

## MINUTES

**CITY OF HIALEAH GARDENS  
TUESDAY, FEBRUARY 16, 2016  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:35 p.m.
- 2. Roll Call:** Present were Mayor Yioiset De La Cruz, Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Elmo L. Urra, City Attorney Charles A. Citrin, Aida Martinez-Ruiz Assistant City Attorney and Councilman Jorge Gutierrez. 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:** None offered.
- 6. Review of Minutes: January 19, 2016** Chairman Garcia made a motion to approve the minutes of **January 19, 2016** seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** Grace Loeb founder of Guardian Hands Foundation came forward to invite the Council to the third annual Walk for Rare Diseases event this Sunday, February 28th. She stated that the purpose of the event is to raise awareness for both the public and elected officials and stated that the theme of the event this year is "Making the Voices of Rare Diseases Heard". Ms. Loeb mentioned the petitions on her webpage wherein she needed 99,000 signatures in order to obtain an executive order from President Obama and asked those present to contact their legislators in support of legislation called "Open Act". Ms. Loeb

thanked everyone for their time. No one else came forward. Public comments were closed.

- 8. Discussion of proposed expansion to the Angels Reach Foundation/Angels Reach Academy for Divergent Learners School, 10251 W. Okeechobee Road, Hialeah Gardens:** Ms. Dorys Luzardo, Founder & CEO came forward and gave details of the request for the expansion of the school which has a current occupancy limit of 250 students. She mentioned that Ms. Melissa March, CEO of iSchools has offered an opportunity to bring their organizations together in order to serve more students a diversity of students, not only the autistic children she currently exclusively serves. Ms. Luzardo stated that she is aware of the concerns regarding traffic in the area and mentioned there had previously been a charter school on this property, with a much-higher student population (approximately 700). Ms. Luzardo said that her students would be limited to 500 and would have staggered arrival and dismissal times. Furthermore, she aims to expand the property by using a previously-built home structure on the site which will serve as a pre-school for 100 of the 500 projected students. Chairman Garcia stated that while he appreciates the proposal, he reminded Ms. Luzardo that the expansion must go through a series of steps with the City such as site plan approval and use of the additional house structure on the property. Chairman Garcia also stated that the project will need to have input from the City boards and other interested parties, such as members of the public. Mayor De La Cruz made comments regarding traffic concerns, addressed by the Police Department, which may occur as a result of an increase in students.

**9. Proposed Resolution:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE AMENDMENT AND RESTATEMENT OF RETIREMENT PLAN VIA ADOPTION OF VALIC RETIREMENT SERVICES COMPANY RETIREMENT PLAN FOR GOVERNMENTAL EMPLOYERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the resolution into the record. Mr. Juan Rivera came forward and introduced Mr. Mike Magdalena of Valic, who was present to answer any questions on the resolution. This matter involves the amendment and restatement of the retirement plan for Valic. Mr. Magdalena stated that there are no changes to the current plan; this is just a restatement to abide by IRS and DOL regulations to keep the plan in compliance. The plan is a 401A, a profit-sharing plan with an employee component. Mayor De La Cruz raised concerns regarding the changes and asked when the documents have to be signed. Mr. Magdalena stated the City has until April 30<sup>th</sup> 2016 to sign said documents, therefore it was agreed that a meeting will be set up to review the plan and address any concerns. Mr. Citrin

made comments regarding not having a summary of the plan and would like more information regarding its performance, as did Chairman Garcia, who suggested that the plan could be reviewed based on average employee performance. To recap, Mr. Magdalena said he would prepare a summary review of the assets under management by Valic since inception and current changes in mandates by IRS. The Item was tabled.

**10. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR BALDINI ENTERPRISES COMPLEX; OWNER: UR INVESTMENT GROUP INC.; CONCERNING PROPERTY LEGALLY DESCRIBED AS: THAT PORTION OF TRACK 22 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 BOOK2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; WHICH LIES EASTERLY OF EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD#821 (A/K/A FLORIDA TURNPIKE EXTENSION), AS SHOWN ON STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP#87005-2312 SHEET 5 OF 7. FOLIO #:27-2019-001-0231.; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

Mr. Citrin read the ordinance into the record. The applicant was not present. 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 motion was unanimously approved by individualized voice vote. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN AND VARIANCE OF SIZE OF DEVELOPMENT OF 0.28 ACRES WHERE 1 ACRE MINIMUM IS REQUIRED AS PER SECTION 78-112 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF HIALEAH GARDENS FOR 8433 APARTMENTS, LOCATION: 8433 WEST OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-3003-001-0330., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 3-0)

Mr. Citrin read the ordinance into the record. Ms. Niurka Esquivel for the applicant was present. 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 motion was unanimously approved by individualized voice vote. **(3-0)**

### **PUBLIC HEARING**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) THE APPLICATION REQUESTING AN AMENDMENT P1509-0002 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU (GENERAL BUSINESS) TO HDR (HIGH DENSITY RESIDENTIAL). LEGAL DESCRIPTION: PARCEL 1: 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; THIS POINT ALSO BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE SOUTH 01°45'04" EAST ALONG THE WEST LINE OF SAID TRACT "A" AND TRACT "D" OF SAID PLAT FOR A DISTANCE OF 574.78 FEET TO A POINT ON THE TOP OF BANK OF A LAKE; THENCE SOUTH 84°54'26" WEST ALONG THE TOP OF BANK FOR A DISTANCE OF 108.91 FEET TO A POINT; THENCE SOUTH 70°01'46" WEST ALONG SAID TOP OF BANK FOR A DISTANCE OF 47.68 FEET TO A POINT; THENCE SOUTH 37°42'47" WEST ALONG SAID TOP OF BANK FOR

A DISTANCE OF 31.56 FEET TO A POINT; THENCE SOUTH 88°14'56" WEST FOR A DISTANCE OF 59.92 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 TRACT "A" FOR A DISTANCE OF 159.76 FEET TO A POINT ON THE MOST NORTHEASTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH 89°35'12" WEST ALONG THE NORTH LINE OF SAID TRACT "A" FOR A DISTANCE OF 35.01 FEET TO A POINT ON THE EAST LINE OF TRACT "B" 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 TRACT "B" FOR A DISTANCE OF 169.30 FEET TO THE MOST NORTHERLY CORNER OF SAID TRACT "B", THIS POINT ALSO LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF SAID N.W. 103rd STREET, BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIAL BEARING OF SOUTH 32°04'48" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 1,875.08 FEET AND A CENTRAL ANGLE OF 10°17'38" FOR AN ARC DISTANCE OF 336.88 FEET TO THE POINT OF BEGINNING, LAYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: SOUTH SIDE OF N.W 103RD STREET BETWEEN N.W 87TH AVENUE AND THEORETICAL N.W 86 AVENUE, HIALEAH GARDENS, FLORIDA. FOLIOS: 27-3003-001-0115 and 27-3003-001-0116; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: 3-0)

Mr. Citrin asked if there was anyone present for Item C. No one was present. Mr. Citrin then asked for the item to be tabled until March 1, 2016. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

11. **City Attorney's Report:** Mr. Citrin reported that the Bond issue was successfully closed. He thanked staff and Chairman Garcia who had attended the closing for their time.
12. **Mayor's Report – Miscellaneous:** None offered.
13. **Council Members Concerns / Reports / Board Appointments:** None offered.
14. **Adjournment:** The meeting was adjourned at 8:00 p.m.

Agenda certified 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, March 15, 2016, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, March 7, 2016, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, March 3, 2016, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, March 23, 2016, 7:00 P.M.

**POLICE PENSION BOARD**

Tuesday, May 3, 2016, 5:30 P.M.