify on any of the following items.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR A TRUCK PARKING FOR LOS COCOS LAND CORP. TO DEVELOP A TRUCK PARKING WITH STEEL PREFABRICATED OFFICE/WAREHOUSE, CONCERNING PROPERTY LEGALLY DESCRIBED AS:
 PARCEL 1:
 A PORTION OF THE NORTH 1/2 OF TRACT 40 IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS SHOWN ON THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS

RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORD OF MIAMIDADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID TRACT 40; THENCE SOUTH 89 DEGREES 29' 04" WEST ALONG THE NORTH LINE OF SAID TRACT 40 FOR 494.89 FEET; THENCE SOUTH 02 DEGREES 14' 13" EAST FOR 164.97 FEET; THENCE NORTH 89 DEGREES 29' 02" EAST ALONG THE SOUTH LINE OF THE NORTH 1/2 OF SAID TRACT 40 FOR 495.84 FEET; THENCE NORTH 02 DEGREES 33' 57" WEST ALONG THE EAST LINE OF SAID TRACT 40 FOR 165.00 FEET TO THE POINT OF BEGINNING. SAID LAND LYING, BEING AND SITUATE IN MIAMIDADE COUNTY, FLORIDA. NOTE: ALL BEARINGS AND DISTANCES ABOVE ARE FROM A RIGHT-OF-WAY MAP OF STATE ROAD 821 (HOMESTEAD EXTENSION OF FLORIDA TURNPIKE, SHEET 7 OF 7) MAP DATED JANUARY 1970 AND PREPARED BY E. LIONEL PAVLO ENGINEERING COMPANY, MIAMI, FLORIDA.

PARCEL 2:

THE EAST 3.74 ACRES OF TRACT 39, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS AND EXCEPT THAT PORTION THEREOF AS CONVEYED TO THE CITY OF HIALEAH GARDENS BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 27606, PAGE 2680, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIOS #: 27-2019-001-0410 AND 27-2019-001-0420; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote:4-0)

Mr. Citrin read the item into the record. He asked that the Clerk enter the complete legal description into the record to ensure accuracy.

Mr. Rolando Maytin, the owner, came forward and stated his name and address for the record. Mr. Joe Lopez, Public Works Director, came forward to read a memorandum for recommendation on behalf of Mrs. Mirtha Gonzalez, Chief Zoning Official. This is a site plan review. The applicant is requesting to develop the site as a truck parking lot with a steel prefabricated office and warehouse. All conditions requested by Staff have been met, minus the platting which is in process. There are no variances or special exceptions.

The Chair opened a public hearing at 7:51 p.m.; no one came forward and he closed the public hearing at 7:51 p.m. The Chair made a motion to approve the

ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR LOS COCOS SUBDIVISION, CONCERNING PROPERTY LEGALLY DESCRIBED AS:
PARCEL FOLIO 27-2019-001-0420; A PORTION OF THE NORTH 1#2 OF TRACT 40 IN SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, AS SHOWN ON THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF SAID TRACT 40; THENCE SOUTH 89 DEGREES 29' 04" WEST ALONG THE NORTH LINE OF SAID TRACT 40 FOR 494.89 FEET; THENCE SOUTH 02 DEGREES 14' 13" EAST FOR 164.97 FEET; THENCE NORTH 89 DEGREES 29' 02" EAST ALONG THE SOUTH LINE OF THE NORTH 1#2 OF SAID TRACT 40 FOR 495.84 FEET; THENCE NORTH 02 DEGREES 33' 57" WEST ALONG THE EAST LINE OF SAID TRACT 40 FOR 165.00 FEET TO THE POINT OF BEGINNING. SAID LAND LYING, BEING AND SITUATE IN MIAMI DADE COUNTY, FLORIDA.
PARCEL FOLIO 27-2019-001-0410; THE EAST 3.74 ACRES OF TRACT 39, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LESS AND EXCEPT THAT PORTION THEREOF AS CONVEYED TO THE CITY OF HIALEAH GARDENS BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 27606, PAGE 2680, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: WEST OF N.W 112TH AVENUE, BETWEEN THEORETICAL N.W. 138TH STREET AND N.W. 140TH STREET, HIALEAH GARDENS, FLORIDA. FOLIOS #: 27-2019-001-0410 AND 27-2019-001-0420, 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 Clerk enter the complete legal description into the record to ensure accuracy.

Mr. Rolando Maytin, the owner, came forward and stated his name and address for the record once again. Mr. Joe Lopez, Public Works Director, came forward again on behalf of Mrs. Mirtha Gonzalez, Chief Zoning Official. The site analysis for this is the same as the previous item. The applicant is requesting a subdivision review

where the size of the proposed lot is in compliance with the land development regulations. The proposed use is a truck parking lot with a steel prefabricated office and warehouse. All conditions were addressed, and Staff recommends approval.

The Chair opened a public hearing at 7:53 p.m.; no one came forward and he closed the public hearing at 7:53 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, IMPLEMENTING THE STATE'S STATUTORY MANDATE TO PREPARE BUSINESS IMPACT ESTIMATES PRIOR TO THE ADOPTION OF PROPOSED ORDINANCES PURSUANT TO SECTION 166.041(4), FLORIDA STATUTES; PROVIDING FINDINGS; ADOPTING BUSINESS IMPACT ESTIMATE PROCEDURES, REQUIREMENTS, & EXEMPTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Ms. Aida Martinez-Ruiz came forward. She spoke on this issue at the last Council meeting but summarized that this will basically require Cities to provide a business impact statement for certain ordinances. The Chair opened a public hearing at 7:55 p.m.; no one came forward and he closed the public hearing at 7:55 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

12. **City Attorney's Report:** Mr. Citrin again thanked the Council for their prior resolution in support of Israel.
13. **Mayor's Report – Miscellaneous:** N/A
14. **Council Members Concerns / Reports / Board Appointments:** N/A
Water & Sewer Board Appointment (J. Merida, E. Urrea) - Pending
15. **Adjournment:** The meeting was adjourned at 7:57 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 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, December 19, 2023, 7:30 P.M.

PLANNING AND ZONING BOARD

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

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

T.B.D.

POLICE PENSION BOARD

Wednesday, March 21, 2024, 1:00 P.M.