

MINUTES

**CITY OF HIALEAH GARDENS
WEDNESDAY, September 20, 2017
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

- 1. Call to Order:** Councilman Jorge Gutierrez serving as Chairman called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Jorge A. Merida, Councilman Elmo L. Urra, Councilman Jorge Gutierrez, and Assistant City Attorney Aida Martinez-Ruiz and Mayor Yioiset De La Cruz. Councilman Luciano Garcia, Councilman Rolando Piña and City Attorney Charles A. Citrin were absent.
- 3. Invocation:** Chairman Gutierrez gave the invocation.
- 4. Pledge of Allegiance:** Mayor De La Cruz led the Pledge of Allegiance.
- 5. Deletions/Emergency Additions:** Item 9B. was deleted and Items 8B, 8C and 8D were added to the agenda.
- 6. Review of Minutes: August 15, 2017,** Chairman Gutierrez made a motion to approve the minutes of August 15, 2017 seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

8. Proposed Resolutions:

- A) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE EXTENSION AND AMENDMENT OF A LINE OF CREDIT ISSUED BY FLORIDA COMMUNITY BANK ORIGINALLY IN A PRINCIPAL AMOUNT OF \$2,000,000; AMENDING THE LINE OF CREDIT TO A PRINCIPAL AMOUNT OF \$1,250,000 TO PAY COSTS RELATING TO COVENANTING TO BUDGET AND APPROPRIATE FUNDS, FROM LEGALLY AVAILABLE NON-AD VALOREM REVENUES, TO REPAY SUCH NOTE; PRESCRIBING THE FORM, TERMS AND DETAILS OF THE NOTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of resolution into the record. Mr. Juan Rivera, OMB Director came forward and stated that the line of credit will be extended through August 17, 2018. Mayor De La Cruz took this opportunity to mention that the line of credit serves in emergency situations such as the recent hurricane whereby the city has access to funds until reimbursement is received from FEMA. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- B) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S HEALTH INSURANCE BETWEEN AVMED AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of resolution into the record. She proceeded to give details of the proposals obtained by the City's insurance broker to provide health insurance coverage for the City's employees. After review of the plans received it was recommended that the City remain with its current insurance carrier, AvMed. Ms. Martinez-Ruiz also recommended the City continue to provide supplemental health insurance to assist the employees with increased deductibles and co-payments, this will be addressed by the following resolution. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS APPROVING AND RATIFYING THE AGREEMENT FOR THE CITY'S SUPPLEMENTAL HEALTH INSURANCE BETWEEN BEAZLEY INSURANCE AND THE CITY OF HIALEAH GARDENS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of resolution into the record. She stated that again after review of plans received through the City's insurance broker, it is recommended that the City enter into an agreement with Beazley Insurance which will provide the supplemental insurance coverage to cover hospitalization deductibles and a portion of the co-payments of the AvMed plan. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- D) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING AN AGREEMENT FOR THE CITY'S LONG AND SHORT-TERM DISABILITY, ACCIDENTAL DEATH AND DISMEMBERMENT, AND LIFE INSURANCE BETWEEN CIGNA AND THE CITY OF HIALEAH GARDENS, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Aida Martinez-Ruiz read the full title of resolution into the record. She stated that Cigna is company the City has been using for the past three years. The rates have not changed and therefore Ms. Martinez-Ruiz she is recommending to continue with this provider. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

9. First Reading for consideration of following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR SAFIRE OFF-STREET PARKING; OWNER: SAFIRE INVESTMENT GROUP INC; CONCERNING PROPERTY LEGALLY DESCRIBED AS: 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 AND CONTAINING 184076 SQUARE FEET OR 4.22 ACRES, MORE OR LESS. 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: 5-0)

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez stated that this was a first reading and as such an opportunity for public input would be provided upon second reading. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

Deleted

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, MIAMI-DADE COUNTY, FLORIDA, ADOPTING AMENDMENT P1509-0002 TO THE FUTURE LAND USE MAP OF PROPERTY OWNER INITIATED FROM BU (GENERAL BUSINESS) TO HDR (HIGH DENSITY RESIDENTIAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO).LEGAL DESCRIPTION: A PORTION OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3 WITH THE SOUTH RIGHT-OF-WAY LINE OF N.W. 103RD STREET; THENCE SOUTH 89°40'02" WEST ALONG SAID RIGHT-OF-WAY LINE FOR 1443.19 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 1,875.08 FEET AND A CENTRAL ANGLE OF 21°38'12" FOR AN ARC DISTANCE OF 708.09 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 504.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3, SAID POINT ALSO KNOWN AS THE NORTHWEST CORNER OF TRACT "A" OF SANTA NAVILLA SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 154 AT PAGE 97 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 01°45'04" EAST

ALONG THE WEST LINE OF SAID TRACT "A" AND TRACT "D" OF SAID PLAT FOR A DISTANCE OF 349.66 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE SOUTH 01°45'04" EAST ALONG SAID WEST LINE OF SAID TRACT "A" AND TRACT "D" OF SAID PLAT FOR A DISTANCE OF 228.41 FEET TO A POINT LOCATED ON THE TOP OF BANK OF SAMARI LAKES; THENCE SOUTH 75°48'52" WEST MEANDERING ALONG THE NORTH TOP OF BANK OF SAID LAKE FOR A DISTANCE OF 196.61 FEET TO A POINT; THENCE SOUTH 88°14'56" WEST FOR A DISTANCE OF 42.00 FEET TO A POINT ON THE EAST LINE OF TRACT "A" OF HIALEAH GARDEN CITY HALL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162 AT PAGE 8 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE NORTH 01°45'04" WEST ALONG SAID EAST LINE OF SAID TRACT "A" FOR A DISTANCE OF 146.40 FEET TO A POINT; THENCE SOUTH 88°14'56" WEST BOUNDING THE NORTH SIDE OF SAID TRACT "A" FOR A DISTANCE OF 35.00 FEET TO A POINT; THENCE NORTH 01°45'04" WEST ALONG SAID EAST LINE OF THACT "A" FOR A DISTANCE OF 124.34 FEET TO A POINT; THENCE NORTH 88°14'56" EAST FOR A DISTANCE OF 269.00 FEET TO THE POINT OF BEGINNING, LAYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND HAVING AN AREA OF 63,642 SQ. FT. OR 1.46 ACRES MORE OR LESS. FOLIO: 27-3003-001-0115. APPROXIMATE LOCATION: BETWEEN NW 103 ST. AND SAMARI LAKES (LAKE) AND BETWEEN COMMUNITY FACILITY (CITY HALL) AND HDR (HIGH DENSITY RESIDENTIAL, SANTA NAVILA); PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA; AMENDING THE CITY CODE (LAND DEVELOPMENT REGULATIONS) CHAPTER 78 AMENDING SECTION 78-74 REQUIREMENTS AND PROCEDURES FOR VARIANCES AND ADMINISTRATIVE VARIANCES; ALLOWING HEIGHT VARIANCE IN THE INDUSTRIAL DISTRICTS ONLY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez stated that this was a first reading and as such an opportunity for public input would be provided upon second reading. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

10. First Reading / Public Hearing for consideration of the following Budget Ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING A MILLAGE RATE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, AT 5.1613 MILLS, WHICH IS AN INCREASE OF 7.74% 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.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Mayor De La Cruz commented that the millage rate will again remain the same as last year. Chairman Gutierrez opened the Public Hearing at 7:46 p.m. No comments were offered and the Public Hearing was closed at 7:46 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez opened the Public Hearing at 7:46 p.m. No comments were offered and the Public Hearing was closed at 7:46 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- 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, 2017 AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez opened the Public Hearing at 7:47 p.m. No comments were offered and the Public Hearing was closed at 7:47 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- D) 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, 2017 AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez opened the Public Hearing at 7:48 p.m. No comments were offered and the Public Hearing was closed at 7:48 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- 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, 2017 AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez opened the Public Hearing at 7:48 p.m. No comments were offered and the Public Hearing was closed at 7:48 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- 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, 2017 AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez opened the Public Hearing at 7:49 p.m. No comments were offered and the Public Hearing was closed at 7:49 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

- G) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, ADOPTING THE ANNUAL BUDGET FOR THE CITIZEN'S INDEPENDENT TRANSPORTATION TRUST FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Ms. Martinez-Ruiz read the full title of the ordinance into the record. Chairman Gutierrez opened the Public Hearing at 7:49 p.m. No comments were offered and the Public Hearing was closed at 7:49 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

11. Second Reading / Public Hearing for consideration and final adoption of the 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)**

Ms. Martinez-Ruiz swore in all those individuals who would be providing testimony on items for Public Hearing. She then proceeded to read the full title of the ordinance into the record. Mr. Jorge Szauer, architect for the applicant was present. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave staff recommendation for approval. Chairman Gutierrez opened the Public Hearing at 7:41 p.m. No comments were offered and the Public Hearing was closed at 7:41 p.m. Chairman Gutierrez made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

Tabled 08/15/2017

- B) 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)

Chairman Gutierrez made a motion to remove the item from the table, seconded by Councilman Merida and unanimously approved. Mrs. Martin-Ruiz read the full title of the ordinance into the record. Mr. Raul Tiza, surveyor for the applicant was present. Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and gave recommendation for approval as conditions from TRC had been addressed except for the correction of the legend which is in process. Chairman Gutierrez opened the Public Hearing at 7:49 p.m. No comments were offered and the Public Hearing was closed at 7:49 p.m. Chairman Gutierrez made a motion to approve with the caveat that the remaining condition be met regarding the legend, seconded by Councilman Merida. The motion was unanimously approved by individualized voice vote. **(3-0)**

12. **City Attorney's Report:** Ms. Martinez-Ruiz best wishes as he was not able to attend tonight's meeting.
13. **Mayor's Report – Miscellaneous:** Mayor De La Cruz thanked the City employees from the all the different departments who pitched in and worked so hard during hurricane Irma to make sure that the City's residents were taken care of. The Mayor stated that he was proud of his staff and the Police Department and wanted to publically thank them all.
14. **Council Members Concerns /Reports/ Board Appointments:** Chairman Gutierrez took this opportunity to thank the Mayor for his tireless efforts on behalf of the City and all its residents before, during and after the hurricane. He extended his appreciation to the Police Chief for all his hard work as well.
15. **Adjournment:** The meeting was adjourned at 7:56 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

Wednesday, September 27, 2017, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, October 23, 2017, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

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

WATER AND SEWER BOARD

Wednesday, October 25, 2017, 7:00 P.M.

POLICE PENSION BOARD

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