

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, SEPTEMBER 16, 2008**

**CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:35 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo L. Urra, and Councilman Jorge A. Merida. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent. Councilman Jorge Gutierrez joined the meeting at 7:47 p.m.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** A report on AIG Retirement was added as Item 9A.
6. **Review of Minutes:** September 2, 2008. Chairman Garcia made a motion to approve the minutes of September 2, 2008, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for approval of 4 COP alcohol beverage license for Perla Del Sur Restaurant, 9160 N.W. 122<sup>nd</sup> Street Bay 1–5, Hialeah Gardens, Florida:** Mr. Miguel Angel Toledo, Owner.

The following individuals came forward and gave testimony:

Mr. Miguel Angel Toledo, owner  
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz, Director of Administration came forward and read staff's recommendation for approval of the 4COP alcohol beverage license into the record. No one addressed the item. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. **Opening of sealed bids for Roadway expansion/drainage improvements of N.W. 122<sup>nd</sup> Street from N.W. 97<sup>th</sup> Avenue to Hialeah Gardens Boulevard (Bid No. PW 08-120):** Mr. Jose M. Lopez, Public Works Director.

Mr. Jose M. Lopez, Director of Public Works came forward and opened the following bid:

Acosta Tractors, Inc.	\$1,110,051.90	15% contingency
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Mr. Lopez will review the bid presented and return with a recommendation at the next council meeting.

- 9A. **Report on AIG Retirement: Mr. Tom Blake, CLU, ChFC District Manager, Team South District.**

Mr. Citrin stated for the record that he was licensed by AIG and American General Insurance but was not a share holder nor participates in any of their decisions. Mr. Blake came forward and gave a report on the status of AIG Retirement as it affects city employees.

10. **Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING THE RENEWAL OF AN AGREEMENT FOR THE CITY'S PROPERTY, LIABILITY, AUTOMOBILE AND WORKER'S COMPENSATION INSURANCE BETWEEN THE FLORIDA LEAGUE OF CITIES 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. Mrs. Aida Martinez-Ruiz, Director of Personnel came forward and gave information regarding the

city's insurance stating that the city will remain with the Florida League of Cities. The premiums decreased because of more safety precautions and a lower accident rate. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S HEALTH INSURANCE BETWEEN VISTA HEALTH PLAN AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin relinquished the chair for Items B and C to Mrs. Aida Martinez-Ruiz who read the full title of the resolution into the record regarding the health insurance items and gave a report on the criteria for renewing the contract with Vista Health Plan. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S SUPPLEMENTAL HEALTH INSURANCE BETWEEN COLONIAL SUPPLEMENTAL INSURANCE AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Mrs. Aida Martinez-Ruiz read the full title of the resolution into the record and gave a report on the supplemental health insurance coverage. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR METRO BANK OF DADE COUNTY, FOR A TEMPORARY BANK FACILITY, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "B" OF "DON QUIJOTE PLAZA", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 157, AT PAGE 1, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOLIO #27-2032-015-0020. LOCATION: BETWEEN 98 AVENUE AND OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 3-0)

Mr. Citrin read the full title of the ordinance into the record. Ms. Lisa Barrowman was present for the applicant. 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 (**4-0**).

12. **Second Reading / Public Hearing for consideration and final adoption 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 5 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 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. This is a city-initiated item. Mr. J. Frost Walker III came forward gave details of the ordinance. Chairman Garcia opened the public hearing at 8:01 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:01 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**).

- 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. Chairman Garcia opened the public hearing at 8:03 p.m. No one came forward; Chairman Garcia

closed the public hearing at 8:03 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

- 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. Chairman Garcia opened the public hearing at 8:04 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:04 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

- 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. Chairman Garcia opened the public hearing at 8:05 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:05 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

- 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. Chairman Garcia opened the public hearing at 8:05 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:05 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

- 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. Chairman Garcia opened the public hearing at 8:06 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:06 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

- 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. Chairman Garcia opened the public hearing at 8:07 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:07 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

- 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. Chairman Garcia opened the public hearing at 8:08 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:08 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

- I) 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, 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. Chairman Garcia opened the public hearing at 8:09 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:09 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

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

Mayor De La Cruz made comments regarding the budget year and thanked Mr. Marcos Piloto, the council members and staff for a great year and all their hard work.

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

Councilman Urrea thanked Mr. Blake for his presentation. Chairman Garcia reminded everyone of the upcoming Police Pension Board Election and is looking forward to another good year.

16. **Adjournment:** The meeting was adjourned at 8:14 p.m.

Respectfully submitted by:

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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 21, 2008, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, November 10, 2008, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, November 6, 2008, 11:30 A.M.

**WATER AND SEWER BOARD**

Tuesday, October 28, 2008, 7:00 P.M.

**POLICE PENSION BOARD**

Monday, December 15, 2008, 5:30 P.M.