

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, September 6, 2011  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:45 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge A. Merida, Councilman, Jorge Gutierrez and Councilman Elmo L. Urra. Also present were Mayor Yioiset De La Cruz and City Attorney Charles 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:** None were offered.
- 6. Review of Minutes:** August 16, 2011. Chairman Garcia made a motion to approve the minutes of August 16, 2011, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

- 8. Presentation of KAPOW Diamond Award:** Mr. John Casbarro, President, Learning for Success, Inc. and Ms. Yolanda Benitez, West Hialeah Gardens Elementary.

Mr. John Casbarro, President of Learning for Success, Inc. came forward and said a few words regarding the KAPOW program which serves to educate children about their career choices. Mr. Casbarro thanked Mayor De La Cruz for the city's participation and financial support for the past five years. He also thanked city staff who had volunteered their time to the program and Mr. Arturo Ruiz who coordinated the volunteers. Mr. Casbarro then introduced Ms. Yolanda Benitez, Director of West Hialeah Gardens Elementary school who added that the students enjoyed the KAPOW experience and thanked the city for their continued support. At this time Mr. Casbarro presented Mayor De La Cruz with the KAPOW Diamond Award.

**9. Proposed Resolution:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, AMENDING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; RECOGNIZING A BUDGET EXPENDITURE INCREASE OF \$276,000.00 (TWO HUNDRED AND SEVENTY SIX THOUSAND DOLLARS) FROM THE CITY'S GENERAL FUND SURPLUS AND \$500,000.00 (FIVE HUNDRED THOUSAND DOLLARS) FROM THE ADDITIONAL REVENUE RECEIVED DURING FISCAL YEAR 2011; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and explained the need to amend the general fund for FY 2010-2011 budget due to the unforeseeable payout of \$497,792.00 to six police officers who elected to enter the D.R.O.P. program before the July 1, 2011 deadline. Mayor De La Cruz added that the expense would be covered from funds in the city's general fund surplus and reimbursement revenue received this fiscal year from F.E.M.A. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**10. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR DON CAMARON SEAFOOD GRILLE & MARKET RESTAURANT, LOCATED AT 9491 NW 77<sup>th</sup> COURT, HIALEAH GARDENS, FL. TO PERMIT THE SALE OF

ALCOHOLIC BEVERAGES 4COP TO BE CONSUMED ON THE PREMISES; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. Miguel Alvarez, applicant and owner of Don Camaron Searfood Grille & arket Restaurant was present. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia 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, AMENDING THE ZONING MAP OF THE CITY (CITY INITIATED APPLICATION), APPROVING THE REZONING OF APPROXIMATELY 108.03 ACRES GENERALLY LOCATED ON THE WEST SIDE OF NW 112 AVENUE AND HEFT (HOMESTEAD EXTENSION FLORIDA TURNPIKE) AND NW 138 STREET AND THEORETICAL NW 150 STREET AND BETWEEN EAST OF NW 112 AVENUE AND WEST OF NW 107 AVENUE BETWEEN THEORETICAL NW 147 STREET AND THEORETICAL NW 152 STREET. FOLIOS #: 27-2019-001-0430, 27-2019-001-0420, 27-2019-001-0410, 27-2019-001-0400, 27-2019-001-0395, 27-2019-001-0380, 27-2019-001-0372, 27-2019-001-0371, 27-2019-001-0373, 27-2019-001-0360, 27-2019-001-0350, 27-2019-001-0260, 27-2019-001-0240, 27-2019-001-0231, 27-2019-001-0220, 27-2019-001-0150, 27-2019-001-0160, 27-2019-001-0121, 27-2019-001-0130, 27-2019-001-0120, 27-2019-001-0110, 27-2019-001-0100, 27-2019-001-0050, 27-2019-001-0063, 27-2019-001-0062, 27-2019-001-0061, 27-2019-001-0060 AND 27-2019-001-0070;FROM MU-E (MIXED USE ENTERTAINMENT) TO IN-1 (LIGHT 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.

Mr. Citrin read the full title of the ordinance into the record. This is a city initiated ordinance. Chairman Garcia stated that this was a first reading and as such, an opportunity for public input would be provided upon second reading. Chairman Garcia 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, ESTABLISHING A NW DISTRICT DEBT SERVICE FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman stated that this ordinance was tied to the special assessment district and 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, ESTABLISHING A NW DISTRICT SPECIAL ASSESSMENT CAPITAL IMPROVEMENT FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mayor De La Cruz stated that this was a new fund that had to be created in order to comply with state requirements of the special assessment project in the annexation area. Chairman Garcia 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 A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012, AT 5.588 MILLS, WHICH IS A DECREASE OF .02% OF 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 ordinance into the record. Mr. Mohammed Hussain resident of 9138 N.W. 112 Terrace in Hialeah Gardens came forward and to express his concern over his property tax. Mayor De La Cruz explained that the city had lowered its taxes but if the county raises his his property value then his tax bill would reflect an increase due to this. Mr. Hussain was instructed to speak to city staff if he wanted further information regarding his particular proerty. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(5-0)**. For the record it was pointed out at this time that Item E was opened for public hearing, no one other than Mr. Hussain came forward.

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; 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 8:06, no one came forward therefore he closed the public hearing at 8:06 and made a motion to approve. The motion was seconded by Councilman Merida and was unanimously approved by individualized voice vote **(5-0)**.

- 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, 2011 AND ENDING SEPTEMBER 30, 2012; 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 8:07, no one came forward therefore he closed the public hearing at 8:07 and made a motion to approve. The motion was seconded by Councilman Merida and was unanimously approved by individualized voice vote **(5-0)**.

- 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, 2011 AND ENDING SEPTEMBER 30, 2012; 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 8:07, no one came forward therefore he closed the public hearing at 8:07 and made a motion to approve. The motion was seconded by Councilman Merida and was unanimously approved by individualized voice vote **(5-0)**.

- 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, 2011 AND ENDING SEPTEMBER 30, 2012; 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 8:08, no one came forward therefore he closed the public hearing at 8:08 and made a motion to approve. The motion was seconded by Councilman Merida and was unanimously approved by individualized voice vote **(5-0)**.

- 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, 2011 AND ENDING SEPTEMBER 30, 2012; 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 8:08, no one came forward therefore he closed the public hearing at 8:08 and made a motion to approve. The motion was seconded by Councilman Merida and was unanimously approved by individualized voice vote **(5-0)**.

- 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, 2011, AND ENDING SEPTEMBER 30, 2012; 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 8:09, no one came forward therefore he closed the public hearing at 8:09 and made a motion to approve. The motion was seconded by Councilman Merida and was unanimously approved by individualized voice vote **(5-0)**.

- L) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE NW DISTRICT DEBT SERVICE FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; 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 8:09, no one came forward therefore he closed the public hearing at 8:09 and made a motion to approve. The motion was seconded by Councilman Merida and was unanimously approved by individualized voice vote **(5-0)**.

- M) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE NW DISTRICT SPECIAL ASSESSMENT CAPITAL IMPROVEMENT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012; 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 8:10, no one came forward therefore he closed the public hearing at 8:10. Before the vote Chairman Garcia took the opportunity to express his gratitude to the department heads and namely Mr. Marcos Piloto for all his hard work on the budget. He also thanked the Mayor for being the city's foundation stating that while other cities were struggling with layoffs and increasing the tax burden to its residents, we have been able to sail through due to his fiscal responsibility. 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:** Mr. Citrin reported on the successful closing on the bond issue and thanked Mayor De La Cruz first and foremost, as well as Mr. Marcos Piloto and Mr. Joe Lopez for their work on the project. Mr. Citrin also reported that the CBS sign is moving forward and the city should be receiving the revenue due. He thanked Mrs. Mirtha Gonzalez for her work on the billboard project. Mr. Citrin continued in thanking those individuals involved in the budget process and closed by thanking Ms. Maria Joffee for her work as City Clerk.
- 12. Mayor's Report – Miscellaneous:** Mayor De La Cruz thanked his department heads for their work especially Mr. Marcos Piloto for his frugality and Mr. Joe Lopez for being a problem solver. He also thanked Deputy Chief Zardon, Captain Luis Diaz and his assistant Mr. William Rodriguez for their support and hard work on behalf of the city and its residents. He went on to commend Mr. Charles Citrin, who had become more than just his city attorney, but whom he considered to be like family. He thanked him for his eleven years of service and legal advice and most recently for his work on the billboard project.
- 13. Council Members Concerns / Reports/ Board Appointments:** No comments
- 14. Adjournment:** The meeting was adjourned at 8:13 p.m.

Respectfully submitted by:

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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 4, 2011, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, September 26, 2011, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, October 6, 2011, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, September 28, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.