

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 6, 2012
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:33 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were Mr. Charles A. Citrin, City Attorney and Mayor Yioiset De La Cruz and Assistant City Attorney Aida Martinez-Ruiz.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** Report on R.F.P. 2012-01 – Utility System Revenue Note, Series 2012: Mr. Marcos Piloto, O.M.B. Director was added as Item 7A. Request for approval of additional vendor for PW 11-100 NW District Roadway Improvements: Mr. Joe Lopez, Public Works, Director was added as Item 7B.
- 6. Review of Minutes: February 21, 2012.** Chairman Garcia made a motion to approve the minutes of February 7, 2012 seconded by Councilman Merida. The motion was unanimously approved.

7. Public Comments: None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PAYMENT OF \$14,000.00 TO THE LEVY AND LEVY, P.A. TRUST AS CONSIDERATION OF A FINAL SETTLEMENT IN THE CASE OF LOPEZ V. CITY OF HIALEAH GARDENS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. He acknowledged Mr. J. Frost Walker, III who served as counsel for the City on this case. Mr. Walker came forward and commented that this was a whistleblower case involving a former employee and that while he was confident that the City would have been successful, a settlement had been reached that would serve the best interest of the City by avoiding court costs. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE ENTERING INTO AN AGREEMENT WITH THE COMMISSION FOR FLORIDA LAW ENFORCEMENT FOR THE PURPOSE OF SUPPORTING AND FACILITATING THE ACCREDITATION PROCESS FOR THE HIALEAH GARDENS POLICE DEPARTMENT; WAIVING COMPETITIVE BIDDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record and stated that this resolution serves to allow the entering into an agreement for accreditation of the City's Police Department. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA ESTABLISHING ARTICLE III OF CHAPTER 11 OF THE CITY OF HIALEAH GARDENS CODE REGARDING THE OPERATION OF ELECTRONIC GAME PROMOTION CENTERS AND THE USE OF ELECTRONIC MACHINES IN

OPERATING GAME PROMOTIONS OR SWEEPSTAKES CONDUCTED IN CONNECTION WITH THE SALE OF CONSUMER PRODUCTS OR SERVICES; PROVIDING FOR DEFINITIONS, REGULATIONS FOR OPERATION, AND PERMITTING FEES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin recused himself from this item as well as the following item (10 B) and allowed Ms. Martinez-Ruiz to serve as counsel. Ms. Martinez-Ruiz 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 on second reading. He then 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, AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AS AMENDED ENTITLED "LAND DEVELOPMENT REGULATIONS", ARTICLE V, ENTITLED "DEVELOPMENT AND DESIGN STANDARDS", DIVISION 6, ENTITLED "ADDITIONAL REQUIREMENTS FOR SPECIFIC USES", MORE PARTICULARLY BY AMENDING SECTION 78-46, ENTITLED "GENERAL BUSINESS DISTRICT", AND SECTION 78-130, ENTITLED "SPECIFIC USE REQUIREMENTS", TO PERMIT ELECTRONIC GAME PROMOTION CENTERS AS AN ACCESSORY USE FOR CERTAIN HOTEL AND MOTEL USES; CONTAINING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz 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 on second reading. He then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- 10. City Attorney's Report** – No comments
- 11. Mayor's Report – Miscellaneous** – No comments
- 12. Council Members Concerns / Reports / Board Appointments** – No comments
- 13. Adjournment** – The meeting was adjourned at 7:42 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, April 3, 2012, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, April 9, 2012, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, April 5, 2012, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, March 28, 2012, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, May 1, 2012, 5:30 P.M.