

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, August 15, 2017  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Garcia called the meeting to order at 7:38 p.m.
- 2. Roll Call:** Present were Chairman Luciano Garcia, Councilman Jorge A. Merida, Councilman Elmo L. Urra, Councilman Jorge Gutierrez, and City Attorney Charles A. Citrin. Councilman Rolando Piña and Mayor Yiozet De La Cruz were absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** Mr. Citrin led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** None were offered.
- 6. Review of Minutes: August 1, 2017,** Chairman Garcia made a motion to approve the minutes of August 1, 2017 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

**8. First Reading for consideration of following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR SAFIRE TRACT CONCERNING PROPERTY LEGALLY DESCRIBED: THE EAST ½ OF TRACT 58, LESS THE NORTH 35 FEET THEREOF AND LESS THE EAST 35 FEET THEREOF AND LESS THAT EXTERNAL AREA FORMED AT THE NORTHEAST CORNER BY A 25 FOOT RADIUS CURVE, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" OF SECTION 19, 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. FOLIO: 27-2019-001-0650, APPROXIMATE LOCATION: SOUTHWEST INTERSECTION OF N.W 140TH STREET AND N. W. 109TH AVENUE, HIALEAH GARDENS, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: n/a)

Mr. Citrin read the full title of ordinance into the record. 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)**

**9. Second Reading/Public Hearing for consideration and final adoption of the 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 swore in those that would be testifying on items for public hearing. He then read the full title of the ordinance into the record. The applicant was not present therefore Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(Tabled 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 the ordinance into the record. Mr. Paul Daragjati, attorney for the Police Pension Board was present to answer any questions. Chairman Garcia wanted to reiterate the intent of the ordinance that being more of a bookkeeping exercise and that nothing substantive has changed in the plan. Mr. Daragjati acknowledged this and added that the ordinance serves to comply with any regulatory changes made by the IRS in order that the plan is updated and to maintain the tax status of the plan. Chairman Garcia also inquired if the pension fund was in good order and meets all requirements of all regulatory agencies. Mr. Daragjati responded that a recent review of the plan had been completed and the plan was in fact in order and up to date with all tax regulation. Chairman Garcia opened the public hearing at 7:44, no one came forward and he closed the public hearing at 7:44 pm. Chairman Garcia then 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. Mr. Paul Daragjati, attorney for the Police Pension Board once more came forward to answer any questions. Chairman Garcia stated this ordinance will serve to set up a section in City code which reflects a program which is in existence but is not found in the code. Mr. Daragjati added that the program has existed since the 1950's and that in 2015 the State legislature amended it slightly so that a portion of the program, specifically those tax dollars that exceed the 2015 limit for the City, would go to a new special share plan. Chairman Garcia opened the public hearing at 7:46, no one came forward and he closed the public hearing at 7:46 pm. Chairman Garcia then made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(4-0)**

- 10. City Attorney's Report:** No comment
- 11. Mayor's Report – Miscellaneous:** No comment
- 12. Council Members Concerns/Reports/ Board Appointments:** No comments
- 13. Adjournment:** The meeting was adjourned at 7:50 p.m.

Respectfully submitted by:

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Maria L. Joffee  
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 26, 2017, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, October 2, 2017, 7:30 p.m.

**TECHNICAL REVIEW COMMITTEE**

Thursday, October 5, 2017, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, September 27, 2017, 7:00 P.M.

**POLICE PENSION BOARD**

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