

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, September 21, 2011
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman, Jorge Gutierrez and Councilman Elmo L. Urra. Also present were Mayor Yioset De La Cruz and City Attorney Charles Citrin. Councilman Rolando Piña and Councilman Jorge A. Merida were 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:** Resolutions regarding employee insurance were added as **Item 10 C.** and **Item 10 D.**
- 6. Review of Minutes:** September 21, 2011. Chairman Garcia made a motion to approve the minutes of September 21, 2011, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Discussion of construction bids for improvements to NW District:

Mr. Joe Lopez, Public Works Director.

- **PW-11-100 NW District Infrastructure Improvements Roadways**
- **PW-11-110 NW District Infrastructure Improvements Sewer Collection**
- **PW-11-120 NW District Infrastructure Improvements Water Distribution**

Mr. Joe Lopez, Public Works Director came forward and informed the council that the department had broken ground on the NW District Improvements project on September 1, 2011. They started by doing earthwork and uncovered unexpected and unsuitable material under NW 112 Avenue. Mr. Lopez stated that during the design phase of the project they did not have access to wetland areas and therefore could not do testing until the State gave approval. What was found were pockets of mud and muck that exceed four feet in some places. Fill material in these types of projects is the most expensive component and prices for fill quoted in the bids received were extremely high. In order to assure that the project schedule and budget is met Mr. Lopez is requesting that all bids be rejected and that the City do the work in house. He is confident that he will be within budget and will come before council with complete construction budgets for all three projects. Chairman Garcia made a motion to approve seconded by Councilman Gutierrez. The motion was unanimously approved.

9. Discussion of waiver of Miami-Dade County Section 2-11.1(w) concerning travel expenses: Mr. Charles A. Citrin, City Attorney.

Mr. Citrin explained that the City is governed by Miami-Dade County code section 2-11. One of the items not permitted under this code is to accept assistance with travel, however there is an exception whereby the county waives this section when the travel is in the best interest of a governmental entity and allows cities to do the same. The Mayor has been negotiating a potential investment opportunity for the annexation area which might require travel and did not want to use city funds. The potential developer has offered to pay all travel expenses and therefore Mr. Citrin sought and received a written opinion from the Miami-Dade Ethics Commission stating that this does not violate the 2-11.1 waiver limitations. He asked the Council at this time to make a motion to waive the regulation under 2-11.1 (e)(w) under the Miami-Dade County code. Chairman Garcia made said motion, seconded by Councilman Gutierrez. The motion was unanimously approved.

10. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION OF A CONTRACT WITH ALBERNI CABALLERO & COMPANY,

LLP AS THE CITY AUDITORS; AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION BETWEEN THE CITY OF HIALEAH GARDENS AND ALBERNI CABALLERO & COMPANY, LLP; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and read his memo into the record recommending the extension of the contract with the city's auditors based on past performance and pricing. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. 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. Ms. Aida Martinez-Ruiz serving as Personnel Director came forward and recommended that the city renew the health insurance coverage for employees with Coventry Health Care Plan. After review of all quotes received Coventry premiums were very competitive and the city has been satisfied with their past service. At this time Ms. Martinez-Ruiz also recommended approving the supplemental insurance coverage with All State Insurance in order to cover the hospitalization deductible of the Coventry plan which will be addressed in the following resolution. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved. Mr. Citrin took this opportunity to commend Ms. Martinez-Ruiz for her work on the insurance proposals.

- 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. The resolution serves to approve the supplemental insurance coverage for city employees with All State Insurance. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

- D) 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 LINCOLN FINANCIAL/ JEFFERSON PILOT 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. Ms. Martinez- Ruiz explained that two proposals had been received and that Lincoln Financial / Jefferson Pilot continued to provide a more competitive rate. Chairman Garcia made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

11. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AS AMENDED, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY CREATING A NEW SECTION 78-178 ENTITLED "OPT-OUT OF MIAMI-DADE COUNTY CODE FOR BILLBOARDS IN PROXIMITY TO EXPRESSWAYS"; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin 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 upon second reading. Chairman made a motion to approve, seconded by Councilman Gutierrez. The motion was unanimously approved.

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 SPECIAL EXCEPTION FOR DON CAMARON SEAFOOD GRILLE & MARKET RESTAURANT, LOCATED AT 9491 NW 77th 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 swore in all those individuals who would be providing testimony on items for public hearing. He continued to read the full title of the ordinance into the record. Mr. Miguel Alvarez, owner of Don Camaron Seafood Grille & Market Restaurant was present. Mrs. Mirtha Gonzalez, Chief Zoning official came forward at this time and read her memo into the record recommending the approval of a special exception for the sale of alcohol under a 4COP license for the establishment. Chairman Garcia opened the public hearing at 8:01 p.m. No one came forward therefore he closed the public hearing at 8:01 and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 of the record. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and explained that this was a city initiated process which is being offered as a result of the demand for the development of industrial use facilities in the annexation area. The area affected is comprised of 28 parcels on approximately 108 acres of land which is presently zoned MU-E (Mixed Use Entertainment). The proposed change is consistent with the

Comprehensive Plan and compatible with existing zoning categories in the area. Chairman Garcia opened the public hearing at 8:02 p.m. No one came forward therefore he closed the public hearing at 8:02 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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. Mayor De La Cruz stated that Ordinances 12C through 12M had been opened for discussion at the previous meeting. Chairman Garcia opened the public hearing at 8:03 p.m. No one came forward he therefore closed the public hearing at 8:03 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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. Chairman Garcia opened the public hearing at 8:03 p.m. No one came forward he therefore closed the public hearing at 8:03 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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. Chairman Garcia opened the public hearing at 8:04 p.m. No one came forward he therefore closed the public hearing at 8:04 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 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 8:04 p.m. No one came forward he therefore closed the public hearing at 8:04 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 8:05 p.m. No one came forward he therefore closed the public hearing at 8:05 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 8:05 p.m. No one came forward he therefore closed the public hearing at 8:05 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 8:06 p.m. No one came forward he therefore closed the public hearing at 8:06 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 8:06 p.m. No one came forward he therefore closed the public hearing at 8:06 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 8:07 p.m. No one came forward he therefore closed the public hearing at 8:07 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 8:08 p.m. No one came forward he therefore closed the public hearing at 8:08 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)**

- 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 8:08 p.m. No one came forward he therefore closed the public hearing at 8:08 p.m. and made a motion to approve. The motion was seconded by Councilman Gutierrez and unanimously approved by individualized voice vote. **(3-0)** Chairman Garcia took this opportunity to once again thank the Mayor, Mr. Marcos Piloto and the City Department Heads for an excellent job on the budget this year.

- 13. City Attorney's Report:** Mr. Citrin stated that the Legislature had passed legislation outlawing local regulation of firearms and ammunition with penalties for violating state preemption. Mr. Citrin has had some discussion with the Mayor and Chief Toth and will come back with ordinances at next meeting to address this issue as the city's present ordinances are probably unenforceable at the moment. Mr. Citrin will keep the council informed as to any appeals process of this legislation as it makes its way through the courts.
- 14. Mayor's Report – Miscellaneous:** No comments
- 15. Council Members Concerns / Reports/ Board Appointments:** No comments
- 16. Adjournment:** The meeting was adjourned at 8:10 p.m.

Respectfully submitted by:

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 18, 2011, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, November 7, 2011, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Wednesday, October 26, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.