

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, August 21, 2018
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:32 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Merida, Councilman Rolando Piña, Councilman Elmo Urra, Mayor Yiozet De La Cruz and City Attorney Charles Citrin. Councilman Jorge Gutierrez was absent.
- 3. Pledge of Allegiance:** Mayor De La Cruz led the pledge of allegiance.
- 4. Deletions/Emergency Additions:** None.
- 5. Review of Minutes: August 7, 2018:** Chairman Garcia made a motion to approve the minutes of August 7, 2018. The motion was unanimously approved.
- 6. Public Comments:** Chairman Garcia asked those who wished to speak to come forward and state their name and address for the record.

Mr. Avram Joseph and Ms. Monica Naya came forward. Mr. Joseph stated that they were asked by Ms. Grace Loeb with Guardian Hands to reach out to the City of Hialeah Gardens. He thanked the Council for allowing them to speak in front of

them. Mr. Joseph and Ms. Naya represent the MPS Superhero Foundation. He explained that his son was diagnosed with a terminal disease in 2016 called MPS Type 2 (Hunter's Syndrome); they started this organization to advocate and spread awareness. Their bigger goal is to save the life of their son and all children with the disease. Mr. Joseph then described the details of the disease and the prognosis for children with it. He stated that there is a cure currently set to go through clinical trials; this process is in of \$2.5 million in funding. So far, \$2 million have been raised in collaboration with other organizations, sponsors, and City partnerships. Ms. Naya came forward and thanked the Council for allowing them the opportunity to speak at the meeting. One of their missions is to help educate the community and health care providers. She explained her son's condition and the process of getting him properly diagnosed and treated. She asked the Council to join forces with them in an effort to save the children affected by this disease.

Chairman Garcia asked the Mayor who could best help the guests; Mayor De La Cruz pledged to contact the vendors of the City, the Miami Dade League of Cities, and the Florida League of Cities. He asked that he be provided a draft of the letter used for donations to send to all the cities of the State of Florida. The Mayor also pledged \$5,000 from the City of Hialeah Gardens to help the cause. He asked that the guests reach out to his office the following day, reiterating that they would do what they can to help the organization reach \$2.5 million.

Ms. Naya thanked the Council and emphasized how much this gives them hope. Mr. Joseph added that they are hosting a kickball tournament in October and hopes that Hialeah Gardens can participate. Mayor Yioiset De La Cruz agreed to send a team from the City. Mr. Joseph then introduced his son to the Council. The guests thanked the Council once again.

- 8. Presentation of KAPOW (Kids and the Power of the Workplace) Award:** Mr. John Casbarro, President of Learning for Success, Inc., and Ms. Sharon Gonzalez, Principal of West Hialeah Gardens Elementary School.

Chairman Garcia introduced the item. Mr. John Casbarro came forward and spoke on behalf of the KAPOW program and thanked the Council for the privilege of being in attendance at the meeting. He stated that this is the 11th year that the City of Hialeah Gardens has participated in the program. KAPOW brings the City's business and community volunteers into elementary, middle and high schools; they also bring students into the workplace to expose them to the world of work and the skills necessary to be a success in school, work, and life. He thanked the City for their financial support, as well as Mr. Arturo Ruiz, Director of Administration, who helped them start the project, along with the Mayor. They have a special award for both of them tonight. Currently, KAPOW partners with West Hialeah Gardens Elementary and Hialeah Gardens Elementary. This year, 288 3rd and 5th grade students and 11 teachers participated. Sharon Gonzalez, Principal of West Hialeah Gardens

Elementary was in attendance to speak about the program. Mr. Casbarro noted that Ms. Gonzalez was greatly appreciated for her superior leadership and support of the program. Ms. Gonzalez came forward and thanked the Council on behalf of the students and staff. Mr. Casbarro continued and recognized other volunteers from the City including Kenia Palau, Manny Carrera, Walter Dubon, and Joel Valdez. Mr. Casbarro proceeded to present two awards for recognition to Mr. Ruiz and the City of Hialeah Gardens as well.

7. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR ALLIED TRUCKING HEADQUARTERS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 55, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED. AS FOLLOWS: COMMENCE AT THE NORTHWEST COMER OF TRACT 55 IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LANDS CO'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN SOUTH 02°37'05" EAST, ALONG THE WEST LINE OF TRACT 55, FOR 25.02 FEET; TO THE POINT OF BEGINNING; THENCE NORTH 89°36'40" EAST. ALONG THE SOUTHERLY RIGHT OF WAY OF N.W. 108TH STREET (50 FEET RIGHT OF WAY), BEING A LINE 25 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 55 ALSO THE CENTER LINE OF N.W 108TH STREET, FOR 237.50 FEET; THENCE SOUTH 00°23'20" EAST FOR 304.59 FEET; THENCE SOUTH 89°36'41" WEST, ALONG THE SOUTH LINE OF SAID TRACT 55, FOR 225.64 FEET; THENCE NORTH 02°37'05" WEST, ALONG THE WEST LINE OF TRACT 55, FOR 304.82 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN DADE-COUNTY, FLORIDA. CONTAINING 70,533.60 SQUARE FEET OR MORE OR LESS 1.61 ACRES, FOLIO: 27-2033-001-0750, APPROXIMATE LOCATION: N. E. INTERSECTION OF WEST OKEECHOBEE ROAD AND NORTH SIDE OF N.W 107TH STREET, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin read the item into the record. Ms. Maria Rodriguez, the applicant was present. Chairman Garcia stated that this was a first reading and as such an opportunity for public input would be provided upon second reading. Chairman Garcia made a motion to approve the item, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR Y & Y LIQUOR, LLC., LIQUOR PACKAGE STORE, LOCATED AT: 12547-12549 W. Okeechobee Road, HIALEAH GARDENS, FL., TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES TO BE CONSUMED OFF THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin read the item into the record. Chairman Garcia asked the applicant to come forward. Mr. Yovanni Quintana came forward and stated his address. Chairman Garcia stated that this was a first reading and there would be an opportunity for public input on second reading. Chairman Garcia made a motion to approve the item, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR DOMENICO'S PIZZA LLC., LOCATED AT 7801 NW 95 STREET, SUITE #6, HIALEAH GARDENS, FLORIDA AND FOLIO #: 27-3003-001-0631 TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES 2COP (BEER AND WINE) TO BE CONSUMED ON THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE.
(TRC Vote: 5-0; P&Z Vote: 3-0)

Mr. Citrin read the item into the record. Mr. Antonino Maurici, the applicant was present. Chairman Garcia stated that this was a first reading and there would be an opportunity for public input on second reading. Chairman Garcia made a motion to approve the item, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(4-0)**

Mr. Citrin pointed out that the applicant is a member of the Zoning board; however, he had abstained from the vote at the Zoning board meeting for this item.

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

A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR: CITY OF HIALEAH GARDENS AND 13300, LLC. (CITY OF HIALEAH GARDENS (TRACT 4) AND 13300, LLC. (TRACTS 1, 2 AND 3) LEGAL DESCRIPTION: PARENT TRACT: THE EAST ½ OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 1

THE WEST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 2

THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL

RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 3

THE WEST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA.

TRACT 4

THE EAST 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF TRACT 7, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THE SOUTH 30.00 FEET, DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN HIALEAH GARDENS, FLORIDA. FOLIO: 27-2029-001-0070. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin swore in those individuals who would be speaking on items for public hearing. He then read the item into the record. Mr. Joe Lopez, Public Works Director, came forward. Mr. Lopez stated that the ordinance needs a minor correction; instead of 'Tracts,' the ordinance should read 'Parcels' of the parent Tract. Mr. Lopez then read the staff memo and site analysis into the record. The land use is state residential (E-U). The applicants are requesting a waiver of plat within the estate district. The plat follows the City's land development regulations and Chapter 28 for Miami Dade County. The abutting property owner, also a co-applicant, could not make it to the meeting. The City agreed as part of the purchase agreement to include his 3 parcels into the waiver of plat. Chairman Garcia asked whether his 3 parcels were also standard, EU-sized lots. Mr. Lopez stated that was correct. The co-applicant's intent is to construct three, single family EU home in three ¼ acre lots. The City is

constructing a passive park to replace Bernie Wilson Park. Chairman Garcia opened the public hearing at 8:01; no comments made, public hearing closed at 8:01. No comments from Council members. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The ordinance was unanimously approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY BETWEEN NW 97TH AVENUE AND NW 97TH COURT AND NW 131 STREET HIALEAH GARDENS, FL., LEGALLY DESCRIBED AS: THAT PORTION OF TRACT 7, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1, IN SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA INSIDE THE 30 FEET RIGHT OF WAY DEDICATED TO THE CITY OF HIALEAH GARDENS IN THAT CERTAIN RIGHT-OF-WAY DEED DATED JUNE 4, 2008 IN OFFICIAL RECORD BOOK 26413 AT PAGE 1423, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LAYING EAST OF THE WEST LINE OF TRACT "A" OF "CASTELLON ESTATES SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 167, PAGE 50, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, EXTENDED TO THE NORTH LINE OF THE SOUTH 30.00 FEET OF SAID TRACT 7. CONTAINING 3,753.08 SQUARE FEET OR 0.086 ACRES, MORE OR LESS; FOLIO #: 27-2019-001-0070; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE. **(TRC Vote: 6-0; P&Z Vote: n/a)**

Mr. Citrin read the item into the record. Mr. Joe Lopez, Public Works Director, came forward and explained that this is a portion of right-of-way that was donated by the former owner. It was meant for 131 Street. The portion that the City is vacating lies between Tract A of Castellon Estates, which is a City-owned parcel, and parcel 4 [as described in Item B]. This is the land that they are trying to join together by vacating this ROW; parcel 4 is City-owned. They are not affecting anyone. It was never intended for any roadway purposes. It was just the way the deed was written when the road was secured. Chairman Garcia summarized that this item effectively joins the little parcel the City already had for an existing park with the new parcel that was purchased from property owner for a new passive park. Chairman Garcia opened the public hearing at 8:04; no comments made, public hearing closed at 8:04. No comments from Council members. Chairman Garcia made a motion to

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

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS COUNCIL, AMENDING SECTION 78-84 (4) OF THE LAND DEVELOPMENT REGULATIONS CONTAINED IN THE CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, FLORIDA, CONDITIONALLY PROVIDING TO ADD METAL AS ACCEPTABLE RESIDENTIAL ROOFING MATERIAL IN THE ESTATE RESIDENTIAL DISTRICT, SETTING FORTH THOSE CONDITIONS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. **(TRC Vote: 3-0; P&Z Vote: 4-0)**

Mr. Citrin read the item into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward. Mrs. Gonzalez stated that the roof material permitted in the Estate Residential area is limited to tile. Based on that, the City is proposing the use of metal as an alternative material which provides the following benefits: reflecting heat, energy saving for warm climates, good surface for rainwater catchment, can sustain winds, resistant to fire, mildew, and rot, etc. For that reason, their recommendation is to add language to the Code to allow metal as an alternative material for roofing in the Estate Residential district which is not contrary to the public interest and will not have an adverse impact on the community. The condition is that the metal material must be "s" shaped, or similar to tile in design. Chairman Garcia explained that this limiting provision was originally implemented about 25 years ago to protect the property values in the Estates area; homes had to have tile or something better than tile. At that time, metal was not available as a roofing material. Now, metal roofing is popular and beneficial for residential structures. He agrees that this ordinance is an excellent idea. Chairman Garcia opened the public hearing at 8:07; no comments made, public hearing closed at 8:07. No comments from Council members. Chairman Garcia 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:** No comments.
- 12. Mayor's Report – Miscellaneous:** No comments.
- 13. Council Members Concerns / Reports / Board Appointments:** Chairman Garcia added that Councilman Gutierrez's wife recently gave birth to a baby boy and he sent their best wishes to the Gutierrez family.
- 14. 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, September 18, 2018, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 10, 2018, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, September 6, 2018, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, September 26, 2018, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 6, 2018, 5:30 P.M.