

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, June 19, 2018
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, Councilman Rolando Piña, Chairman Luciano Garcia, and Assistant City Attorney Aida Martinez-Ruiz. Mayor Yioiset De La Cruz was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** City Attorney Aida Martinez-Ruiz led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** None were offered.
- 6. Review of Minutes: June 5, 2018** Chairman Piña made a motion to approve the minutes of June 5, 2018. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING AND RATIFYING THE ENTERING INTO AN AGREEMENT WITH FLORIDA LAND CLEANING, INC. FOR THE PURPOSE OF DEBRIS COLLECTION IN THE AFTERMATH OF POSSIBLE HURRICANES DURING THE 2018 HURRICANE SEASON; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE ENTERING INTO AN AGREEMENT BY THE APPROPRIATE CITY OFFICIALS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Mr. Arturo Ruiz, Director of Administration, came forward to speak on the City's preparations for this year's hurricane season. In order to secure a contract with All Florida Land Cleaning he completed extensive research into neighboring municipalities and different individual companies to come up with a sensible price. The contract explains that the company must respond within 24 hours of being called in the event of an emergency. They are locked in to the \$18.50 hauling charge per cubic yard which is the same pricing as the previous year. Chairman Garcia explained that they had to rush to find debris clean-up assistance after Hurricane Irma and they had very good results with this company. All of the paperwork was submitted to FEMA and they will likely be reimbursed the majority of the expenses. Ms. Martinez-Ruiz explained that another reason they felt comfortable with waiving competitive bidding was that after last year's hurricanes, most Cities who had contracts with companies were faced with rising prices and unfinished clean-up. Hialeah Gardens did not have this problem with All Florida Land Cleaning. Mr. Ruiz then read the memorandum into the record, which explained the conditions and details of the contract. He respectfully recommended that the city enter an agreement with AFLC which will extend until December 31, 2018. The contract would be revisited on an as-needed basis each year. Mr. Ruiz read the names and addresses of other companies he reached out to into the record. Chairman Garcia opened the discussion to comments; there were none. He then made a motion to approve the item, seconded by Councilman Merida. The item was approved unanimously.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA ADOPTING A TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AS AMENDED IN 1991 POLICY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record and mentioned that she had placed this item on the item as the City needed to comply with certain requirements when monies are received from the Federal or State government. One of those

requirements is that the City have certain policies in place. The City recently received funds in order to purchase a bus for the Senior Center. As part of the monitoring done by FDOT, the City had to make sure they had adopted a number of different policies. Title VII was already adopted, but Title VI was not. Ms. Martinez-Ruiz wrote up the Title VI policies and procedures to be adopted via resolution whereby it prohibits discrimination (based on race, color, national origin, etc.) in the offering of the City' services. Chairman Garcia noted that if they had anything contrary to this as a policy, they would be in violation of Federal law. Ms. Martinez-Ruiz agreed and explained that because Federal law is very general, the City needs to have specific procedures outlined for a person who feels that Title VI has been violated in order to find recourse. Chairman Garcia opened the discussion to comments; there were none. He then made a motion to approve the item, seconded by Councilman Merida. The item was approved unanimously.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR ERE PROPERTIES SHOPPES, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACTS G AND H, SHOMA COMMERCIAL, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 160, PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOLIOS: 27-2030-014-0070 AND 27-2030-014-0080, APPROXIMATE LOCATION: S.W. CORNER INTERSECTION OF N.W. 107TH AVENUE AND N.W. 138TH STREET, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 6-0; P&Z Vote: 4-0)**

Chairman Garcia asked anyone in attendance intending to give testimony on either Item 9A or 9B to come forward and be sworn in by Ms. Martinez-Ruiz. She then read the first item into the record. Chairman Garcia called the applicant forward. Mr. Miguel Cabrera came forward as the architect for the project. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read the staff recommendation for approval into the record. Chairman Garcia opened the public hearing to comments; there were none and he closed the public hearing at 7:42 p.m. and made a motion to approve, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS PROVIDING RELIEF FOR PROPERTY RENDERED NON-CONFORMING AS A RESULT OF GOVERNMENTAL TAKING OF PROPERTY THROUGH ACQUISITION OR EMINENT DOMAIN

PROCEEDINGS; PROVIDING FOR CERTAIN EXCEPTIONS FROM THE EFFECT OF LAND DEVELOPMENT, LANDSCAPE, SIGN CODES AND REGULATIONS; PROVIDING FOR PROCEDURES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the item into the record. Representatives of the Florida Department of Transportation were present to answer any questions; there was no individual applicant. Ms. Bao-Ying Wang, FDOT Senior Project Manager came forward as did Mr. Javier Bustamante, FDOT Right of Way Manager. Chairman Garcia asked for a brief overview of the project. Mr. Bustamante explained that there are two projects planned in Hialeah Gardens besides the project that is currently ongoing. The two projects are Okeechobee (the main line), there will be some right-of-way acquisitions along Frontage Road...those two projects broken into two segments...consist of about 20-30 pieces of property. Most of them are the slivers of front green grass medians such as what is in front of City Hall. Some are bigger such as those around Mercantile Bank but they are not taking the entirety of a property. Chairman Garcia asked about the timeframe or condition of the ongoing project in front of City Hall. Ms. Wang explained that they are in design; the construction for that portion on 103rd Street will start about summer of 2024; the portion near 95th Street will start construction in summer of 2023. Chairman Garcia clarified that he meant the ongoing construction on 87th avenue. Ms. Wang answered that she doesn't have an exact number; Mr. Bustamante agreed and stated that he could find out. Chairman Garcia then commented that he remembered seeing a map outlining the scope and scheduling of the three projects during their initial presentations to the City; he asked that FDOT provide this information to the City so that they can in turn provide it to concerned residents. Mr. Bustamante explained that they have project fact sheets that include details of the improvements and completion dates. Chairman Garcia opened the public hearing for comments; there were none. The Chair closed the public hearing at 7:47. The Chair then made a motion to approve the item, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- 10. City Attorney's Report:** No comments.
- 11. Mayor's Report – Miscellaneous:** The Mayor was absent.
- 12. Council Members Concerns / Reports / Board Appointments:** None were offered.
- 13. Adjournment:** The meeting was adjourned at 7:47 p.m.

Agenda certified 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

July Recess

PLANNING AND ZONING BOARD

T.B.D.

TECHNICAL REVIEW COMMITTEE

T.B.D.

WATER AND SEWER BOARD

Wednesday, July 25, 2018, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, August 7, 2018, 5:30 P.M.