

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, October 16, 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 Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge Merida, Councilman Rolando Piña, Councilman Elmo Urra, Mayor Yioiset De La Cruz and City Attorney Charles Citrin.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** N/A
- 6. Review of Minutes: October 2, 2018** Chairman Garcia made a motion to approve the minutes of October 2, 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 THE PURCHASE OF PROPERTY EVIDENCE SOFTWARE THAT WILL UPGRADE THE POLICE DEPARTMENT'S CURRENT SYSTEM; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH USA SOFTWARE, INC.; AUTHORIZING THE USE OF FORFEITURE FUNDS FOR THIS PURPOSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Captain Michael Lopez, of the Hialeah Gardens Police Department, came forward and respectfully requested the expenditure of \$7,995 for the upgrade of their property evidence software, with forfeiture funds in the LETF (Law Enforcement Trust Fund). USA Software is the current vendor used for all of the HGPD software. The software this will provide for an upgrade to the existing system and will streamline the documentation of property reports. Chairman Garcia asked if there were any comments or questions; none were offered. Chairman Garcia made a motion to approve the resolution; seconded by Councilman Merida. The resolution was approved unanimously.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE ENTERING INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND MIAMI-DADE COUNTY, FLORIDA IN SUBSTANTIALLY THE FORM AS ATTACHED HERETO AS EXHIBIT "A", RELATING TO THE COUNTY'S PROCUREMENT PROCEDURES WHEN IMPLEMENTING THE BUILDING BETTER COMMUNITIES BOND PROGRAM AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO THE INTERLOCAL AGREEMENT AND TAKE ANY OTHER ACTION IN FURTHERANCE THEREOF; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Captain Lopez explained that the HGPD is requesting approval to utilize \$152,262.00 which was initially assigned for a mobile command vehicle; however, it has been reassigned for the expansion of the PD building. The PD is outgrowing the building and they intend to use these funds to expand a south wing for their Investigative Division and a Victims Interview Room. The Mayor explained that these are leftover funds from the initial grant amount awarded to purchase the mobile command center. He further stated that because the command vehicle is state of the art and will not need an upgrade in the next

5-10 years, the remaining funds will be better utilized to expand the PD building. Chairman Garcia asked if there were any comments or questions; none were offered. Chairman Garcia made a motion to approve the resolution; seconded by Councilman Merida. The resolution was approved unanimously.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI BEACH, 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 explained they are requesting the renewal of the mutual aid agreement with the City of Miami Beach Police Department which is set to expire in December 2018; the new agreement will be in effect until December 2024. Chairman Garcia asked if there were any comments or questions; none were offered. Chairman Garcia made a motion to approve the resolution; seconded by Councilman Merida. The resolution was approved unanimously.

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CITY CODE CHAPTER 40 "HIALEAH GARDENS POLICE PENSION TRUST FUND," ARTICLE II "PENSION PLAN," DIVISION III "PENSION BENEFITS" TO COMPLY WITH CHAPTER 185, FLORIDA STATUTES; CREATING SECTION 40-217 ESTABLISHING A DEFINED CONTRIBUTION SHARE PLAN TO ALLOCATE INSURANCE PREMIUM TAXES UNDER CHAPTER 185, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Citrin explained that this is basically serves to comply with requirements for a "Share Plan" component in the City's Pension Plan code. Mr. Citrin mentioned that he is going to invite the pension group attorney to come to the next Council meeting for any additional questions. Chairman Garcia stated that this was a first reading and as such there would be an opportunity for public input upon second reading. He then 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 SITE PLAN FOR WAWA FLORIDA, LLC CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT A OF HOME DEPOT – HIALEAH GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 166, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOLIO: 27-2030-024-0010, APPROXIMATE LOCATION: N. E. CORNER INTERSECTION OF N.W 138TH STREET AND W OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Mr. Citrin read the item into the record. Mr. Hugo Arza, representing the applicant, Wawa Florida LLC, came forward. Chairman Garcia stated that this was a first reading and as such there would be an opportunity for public input upon second reading. He then made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR ALCOHOL LICENSE (2 APS) FOR WAWA FLORIDA, LLC. LIQUOR PACKAGE STORE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT A OF HOME DEPOT – HIALEAH GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 166, PAGE 62, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOLIO: 27-2030-024-0010, APPROXIMATE LOCATION: N. E. CORNER INTERSECTION OF N.W 138TH STREET AND W OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Mr. Citrin read the item into the record. Mr. Hugo Arza, representing the applicant, Wawa Florida LLC, came forward. Chairman Garcia stated that this was a first reading and as such there would be an opportunity for public input upon second reading. He then made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HIALEAH GARDENS APPROVING THE REZONING OF 2.163 ACRES (94,217 S.F.), APPROXIMATE LOCATED AT SOUTH OF THEORETICAL NW 108TH STREET BETWEEN NW 89TH AVENUE AND W OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA, FROM GENERAL BUSINESS (B-2) TO COMMERCIAL BUSINESS (B-3). FOLIO #: 27-2033-001-0760; 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: 5-0)

Mr. Citrin read the item into the record. Ms. Amanda Naldjieff, representing the applicant, Hialeah Storage Builders LLC, came forward. Chairman Garcia stated that this was a first reading and as such there would be an opportunity for public input upon second reading. He then made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(5-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND PARKING VARIANCE FOR HIALEAH STORAGE BUILDERS, LLC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE NORTH 1/2 OF TRACT 58, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 25, AS PER STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 87090-2518, SHEETS 4 AND 5 OF 15, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, OF SECTION 33, 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. CONTAINING 2.163 ACRES (94,217 S.F.); PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Mr. Citrin read the item into the record. Ms. Amanda Naldjieff, 701 Brickell Avenue, representing the applicant, Hialeah Storage Builders LLC, came forward. Chairman Garcia stated that this was a first reading and there would be an opportunity for public input at the second reading. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously upon first reading. **(5-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE ABANDONMENT OF A DEDICATED ROAD PORTION OF EXISTING RIGHT OF WAY BETWEEN THEORETICAL N.W. 105TH AV. AND THEORETICAL NW 106 AV. AND N.W. 133RD STREET, HIALEAH GARDENS, FLORIDA, LEGALLY DESCRIBED AS: A PARCEL OF LAND OF TRACT 27 OF "FLORIDA FRUITS LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING IN THE NORTHWEST QUARTER($\frac{1}{4}$) OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF ($\frac{1}{2}$) OF TRACT 27 OF SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S 89°41'39" W ALONG THE NORTH LINE OF SAID TRACT 27, FOR A DISTANCE OF 330.06 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF ($\frac{1}{2}$) OF THE WEST HALF ($\frac{1}{2}$) OF TRACT 27, THENCE RUN S 02°37'27" E FOR A DISTANCE OF 30.02 FEET TO A POINT ON A LINE PARALLEL WITH AND 30 FEET SOUTH OF THE NORTH LINE SAID TRACT 27, THENCE RUN N 89°41'39" E ALONG SAID PARALLEL LINE FOR A DISTANCE OF 330.06 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF ($\frac{1}{2}$) OF TRACT 27; THENCE RUN N 02°37'22" W ALONG THE EAST LINE OF THE WEST HALF ($\frac{1}{2}$) OF TRACT 27, FOR A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING AND BEING IN THE CITY OF HIALEAH GARDENS, FLORIDA AND CONTAINING 9,902 SQUARE FEET, MORE OR LESS, BY CALCULATIONS; FOLIO #: 27-2029-001-0287; PROVIDING FOR CONDITIONS, PROVIDING FOR AN EFFECTIVE DATE.
(TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record. Mr. Javier Salman, representing the came forward. Chairman Garcia stated that he believes there is a water line that runs inside that right-of-way, so they are going to have to obtain an easement for the water line before they can abandon the ROW. The City needs to verify that it's not in that particular road portion. Chairman Garcia stated that this was a first reading and as such there would be an opportunity for public input upon second reading. He then made a motion to approve the ordinance, 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: No comments.

12. Council Members Concerns / Reports / Board Appointments:

Water & Sewer Board Appointments:

Councilman Rolando Piña

Councilman Jorge Merida

Chairman Garcia reminded the Council that there are two appointments still pending.

Police Pension Board Trustees Appointments: City Council

Trustee Jorge A. Gutierrez Term Expired 9/30/2018

Trustee Margarita de las Salas Term Expired 9/30/2018

Councilman Merida made a motion to re-nominate Jorge A. Gutierrez as trustee for the Police Pension Board. The nomination was approved unanimously and Mr. Gutierrez was appointed to serve for another two year term until 9/30/2020.

Mayor De La Cruz nominated Mr. Eric Espinosa for the trustee position currently held by Margarita de las Salas. Chairman Garcia made a motion to nominate Mr. Espinosa which was unanimously approved by the Council. Mr. Eric Espinosa was appointed as the new trustee for the Police Pension Board for a term of two years until 9/30/2020.

13. Adjournment: The meeting was adjourned at 7:48 p.m.

Respectfully submitted by:

Maria L. Joffee
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, November 20, 2018, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 19, 2018, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

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