

MINUTES

**CITY OF HIALEAH GARDENS
WEDNESDAY, SEPTEMBER 4, 2013
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 Yio set 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:** None were offered.
- 6. Review of Minutes: August 20, 2013.** Chairman Garcia made a motion to approve the minutes of August 20, 2013 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. First Reading for consideration of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HIALEAH GARDENS APPROVING THE REZONING OF +-5 ACRES APPROXIMATE LOCATED AT NW CORNER OF NW 114 STREET AND NW 92 AVENUE, HIALEAH GARDENS, FL., FROM TOWNHOUSE RESIDENTIAL ZONING USE DISTRICT (R-TH/12 DU/ACRE) TO MULTI-FAMILY RESIDENTIAL (R-M1/14.5 DU/ACRE). FOLIO #: 27-2033-001-0290; 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. (TRC Vote: 5-0; P&Z Vote: 3-0)

Ms. Martinez-Ruiz mentioned that there was a change in the short title of the ordinance. Ms. Martinez-Ruiz read the corrected ordinance into the record. The applicant Shahin Etesam came forward. 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. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APROVING A SITE PLAN FOR LAS PALMAS, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACT 24, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF THE NORTHWEST 1/4 OF SECTION 33-52-40, THENCE RUN SOUTH 89 DEGREES 36 MINUTES 38 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACT 24 FOR 659.02 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 22 SECONDS WEST FOR 329.51 FEET TO THE NORTH LINE OF SAID TRACT 24; THENCE NORTH 89 DEGREES 36 MINUTES 34 SECONDS EAST ALONG THE NORTH SIDE OF SAID TRACT 24 FOR 649.01 FEET, TO A POINT ON THE EAST LINE OF SAID TRACT 24; THENCE SOUTH 02 DEGREES 39 MINUTES 02 SECONDS EAST FOR 329.78 FEET TO THE POINT OF BEGINNING; FOLIO: 27-2033-

001-0290, APPROXIMATE LOCATION: NW CORNER OF NW 114 STREET AND NW 92nd AVENUE, HIALEAH GARDENS, FL., PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE (TRC Vote: 5-0; P&Z Vote: 3-0)

Ms. Martinez-Ruiz read the full title of the ordinance into the record. The applicant Shahin Etessam came forward. 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. **(5-0)**

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING ORDINANCE 2000-10 CONCERNING THE AMENDMENT OF THE CITY OF HIALEAH GARDENS POLICE PENSION TRUST FUND PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN (DROP); PRESERVING THE RIGHTS OF PRESENTLY ELIGIBLE PARTICIPANTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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. **(5-0)**

9. 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, 2013 AND ENDING SEPTEMBER 30, 2014, AT 5.3812 MILLS, WHICH IS AN INCREASE OF 4.89% 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 the following ordinances on first reading are also open for public hearing. Ms. Martinez-Ruiz read the ordinance into the record. Chairman Garcia thanked the Mayor and staff for their work on the budget. Mayor De La Cruz stated that the city will be keeping the same millage rate as last year; however, some residents may have to pay more taxes as a result of increases to their property values as assessed by Miami-Dade County. Chairman Garcia then

opened the Public Hearing at 7:41 p.m. No comments were offered and the Public Hearing was closed at 7:41 p.m. Chairman Garcia 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, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:42 p.m. No comments were offered and the Public Hearing was closed at 7:42 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved 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, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:42 p.m. No comments were offered and the Public Hearing was closed at 7:42 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved 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, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:43 p.m. No comments were offered and the Public Hearing was closed at 7:43 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved 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, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:44 p.m. No comments were offered and the Public Hearing was closed at 7:44 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved 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, 2013 AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:44 p.m. No comments were offered and the Public Hearing was closed at 7:44 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved 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, 2013, AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:45 p.m. No comments were offered and the Public Hearing was closed at 7:45 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

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 MORATORIUM ON THE SUBMISSION, PROCESSING AND ISSUANCE OF CERTIFICATES OF USE AND BUSINESS TAX RECEIPTS FOR THE OPERATION OF PAIN CLINICS AND PAIN MANAGEMENT CLINICS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the ordinance into the record. Ms. Martinez-Ruiz commented that this ordinance is requiring a moratorium of 6 months for pain clinics. Ms. Martinez-Ruiz stated that there has been an abundance of pain management clinics popping up throughout different municipalities which have turned out to be pill mills with illegal activity. The city is taking preventive measures to assure that if these types of establishments apply for licensure in the city that they are legitimate. Currently there are no applications. Chairman Garcia then 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 then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

- 11. City Attorney's Report:** Ms. Martinez-Ruiz mentioned that for the next meeting she will be bringing the PBA contract for approval and also stated that the negotiations between the representatives of the city and police officers were very amicable.
- 12. Mayor's Report – Miscellaneous –** No comments
- 13. Council Members Concerns / Reports / Board Appointments –** No comments
- 14. Adjournment -** The meeting was adjourned at 7:48 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 1, 2013, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 7, 2013, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 3, 2013, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, September 25, 2013, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, September 17, 2013, 5:30 P.M.

Tuesday, October 29, 2013, 5:30 P.M.