

MINUTES

CITY OF HIALEAH GARDENS TUESDAY, SEPTEMBER 18, 2007

HOLLINGSWORTH HALL SENIOR CENTER 10003 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, and Councilman Jorge A. Merida. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent.
3. **Invocation:** Chairman Garcia led 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 4, 2007. Chairman Garcia made a motion to approve the minutes of September 4, 2007, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for approval of 2COP alcohol beverage license for Telemundo Terraza Restaurant/Cafeteria No. 2, 9101 W. Okeechobee Road, Hialeah Gardens, Florida:** Mr. Osvaldo Armero, Owner.

The following individuals came forward and gave testimony:

Mr. Osvaldo Armero, owner
Mr. Elso Alimar, interpreter for Mr. Armero
Mr. Arturo L. Ruiz, Director of Administration

Mr. Arturo L. Ruiz, Director of Administration came forward and read staff's recommendation for approval with conditions of the 2COP alcohol beverage license into the record. No one addressed the item. Mr. Armero understood and agreed to the conditions set by staff. Mayor De La Cruz asked if he had any relation to the previous owner, to which Mr. Armero replied that he did not. Chairman Garcia made a motion to approve with the stipulations made by staff, seconded by Councilman Merida. The motion was unanimously approved.

9. **Recommendation of City's Workers Compensation, Liability, Property, and Automobile insurance R.F.P. No. 2007-04:** Aida Martinez-Ruiz, Assistant City Attorney.

Mrs. Aida Martinez Ruiz, Assistant City Attorney came forward and gave staff review of proposals received from Brown and Brown and the Florida League of Cities. Recommendation was made to continue with the League of Cities, which was offering the same rate and coverage as last year. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

10. **Proposed Resolutions:**

- A) 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. This resolution serves to memorialize the action taken at the last council meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS APPROVING AND AUTHORIZING THE ISSUANCE BY THE CITY OF HIALEAH GARDENS HEALTH FACILITIES AUTHORITY (THE "AUTHORITY") OF CITY OF HIALEAH GARDENS HEALTH FACILITIES AUTHORITY REVENUE AND REVENUE REFUNDING BONDS, SERIES 2007 (CATHOLIC HEALTH SERVICES OBLIGATED GROUP FACILITIES) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$55,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO

BE USED, TOGETHER WITH OTHER AVAILABLE MONEYS, TO (I) REFUND ON A CURRENT BASIS THE \$14,355,000 CITY OF NORTH MIAMI HEALTH FACILITIES AUTHORITY REVENUE BONDS, SERIES 1996 (CATHOLIC HEALTH SERVICES OBLIGATED GROUP FACILITIES), WHICH WERE ISSUED TO FINANCE AND REFINANCE IMPROVEMENTS TO THE HEALTH CARE FACILITIES OWNED BY MEMBERS OF THE OBLIGATED GROUP, (II) REFINANCE CERTAIN OUTSTANDING DEBT OF THE OBLIGATED GROUP, (III) FINANCE THE COST OF THE ACQUISITION AND CONSTRUCTION OF A REHABILITATION HOSPITAL KNOWN AS ST. CATHERINE'S WEST REHABILITATION HOSPITAL TO BE LOCATED IN THE CITY OF HIALEAH GARDENS, (IV) FINANCE THE COSTS OF VARIOUS CAPITAL IMPROVEMENTS, (V) PAY FOR THE ROUTINE CAPITAL EXPENDITURES OVER THE NEXT THREE (3) YEARS OF ANY AND ALL OF THE OBLIGATED GROUP, AND (VI) PAY CERTAIN COSTS OF ISSUANCE OF THE SERIES 2007 BONDS TO BE ISSUED UNDER THE PROVISIONS OF A TRUST INDENTURE (THE "BOND INDENTURE") AND A LOAN AGREEMENT, AND TO BE FURTHER SECURED BY A MASTER TRUST INDENTURE, A SUPPLEMENTAL MASTER TRUST INDENTURE NO. 7, A SERIES 2007 NOTE NO. 1 AND A GUARANTY AGREEMENT; PROVIDING THAT THE SERIES 2007 BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF THE CITY OF HIALEAH GARDENS OR OF THE STATE OF FLORIDA OR OF ANY OTHER POLITICAL SUBDIVISION THEREOF BUT SHALL BE LIMITED OBLIGATIONS OF THE AUTHORITY PAYABLE SOLELY FROM THE REVENUES PROVIDED THEREFOR UNDER THE BOND INDENTURE; APPROVING AND AUTHORIZING THE SALE AND DELIVERY OF THE SERIES 2007 BONDS TO MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED PURSUANT TO A NEGOTIATED SALE; APPROVING AND AUTHORIZING THE DELEGATION TO THE CHAIRMAN, OR IN HIS ABSENCE, THE VICE CHAIRMAN, THE AUTHORITY TO FIX THE TERMS OF THE SERIES 2007 BONDS AND OTHER DETAILS WITHIN THE PARAMETERS SET FORTH HEREIN; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE AUTHORITY OF A BOND INDENTURE, A LOAN AGREEMENT, AN INTERLOCAL AGREEMENT, AN ESCROW DEPOSIT AGREEMENT AND A BOND PURCHASE AGREEMENT; APPROVING THE EXISTING MASTER TRUST INDENTURE AND THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL MASTER TRUST INDENTURE NO. 7 FOR SERIES 2007 NOTE NO. 1 AND SERIES 2007 NOTE NO. 2, A GUARANTY AGREEMENT, A MORTGAGE AND A CONTINUING DISCLOSURE AGREEMENT; PROVIDING FOR CREDIT

SUPPORT FOR THE SERIES 2007 BONDS IN THE FORM OF AN IRREVOCABLE, DIRECT-PAY LETTER OF CREDIT TO BE ISSUED BY SUNTRUST BANK, AND THE EXECUTION AND DELIVERY OF A REIMBURSEMENT AND CREDIT AGREEMENT IN CONNECTION WITH THE LETTER OF CREDIT; APPROVING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT; APPROVING THE APPOINTMENT OF U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE UNDER THE BOND INDENTURE AND ESCROW AGENT UNDER THE ESCROW DEPOSIT AGREEMENT; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This item was previously discussed at the Health Facilities Authority meeting. No one addressed the item. 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, AUTHORIZING THE PURCHASE OF ONE (1) TRASH DUMP TRUCK; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECTURE AN AGREEMENT WITH INTERNATIONAL TRUCK CORP.; UTILIZING AN EXISTING STATE OF FLORIDA CONTRACT; 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 read staff recommendation into the record to utilize an existing state contract for the purchase of a dump truck from International Truck Corporation. Approval by the council at this time will allow a purchase order to be issued although payment will not be made until the next fiscal year. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

11. Second Reading / Public Hearing for consideration and final adoption of the following ordinances:

Mr. Citrin swore in all those who would be testifying on the item for second reading.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR CLODOMIRO PEREZ.
LEGAL DESCRIPTION: PARENT TRACT: TRACT 3, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO.1, IN SECTION 29. 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 MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: N.W. 97TH AVENUE & 135TH STREET, HIALEAH GARDENS, FLORIDA. FOLIO #: 27-2029-001-0032; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0; P&Z Vote n/a)**

Mr. Citrin read the full title of the ordinance into the record and read staff's recommendation. Mr. Carlos Saad was present for the applicant and was sworn in at this time. Chairman Garcia opened the public hearing at 7:51 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:51 p.m. Chairman Garcia made a motion to approve, 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, 2007 AND ENDING SEPTEMBER 30, 2008 REDUCING THE PREVIOUSLY ADOPTED MILLAGE OF 6.12 TO 4.909 MILLS, WHICH IS A DECREASE OF 9.00% OF THE 5.395 ROLL BACK RATE AS PER HOUSE BILL HB 1B REFORM LEGISLATION OF 2007; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the public hearing at 7:52 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:52 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, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia opened the public hearing at 7:53 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:53 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, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia opened the public hearing at 7:53 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:53 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, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia opened the public hearing at 7:54 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:54 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, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia opened the public hearing at 7:54 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:54 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, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia opened the public hearing at 7:55 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:55 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, 2007 AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Chairman Garcia opened the public hearing at 7:56 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:56 p.m. Chairman Garcia made a

motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote (**4-0**).

12. City Attorney's Report:

Mr. Citrin complimented the administration for their fine work on the budget.

13. Mayor's Report – Miscellaneous:

Mayor De La Cruz commented that there is a tentative agreement with the PBA, which will be voted on sometime this week. Mayor De La Cruz also stated that it was a fair contract and the department is happy as well. He also thanked all department directors and the city council. Despite the reduction in the roll back rate, the City did not have to cut services, will be hiring more employees and police officers and purchasing new equipment.

14. Council Members Concerns/Reports – Board Appointments (Police Pension Board)

Chairman Garcia made comments on the budget process and the difficulties that many cities and counties have been going through. We have been able to go through this process relatively painlessly with Mayor De La Cruz's leadership and the City's strong fiscal position. He also congratulated the Mayor on his work in the previous year that allowed this budget process to be less stressful.

Councilman Gutierrez commented on the City's past history and how this administration has been able to turn things around.

15. Adjournment: The meeting was adjourned at 8:04 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 16, 2007, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 22, 2007, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, October 18, 2007, 4:00 P.M.

WATER AND SEWER BOARD

Tuesday, October 23, 2007, 7:00 P.M.

POLICE PENSION BOARD

T.B.A.