

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, November 21, 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 Rolando Piña, Councilman Jorge Gutierrez, and City Attorney Charles A. Citrin. Mayor Yioiset De La Cruz was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** City Attorney Charles A. Citrin led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** None were offered.
- 6. Review of Minutes: November 7, 2017** Chairman Garcia made a motion to approve the minutes of November 7, 2017. The motion was approved unanimously.
- 7. Public Comments:** No public comments.

**8. First Reading for consideration of the following of the ordinance:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR AGROPOLI SUBDIVISION TRACT CONCERNING PROPERTY LEGALLY DESCRIBED: THE NORTH ONE-HALF (N 1/2) OF TRACT 61, OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, IN SECTION 19, 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. LESS: THE EAST 35.00 FEET OF THE EAST ONE-HALF (E1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. LESS: THE WEST 40.00 FEET OF THE WEST ONE-HALF (W 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: BETWEEN N. W. 109TH AVENUE AND N. W. 112TH AVENUE AND SOUTH OF THEORETICAL N.W. 143RD STREET, HIALEAH GARDENS, FLORIDA FOLIOS: 27-2019-001-0681 AND 27-2019-001-0686. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
(TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the ordinance into the record. Mr. Jorge Cabrera, surveyor of record for the property, present for the applicant, came forward and stated his address as 2852 SW 149<sup>th</sup> Place, Hialeah Gardens. Because this was a first reading, input would be provided upon the second reading of this item. Chairman Garcia made a motion to approve the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

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

Chairman Garcia asked that anyone who intended to provide testimony on any of the items for Public Hearing rise to be sworn in. Mr. Citrin read aloud the oath and swore in those testifying on items for second reading.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR POLYNESIO LAKE RESTAURANT & BAR, LOCATED AT 13155 WEST OKEECHOBEE ROAD, SUITES: 104 AND 105, HIALEAH GARDENS, FLORIDA AND FOLIO #: 27-2030-029-0030 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: 6-0; P&Z Vote: 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. George Parra, the applicant was present. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and read staff's recommendation for approval into the record. Chairman Garcia asked to confirm, for the record, whether the City went through all the requirements as far as advertising and notifying all the surrounding property owners, and whether anyone had contacted the City to voice any concerns. Mrs. Gonzalez confirmed that all these requirements were met and that no one contacted the City. Chairman Garcia opened the public hearing at 7:36. No comments were offered and the public hearing was closed at 7:36. The Chair made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR TRX2HG; OWNER: TRX2 HIALEAH LLC CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT 59, OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION, IN SECTION 19, 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, LESS THAT PORTION OF TRACT 59, CONVEYED TO CITY OF HIALEAH GARDENS BY RIGHT OF WAY DEED RECORDED MARCH 4, 2011 IN OFFICIAL RECORDS BOOK 27606, PAGE 2672. APPROXIMATE LOCATION: BETWEEN N.W. 112TH AVENUE AND N.W. 109TH AVENUE AND NORTH OF N.W. 140TH STREET, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2019-001-0660; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Bob Schecter, for the applicant was present. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and read staff's recommendation for approval into the record. Chairman Garcia asked to confirm that the site plan did include mention of a height variance as he did not see the variance in the description. Mrs. Gonzalez stated that the variance was described as being a maximum of 50 feet, where 40 feet is permitted.

The applicant therefore has a variance of a maximum of 10 feet. She added that the variance was not included in the short title of the ordinance, but that it was described under Section 1. (a). Chairman Garcia inquired whether the variance had been included in the advertisement for the ordinance. The City Clerk responded that only the short title had been advertised. As a result, Chairman Garcia stated that the item would have to be held over and re-advertised because the height variance had not been advertised publicly. He then made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved and the item was tabled.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR MATER ACADEMY TO BUILD A STEM PAVILION, OWNER: SCHOOL DEVELOPMENT HG II LLC. LOCATION: 7901 N.W. 103rd STREET, HIALEAH GARDENS, FLORIDA. FOLIO: 27-3003-001-0020, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 6-0; P&Z Vote: 2-1)**

Mr. Citrin explained that the applicant requested this item be tabled. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved and the item was tabled.

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR INDUSTRIAL PARK / L' AGROPOLI LLC.; OWNER: L' AGROPOLI LLC.; CONCERNING PROPERTY LEGALLY DESCRIBED AS: FOLIO: 27-2019-001-0681: THE WEST 1/2 OF THE NORTH 1/2 OF TRACT 61 OF 'FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 19, TOWNSHIP 52 SOUTH. RANGE 40 EAST AS RECORDED PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. LEGAL DESCRIPTION: FOLIO: 27-2019-001-0686: THE EAST 1/2 OF THE NORTH 1/2 OF TRACT 61 OF 'FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 19, TOWNSHIP 52 SOUTH. RANGE 40 EAST AS RECORDED PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 4-0; P&Z Vote: 5-0)**

Mr. Citrin read the full title of the ordinance into the record. He asked if there was someone in attendance for item D, and whether they were authorized to represent the applicant. Mr. Jorge Cabrera, surveyor for the project noted that Mr. Juan Flores the property owner was present. Mrs. Gonzalez, Chief Zoning Official, came forward and gave staff recommendation for approval. No variances were requested.

Chairman Garcia opened the public hearing at 7:45. No comments or questions were offered. The public hearing was closed at 7:45. The Chair made a motion to approve the ordinance, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING THE CITY OF HIALEAH GARDENS CODE OF ORDINANCES TO REPEAL CHAPTER 70- FLOODS: TO ADOPT A NEW CHAPTER 70 – FLOODS; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record and stated that this was a City-generated ordinance. Mr. Joe Lopez, Public Works Director, came forward and explained that in July of 2016, the State Floodplain Management Office, through the State Division of Emergency Management, conducted a community assistance visit. Mr. Lopez attended, as well as Mr. Manny Carrera of the Police Department, and Mr. Rey Regalado Building Department Director. The purpose of the meeting was to review the City's Floodplain ordinance. As a result, the State wanted the City's Floodplain ordinance to match the State's model ordinance. There would be no difference in the elevations and the freeboard would still be twelve inches as I always has been. However, before this ordinance was enacted, there was a conflict between the Florida Building Code and the City's regulations, and this ordinance brings it all together. Chairman Garcia asked whether the Florida Building Code takes precedent. Mr. Lopez answered yes and no, and that was the purpose of this item. Their opinion was that the more stringent of the two would be what is governed by; sometimes it could be the City and sometimes it could be the State. Mr. Lopez explained that, because of previous cases, the State believed this would help avoid future conflicts. Chairman Garcia opened the public hearing at 7:49 p.m. Councilman Gutierrez asked whether the State believed they had precedence. Mr. Lopez said they didn't, but encouraged the City to make this change because the City is trying to get into the NCRS to get better insurance rates for its citizens. No further comments were made and Chairman Garcia closed the public hearing at 7:49 p.m. and made a motion to approve the item, seconded by Councilman Merida. The item was unanimously approved by individualized voice vote. **(5-0)**

**10. City Attorney's Report:** Mr. Citrin granted everyone a Happy Thanksgiving.

**11. Mayor's Report – Miscellaneous:** No comments were offered.

- 12. Council Members Concerns / Reports / Board Appointments:** No comments were offered.
- 13. Adjournment:** Chairman Garcia adjourned the meeting at 7:50 p.m.

Respectfully submitted by:

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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, December 19, 2017, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, December 11, 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.