

## MINUTES

CITY OF HIALEAH GARDENS  
THURSDAY, SEPTEMBER 8, 2005

CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE

1. **Call to Order:** Chairman Garcia called the meeting to order at 7:36 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Rolando Piña, Councilman Jorge A. Merida and Councilman Manuel Zardon. Also present were Mayor Yioiset De La Cruz and City Attorney Charles A. Citrin. Councilman Jorge Gutierrez was absent.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yioiset De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered. Item 11 will be read before Item 10.
6. **Review of Minutes:** August 16, 2005 Chairman Garcia made a motion to approve the minutes of August 16, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** Mr. Mario Medina, business owner came forward and inquired regarding the occupational license procedure. Chairman Garcia offered that Mr. Medina should contact the Occupational License Department to begin the application process.
8. **Opening of sealed bids:**

**PW-05-100 Government Complex Warehouse Building**  
**PW-05-110 Government Water and Sewer Offices**  
**PW-05-120 Hialeah Gardens Police Station**

Mr. Marcos Piloto, Director of O.M.B. came forward and stated that no bids had been received, and asked that the deadline for accepting applications be extended until October 18, 2005. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

9. **Proposed Resolution:**

- A) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AGREEING TO THE FOLLOWING PROVISIONS IN UTILIZING HOME FUNDS IN THE IMPLEMENTATION OF THE SAMARI LAKE EAST CONDOMINIUMS REHABILITATION ASSISTANCE PROGRAM; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. This resolution will serve to comply with the Miami-Dade County requirements regarding utilization of HOME funds in the Samari Lake East Condominium Rehabilitation Assistance Program. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) A RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY'S BASEBALL UNIFORMS FOR THE PARKS AND RECREATION DEPARTMENT TO MATTY'S SPORTS; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH MATTY'S SPORTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the resolution into the record. This resolution will serve to memorialize the action taken by the Council at their last meeting. 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:**

At this time, Mr. Citrin swore in all those who would be testifying on any of the items for second reading.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR DARON PROPERTIES INC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF LOTS 34, 35, 36, 37, 38, 40 AND 41, "FORREST FARMS", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 7 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA, LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE STATE ROAD 25 (U.S. HIGHWAY 27) AND SUBJECT TO DEDICATIONS, EASEMENTS OR RESTRICTIONS OF RECORD, IF ANY. FOLIOS #: 27-2032-003-0360, 27-2032-003-0370, AND 27-2032-003-0290. LOCATION: 11765 WEST OKEECHOBEE ROAD; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: 11765 West Okeechobee Road) (P&Z Vote 5-0; T.R.C. Vote: 6-0)**

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia made a motion to table the item to later in the evening, as the applicant was not present, seconded by Councilman Merida. The motion was unanimously approved (**Tabled 4-0**).

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE TO PERMIT AN EXTENSION OF THE CHARTER SCHOOL (MATER ACADEMY) WITHIN THE BUSINESS DISTRICT AND SITE PLAN REVIEW FOR ANNEX BUILDING FOR 600 STUDENTS, CONCERNING PROPERTY ADDRESS: 10505 NW 80 AVE. FOLIO #:27-3003-001-0010; PROVIDING FOR CONDITIONS, PROVIDING FOR EFFECTIVE DATE. (Location: 10505 N.W. 80 Avenue) (P&Z Vote 5-0; T.R.C. Vote 5-0)***

Mr. Citrin read the full title of the ordinance into the record. Mr. Rolando Llanes, architect came forward for the applicant. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations and details of the application. The applicant met conditions and no variances were requested. Mr. Llanes came forward and gave a presentation of the project; including the addition of new classrooms and stacking of vehicles. Ms. Judith Marty, school administrator came forward and explained that the additions would alleviate the sixth and seventh grade classes. Chairman Garcia opened the public hearing at 7:50 p.m. Ms. Niki Goenaga, owner of the Howard Johnson Plaza Hotel came forward and expressed her concerns with the traffic patterns and the effect on her business. Chairman Garcia closed the public hearing at 7:55 p.m. Mr. Llanes elaborated on the operational procedures of the school and their efforts to come up with a solution to alleviate and perfect the traffic patterns and the school's willingness to work with the business owners in the immediate area. Ms. Marty came forward, reiterated on Mr. Llanes' remarks, and added that the school has been working with the parents and the police department to reach an acceptable solution to the traffic concerns. Mayor De La Cruz mentioned that an off-duty officer has been hired and offered to meet with business owners and speak further of their concerns. Councilman Merida had questions regarding the construction schedule. Mayor De La Cruz asked if the school would be willing to donate school uniforms or in-kind services to match the City's donation of \$30,000. A motion to approve was made by Chairman Garcia, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (**Vote 4-0**).

- C) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR THE CITY OF HIALEAH GARDENS POLICE MAIN STATION CONCERNING PROPERTY LEGALLY DESCRIBED AS: ALL OF THE PORTION OF THE N.W. \_ OF THE N.W. \_ OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, DADE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF WAY OF CANAL C-7 EXTENSION AND LYING NORTH OF THE NORTHERLY RIGHT-OF WAY LINE OF N.W. 103<sup>RD</sup> STREET, AS SHOWN BY THE RIGHT-OF-WAY MAP RECORDED IN PLAT BOOK 60 AT PAGE 53 OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; LESS DEDICATIONS, IF ANY.***

**APPROXIMATE LOCATION: NORTHEAST CORNER OF NW 87 AVENUE AND NW 103 STREET. FOLIOS #: 27-3003-001-0120, 27-3003-001-0401, 27-3003-001-0410, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.** (Location: Northeast corner of N.W. 87 Avenue and N.W. 103 Street) (P&Z Vote 5-0; T.R.C. Vote 6-0)

Mr. Citrin read the full title of the ordinance into the record. This is a City initiated request. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendations. Chairman Garcia opened the public hearing at 8:05 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:05. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote (3-0) with Councilman Zardon off the dais.

**D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ARTICLE 6 OF CHAPTER II, PART III OF ORDINANCE NO. 90-33 TO PROVIDE FOR ASUPPLEMENTAL RETIREMENT BENEFIT OF TWENTY-FIVE DOLLARS PER MONTH (\$25.00) FOR EACH YEAR OF SERVICE NOT TO EXCEED \$250.00 PER MONTH; AMENDING ARTICLE 15 OF CHAPTER II, PART V, TO PROVIDE FOR THE INCREASE IN PARTICIPANT CONTRIBUTION FROM FIVE (5) TO NINE (9) PERCENT; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record. Lieutenant Van Toth, Chairman of the Pension Board came forward and introduced Ms. Alison S. Bieler of Cypen & Cypen, the new law firm representing the Pension Board. Mr. Citrin reported the details of the increase and mentioned that this is an additional contribution with no cost to the City. Chairman Garcia opened the public hearing at 8:08 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:08. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote (3-0) with Councilman Zardon off the dais.

**E) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING CHAPTER 78 ENTITLED LAND USE REGULATIONS ARTICLE V, DIVISION 2. ZONING DISTRICTS AND LAND DEVELOPMENT REGULATIONS FOR NEWLY ANNEXED AREA, TO ADD A NEW USE ENTITLED HOTELS AND MOTELS UNDER SECTION 140(5) B-2 GENERAL BUSINESS DISTRICT; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward, gave details and staff recommendations. Chairman Garcia opened the public hearing at 8:10 p.m. No one came forward; Chairman Garcia

closed the public hearing at 8:10 p.m.. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

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

- A) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006, AT 6.12 MILLS, WHICH IS AN INCREASE OF 20.95% 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 and stated that this is a first reading and 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. Mayor De La Cruz commented that the City will keep the same millage rate, the reflected increase is due to an increase in the Miami-Dade County assessment of property values. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

- B) *ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record and stated that this is a first reading and a public hearing. Chairman Garcia opened the public hearing at 8:13 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:13 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

- C) *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, 2005, AND ENDING SEPTEMBER 30, 2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record and stated that this is a first reading and 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

**D) 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, 2005, AND ENDING SEPTEMBER 30, 2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record and stated that this is a first reading and 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

**E) 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, 2005, AND ENDING SEPTEMBER 30, 2006, PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record and stated that this is a first reading and 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

**F) 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, 2005, AND ENDING SEPTEMBER 30, 2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record and stated that this is a first reading and 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote (4-0).

**G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE PARK TRUST FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

Mr. Citrin read the full title of the ordinance into the record and stated that this is a first reading and 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. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(4-0)**.

***H) ORDINANCE OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE ADOPTION OF A CITY DEFERRED COMPENSATION PLAN PROVIDED BY AIG VALIC 457(b); APPROVING AGREEMENTS RELATED TO THE PLAN; PROVIDING FOR EFFECTIVE DATE.***

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and not a public hearing 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 unanimously approved by individualized voice vote **(4-0)**.

***I) ORDINANCE OF THE CITY OF HIALEAH GARDENS AUTHORIZING THE ADOPTION OF THE VALIC GOVERNMENTAL 401(a) PLAN; APPROVING AGREEMENTS RELATED TO THE PLAN; PROVIDING FOR EFFECTIVE DATE***

Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia stated that this was a first reading and not a public hearing 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 unanimously approved by individualized voice vote **(4-0)**.

12. **City Attorney's Report:** Mr. Citrin commented on the City and the professionalism of the administration, including the Youth Programs and the contributions to the schools in the City.
13. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had no comments.
14. **Council Members Concerns/Reports – Board Appointments**

Chairman Garcia stated that Item 11A will remain tabled until the next meeting.

Councilman Merida voiced his concern regarding the construction of the government complex and police station. Mayor De La Cruz stated that the City is working diligently to find companies that are qualified to do the work.

15. **Adjournment:** The meeting was adjourned at 8:22 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

Thursday, September 22, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 12, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, October 5, 2005, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, September 27, 2005, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 8, 2005, 6:00 P.M.