

**Mayor**

Yioset De La Cruz

**City Council Members**

Chairman Luciano "Lucky" García  
Vice Chairman Rolando "Roly" Piña  
Council member Jorge A. Merida  
Council member Jorge Gutierrez  
Council member Elmo L. Urra

**MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, April 5, 2022  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano 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, Councilman Jorge A. Merida and Councilman Rolando Piña. Also present were Mayor Yioset De La Cruz and City Attorney Charles A. Citrin.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mayor Yioset De La Cruz led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** Item 8D was added to the agenda.
- 6. Review of Minutes: March 15, 2022** Chairman Garcia made a motion to approve the minutes of March 15, 2022. The motion was approved unanimously.
- 7. Public Comments:** None were offered.

## 8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF PUBLIC ADMINISTRATION SOFTWARE AND SERVICES KNOWN AS THE "ASSET ESSENTIALS CORE PLUS" PROGRAM FROM BRIGHTLY SOFTWARE, INC., TO BE UTILIZED BY THE WATER & SEWER DEPARTMENT; WAIVING COMPETITIVE BIDDING; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-121 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH BRIGHTLY SOFTWARE, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Joe Lopez, Public Works Director came forward and gave details for the request to contract with Brightly Software for the purchase of Public Administration Software to be used by the Water & Sewer Department. Mr. Lopez explained that the City as a member of the Sourcewell Purchasing Cooperative would be using an existing contract #090320-SDI and waiving competitive bidding. The software will facilitate data acquisition and reporting to Miami-Dade County DERM required under the Second Consent Decree, FDEP v. Miami-Dade County, Article VI (CMOM), which applies to Volume Sewer customers as well as WASD. The cost for the total initial investment is \$12,962.09 and future expenses; first subscription \$11,756.33 and second subscription \$12,461.72. Funding for the software is provided for in the W&S budget. Councilman Piña requested clarification of the total cost. No further comments or questions. The Chair made a motion to approve the item, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY FIREWORKS ENTERTAINMENT TO EXCELLENT ENTERTAINMENT, INC. D/B/A ADD FIRE ("ADD FIRE") FOR THE CITY'S INDEPENDENCE DAY CELEBRATION; RENEWING THE CITY'S CONTRACT WITH ADD FIRE; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE AN AGREEMENT WITH ADD FIRE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Walter Dubon, Parks & Recreation Director came forward and gave his recommendation to contract with Add Fire as

the City has had a good working relationship with them for the past 18 years. Chairman Garcia inquired as to the cost and scope of the fireworks display. The total cost this year for the display is \$85,000 provided for in the Parks and Recreation budget. Mayor De La Cruz added that the cost had gone up from last year (\$75,000) and the scope would remain the same. No further comments or questions. The Chair made a motion to approve the item, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE RESTATEMENT OF A RETIREMENT PLAN VIA ADOPTION OF THE CITY OF HIALEAH GARDENS NON-STANDARDIZED GOVERNMENTAL PROFIT SHARING 401(A) PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mr. Juan Rivera, Finance Director came forward and introduced Mr. Mike Madalena from AIG Valic Retirement Services who was present to answer any questions. Mr. Citrin asked Mr. Rivera to read his memo into the record at this time. Mr. Rivera stated that the City had established the 401(a) plan on October 1, 2005. As per IRS requirements all 401(k)/(a) plans must be reinstated approximately every six years to ensure that the plan reflects new laws and regulations that affect tax qualified plans. All plans must be restated and signed no later than July 31, 2022. Mr. Rivera added that he had reviewed the new Adoption Agreement had found no major changes to the current plan.

Chairman Garcia wanted to know if there had been any substantive changes to the plan. Mr. Madalena came forward and explained that in fact there were no changes/provisions made to the plan document and reiterated what Mr. Rivera had just stated. However, he did add that the Group (City of Hialeah Gardens) plan does have an opportunity to incorporate any changes that they would like to make to the plan during the reinstatement period.

Mr. Citrin asked Mr. Madalena if there are any changes that he would be recommending to the plan. Mr. Madalena responded that the firm is "agnostic as to those type of things" and that they could be reviewed by outside counsel; they (AIG Valic) are considered record keepers. Mr. Citrin, acknowledging that the firm is agnostic, asked what if any changes *should* be made. Mr. Madalena stated that governmental entities have the ability to be more flexible on how they write plan documents; areas to look into perhaps would be vesting; classification of employees to determine the formula being used for contributions. Chairman Garcia added that he assumed they provided this service for other municipalities and asked if they could provide examples of what other cities have done during the restatement period. Mr. Madalena said every group is different and plan sponsors ask to address different areas. Mr. Citrin interjected and stated that the City had just been sent a plan performance report this past Friday, but the Mayor, Chairman and Council had

not seen it and wanted to know when they can get someone from AIG Valic to review and answer any questions they may have. Mr. Madalena said they can schedule reviews of plans as frequently as quarterly, but generally it is done annually. Chairman Garcia added that the Council meets in two weeks and is recessed in July. He would like to see if a review and any recommendations to the plan can be made prior to these meetings in order to to act upon it if needed. No further comments or questions. The Chair made a motion to approve the item, seconded by Councilman Merida. The resolution was approved unanimously. **(5-0)**

**Addition:**

8. D) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HIALEAH GARDENS AND THE POLICE BENEVOLENT ASSOCIATION EFFECTIVE UPON THE PASSING OF THIS RESOLUTION AND INCORPORATED INTO THE CURRENT COLLECTIVE BARGAINING AGREEMENT WHICH TERMINATES ON SEPTEMBER 30, 2025; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the item into the record. HGPS Captain Michael Lopez was present and came forward to address an amendment to the current MOU by adding an additional two corporals to serve at the sole discretion of the Chief of Police. At this time Ms. Aida-Martinez Ruiz came forward and clarified that the short title of the resolution had a copy and paste error. She stated that it was confusing because negotiations were done early this year with the PBA and there is currently a CBA which started October 1, 2019 through September 30, 2022 and one which takes effect October 1, 2022 through September 30, 2025. The corporals have been incorporated in both agreements. Mr. Citrin offered an amendment to the resolution title for the record as follows:

RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HIALEAH GARDENS AND THE POLICE BENEVOLENT ASSOCIATION EFFECTIVE UPON THE PASSING OF THIS RESOLUTION AND INCORPORATED INTO THE CURRENT COLLECTIVE BARGAINING AGREEMENT WHICH TERMINATES ON SEPTEMBER 30, 2022 AND THE SUBSEQUENT COLLECTIVE BARGAINING AGREEMENT WHICH IS IN EFFECT OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2025; PROVIDING FOR IMPLEMENTATION OF SUCH CONTRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

The amendment was accepted and the resolution will reflect said language. Councilman Piña inquired as to the chain of command in the HGPD ranks, which are: Officer, Corporal, Sergeant, Lieutenant, Captain, Deputy Chief and Chief in ascending order.

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

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING ARTICLE VI ENTITLED TRANSPORTATION, PARKING AND LOADING REQUIREMENTS, SECTION 78-141 (B) TABLE OF OFF STREET PARKING REQUIREMENTS REDUCING THE AMOUNT OF PARKING SPACES FOR SELF STORAGE FACILITIES TO: 1 SPACE PER 5,000 SQ, FT OF BUILDING AREA FOR THE FIRST 20,000 SQUARE FEET OF BUILDING; 1 SPACE PER 10,000 SQUARE FEET OF BUILDING AREA THEREAFTER PLUS 1 SPACE PER 400 SQUARE FEET OF GROSS OFFICE AREA OR FRACTION THEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 5-0; P&Z Vote: n/a)

Mr. Citrin read the item into the record and mentioned that this a city initiated change to the code to avoid the need for the issuance of parking variances for self-storage facilities. Chairman Garcia stated that this is a first reading; and opportunity for public input would be afforded upon second reading. The Chair made a motion to approve the item, seconded by Councilman Merida. The ordinance was approved unanimously by individualized voice vote. **(5-0)**

- 10. City Attorney's Report:** Mr. Citrin mentioned that he is reviewing recent and pending legislative changes that would affect the city and report back.
- 11. Mayor's Report – Miscellaneous:** No comments.
- 12. Council Members Concerns / Reports / Board Appointments:** N/A  
Police Pension Board Appointment – Pending  
Water & Sewer Board Appointment (L. Garcia, J. Merida, E. Urra) - Pending
- 13. Adjournment :** The meeting was adjourned at 7:56 p.m.

Respectfully submitted by:

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Maria L. Joffee, City Clerk

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office no later than four days prior to the proceeding. For assistance, the City's telephone number is (305) 558-4114; if hearing impaired the telephone for the Florida Relay Service is (800) 955-8771 (TDD) or (800) 955-8770 (VOICE).

Pursuant to Section 286.0105 Florida Statutes, 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, May 3, 2022, 7:30 P.M.

##### **PLANNING AND ZONING BOARD**

Monday, May 9, 2022, 7:30 P.M.

##### **TECHNICAL REVIEW COMMITTEE**

Thursday, May 5, 2022, 11:00 A.M.

##### **WATER AND SEWER BOARD**

T.B.D.

##### **POLICE PENSION BOARD**

Tuesday, May 3, 2022, 5:30 P.M.