

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, October 2, 2018
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Councilman Jorge Gutierrez, serving as Chairman, called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Jorge Gutierrez, Councilman Jorge Merida, Councilman Elmo Urra, Mayor Yiozet De La Cruz and City Attorney Charles Citrin. Councilman Luciano Garcia and Councilman Rolando Piña were absent.
- 3. Invocation:** Chairman Gutierrez gave the invocation.
- 4. Pledge of Allegiance:** Mr. J. Frost Walker, III led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** Item 8A was deleted from the agenda.
- 6. Review of Minutes: September 18, 2018** Chairman Gutierrez made a motion to approve the minutes of September 18, 2018. 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 ENTERING INTO AN AGREEMENT WITH HIALEAH GARDENS INDUSTRIAL, LLC AND THE CITY OF HIALEAH GARDENS, FLORIDA FOR THE EXTENSION OF THE SANITARY SEWAGE FACILITIES TO SERVE THE PROPERTY LOCATED AT 8000 NW 103RD STREET; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The item was deleted from the agenda.

- B) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, RESOLVING TO INITIATE THE CONFLICT RESOLUTION PROCEDURES PROVIDED FOR IN THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT ("ACT") (CHAPTER 164 FLORIDA STATUTES) TO ADDRESS THE CITY'S CONFLICT WITH THE MIAMI-DADE EXPRESSWAY AUTHORITY (MDX) ARISING OUT OF THEIR REFUSAL TO PAY INSTALLMENT PAYMENTS DUE UNDER THE CITY'S 2011 NORTHWEST DISTRICT SPECIAL ASSESSMENT ON MDX PROPERTY MDX PURCHASED IN THE DISTRICT IN 2017 (FOLIO 27-2019-001-0630) AND TO AUTHORIZE THE INSTITUTION OF COURT ACTION IF THE CONFLICT IS NOT RESOLVED UNDER THE ACT.

Mr. Citrin read the full title of the resolution into the record. Mr. J. Frost Walker, III serving as attorney for the City came forward and explained the need to begin the process of conflict resolution procedures against the Miami-Dade Expressway Authority (MDX) as a result of their refusal to pay installment payments for the 2011 Northwest District Special Assessment owed on property purchased by MDX in 2017. Mr. Walker stated that the procedures call for this resolution to be adopted, followed by notice to MDX of a conflict assessment meeting which may or may not result in court proceedings against MDX. Mr. Walker believes that MDX is not exempt from making payments and that the City has a strong case. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The resolution was approved unanimously. **(3-0)**

- C) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF A LINE OF CREDIT ISSUED BY FLORIDA COMMUNITY BANK IN THE PRINCIPAL AMOUNT OF \$1,250,000 TO PAY COSTS RELATING TO COVENANTING TO BUDGET AND APPROPRIATE FUNDS, FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES, TO REPAY SUCH NOTE; PRESCRIBING THE FORM, TERMS AND DETAILS OF THE NOTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. He continued to state that the City does not owe any money at this time and that there would only be a small fee of approximately \$3,000 if we do not borrow the money during the year. Mr. Juan Rivera, OMB Director came forward and reiterated Mr. Citrin's comments stating that this was a renewal of the line of credit agreement for another year, that the fee would be \$3,125.00 and if the City were to draw money it could repay the principal semi-annually. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The resolution was unanimously approved.

(3-0)

- 9. City Attorney's Report:** Mr. Citrin commended Mr. J. Frost Walker on his presentation regarding the MDX issue.
- 10. Mayor's Report – Miscellaneous:** No comments.
- 11. Council Members Concerns / Reports / Board Appointments:** Chairman Gutierrez mentioned he would reach out to Mr. Jorge Gutierrez to see if he would continue to serve on the Police Pension board. Also noted was that Ms. Margarita de las Salas will be moving from the City and will no longer be able to serve.

Water & Sewer Board Appointments:

Councilman Rolando Piña

Councilman Jorge Merida

Police Pension Board Trustees Appointments: City Council

Trustee Jorge A. Gutierrez Term Expired 9/30/2018

Trustee Margarita de las Salas Term Expired 9/30/2018

- 12. Adjournment:** The meeting was adjourned at 7:55 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, November 6, 2018, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 19, 2018, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, November 1, 2018, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, October 24, 2018, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 6, 2018, 5:30 P.M.