

MINUTES

CITY OF HIALEAH GARDENS
THURSDAY, SEPTEMBER 22, 2005

CITY COUNCIL CHAMBERS
10001 NW87 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 Jorge A. Merida, Councilman Manuel Zardon and Councilman Rolando Piña. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin.
3. **Invocation:** Chairman Luciano Garcia led the invocation.
4. **Pledge of Allegiance:** Mayor Yiozet De La Cruz led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** None were offered.
6. **Review of Minutes:** September 8, 2005. Chairman Garcia made a motion to approve the minutes of September 8, 2005, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Proposed Resolution:**

- A) ***RESOLUTION OF THE CITY OF HIALEAH GARDENS AMENDING THE ANNUAL BUDGET FOR THE PARK TRUST FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005; RECOGNIZING THE INCREASE IN REVENUE THROUGH PARK TRUST FUND IMPACT FEES INCREASING CORRESPONDING LINE ITEMS IN THE SAME AMOUNT; 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 gave details of the need to amend the Park Trust Fund to account for the increase in revenue. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

B) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS 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. Lt. Van Toth, came forward and gave information on the mutual aid agreement with the City of Miami. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

C) RESOLUTION OF THE CITY OF HIALEAH GARDENS AUTHORIZING ENTERING INTO A MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI SPRINGS, FLORIDA REGARDING LAW ENFORCEMENT ISSUES AND NEEDS; AUTHORIZING THE EXECUTION OF SUCH AGREEMENT BY THE MAYOR; RATIFYING THE PROVISIONS 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. Lt. Van Toth, came forward and gave information on the mutual aid agreement with the City of Miami Springs. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

D) 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. Mr. Marcos Piloto, O.M.B. Director came forward and read Mrs. Aida Martinez-Ruiz's memorandum into the record which states staff's recommendation to continue with the Florida League of Cities as the City's insurance provider. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR OFF STREET PARKING LOT AND DRAINAGE IMPROVEMENTS FOR LENMART INTERNATIONAL INC. CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 29 OF "FORREST FARM" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 20 AT PAGE 67 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. FOLIO #: 27-2032-003-0310. APPROXIMATE LOCATION: CORNER LOT NW 122 STREET AND NW 98 AVE. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Location: N.W. 122 Street and N.W. 98 Avenue) (P&Z Vote: 4-0; T.R.C. Vote: 6-0)**

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present. 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 (4-1) with Councilman Piña voting against.

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AMENDMENT 05-01.1 TO THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #1: CHANGE FROM MOR (MODERATE SINGLE FAMILY RESIDENTIAL DISTRICT) AND BU (BUSINESS DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). PROPERTY LEGALLY DESCRIBED AS: 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.**

Mr. Citrin read the full title of the ordinance into the record. The applicant was not present. 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 (4-1) with Councilman Piña voting against.

D) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AMENDMENT 05-01.2 TO THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP INCLUSIVE OF PROPERTY OWNER INITIATED LAND USE APPLICATION #2: CHANGE FROM MOR (MODERATE SINGLE FAMILY RESIDENTIAL DISTRICT) AND BU (BUSINESS DISTRICT) TO MER (MEDIUM DENSITY RESIDENTIAL DISTRICT). PROPERTY LEGALLY DESCRIBED AS: 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 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.

Mr. Citrin read the full title of the ordinance into the record. Mr. Michael Osman, 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 unanimously approved by individualized voice vote **(5-0)**.

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

(Tabled 9-08-05)

Mr. Citrin swore in all those who would be testifying on any of the items for public hearing.

- 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)***

Chairman Garcia made a motion to remove the item from table, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote **(5-0)**. Mr. Ron Glazer 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 7:54 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:54 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)**.

- B) ***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. 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. Mayor De La Cruz made comments on the budget. 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, 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. Chairman Garcia opened the public hearing at 7:57 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:57 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 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. Chairman Garcia opened the public hearing at 7:58 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:58 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 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. Chairman Garcia opened the public hearing at 7:59 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:59 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, 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. Chairman Garcia opened the public hearing at 8:00 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:00 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 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. 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 unanimously approved by individualized voice vote **(Vote 5-0)**.

H) 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. 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 unanimously approved by individualized voice vote **(Vote 5-0)**.

J) 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.

Items J and I were switch from order. Mr. Citrin read the full title of the ordinance into the record. Chairman Garcia opened the public hearing at 8:02 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:02 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 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 opened the public hearing at 8:03 p.m. No one came forward; Chairman Garcia closed the public hearing at 8:03 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**).

11. **City Attorney's Report:** Mr. Citrin had no comments.
12. **Mayor's Report – Miscellaneous:** Mayor De La Cruz had complimentary comments regarding council member Manuel Zardon. Mr. Zardon is still serving as a council member. City has not offered, and he has yet to accept the position of captain of the police department.
13. **Council Members Concerns/Reports – Board Appointments**

Councilman Zardon made comments regarding his position as council member and the efforts made by this administration and expressed his desire to serve the City in the captain's position.

Councilman Gutierrez made complimentary comments of Councilman Zardon and offered words of advice.

Councilman Merida made comments and wished Mr. Zardon good luck.

Councilman Piña made comments that Councilman Zardon will be missed.

Chairman Garcia made comments that everyone works for the good of the family and this City is a family of dedicated individuals always working in the best interest of the residents of Hialeah Gardens.

Mayor De La Cruz presented Councilman Zardon with awards for his public service through the years.

14. **Adjournment:** The meeting was adjourned at 8:12 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, October 18, 2005, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 17, 2005, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Tuesday, October 25, 2005, 7:00 P.M.

POLICE PENSION BOARD

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