

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, SEPTEMBER 17, 2013
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:32 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 Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. 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:** None were offered.
6. **Review of Minutes: September 04, 2013.** Chairman Garcia made a motion to approve the minutes of September 04, 2013 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 APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE POLICE BENEVOLENT ASSOCIATION BEGINNING OCTOBER 1, 2013 UNTIL SEPTEMBER 30, 2016; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Assistant City Attorney Aida Martinez-Ruiz came forward and informed that the representatives of the PBA and the city had worked amicably resulting in a good three year contract. 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 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. Assistant City Attorney Aida Martinez-Ruiz came forward and gave details of the city's health insurance and the supplemental health insurance. The city covers 100% of the employees. Ms. Martinez-Ruiz stated that there is an increase of 12.9% this year with the current provider. The only way to lower the premium cost would be to lower the benefits. Numerous companies' policies and rates were reviewed and Coventry was the most competitive even with the added increase. The city will be keeping the exact same coverage. Mayor De La Cruz stated that 3% of the increase was due to a tax on insurance companies which in turn was passed along to the city as a fee. The 12.9% is still being negotiated at this time and Coventry added that they will be giving a \$10,000 credit to be used toward the premiums. 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 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 came forward and mentioned that she had covered this item in her previous statements and that the Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA COMMEMORATING THE 50TH ANNIVERSARY OF THE VIETNAM WAR; EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013, PARADE SPONSORED BY THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD WELCOMING HOME AND REMEMBERING VIETNAM VETERANS; REQUESTING THAT THE MAYOR PROVIDE PARTICIPATION IN THE PARADE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Mr. Citrin read the full title of the resolution into the record. Mayor De La Cruz mentioned that Commissioner Diaz was sponsoring a parade to commemorate Vietnam veterans and that the city will be offering their support. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. Second Reading / Public Hearing for consideration and final adoption 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)

Mr. Cintrin swore in those individuals who would be giving testimony on items for Second Reading / Public Hearing. Mr. Citrin then read the full title of the ordinance into the record. The applicant Shahin Etesam came forward for the applicant. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendations and read her memo into the record. The Central District is experiencing demand for medium density residential designation, especially in the

surrounding school area. This property has in the south and west boundaries developments with a density of 14 and 15 dwelling units per acre. Staff recommends that the city amend the zoning map to change the destination of the property from R-TH to RM-1, allowing the increase of density just up to 14.5 du/acre in order to be compatible with existing densities in the south Kasalta Villas and Garden Villas Condo II and west side Ethereal Gardens I. TRC recommended the zoning change (5-0), and P&Z recommended the approval (3-0). 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. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING 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)**

Mr. Citrin read the full title of the ordinance into the record. The applicant Shahin Etessam came forward for the applicant. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendation for approval of the site plan. This is the same property which was previously rezoned and will be developed as a residential rental development of six (6) apartment two story buildings with 72 units in a site of 4.94 acres with 184 regular parking spaces and 6 handicap parking spaces. The property has been platted. There are no variances and all conditions were addressed. Chairman Garcia then 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 then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 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.

Mr. Citrin read the full title of the ordinance into the record. Mayor De La Cruz had stated at the last meeting that the City would be opting out of the DROP program as the program would not be feasible for the . Chairman Garcia then 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 then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, TRANSMITTING TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN; AUTHORIZING ADOPTION AND TRANSMITTAL TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
(TRC Vote: 5-0; P&Z Vote: 4-0)

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and mentioned that the text amendments had been transmitted to the Department of Economic Opportunity and the letter responding had no comments or objections. There was also a letter from South Florida Planning Council which also stated that all was consistent with the strategic regional policy plan for South Florida. Chairman Garcia then 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 then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- E) 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.

Mr. Citrin read the full title of the budget ordinance into the record. Mayor De La Cruz stated that the millage rate of the city remains the same as last year and taxes will not be increased. The Mayor mentioned however that the county has raised property values which will result in an increase to property taxes. Chairman Garcia then 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 then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- F) 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.

Mr. Citrin read the full title of the budget ordinance into the record. Chairman Garcia then 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 then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- G) 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.

Mr. Citrin read the full title of the budget ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:54 p.m. No comments were offered and the Public Hearing was closed at 7:54 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- H) 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.

Mr. Citrin read the full title of the budget ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:54 p.m. No comments were offered and the Public Hearing was closed at 7:54 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- I) 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.

Mr. Citrin read the full title of the budget ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:55 p.m. No comments were offered and the Public Hearing was closed at 7:55 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- J) 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.

Mr. Citrin read the full title of the budget ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:56 p.m. No comments were offered and the Public Hearing was closed at 7:56 p.m. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- K) 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.

Mr. Citrin read the full title of the budget ordinance into the record. Chairman Garcia then opened the Public Hearing at 7:56 p.m. No comments were offered and the Public Hearing was closed at 7:56 p.m. Chairman Garcia then took the time to congratulate the Mayor once again for all the hard work and leadership and for also keeping the city in a great financial state. Chairman Garcia also thanked the staff as well. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

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 7:59 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 15, 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, October 23, 2013, 7:00 P.M.

POLICE PENSION BOARD

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