

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, SEPTEMBER 4, 2018
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:31 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. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** None were offered.
- 6. Review of Minutes: August 21, 2018** Chairman Garcia made a motion to approve the minutes of August 21, 2018. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS RATIFYING A MEMORANDUM OF UNDERSTANDING WITH THE MATER ACADEMY, INC. FOR THE PLACEMENT OF SCHOOL-BASED LAW ENFORCEMENT OFFICERS AT MATER ACADEMY CHARTER HIGH SCHOOL, MATER ACADEMY CHARTER MIDDLE SCHOOL AND MATER ACADEMY CHARTER ELEMENTARY SCHOOL; 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. Mayor De La Cruz clarified that the Mater Academy High School is also under the same agreement. Captain Michael Lopez, of HGPD, came forward and addressed the Council. He respectfully requested their consideration to approve this resolution. Chairman Garcia asked if there were any public comments or concerns from the Council. Mayor De La Cruz commented that they had discussed this the agreement with Mater Academy at the previous Council meeting and it will provide for three officers. Mater Academy will cover the full payment of \$70,000 per officer. Chairman Garcia made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MUTUAL AID 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. Captain Lopez stated that, as in previous years, they are requesting the Council's consideration to approve this resolution. Chairman Garcia commented that they've previously had an agreement with Sweetwater which has expired and this serves to renew it. Chairman Garcia asked if there was anyone in attendance that wanted to speak on the item. No comments were offered. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA ENTERING INTO AN AGREEMENT WITH FIRST LAB FOR THE PURPOSE OF ADMINISTERING FLORIDA DEPARTMENT OF TRANSPORTATION FLORIDA STATEWIDE DRUG AND ALCOHOL TESTING TO THE CITY'S CDL LICENSED DRIVERS; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH GARDENS CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Ms. Aida Martinez-Ruiz, Director of Personnel, came forward and explained that they recently received a grant for a bus to replace one of the City's older buses at the Senior Center. Part of that money came from FDOT and the federal government; they just went through their first monitoring. It was brought to her attention that federal guidelines require that CDL drivers go through more extensive drug testing than regular City employees. This company [First Lab] will provide several services to the City: a pre-employment test for the City's 10-13 CDL drivers and random drug testing. Each test costs about \$33. Chairman Garcia asked how long the contract is intended for. Ms. Martinez-Ruiz answered that they entered into a contract with the company but they can change it at any point; there is no set termination at any point. The City decided to go with this company because it was on FDOT's list of approved vendors. Ms. Martinez-Ruiz added that random drug testing could also be applied to all City employees if they chose to in the future. Chairman Garcia asked if there was anyone in attendance that wanted to speak on the item. No comments were offered. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The item was approved unanimously. **(4-0)**

9. First Reading / Public Hearing for consideration of the following Budget ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, AT 5.1613 MILLS, WHICH IS AN INCREASE OF 8.71% OVER THE ROLL BACK RATE SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia stated that this, along with all items under #9 (B, C, D, E, F, G) was a first reading. Mayor De La Cruz commented that the 5.16 millage rate is the same rate the City has had for past 4-5 years. The increase of 8.71% has to do with the County's increase of property value, not with the City's increase of taxes. The City is maintaining its current tax rate. Chairman Garcia thanked the Department heads for working on the budget. The Chair opened a public hearing at 7:41 p.m. No comments were offered; public hearing closed at 7:41 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously on first reading by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia opened a public hearing at 7:42 p.m. No comments were offered; public hearing closed at 7:42 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously on first reading by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia opened a public hearing at 7:43 p.m. No comments were offered; public hearing closed at 7:43 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously on first reading by individualized voice vote. **(4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER UTILITY FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia opened a public hearing at 7:43 p.m. No comments were offered; public hearing closed at 7:43 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously on first reading by individualized voice vote. **(4-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia opened a public hearing at 7:44 p.m. No comments were offered; public hearing closed at 7:44 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously on first reading by individualized voice vote. **(4-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia opened a public hearing at 7:44 p.m. No comments were offered; public hearing closed at 7:44 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously on first reading by individualized voice vote. **(4-0)**

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. Chairman Garcia opened a public hearing at 7:45 p.m. No comments were offered; public hearing closed at 7:45 p.m. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously on first reading by individualized voice vote. **(4-0)**

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

Mr. Citrin swore in those individuals who would be providing testimony on items for second reading.

- 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. Mr. Javier Barrero, came forward on behalf of the applicant and as architect of the project.

Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read the staff recommendation for approval into the record. The land use is CM, zoning B-2. The owner is R2C2 Properties LLC. The applicant is requesting a site plan approval to develop one (1) building of 7,810 s.f. for offices with 47 regular parking spaces, 2 handicaps and 2 loading truck parking. On 06-14-18, TRC recommended the approval (6-0) with the following condition: add more hedge plants to cover the fence located at the north side of the property. On 08-06-18, P&Z recommended

the approval (4-0) with no comments. The condition from TRC was addressed by applicant.

Chairman Garcia asked if there were any variances; Mrs. Gonzalez answered that there were none. Chairman Garcia opened a public hearing at 7:50 p.m. No comments were offered; public hearing closed at 7:50 p.m. Chairman Garcia asked the Council members if there were any questions or comments; none were offered. 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 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. Mr. Yovani Quintana, the applicant was present and came forward. Mrs. Gonzalez, Chief Zoning Official, read the staff recommendation for approval into the record. The land use is CM, Zoning B-3. The applicant is requesting a Special Exception to permit the sale of alcoholic beverages to be consumed off the premises. On 06-14-18, TRC recommended the approval (6-0) of the Special Exception. On 08-06-18, P&Z recommended the approval (4-0) with no comments. Chairman Garcia stated that the City has met all of its requirements in advertising this special exception [to neighboring businesses] and to date no one has contacted the City in opposition of the item. Mrs. Gonzalez agreed and confirmed this; she has all the signatures from the petition. Chairman Garcia opened a public hearing at 7:54 p.m. Mr. Citrin asked the applicant if there would be any consumption presently planned on site. The applicant stated that there would be none. Mr. Citrin asked if there would be a tasting room on site. The applicant stated that there would be none. Mr. Citrin thanked the applicant. Chairman Garcia 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)**

- 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 came forward. Mr. Citrin asked, for the record, if Mr. Maurici was currently a member of the Planning & Zoning Board. Mr. Maurici confirmed that he was. Mr. Citrin asked the applicant if he participated in any way in the discussion of this application. Mr. Maurici confirmed that he did not. Mrs. Gonzalez, Chief Zoning Official, came forward and read the staff recommendation for approval into the record. The land use is CM, zoning B-3. The applicant is requesting a special exception to permit the sale of alcoholic beverages (2 COP Beer and Wine) to be consumed on the premises. On 07-05-18, TRC recommended the approvals (5-0) of the Special Exception. On 08-06-18, P&Z recommended the approval (3-0); Mr. Antonino Maurici excused himself as a board member. Chairman Garcia commented that as with the previous item, the City has met all of its requirements in advertising this special exception [to neighboring businesses] and to date no one has contacted the City in opposition of the item. Mrs. Gonzalez confirmed this. The Chair asked Mr. Maurici to understand the requirements and make sure that the beer and wine is only to be served with a meal The Chair opened a public hearing at 8:01. No comments were offered. Chairman Garcia closed the public hearing at 8:01. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized. **(4-0)**

- 11. City Attorney's Report:** Mr. Citrin commented that he was starting his 19th year in his role as City Attorney and thanked the Board, the Mayor, the Clerk, and his excellent assistant Aida Martinez for all of their support. Chairman Garcia joked that Mr. Citrin is the best 19-year old rookie City attorney the City has ever had and thanked him for this excellent work.
- 12. Mayor's Report – Miscellaneous:** No comments.
- 13. Council Members Concerns / Reports / Board Appointments:** None.
- 14. Adjournment:** The meeting was adjourned at 8:02 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, October 2, 2018, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 15, 2018, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 4, 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.