

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, August 1, 2017
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Councilman Piña serving as Chairman called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Rolando Piña, Councilman Jorge A. Merida, Councilman Elmo L. Urra, Councilman Jorge Gutierrez, and City Attorney Charles A. Citrin and Mayor Yiozet De La Cruz. Councilman Luciano Garcia was absent.
- 3. Invocation:** Councilman Gutierrez gave 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: June 20, 2017,** Chairman Piña made a motion to approve the minutes of June 20, 2017 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING THE RENEWAL OF 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 title resolution into the record. Mr. Citrin stated that this was a contract that is renewed with FDOT on an annual basis. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. **(4-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA APPROVING THE RENEWING OF AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH GARDENS FOR PERFORMANCE OF PROFESSIONAL SERVICES BY MIAMI-DADE COUNTY FOR IDENTIFICATION AND CONTROL OF POLLUTANT DISCHARGES IN SHARED MUNICIPAL SEPARATE STORM SEWER SYSTEMS AND TO NEGOTIATE AND EXECUTE CHANGES TO THE SELECTION OF ACTIVITY PARTICIPATION BY THE CO-PERMITEES; 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. Citrin stated that this serves to approve the NPDES interlocal agreement which is being renewed at this time for a term of five years. He then proceeded to read the memo prepared by Mr. Joe Lopez, Public Works Director which detailed the agreement. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. **(4-0)**

9. First Reading for consideration of following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT OR TENTATIVE PLAT FOR VALLE SUBDIVISION. LEGAL DESCRIPTION: THE EAST 1/2 OF THE EAST 1/2 OF THE WEST 1/2, OF TRACT 50, FLORIDA FRUIT LANDS

COMPANY'S, SUBDIVISION, PLAT BOOK 2, PAGE 17 IN, SECTION 19, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF MIAMI-DADE COUNTY, FLORIDA. FOLIO: 27-2019-001-0571, APPROXIMATE LOCATION: BETWEEN NW 107TH AVENUE AND NW 109TH AVENUE AND NORTH 144TH STREET, HIALEAH GARDENS, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: n/a)

Mr. Citrin read the full title of ordinance into the record. Mr. Raul Tiza, the surveyor for the project was 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 unanimously approved by individualized voice vote. **(4-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING VARIOUS PROVISIONS OF CHAPTER 40, HIALEAH GARDENS POLICE PENSION TRUST FUND, TO PROVIDE FOR COMPLIANCE WITH APPLICABLE STATE AND FEDERAL STATUTES RELATED TO THE PENSION TRUST AND TO CORRECT CERTAIN EDITORIAL ERRORS, SPECIFICALLY AS FOLLOWS: AMENDING SECTION 40-153, "SERVICE", TO REFLECT UPDATED USERRA PROVISIONS; AMENDING SECTIONS 40-182, "VESTING CREDITS", 40-185, "PURCHASE OF CREDITED SERVICE FOR PERIOD OF MILITARY SERVICE PRIOR TO EMPLOYMENT WITH THE CITY", AND 40-271, "PAYMENT OF BENEFITS", TO CORRECT SCRIVENER'S ERRORS; AMENDING SECTIONS 40-282, "MAXIMUM BENEFIT AMOUNT", 40-397, "INCORPORATION BY REFERENCE", AND 40-399, "FEDERAL TAX PROVISIONS", TO REFLECT THE MOST RECENT INTERNAL REVENUE CODE PROVISION CHANGES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Citrin read the full title of ordinance into the record. He stated that this was a first reading and as such an opportunity for public input would be provided upon second reading. Chairman Piña 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 AMENDING CHAPTER 40, HIALEAH GARDENS POLICE PENSION TRUST FUND, CREATING A SECTION 40-400 OF THE HIALEAH GARDENS MUNICIPAL CODE TO PROVIDE FOR THE CREATION OF A DEFINED CONTRIBUTION SHARE PLAN UNDER FLA. STAT. 185.35; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. He stated this was a first reading and as such an opportunity for public input would be provided upon second reading and that an attorney for the Police Pension Board would also be present to answer any questions at that time. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved. **(4-0)**

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

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR NEIGHBORHOOD WALMART STORE / VERIZON WIRELESS, CONCERNING PROPERTY LEGALLY LOCATED AT 11800 HIALEAH GARDENS BOULEVARD, HIALEAH GARDENS, FLORIDA. FOLIO: 27-2033-067-0010, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. **(TRC Vote: 5-0; P&Z Vote: 3-0)**

Mr. Citrin swore in those who would be testifying on items for public hearing and proceeded to read the full title of the ordinance into the record. Mrs. Janna P. Lhota, attorney with Holland & Knight, LLC., was present for the applicant. Ms. Lhota came forward and gave a brief description of the application to amend the approved Walmart site plan in order to attach three small cell antennas to the existing building. The antennas would provide better service by bringing a signal inside the store for the Verizon products being sold. Mayor De la Cruz asked about the elevation. Ms. Lhota responded regarding the location and height of each antenna all which will be placed below the roofline and are unobtrusive. Mrs. Mirtha Gonzalez Chief Zoning Official came forward and gave staff recommendation for approval. Chairman Piña inquired if antennas have been installed in any other Walmart stores. Ms. Lhota answered no, but that they were in the process of deploying these across the country. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, REPEALING ORDINANCE NO. 2016-20 CONCERNING THE ENTERING INTO AN AGREEMENT WITH FLORIDA COMMUNITY BANK FOR A CAPITAL LEASE NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000) FOR THE PURPOSE OF PURCHASING THREE NEW VEHICLES FOR THE POLICE DEPARTMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the ordinance into the record. He stated that this is a result of the City making a management decision to purchase the vehicles outright and therefore it was not necessary to enter into a capital lease agreement. Chairman Piña made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice. **(4-0)**

11. **City Attorney's Report:** No comment
12. **Mayor's Report – Miscellaneous:** No comment
13. **Council Members Concerns/Reports/ Board Appointments:** No comments
14. **Adjournment:** The meeting was adjourned at 7:50 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, September 12, 2017, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, September 11, 2017, 7:30 p.m.

TECHNICAL REVIEW COMMITTEE

Thursday, September 7, 2017, 11:30 A.M.

WATER AND SEWER BOARD

Wednesday, August 23, 2017, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, November 7, 2017, 5:30 P.M.