

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, SEPTEMBER 2, 2008**

**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 Elmo L. Urra, Councilman Jorge Gutierrez, Councilman Jorge A. Merida and Councilman Rolando Piña. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. 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:** An ordinance adopting the annual budget for the CITT Fund was added as Item 11I.
6. **Review of Minutes:** August 5, 2008. Chairman Garcia made a motion to approve the minutes of August 5, 2008, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Presentation of Distinguished Public Service Award to Master Daniel Espinosa, and Certificates of Recognition to students of Lion Heart Martial Arts School:** Mayor Yioiset De La Cruz.

Mayor De La Cruz gave a presentation of awards to Lion Heart Martial Arts School students:

Javier Rodriguez	Daniel Miranda	Jose Hernandez
Johnathan Valle	Franco Paz	Almidien Moreno
Jorge García	Bryan Suárez	Paul Lindo
Carlos Santos	Joseph Aguilar	Luis Espinosa
Ariel Guzmán	Ernesto Pérez	Gabriel Corthon
Cesar Castillo	Joshua Castillo	Omar Adel
Karim Adel	Amani Adel	Jonathan Alfonso
Eduardo Carrocena	Antonio Hernández	Jonathan Aguilar
Ashley Valido	Alexis Serna	Reynaldo Valdes

A Distinguished Public Service Award was given to Master Daniel Espinosa for his dedication to his students and the community. Mayor De La Cruz was presented with an Honorary Black Belt by the students.

9. **Presentation of Distinguished Public Service Awards to Mr. Dwayne Novak and Mr. Raul Cortina of Wal-Mart Super Store:** Mayor Yioiset De La Cruz.

Mayor De La Cruz presented Distinguished Public Service Awards to Mr. Dwayne Novak and Mr. Raul Cortina. Ms. Fabiola Gonzalez and Ms. Zuly Perez were acknowledged for the city's appreciation to Wal-Mart for always helping the community with donations for needy residents.

10. **Proposed Resolution:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HIALEAH GARDENS AND THE FRATERNAL ORDER OF POLICE COMMENCING UPON THE RATIFICATION OF BOTH PARTIES AND EXPIRING ON SEPTEMBER 30, 2010; PROVIDING FOR THE IMPLEMENTATION OF SUCH AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and gave details of the agreement. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE CODE OF ORDINANCES BY MODIFYING AND AMENDING CHAPTER 46, TAXATION

AND FINANCE, TO (1) ADOPT A NEW REVISED AND RESTRUCTURED FEE SCHEDULE AND CLASSIFICATION SYSTEM FOR "OCCUPATIONAL LICENSE TAXES" (HENCEFORTH TO BE KNOWN AS "LOCAL BUSINESS TAXES"), AND (2) TO CONFORM WITH REVISIONS TO FLORIDA STATUTES CHAPTER 205 BY CHANGING ALL REFERENCES IN THE CITY CODE OF ORDINANCES FROM "OCCUPATIONAL LICENSE TAX" TO "LOCAL BUSINESS TAX" AND FROM "OCCUPATIONAL LICENSE" TO "LOCAL BUSINESS TAX RECEIPT"; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a city initiated request. 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 approved by individualized voice vote **(5-0)**.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009, AT 4.9 MILLS, WHICH IS A DECREASE OF 2.29% 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 ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:11 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 11 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:14 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 14 p.m. A motion to

approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PARK TRUST FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:15 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 15 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- E) 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, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:16 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 16 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- F) 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, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:17 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:17 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- G) 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, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:18 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 18 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- H) 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, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:19 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 19 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

- I) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE CITT FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. This is a public hearing. Chairman Garcia opened the public hearing at 8:20 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 20 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(Vote 5-0)**.

12. **Second Reading / Public Hearing for consideration and final adoption of the following ordinance:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A FINAL PLAT FOR FDC COMMERCIAL PARK CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT Z OF SHOMA COMMERCIAL REPLAT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 161 AT PAGE 100 OF PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; TOGETHER WITH A PORTION OF TRACT Y OF SAID PLAT; AND TOGETHER WITH A PORTION OF TRACT "C", HOME DEPOT-HIALEAH GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 166 AT PAGE 62 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID LANDS BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A. FOLIO #: 27-2030-015-0090. LOCATION: 10990 N.W. 138 STREET. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin swore in all those who would be testifying on the item for second reading and read the full title of the ordinance into the record. Ms. Jane Storms was present for the applicant. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and read staff recommendation. Chairman Garcia opened the public hearing at 8:24 p.m. No one came forward; Chairman Garcia closed the public hearing at 8: 20 p.m. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote (**4-0** with Councilman Gutierrez abstaining from voting).

13. **City Attorney's Report:** Mr. Citrin had no comments.
14. **Mayor's Report – Miscellaneous – Board Appointment (Personnel Review Board)**

Mayor De La Cruz introduced Mr. Jorge Viñas, Mr. Robert Lorenzo, and Water and Sewer Board member Mr. Joseph Sosa who were in the audience.

15. **Council Members Concerns / Reports - Board Appointments (Personnel Review Board)**

There were no comments from the council members.

16. **Adjournment:** The meeting was adjourned at 8:26 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 7, 2008, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, October 6, 2008, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, October 9, 2008, 11:30 A.M.

**WATER AND SEWER BOARD**

Tuesday, September 23, 2008, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.