

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, June 20, 2017
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Elmo L. Urra, Councilman Jorge Gutierrez, and City Attorney Charles A. Citrin. Councilman Rolando Piña and Mayor Yioset 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: June 6, 2017,** Chairman Garcia made a motion to approve the minutes of June 6, 2017 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.
- 8. Discussion of proposed legislation regulating condominiums HB 1237:** State Senator Rene Garcia.

Senator Garcia came forward and reported on state legislation he sponsored and passed which would serve to reform state oversight of condo associations by imposing criminal penalties on associations for certain violations including electoral fraud, theft of funds, kickbacks and tampering with official records. The bill also revises and provides additional requirements for arbitration, recordkeeping and reporting. Senator Garcia stated the legislation makes significant reforms in order to protect the interests of all condominium owners and residents in the wake of condo protests over corruption and criminal activities. The council thanked the Senator for his tireless efforts to help our community.

9. 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.

Mr. John Casbarro came forward and thanked the city for their participation and financial support of the KAPOW program. He also thanked Mr. Arturo Ruiz, Director of Administration who helped initiate this project with the city ten years ago and his assistant Ms. Melina Dominguez for coordinating this year's program. Ms. Gonzalez added her words of appreciation as well. At this time Mr. Casbarro presented the Diamond award to the Council Members and certificates of appreciation for the participating city employees.

10. Opening of sealed bids for PW-17-101, El Centro Sterling Grinder Station: Mr. Joe Lopez, Public Works Director.

Mr. Lopez came forward and gave details of project. He stated that a Public Notice to Contractors had been advertised for approximately two months with a June 20th deadline for submitting bids. As of the deadline no bids had been received. Mr. Joe Lopez stated that the project had an estimated cost of \$80,000 and that he will review options and make recommendations on how to proceed.

11. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE PURCHASE OF ONE (1) 2017 CHEVY SUBURBAN 1500 2WD LTZ FOR USE BY THE MAYOR'S OFFICE; ONE (1) 2017 CHEVY TAHOE 1500 2 WD LT TO BE USED BY THE POLICE DEPARTMENT AND THREE (3) 2017 GMC SIERRA 1500 2 WD 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 ROUNDTREE-MOORE AUTOMOTIVE GROUP; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Captain Douglas Zamora of the Hialeah Gardens Police Department came forward on behalf of Chief Luiz Diaz who was unable to attend. Mr. Zamora gave details of the purchase of vehicles for the Police Department's administrative staff and for the Mayor's office. Funds to purchase the vehicles are from the existing proceeds generated by the city's red-light camera program which is no longer active. Captain Zamora added that the current administrative vehicles will be reassigned to the Investigations Division. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

12. First Reading for consideration of following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR NEIGHBORHOOD WALMART STORE / VERIZON WIRELESS, CONCERNING PROPERTY LEGALLY LOCATED AT 11800 HIALEAH GARDENS BOULEVARD, HIALEAH GARDENS, FLORIDA. FOLIO: 27-2033-067-0010, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of ordinance into the record. Ms. Janna Lhota, Esq. with Holland & Knight, LLP came forward for the applicant. 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, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING ORDINANCE NO. 2016-20 CONCERNING THE ENTERING INTO AN AGREEMENT WITH FLORIDA COMMUNITY BANK FOR A CAPITAL LEASE NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR THE PURPOSE OF PURCHASING THREE NEW VEHICLES FOR THE POLICE DEPARTMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of resolution into the record. He stated this ordinance would serve to repeal a previous one which authorized the purchase of vehicles through loan financing. The funds are available for the purchase in the city's general fund at this time, and added that there will also be a savings on closing costs. 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, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

13. 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 ARIZONA PROPERTY GROUP, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT J, SHOMA COMMERCIAL REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 160, PAGE 69 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO: 27-2030-014-0100. APPROXIMATE LOCATION: N. W. CORNER OF INTERSECTION OF NW 107TH AVENUE AND THEORETICAL NW 134TH STREET, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 5-0)

Mr. Citrin swore in those that would be testifying on items for public hearing. He then the full title of ordinance into the record. Mr. Gus Carbonell architect for the project was present on behalf of the applicant. Mrs. Mirtha Gonzalez, Chief Zoning official came forward and gave staff recommendations for approval stating that all conditions had been addressed and there were no variances. Chairman Garcia opened the public hearing at 7:54, no one came forward and he closed the public hearing at 7:54 pm. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR FLIGHTWAY FIFTEEN, CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST ½ OF TRACT 64, IN SECTION 19, TOWNSHIP 52 SOUTH. RANGE 40 EAST, OF "FLORIDA FRUIT 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. AND THE WEST ½ OF TRACT 64, IN SECTION 19, TOWNSHIP 52 SOUTH. RANGE 40 EAST, OF "FLORIDA FRUIT 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, FOLIO: 27-2019-001-0710, APPROXIMATE LOCATION: SOUTH SIDE OF N. W. 146TH STREET BETWEEN N. W. 109TH AVENUE AND N. W. 112TH AVENUE, HIALEAH GARDENS, FLORIDA, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Lazaro Rodriguez architect for the project was present on behalf of the applicant. . Mrs. Mirtha Gonzalez, Chief Zoning official came forward and gave staff recommendations for approval stating that all conditions had been addressed and there were no variances. Chairman Garcia opened the public hearing at 7:57, no one came forward and he closed the public hearing at 7:57 pm. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR LATIN AMERICAN FOOD & PIZZA, LOCATED AT 11093 NW 138 STREET, SUITE # 124, HIALEAH GARDENS, FLORIDA AND FOLIO #: 27-2030-015-0110 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: 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. John Borrego, the applicant was present with his interpreter. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendations for approval. She stated that the City had met all Public Notice obligations and had obtained all required petition signatures from surrounding properties per Code. Mrs. Gonzalez also noted that she had spoken to Ms. Melissa Tapanes, the attorney for the LBA School located in the shopping center, and that no issues had been raised regarding the special exception. Chairman Garcia opened the public hearing at 8:01. Councilman Gutierrez wanted to make sure that the applicant understood the requirements of a 2COP license and that alcohol had to be served with a full course meal. The applicant stated that he was. The applicant was also informed that the approval of the special exception is just the first step in the process and that he would not be allowed to sell beer or wine until state licensure had been approved. No other comments were offered and Chairman Garcia closed the public hearing at 8:04. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 14. City Attorney's Report:** Mr. Citrin asked that a motion be made to cancel Council meetings for July recess. Chairman Garcia made a motion to this effect, seconded by Councilman Merida. The motion was unanimously approved.
- 15. Mayor's Report – Miscellaneous:** The Mayor was not present.
- 16. Council Members Concerns/Reports/Board Appointments:**
- 17. Adjournment:** The meeting was adjourned at 8:05 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, August 15, 2017, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, August 14, 2017, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, August 3, 2017, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, August 23, 2017, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, August 1, 2017, 5:30 P.M.