

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, October 3, 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, City Attorney Charles A. Citrin and Mayor Yiozet De La Cruz. Councilman Rolando Piña 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:** Item 7A was added to the agenda.
- 6. Review of Minutes: September 27, 2017** Chairman Garcia made a motion to approve the minutes of September 27, 2017. The motion was approved unanimously.
- 7. Public Comments:** No public comments.

7A. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING AND RATIFYING THE ENTERING INTO AN AGREEMENT WITH FLORIDA LAND CLEANING, INC. FOR THE PURPOSE OF COLLECTION OF DEBRIS CAUSED BY HURRICANE IRMA; RATIFYING THE EMERGENCY AGREEMENT ENTERED INTO BY THE APPROPRIATE CITY OFFICIALS; WAIVING COMPETITIVE BIDDING DUE TO THE EMERGENCY NATURE OF THE NEED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Arturo Ruiz, Director of Administration was present and came forward. Mayor De La Cruz began to speak about the memo on record prepared by Mr. Ruiz and explained that due to Hurricane Irma, the City had to move to hire a subcontractor to help with the collection of debris. The subcontractor worked throughout and after the storm. In order to determine the rate, Hialeah Gardens contacted 11 different cities, including the County, to find out what rates they were paying for bulk trash pickup. With this information the City calculated an average rate of \$18.50/cubic yard. The Mayor stated that taking action before bringing it to the Council was necessary in light of the emergency. Mr. Ruiz added that the majority of those costs would be reimbursed by FEMA. The Mayor responded that FEMA normally reimburses 90% of costs, but that the City may receive 100% reimbursement because they were one of the first municipalities to clean up. He concluded by stating that at least 90% would be reimbursed within the next three months, but that it may take years for the full amount to be reimbursed. At this time Mr. Ruiz noted Mr. Armando De Leon, owner of All Florida Land Cleaning, Inc., who was in attendance. Mr. Ruiz provided a list of all the companies that he had contacted and stated that this was the only company that was able to provide the trucks and services immediately at a competitive price. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. **(4-0)**

8. First Reading for consideration of the following of the ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AMENDMENT P1509-0002 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU

(GENERAL BUSINESS) TO HDR (HIGH DENSITY RESIDENTIAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) LEGAL DESCRIPTION: A PORTION OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 WITH THE SOUTH RIGHT-OF-WAY LINE OF N.W. 103RD STREET; THENCE SOUTH 89°40'02" WEST ALONG SAID RIGHT-OF-WAY LINE FOR 1443.19 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 1,875.08 FEET AND A CENTRAL ANGLE OF 21°38'12" FOR AN ARC DISTANCE OF 708.09 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 504.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3, SAID POINT ALSO KNOWN AS THE NORTHWEST CORNER OF TRACT "A" OF SANTA NAVILLA SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 154 AT PAGE 97 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 01°45'04" EAST ALONG THE WEST LINE OF SAID TRACT "A" AND TRACT "D" OF SAID PLAT FOR A DISTANCE OF 349.66 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE SOUTH 01°45'04" EAST ALONG SAID WEST LINE OF SAID TRACT "A" AND TRACT "D" OF SAID PLAT FOR A DISTANCE OF 228.41 FEET TO A POINT LOCATED ON THE TOP OF BANK OF SAMARI LAKES; THENCE SOUTH 75°48'52" WEST MEANDERING ALONG THE NORTH TOP OF BANK OF SAID LAKE FOR A DISTANCE OF 196.61 FEET TO A POINT; THENCE SOUTH 88°14'56" WEST FOR A DISTANCE OF 42.00 FEET TO A POINT ON THE EAST LINE OF TRACT "A" OF HIALEAH GARDEN CITY HALL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162 AT PAGE 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 01°45'04" WEST ALONG SAID EAST LINE OF SAID TRACT "A" FOR A DISTANCE OF 146.40 FEET TO A POINT; THENCE SOUTH 88°14'56" WEST BOUNDING THE

NORTH SIDE OF SAID TRACT "A" FOR A DISTANCE OF 35.00 FEET TO A POINT; THENCE NORTH 01°45'04" WEST ALONG SAID EAST LINE OF THACT "A" FOR A DISTANCE OF 124.34 FEET TO A POINT; THENCE NORTH 88°14'56" EAST FOR A DISTANCE OF 269.00 FEET TO THE POINT OF BEGINNING, LAYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND HAVING AN AREA OF 63,642 SQ. FT. OR 1.46 ACRES MORE OR LESS. FOLIO: 27-3003-001-0115. APPROXIMATE LOCATION: BETWEEN NW 103 ST. AND SAMARI LAKES (LAKE) AND BETWEEN COMMUNITY FACILITY (CITY HALL) AND HDR (HIGH DENSITY RESIDENTIAL, SANTA NAVILA); PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and as such an opportunity for public input would be provided upon second reading. He then made a motion to approve, seconded by Councilman Merida. The ordinance was approved by individualized voice vote with Councilman Gutierrez voting against. **(3-1)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR SAFIRE OFF-STREET PARKING; OWNER: SAFIRE INVESTMENT GROUP INC; CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE EAST ½ OF TRACT 58, LESS THE NORTH 35 FEET THEREOF AND LESS THE EAST 35 FEET THEREOF AND LESS THAT EXTERNAL AREA FORMED AT THE NORTHEAST CORNER BY A 25 FOOT RADIUS CURVE, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 184076 SQUARE FEET OR 4.22 ACRES, MORE OR LESS. FOLIO: 27-2019-001-0650, APPROXIMATE LOCATION: SOUTHWEST INTERSECTION OF N.W 140TH STREET AND N. W. 109TH AVENUE, HIALEAH GARDENS, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 5-0)

Mr. Citrin swore in those individuals who would be providing testimony on items for Public Hearing. He then proceeded to read the full title of the ordinance into the record. Mr. Jorge Szauer was present for the applicant. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendation for approval. She stated that conditions set by TRC to have the land platted and to relocate the guard house 70 feet from entrance had been addressed and there are no variances. Chairman Garcia opened the Public Hearing at 7:43 p.m. No comments were offered and the Public Hearing was closed at 7:43 p.m. 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; AMENDING THE CITY CODE (LAND DEVELOPMENT REGULATIONS) CHAPTER 78 AMENDING SECTION 78-74 REQUIREMENTS AND PROCEDURES FOR VARIANCES AND ADMINISTRATIVE VARIANCES; ALLOWING HEIGHT VARIANCE IN THE INDUSTRIAL DISTRICTS ONLY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward to address the item. Mayor De La Cruz commented that to date, the City had no mechanism for businesses that wanted to apply for a height variance for a sign. However, while the City wanted to maintain this rule in the residential and business districts, it wanted to make it possible for those in the industrial district next to the Turnpike and Okeechobee Road to be able to apply. Mrs. Gonzalez added that this ordinance extended to include height variances for buildings in the industrial district. Mr. Citrin clarified by stating that in past the City has allowed for variances; he explained that Ms. Gonzalez wisely wanted the Code to make it clearer that only the industrial district would be permitted to apply for height variances. Chairman Garcia opened the Public Hearing at 7:46 p.m., no comments were offered, and the public hearing was closed at 7:46 p.m. Chairman Garcia made a motion to approve the ordinance, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 10. City Attorney's Report:** Mr. Citrin told the Council that it was nice to be back, that he had missed the last few meetings for a Jewish holiday and because he had surgery; he joked he had run out of the excuses and had to come. He gave thanks. Chairman Garcia said it was good to have Mr. Citrin back.
- 11. Mayor's Report – Miscellaneous:** No reports were made.
- 12. Council Members Concerns / Reports / Board Appointments:** No comments were offered.
- 13. Adjournment:** Chairman Garcia adjourned the meeting at 7:47 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, November 21, 2017, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 13, 2017, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, December 7, 2017, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

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