

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, November 6, 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 Elmo Urra and City Attorney Charles Citrin. Councilman Rolando Piña and Mayor Yioiset De La Cruz were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mr. Citrin led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** None were offered.
- 6. Review of Minutes: October 16, 2018** Chairman Garcia made a motion to approve the minutes of October 16, 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 ENTERING INTO AN AGREEMENT WITH HIALEAH GARDENS INDUSTRIAL, LLC AND THE CITY OF HIALEAH GARDENS, FLORIDA FOR THE EXTENSION OF THE SANITARY SEWAGE FACILITIES TO SERVE THE PROPERTY LOCATED AT 8000 NW 103<sup>RD</sup> STREET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AND EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Joe Lopez, Public Works Director came forward and read his memo detailing the request by Hialeah Gardens Industrial, LLC for an extension of the sanitary sewage facilities that serve their property. The request has been evaluated and the City has agreed to the installation in accordance to the agreement at the sole cost and expense of the owner. Chairman Garcia asked if the City's current infrastructure has the adequate capacity to meet the increased load without undue burden. Mr. Lopez responded that it does and that this would serve to replace an existing septic tank system for a privately owned grinder station. No other comments were offered and he made a motion to approve the resolution; seconded by Councilman Merida. The resolution was approved unanimously.

- B) RESOLUTION ENDORSING AND SUPPORTING THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION'S STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. On the Mayor's behalf, Mr. Citrin stated that the Mayor's concerns regarding this project had been addressed and that he was therefore offering his support for the SMART Plan and encouraging the Council to do the same. 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, FLORIDA AUTHORIZING THE PURCHASE OF FOUR (4) 2018 CHEVY TAHOE 1500 INTERCEPTOR POLICE RATED UTILITY VEHICLES TO BE USED BY THE POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH

GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH STINGRAY CHEVROLET LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Captain Michael Lopez came forward and offered details on the purchase of four Chevy Tahoe 1500 Interceptors to be used by the HGPS Patrol Division Sergeants. The current Sergeants vehicles will be reassigned to the Patrol Division. Chairman Garcia asked if the funds for the purchase had been allocated in the PD budget, to which Captain Lopez responded that they had. There were no further comments or questions and Chairman Garcia made a motion to approve the resolution; seconded by Councilman Merida. The resolution was approved unanimously.

**9. Second Reading/Public Hearing First Reading for consideration and final adoption 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 and swore in those individuals who would be providing testimony on items for public hearing. Mr. Adam Levenson, attorney with the firm of Klausner, Kaufman, Jensen & Levinson was present and came forward for this item. Mr. Levenson who serves as an attorney for the City's Police Pension Board explained that this ordinance serves to comply with requirements for a "Share Plan" component in the City's Pension Plan code. Mr. Levenson stated that this ordinance had been prepared by his office and was almost identical to other pension plan ordinances prepared for other cities in the State of Florida for police and firefighter pension plans. These plans have to have a version of this ordinance in order to receive taxes referred to as Chapter 185 premium taxes. The City would get a share some of money from Tallahassee which funds police pension benefits to offset the cost of the pension plan. Chairman Garcia asked what would be the total savings to the City to which Mr. Levenson responded that it would

fluctuate from year to year and that for this year after the adoption of this ordinance the City would be looking at a savings of \$52,000. Chairman Garcia opened the public hearing at 7:38 p.m. there were no comments and he closed the hearing at 7:38 p.m. Chairman Garcia then 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 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, with the law firm of Holland & Knight was present for the applicant, Wawa Florida LLC., who provided summary report that was handed out to the Council. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward at this time and gave staff recommendation for approval. Mr. Arza proceeded to give details of the site plan for the project which provides for construction of a gas station with a convenience store. Chairman Garcia noted that the City owns a small portion of the corner of the southwest side of the parcel and would serve for a future welcome sign to the City if the City so decided. Mr. Arza acknowledged this and stated that the applicant would work with the City in any future plans for that corner. Chairman Garcia opened the public hearing at 7:45 p.m. no comments were offered and he closed the hearing at 7:45. Chairman Garcia then 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 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, remained at the podium. Mrs. Gonzalez, Chief Zoning Official gave staff recommendation for approval as all requirements of the City code for a Special Exception Use for a 2 APS alcohol license had been met by the applicant. Chairman Garcia asked if all compliance for public notice had been addressed, to which Mrs. Gonzalez responded that it had. Chairman Garcia opened the public hearing at 7:50 p.m. no comments were offered and he closed the hearing at 7:50 p.m. He then made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- 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, with the law firm of Holland & Knight was present representing the applicant, Hialeah Storage Builders LLC. Mrs. Gonzalez, Chief Zoning Official offered staff recommendation of approval for the rezoning of the location as the surrounding area reflects that the change would be compatible to those uses nearby. Chairman Garcia opened the public hearing at 7:52 p.m. no comments were offered and he closed the hearing at 7:52 p.m. He then made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- 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, representing the applicant, Hialeah Storage Builders LLC., remained at the podium. Mrs. Gonzalez Chief Zoning Official came forward and gave staff recommendation for approval of the site plan and parking variance. Chairman Garcia stated his concerns over the request for a parking variance that would reduce the number of required parking from 38 to 22 based on the City code. A discussion ensued among the Chair, Councilman Gutierrez, the applicant and staff regarding the need for the amount parking base on the use of the project which would be for a self-storage facility with approximately 209 storage units. The City code determines the required parking based on square footage and it was argued by the applicant that the use should be taken into consideration. It was determined that staff should look into the City's code for parking requirements and make a recommendation to perhaps provide for legislation that would amend the code for this particular use. At this time the Chairman recommended and made a motion to table the item, the motion was seconded by Councilman Merida and unanimously approved. **(Tabled)**

- 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  $89^{\circ}41'39''$  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 (1/2) OF THE WEST HALF (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 (1/2) OF TRACT 27; THENCE RUN N 02°37'22" W ALONG THE EAST LINE OF THE WEST HALF (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 applicant was present. Mrs. Gonzalez, Chief Zoning Official came forward and gave staff recommendation for approval as all requirements for the vacation of the right-of way had been met. Mrs. Gonzalez also stated that the Chairman Garcia's concern of a water line on the property was verified and no water line exists. Chairman Garcia proceeded to open the public hearing at 8:15 no comments were offered and he closed the hearing at 8:15 p.m. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(-0)**

- 10. City Attorney's Report:** Mr. Citrin wished everyone a pleasant evening and mentioned that regardless of the outcome of tonight's mid-term election, we still live the greatest country in the world.
- 11. Mayor's Report – Miscellaneous:** The Mayor was absent.
- 12. Council Members Concerns / Reports / Board Appointments:  
Water & Sewer Board Appointments:**  
Councilman Jorge Merida
- 13. Adjournment:** The meeting was adjourned at 8:16 p.m.

Respectfully submitted by:

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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.