

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, SEPTEMBER 9, 2014
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 Mayor Yioset De La Cruz and City Attorney Charles A. Citrin.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions / Emergency Additions:** Resolution of the City of Hialeah Gardens, Florida, authorizing the execution of the 2014 HOME contract between Miami-Dade County and the City of Hialeah Gardens for the Samari Lake East Condominium Rehabilitation Assistance Program was added as Item 9A.
- 6. Review of Minutes: August 19, 2014.** Chairman Garcia made a motion to approve the minutes of August 19, 2014 seconded by Councilman Merida. The motion was unanimously approved.

- 7. Public Comments:** None were offered.
- 8. Presentation of State Budget allotments to the City of Hialeah Gardens by Senator Rene Garcia.**

Hialeah Gardens Education Center Program	\$1,870,000.00
Hialeah Gardens Hot Meals Program	\$ 215,000.00

Senator Rene Garcia came forward to present the State Budget allotments that were awarded to the City of Hialeah Gardens. Senator Garcia gave thanks to State Representatives Manny Diaz and Eddy Gonzalez as well as the Mayor for working hard to obtain \$2,085,000 for the assistance in the Education Center Program and the Hialeah Gardens Hot Meals Program. Mayor De La Cruz also thanked Senator Garcia, Eddy Gonzalez, Jose Oliva, Manny Diaz, Erik Fresen, Pepe Diaz, and Frank Artiles for their assistance. The Mayor mentioned that this has been the biggest allotment the City has received and he thanked the Senator once again for all his efforts. A photo opportunity was afforded at this time.

- 9. Request for approval of Agreements for Construction of Water Facilities and Construction of Sanitary Sewage Facilities between the City of Hialeah Gardens and Bridge HG Two, Inc.:** Mr. Andres Delgado, Director of Water and Sewer Department.

Mr. Andres Delgado Water and Sewer Director came forward and mentioned that this was a standard agreement which has been reviewed by the Water and Sewer Board Attorney and approved by the Water and Sewer Board. This item will be memorialized in a resolution as per Mr. Citrin. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXECUTION OF THE 2014 HOME CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR THE SAMARI LAKE EAST CONDOMINIUM REHABILITATION ASSISTANCE PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Jerry Bell came forward and gave a brief history of the Samari Lakes East Condominium Rehabilitation Assistance Program. The County has approved the City's request for \$500,000 in recaptured FY 2014 HOME funds in order to continue the program. These funds will be utilized to rehabilitate 16 additional units, which will increase the total number of assisted units to 74. Mr. Bell stated that the new contract period will extend from January 1, 2014 to December 31, 2015. Mr. Bell mentioned that the City has received over 2 million dollars in total for this project thus far. Councilman Gutierrez stated that he was very thankful for the program. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S HEALTH INSURANCE BETWEEN AVMED 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. Mr. Citrin quickly pointed out the fact that he is President of Citrin Financial Insurance and as such has relationships with each of the insurance companies that could come before the Council, but he has no involvement in this specific contract. Assistant City Attorney Aida Martinez-Ruiz then came forward and gave details of the proposals received by the City with competitive numbers including Avmed which came in with a reduction of 2% and Coventry came in with an increase of 7%. The City will increase its Gap insurance to offset any additional increase in co-pay. Every insurance company carries its own product and all are different but the recommendation from Aida Martinez-Ruiz and Mr. Angel Gonzalez with Millennium Benefits, the City's broker, to switch to Avmed will be in everyone's best interest. Ms. Martinez-Ruiz also mentioned that there will be no interruption of service to employees currently receiving treatment with Coventry. Chairman Garcia then 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 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. Assistant City Attorney Aida Martinez-Ruiz stated that this is the City's supplemental insurance or Gap as it is known and was talked about in the previous resolution. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING AN AGREEMENT FOR THE CITY'S LONG AND SHORT TERM DISABILITY AND LIFE INSURANCE BETWEEN CIGNA AND THE 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. Assistant City Attorney Aida Martinez-Ruiz mentioned that Cigna came in at the last minute considerably lower. Angel Gonzalez with Millennium Benefits once again came forward. Mr. Gonzalez stated that per \$10 on that basis, Cigna was lower than Lincoln Financial which is the City's current provider. The short term disability is up to 60%, the maximum of \$750 after 2 weeks. The short term is for 11 weeks and then the long term kicks in after 90 days which is up to 60% up to a monthly benefit of \$5,000 until normal social security retirement age. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

11. First Reading / Public Hearing for consideration of the following Budget ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015, AT 5.1613 MILLS, WHICH IS AN INCREASE OF 3.04% OVER 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.

Chairman Garcia mentioned that items 11A-11G are items open for Public Hearing and if anyone wished to speak on these items, they could step forward and do so after the item is read into the record. Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:57 p.m. No comments were offered and the Public Hearing was closed at 7:57 p.m. Mayor De La Cruz stated that this is the tenth year since 2000 that the City has lowered the millage rate. The City lowers the millage rate so the residents don't have to pay anymore than they payed last year in taxes and in some cases actually pay less then they did last year. Some residents will see an increase in their taxes due to the County, but they are paying fewer taxes to the City. At the same time the City has produced enough revenue to secure the financial future of the City. Chairman Garcia thanked the Mayor for all his work to maintain the City in a healthy financial state. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 7:59 p.m. No comments were offered and the Public Hearing was closed at 7:5 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- 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, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. 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. **(5-0)**

- 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, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 8:01 p.m. No comments were offered and the Public Hearing was closed at 8:01 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- 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, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 8:01 p.m. No comments were offered and the Public Hearing was closed at 8:01 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- 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, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 8:02 p.m. No comments were offered and the Public Hearing was closed at 8:02 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- 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, 2014, AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the Public Hearing at 8:03 p.m. No comments were offered and the Public Hearing was closed at 8:03 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR SONIC BEACH DRIVE-IN RESTAURANT, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT "A", OF "VICENZA AT HIALEAH GARDENS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 169, AT PAGE 13 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOLIO: 27-2033-067-0013, LOCATION: 11900 HIALEAH GARDENS BOULEVARD, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0; P&Z Vote: 4-0)**

Mr. Citrin swore in all those who would be providing testimony on items for Second Reading / Public Hearing. Mr. Citrin read the full title of the ordinance into the record. The applicant Mr. Eduardo Carcache was present and came forward. At this time Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendations for approval of the project with conditions which were addressed with no variances.

Chairman Garcia then opened the public hearing at 8:06. No one came forward. He then closed at 8:06. He then made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR COMUNIDAD DE FE MINISTRIES INC., LOCATED AT 7805 NW 99TH STREET, HIALEAH GARDENS, FL., TO PERMIT THE SPECIAL USE FOR A HOUSE OF WORSHIP AND RELATED ACTIVITIES IN IN-1 ZONING DISTRICT; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0; P&Z Vote: 4-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant Mr. Roberto Che was present and came forward. At this time Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendation for approval of the change of use for half of the existing building from industrial to house of worship and related activities. All the conditions were addressed by the applicant. Chairman Garcia asked if no opposition had been received for this project, to which Mrs. Gonzalez stated that they were none. Councilman Piña inquired about the service hours and the number of members in the congregation. Mr. Che stated that they have services two days a week, Wednesdays from 7:30 to 10:00pm and Sunday mornings from 10am till 12:30 pm and Sunday evening from 6:30 pm to 9:30 pm. Mr. Che also mentioned that there are about 500 members in the congregation. The cross parking agreement addresses the needs for parking and it is the same owner of the buildings involved. Mayor De La Cruz stated that the owner of Christmas Palace is the owner of all the other buildings so he wouldn't have an objection to that. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 78, LAND DEVELOPMENT REGULATIONS ARTICLE III, ZONING DISTRICT TYPE AND USE REGULATIONS, TO (1) CORRECT THE SCRIVENER'S ERROR IN THE SECTION 78-45 TITLE FROM "N-1" TO "B-1" AND (2) ADD ADDITIONAL PERMITTED AND SPECIAL EXCEPTION USES WITHIN THE NEIGHBORHOOD BUSINESS DISTRICT UNDER SECTION 78-45 NEIGHBORHOOD BUSINESS DISTRICT (B-1) USES; PROVIDE FOR INCLUSION IN CODE; PROVIDE FOR SEVERABILITY; AND PROVIDE FOR AN EFFECTIVE DATE. **(TRC Vote: n/a; P&Z Vote: 4-0)**

Mr. Citrin read the full title of the ordinance into the record. At this time Mirtha Gonzalez, Chief Zoning Official came forward and spoke about this City initiated ordinance. Mrs. Gonzalez mentioned that MDX has a project called Extension west to

the Homestead Extension of the Florida's Turnpike. This project will bring changes to the traffic flow on NW 138 street, and due to these changes the staff is proposing to add more uses to the B-1 Zoning District such as Gas stations, Fitness and health clubs, and under Special exceptions; Banking and financial establishments with drive thru, and fast food establishments with drive thru. Chairman Garcia then opened the public hearing at 8:15. No one came forward. He then closed at 8:15. He then made a motion to approve, seconded by Councilman Merida. The motion was approved unanimously. **(5-0)**

- 13. City Attorney's Report:** Mr. Citrin mentioned that Mr. J. Frost Walker III, attorney for the Water and Sewer Board has asked that the Council please make appointments to the Board as there are currently two vacancies.
- 14. Mayor's Report – Miscellaneous –** No comments.
- 15. Council Members Concerns / Reports / Board Appointments:**
Police Pension Board: Terms Expire September 30, 2014 for Margarita de la Salas and Jorge A. Gutierrez – Chairman Garcia mentioned to please keep in mind that the Board appointments need to be made.
- 16. Adjournment –** The meeting was adjourned at 8:15 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, October 7, 2014, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 20, 2014, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 2, 2014, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, September 24, 2014, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 4, 2014, 5:30 P.M.