

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, SEPTEMBER 18, 2012
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:34 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Elmo L. Urra. Also present were Mr. Charles A. Citrin, City Attorney and Mayor Yioset 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:** There were none.
- 6. Review of Minutes: September 4, 2012.** Chairman Garcia made a motion to approve the minutes of September 4, 2012 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXECUTION OF THE FY 2012 CDBG CONTRACT BETWEEN MIAMI-DADE COUNTY AND CITY OF HIALEAH GARDENS FOR THE HOLLINGSWORTH HALL SENIOR CENTER REHABILITATION; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Jerry Bell, representing the Bell-David Planning Group, came forward and congratulated the City for being awarded a \$70,000 grant from Miami-Dade County's CDBG program. The grant will be used for improvements to the Senior Center. Mr. Bell clarified that the environmental review is currently being worked on, which is required. Also, there are also certain administrative details that must be taken care of. In addition, Mr. Bell assured that the project will be completed in about a year, long before the deadline of 18 months that is given by Miami-Dade County to complete the work. Mayor Yiozet De La Cruz wanted to express his gratitude to Commissioner Jose "Pepe" Diaz for his efforts in securing the funding. The Mayor proceeded to acknowledge Olga Fulguieras who is Commissioner Diaz's assistant and was in the audience. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S HEALTH INSURANCE BETWEEN COVENTRY HEALTH CARE PLAN AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE

Mr. Citrin read the full title of the resolution into the record. Ms. Aida Martinez-Ruiz, Assistant City Attorney came forward and gave the details on the renewal of the City's Health Insurance with Coventry. She noted that incentives were provided by the company to the City and its employees. The premiums would increase 8.1% which the City was in a position to absorb. She stated that Coventry premiums and cop-payments are very competitive and the City is satisfied with the service it has received in the past. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S SUPPLEMENTAL HEALTH INSURANCE BETWEEN ALL STATE INSURANCE AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Ms. Aida Martinez-Ruiz, Assistant City Attorney came forward for the record and recommended to continue with Allstate for supplemental insurance to assist in covering the deductible for hospitalization. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APROVING A SITE PLAN FOR RENEGADE AT 103RD LLC, CONCERNING PROPERTY LEGALLY DESCRIBED AS: SANTA NAVILA SUB PB 154-97 T-20340 TRACT A; FOLIO: 27-3003-035-0010, APPROXIMATE LOCATION: SOUTH SIDE OF NW 103RD STREET AND EAST OF NW 87TH AVENUE, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Applicant Mr. Luis Machado was present for 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. **(4-0)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013, AT 5.3812 MILLS, WHICH IS THE ROLL BACK RATE SO AS TO PROVIDE THE NECESSARY REVENUE TO MEET THE DETERMINED BUDGETARY NEEDS OF THE CITY OF HIALEAH GARDENS, FLORIDA; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin swore in those who would be providing testimony on the items for Public Hearing / Second Reading. Mr. Citrin proceeded to read the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:45 p.m. No comments were offered and the Public Hearing was closed at 7:45 p.m. Mayor De La Cruz informed the Council that the millage rate is lower than it was in 1980. The City has been able to proceed with various improvement projects and events without raising the millage rate. He also noted that the City has not reduced services to the residents and has not had to lay-off any employees. The City has actually employed more people while keeping the same millage rate of that of 1980. He proceeded to thank the Council and City employees for this accomplishment. Chairman Garcia thanked the administration and staff for their work during the budget process and all for all the work done during previous years that has allowed the City to maintain its healthy financial state. He thanked the Mayor for his work and foresight. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:47 p.m. No comments were offered and the Public Hearing was closed at 7:47 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PUBLIC SAFETY IMPACT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:48 p.m. No comments were offered and the Public Hearing was closed at 7:48 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STORM WATER UTILITY FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:49 p.m. No comments were offered and the Public Hearing was closed at 7:49 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE STREETS AND ROADS FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:49 p.m. No comments were offered and the Public Hearing was closed at 7:49 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE WATER AND SEWER DEPARTMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:50 p.m. No comments were offered and the Public Hearing was closed at 7:50 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:51 p.m. No comments were offered and the Public Hearing was closed at 7:51 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- H) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, gave details if the Comprehensive Plan which was previously sent to the Department of Economic Opportunity for review. She noted that all of the issues in the report were properly addressed and the report can now be adopted and submitted to the DEC. Chairman Garcia opened the Public Hearing at 7:53 p.m. No comments were offered and the Public Hearing was closed at 7:53 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

Tabled 09/04/2012

- I) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF HIALEAH GARDENS APPROVING THE REZONING OF +-10 ACRES APPROXIMATE LOCATED BETWEEN NW 107TH AVENUE AND THEORETICAL NW 109TH AVENUE AND BETWEEN THEORETICAL NW 140 STREET AND THEORETICAL NW 142 STREET, HIALEAH GARDENS, FL. FROM IN-1(LIGHT INDUSTRIAL) TO IN-2 (HEAVY INDUSTRIAL). DECLARING THIS ZONING MAP AMENDED TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF HIALEAH GARDENS PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. FOLIO #: 27-2019-001-0610.
(TRC Vote: 5-0; P&Z Vote 3-0)

Being that this item was previously tabled, Chairman Garcia made a motion to remove the item from the table, seconded by Councilman Merida. The motion was unanimously approved. Mr. Citrin read the ordinance into the record. Applicant Ignacio Hally came forward for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendation which based approval of rezoning on the surrounding area as being compatible and consistent. Chairman Garcia opened the Public Hearing at 7:65 p.m. No comments were offered and the Public Hearing was closed at 7:56 p.m. Chairman Garcia made a motion to approve based on staff recommendation, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

- J) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR YHOAN & NORMA PITALUGA. LEGAL DESCRIPTION: THE EAST 1/2 OF THE WEST 1/2 OF THE WEST OF 1/2 OF TRACT 5, SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, RECORDED IN MIAMI-DADE COUNTY, FLORIDA, FOLIO #:27-2029-001-0053. CONTAINING 49,489.16 SQUARE FEET OR 1.1 ACRES, MORE OR LESS. APPROXIMATE LOCATION: NORTH SIDE OF NW 133RD STREET AND BETWEEN THEORETICAL NW 99TH AVENUE AND NW 97TH AVENUE, HIALEAH GARDENS, FL. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Mr. Citrin read the ordinance into the record. Applicant Yhoan Pitaluga was present for the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and gave staff recommendation. Chairman Garcia added that this is standard procedure for a single lot within the Estates area. Chairman Garcia opened the Public Hearing at 8:00 p.m. No comments were offered and the Public Hearing was closed at 8:00 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(4-0)**

11. **City Attorney's Report** – No comments
12. **Mayor's Report – Miscellaneous** – Mayor Yioset De La Cruz expressed his gratitude to all of the City's Department Heads and Council. Specifically, Mayor De La Cruz wanted to thank Mr. Marcos Piloto, OMB Director, for all his work during the budget process for he could not have done it without him.
13. **Council Members Concerns / Reports / Board Appointments** –Chairman Garcia took the opportunity to proudly announce that his daughter Ashley passed the Florida Bar, and he wanted to pass along his appreciation to everyone for their support.
14. **Adjournment** - The meeting was adjourned at 8:02 p.m.

Respectfully submitted by:

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, October 2, 2012, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 5, 2012, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 4, 2012, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, October 24, 2012, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 6, 2012, 5:30 P.M.