

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 5, 2019
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, City Attorney Charles Citrin. Councilman Rolando Piña and Mayor Yioset De La Cruz were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** City Attorney Citrin led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** None were offered.
- 6. Review of Minutes: February 19, 2019** Chairman Garcia made a motion to approve the minutes of February 19, 2019, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HIALEAH GARDENS APPROVING THE REZONING OF 148,442 SQUARE FEET MORE OR LESS OR 3.408 ACRES APPROXIMATE LOCATED AT WEST SIDE OF NW 112TH AVENUE AND BETWEEN NW 140TH STREET AND THEORETICAL NW 141ST STREET, HIALEAH GARDENS, FLORIDA, FROM IN-1 (LIGHT INDUSTRIAL USE) TO HEAVY INDUSTRIAL (IN-2). FOLIO #: 27-2019-001-0395; DECLARING THIS ZONING MAP AMENDED TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF HIALEAH GARDENS PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin swore in the individuals who would be providing testimony on the items for public hearing and proceeded to read the full title of the ordinance into the record. Mr. Javi Vasquez, of Berger Singerman, came forward representing the applicant, Cubrasa LLC, and was joined by Mr. Omar Cruz, the Principal of the application. Mr. Citrin explained that the date in the second 'whereas' clause in the ordinance needed to be omitted. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read her recommendation for approval into the record. The applicant is requesting a rezoning from IN-1 (light industrial) to IN-2 (heavy industrial); there are no variances in this request. No one has notified the City with any concerns or objections. Chairman Garcia opened the public hearing at 7:35 p.m. No one came forward and he closed the public hearing at 7:35 p.m. There were no comments from Councilmembers. Mr. Citrin asked that Mr. Vasquez state whether he agrees with the recommendation, has reviewed the City's comprehensive plan, and has looked at the surrounding properties. Mr. Vasquez confirmed all of this. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR ALCOHOL LICENSE (2 APS) FOR WAWA NW 103RD STREET AND NW 79TH AVENUE LIQUOR PACKAGE STORE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 3, 4, AND 5, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC

RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE LANDS DESCRIBED AS PARCEL 1 IN OFFICIAL RECORDS BOOK 30408, PAGE 874, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE RUN SOUTH 01°47'11" EAST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 593.13 FEET TO A POINT ON THE NORTH LINE OF PARCEL 19 AS DESCRIBED IN OFFICIAL RECORDS BOOK 28960, PAGE 4044, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°46'52" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 187.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 79TH AVENUE (A 50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 5346, PAGE 288, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE DEPARTING SAID NORTH LINE, RUN NORTH 01°45'34" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 675.36 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST 103RD STREET (STATE ROAD NO. 932, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87260-2589), SAID POINT BEING A POINT ON A 1945.08 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS POINT BEARS NORTH 26°15'17" EAST; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°05'39" AN ARC DISTANCE OF 206.88 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 2.723 ACRES, MORE OR LESS. FOLIOS: 27-3003-001-0046 AND 27-3003-001-0031, APPROXIMATE LOCATION: S. E. CORNER INTERSECTION OF N.W 103RD STREET AND N.W 79TH AVENUE, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote 6-0; P&Z Vote: 3-1)

Mr. Citrin read the full title of the item into the record. Mr. Hugo Arza, of Holland & Knight, came forward representing the applicant, Wawa. Mrs. Mirtha Gonzalez, Chief Zoning Official, read her recommendation for approval into the record. Land use is IN (industrial). The applicant is requesting to develop a gas station with a

convenience store and food service. TRC voted for in favor 6-0 of the site plan with the approval of only one ingress on NW 103rd Street by FDOT requirement. P&Z also voted in favor with a 3-1 vote. The applicant has met all of the conditions.

Mr. Arza stated that the applicant is requesting a license to sell alcohol within the convenience store. Chairman Garcia asked the applicant where the school building was in proximity to the site. Mr. Arza explained that they reached out to Mater Academy which is across from the site and made sure that they had no objection to the license being granted. A letter of support from the school was provided to the City. There were no other objections previously discussed other than from business owner Mr. John Calderon and his attorney, Mr. Sam Dubbin. Chairman Garcia opened a public hearing at 7:43 p.m. No one came forward and he closed the public hearing at 7:43 p.m. Based on staff recommendation, the Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR WAWA NW 103RD STREET AND NW 79TH AVENUE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 3, 4, AND 5, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE LANDS DESCRIBED AS PARCEL 1 IN OFFICIAL RECORDS BOOK 30408, PAGE 874, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE RUN SOUTH 01°47'11" EAST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 593.13 FEET TO A POINT ON THE NORTH LINE OF PARCEL 19 AS DESCRIBED IN OFFICIAL RECORDS BOOK 28960, PAGE 4044, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°46'52" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 187.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 79TH AVENUE (A 50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 5346, PAGE 288, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE DEPARTING SAID NORTH LINE, RUN NORTH 01°45'34" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 675.36 FEET TO A POINT ON THE

SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST 103RD STREET (STATE ROAD NO. 932, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87260-2589), SAID POINT BEING A POINT ON A 1945.08 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS POINT BEARS NORTH 26°15'17" EAST; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°05'39" AN ARC DISTANCE OF 206.88 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 2.723 ACRES, MORE OR LESS. FOLIOS: 27-3003-001-0046 AND 27-3003-001-0031, APPROXIMATE LOCATION: S. E. CORNER INTERSECTION OF N.W 103RD STREET AND N.W. 79TH AVENUE, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote 6-0; P&Z Vote: 3-1)

Mr. Citrin asked Mrs. Gonzalez, Chief Zoning Official, if this ordinance has the same title as the previous one, to which Mrs. Gonzalez replied yes; it is the same property. Therefore, Mr. Citrin asked if there was anyone who would object to waiving the reading of title and adopting the title reading of the prior ordinance. There were no objections.

Mr. Hugo Arza once again was present representing the applicant. Mrs. Mirtha Gonzalez, Chief Zoning Official, clarified that the recommendation she read for the previous ordinance 8(B) was actually for this ordinance which is the site plan. Mr. Arza came forward and explained that he had been contacted by Mr. Sam Dubbin, representing the Calderon family, who are property owners in the area and had expressed concerns about the project. Mr. Arza, who was joined by members of his own development team at tonight's meeting, briefly explained some of the FDOT conditions they had to meet. He also mentioned the concerns Mr. Calderon had with potential traffic issues, and reiterated the steps they are taking to prevent traffic problems around the site. The developer has agreed to add extra signage and interior curbing at the entrance of the site and also mentioned that a meeting has been scheduled for March 18th with Miami Dade County traffic division officials to discuss signal timing. Both Mr. Calderon and Mr. Dubbin have been invited to participate in this meeting. Chairman Garcia expressed concern over parents parking on the site during the the drop-off/pick-up period, in which the owner of the business would end up calling the City to intervene. He asked that the applicant commit to dealing with that issue via off duty officers or security at their expense. Mr. Arza agreed that it is also a concern for the applicant and stated that he had

spoken to school administrators about this issue. It is a business's private property and the applicant will take full responsibility for paying off-duty police officers if necessary.

Chairman Garcia opened the public hearing at 7:52 p.m. Mr. Sam Dubbin, of Dubbin & Kravitz, came forward representing the Calderon family. He commented that he and his client have met with the developer to discuss their concerns. He stated that he appreciates Mr. Arza's efforts on behalf of his client in working with Wawa in the modifications to the site plan to add signage, curbing and to meet with County officials regarding traffic signaling. Mr. Citrin reiterated that the City has no responsibility for the outcome of their meeting with the County.

At this time Mr. Citrin asked whether Mrs. Gonzalez, Chief Zoning Official, had any issues with the changes to the entrance into the site. Mrs. Gonzalez responded no; as long as FDOT and the engineers agree, there are no other issues. With no further comments, Chairman Garcia closed the public hearing at 7:56 p.m. Councilman Gutierrez asked why the vote at P&Z was 3-1. Mrs. Gonzalez answered that P&Z Board member Ms. Villar did not explain her opposition. Councilman Gutierrez commented that he has lived on N.W. 103rd Street for most of his life and understands the traffic issues. He does not believe there will be additional traffic drawn to the Wawa and there might even be less traffic if the signal times are modified. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

ORGANIZATIONAL MEETING

9. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS CERTIFYING THE RESULTS OF THE SCHEDULED GENERAL ELECTION ON MARCH 5, 2019; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the item into the record. The Chair made a motion to approve the resolution, seconded by Councilman Pina. The item was approved unanimously. **(5-0)**

10. Swearing in ceremony for Councilman Jorge A. Merida: Mr. Charles A. Citrin, City Attorney.

Mr. Citrin swore in Mr. Jorge A. Merida as City Councilman for Group III for a subsequent term of four years. A photo opportunity was taken at this time.

- 11. Reorganization of the City Council's hierarchical order:** Mr. Charles A. Citrin, City Attorney.

Mr. Citrin opened the floor for nominations for Chairman of the Council. Councilman Piña nominated Councilman Garcia to remain as Chairman, seconded by Councilman Merida. No other nominations were offered and all voted in favor. Mr. Citrin asked if there were any nominations for Vice Chairman. Chairman Garcia nominated Councilman Piña. No other nominations were offered and all voted in favor. Mr. Citrin asked if there were any nominations for Finance Director. Chairman Garcia nominated Councilman Merida, seconded by Councilman Piña. No other nominations were offered and all voted in favor.

- 12. Board Appointments: Planning and Zoning Board and Water and Sewer Board**

Chairman Garcia re-nominated the current members of the Boards; Councilman Gutierrez re-nominated his nominees as well. Councilman Merida's W&S Board nomination remains vacant. All other Councilmembers agreed to re-nominate current standing Board members.

- 13. City Attorney's Report:** Mr. Citrin commented that it is always a great pleasure to swear in members of this Council and stated that the City is the best client he's ever had.
- 14. Mayor's Report:** Mayor De La Cruz congratulated Councilman Merida on his re-election.
- 15. Council Members Concerns / Reports:** All the Councilmembers congratulated Councilman Merida on his re-election.
- 16. Adjournment:** The meeting was adjourned at 8:07 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 2, 2019, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 8, 2019, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 4, 2019, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, March 27, 2019, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, May 7, 2019, 5:30 P.M.