

MINUTES

CITY COUNCIL MEETING
TUESDAY, JUNE 7, 2005

CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:42 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge Gutierrez, Councilman Manuel Zardon and Councilman Rolando Piña. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin. Councilman Jorge Merida joined the meeting at 7:45 p.m.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yioset De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** May 17, 2005. Chairman Garcia made a motion to approve the minutes of May 17, 2005, seconded by Councilman Gutierrez. The motion was unanimously approved.
7. **Public Comments:** No one came forward.
8. **Discussion of schedule for summer recess:** Chairman Garcia stated that the City Council would be taking a recess in the month of July.
9. **Discussion regarding Bus Bench Advertising:** Mr. Marcos Piloto, O.M.B. Director.

Mr. Marcos Piloto came forward and explained that a sealed bid was received for bus bench advertisement from Culver Amherst at the last council meeting. The minimum license fee was not met, therefore the bid is deemed non responsive and was rejected. At this time, Mayor De La Cruz recommended to table the item. Chairman Garcia made a motion to table the item seconded by Councilman Gutierrez. The motion was unanimously approved. **(Tabled)**

10. **Proposed Resolutions:**

A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING THE RENEWAL FOF THE AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION, STATE OF FLORIDA, AND THE CITY OF HIALEAH GARDENS CONCERNING TURF AND LANDSCAPE MAINTENANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full resolution into the record. Mr. Marcos Piloto, O.M.B. Director came forward and explained the details of the renewal contract with the Florida Department of Transportation regarding the turf and landscape maintenance agreement. 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, AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS TO NW 107TH AVENUE; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXTEND AN AGREEMENT WITH SOUTHEASTERN ENGINEERING; 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. Jose M. Lopez, Public Works Director gave details to extend the agreement with Southeastern Engineering for roadway improvements to NW 107 Avenue. 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 DENTAL INSURANCE BETWEEN FORTIS AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full resolution into the record in the absence of Aida Martinez-Ruiz. Mr. Marcos Piloto, O.M.B. Director came forward and gave details of the proposals received from Cigna and Fortis, the City's current carrier for the employees' dental insurance plan. Staff recommendations are to continue to utilize the current plan with Fortis. This plan has no increase in premiums for HMO participants and the rate increase for PPO members is minimal. Ms. Samantha Alvarez representing Brown & Brown our agent was present. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

Mr. Citrin complimented Mrs. Aida Martinez Ruiz on her efforts and the fine job done.

Mr. Citrin asked the Council to add to the Agenda a discussion on the approval of the Sanitary Sewer Evaluation study at the end of the meeting prior to the City Attorney's Report.

D) RESOLUTION OF THE CITY HIALEAH GARDENS, FLORIDA APPROVING AND RATIFYING AN AGREEMENT NAMING AIG/VALIC AS THE CITY'S THIRD PARTY ADMINISTRATOR FOR THE EMPLOYEE PENSION PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full resolution into the record in the absence of Aida Martinez-Ruiz. This resolution will serve to ratify the action taken at the last meeting to enter into a contract with AIG/Valic as the City's third party administrator for the employee pension plan. 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 items for second reading.

A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCES, AND SITE PLAN REVIEW FOR: HG WAREHOUSE LLC. FOR A PROPOSED WAREHOUSE BUILDING, CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOTS 19, 20 & 21, BLOCK 1, SUBDIVISION "HILLS INDUSTRIAL PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 120, AT PAGE 44, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA FOLIOS # 27-2033-004-0190, 27-2033-004-0200, 27-2033-004-0210. APPROXIMATE LOCATION: SOUTH OF NW 119 STREET, EAST OF NW 92 AVENUE, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: South of NW 119 Street, East of NW 92 Avenue) (P&Z Vote: 3-0 with A. Perez abstaining from voting; T.R.C. Vote 1-4 M. Gonzalez in favor)

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Osman came forward and gave a detailed explanation of the variances and site plan. Chairman Garcia opened the public hearing for a side setback variance at 8:05 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:05 p.m. A motion to approve a variance of a five foot side setback was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)** Chairman Garcia opened the public hearing for a variance to allow a trash enclosure in the greenbelt area at 8:07 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:07 p.m. A motion to approve a variance to allow a trash enclosure in the greenbelt area was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by

individualized voice vote. **(5-0)** Chairman Garcia opened the public hearing for a one-foot variance at 8:15 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:15 p.m. A motion to approve a variance of one-foot from the property line to the parking area was made by Chairman Garcia, seconded by Councilman Merida. The motion was approved by individualized voice vote. **(5-0)** A motion to approve the site plan was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(5-0)**

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR ELORE ENTERPRISES, INC. / PALACIOS USA, CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT K AND L, SHOMA COMMERCIAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 160, PAGE 69, OF THE PUBLIC RECORDS OF THE MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: WEST OF NW 107 AVENUE AND NORTHEAST OF OKEECHOBEE ROAD. FOLIOS #: 27-2030-014-0110, 27-2030-014-0120, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: West of NW 107 Avenue and Northeast of Okeechobee Road.) (P&Z Vote: 4-0; T.R.C. Vote 5-0)

Mr. Citrin read the full title of the ordinance into the record. Mr. Luis Rosas was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. 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 and unanimously approve by individualized voice vote. **(5-0)**.

C) ORDINANCE OF THE OF HIALEAH GARDENS, FLORIDA APPROVING A TENTATIVE PLAT FOR HIALEAH GARDENS GOVERNMENT HUB, CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF TRACT 31 OF "FLORIDA FRUIT LANDS 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: BETWEEN NW 104 AVE AND NW 107 AVE, SOUTH OF NW 137 STREET. FOLIO #: 27-2029-001-0310, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: Between NW 104 Avenue and NW 107 Avenue, South of NW 137 Street) (P&Z Vote: 4-0; T.R.C. Vote 5-0)

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated application. Chairman Garcia opened the public hearing at 8:21 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:21 p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Merida and unanimously approve by individualized voice vote. **(5-0)**

- D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 05.01.1 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM MOR (MODERATE SINGLE FAMILY RESIDENTIAL DISTRICT) AND BU (BUSINESS DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: PORTIONS OF TRACTS 33, 34 AND 35 IN SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, 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: BETWEEN NW 114 STREET AND WEST OKEECHOBEE ROAD. FOLIO #: 27-2033-001-0381; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Between NW 114 Street and West Okeechobee Road) (P&Z Vote: 3-1 S. Cordero against; T.R.C. 4-1 K. Joy against)**

Mr. Citrin read the full title of the ordinance into the record. Mr. Simon Ferro was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Ferro came forward and gave a presentation on the project. He voluntarily proffered a contribution to the City of \$100,000 to defer costs. Mr. Citrin added comments that he would like more to time to review the covenant dealing with unit limitations. Chairman Garcia opened the public hearing at 8:33 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:33p.m. Councilman Merida made a motion to approve, seconded by Councilman Zardon. The motion was approved by individualized voice vote. (3-2) with Chairman Garcia and Councilman Peña voting against.

A recess was called at 8:34 p.m.

The meeting reconvened at 8:38 p.m.

- E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, APPROVING AND TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) THE APPLICATION REQUESTING AN AMENDMENT 05.01.2 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU (BUSINESS DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). LEGAL DESCRIPTION: FOLIO # 27-2033-001-0593: A PORTION OF TRACT 48 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY’S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO # 27-2033-001-0370: A PORTION OF TRACTS 33 AND 34**

OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; FOLIO # 27-2033-001-0596: A PORTION OF TRACT 48, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE SW 1/4 OF SECTION 33, TOWNSHIP 52 SOUTH, RANGE 40 EAST AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA. APPROXIMATE LOCATION: NORTHEAST OF OKEECHOBEE ROAD AND SOUTH OF NW 114 STREET; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (Location: Northeast of Okeechobee Road and South of NW 114 Street) (P&Z Vote: 3-1 S. Cordero against; T.R.C. 4-1 K. Joy against)

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Mr. Osman came forward and gave a presentation on the project. Chairman Garcia opened the public hearing at 9:00 p.m. No one came forward; Chairman Garcia closed the public hearing at 9:00 p.m. Councilman Merida made a motion to approve, seconded by Councilman Zardon. The motion was approved by individualized voice vote. (3-2) with Chairman Garcia and Councilman Peña voting against.

F) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ORDINANCE 2003-27 FINAL PLAT FOR PALMETTO-103 PROPERTIES, LLC APPROVING A CHANGE OF NAME TO 9880, LLC. LEGAL DESCRIPTION: A PORTION OF TRACT 9 AND 10 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-3003-001-0142. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. Mr. John Nagelis was present for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 9:13 p.m. No one came forward; Chairman Garcia closed the public hearing at 9:13p.m. A motion to approve was made by Chairman Garcia seconded by Councilman Merida and unanimously approve by individualized voice vote. (5-0)

Discussion of Sanitary Sewer Evaluation Study: Charles A. Citrin

Mr. Citrin gave a report on the county mandated inflow/infiltration study of the City's sanitary sewer system. U.R.S. Corporation, the company approved by the City is ready to

begin the actual work that requires thirty (30) flow meters. The county through Mr. Albert Neilson's efforts has agreed to allow the City these flow meters at no cost, which would have cost the City \$4,000 each. However, these flow meters have to be calibrated at a cost of \$875 each. In addition, there is an extra \$600-\$700 in expenses. Chairman Garcia made a motion to approve the continuation of this study, seconded by Councilman Merida. The motion was unanimously approved.

12. **City Attorney's Report-** Mr. Citrin had no comments.
13. **Mayor's Report – Miscellaneous-** Mayor De La Cruz had no comments.
14. **Council Members Concerns/Reports – Board Appointments-** Council members had no comments
15. **Adjournment:** The meeting was adjourned at 9:10 p.m.

Respectfully submitted by:

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, June 21, 2005, 7:30 P.M.
July Recess

PLANNING AND ZONING BOARD

Monday, June 13, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, July 6, 2005, 11:30 A.M.

WATER AND SEWER BOARD

T.B.A.

POLICE PENSION BOARD

Wednesday, June 22, 2005, 7:00 P.M.