

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, OCTOBER 16, 2007**

**HOLLINGSWORTH HALL SENIOR CENTER  
10003 NW 87 AVENUE**

1. **Call to Order:** Chairman 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, and Councilman Jorge A. Merida. Also present were Mayor Yiozet De La Cruz and City Attorney Charles A. Citrin. Councilman Rolando Piña was absent.
3. **Invocation:** Chairman Garcia led 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:** October 2, 2007. Chairman Garcia made a motion to approve the minutes of October 2, 2007, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.
8. **Request for approval of 2COP alcohol beverage license transfer of ownership for La Esquinita Caribeña Inc., 8725 N.W. 117 Street #B-12:** Ms. Elba Benito, Owner.

The following individuals came forward and gave testimony:

Ms. Elba Benito, owner

Mr. Reynaldo Pichardo, interpreter for Ms. Benito

Mrs. Mirtha S. Gonzalez, Chief Zoning Official for staff

Mrs. Mirtha Gonzalez, Chief Zoning Official came forward and read staff's recommendation for approval of the 2COP alcohol beverage license into the record. No one addressed the item. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

**9. Proposed Resolutions:**

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING AND RATIFYING MILLENIUM BENEFITS AS THE CITY'S INSURANCE BROKER FOR HEALTH, LIFE AND DISABILITY INSURANCE. PROVIDING FOR CONFLICTS PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. This resolution serves to memorialize the action taken at the last council meeting. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- B) RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF HIALEAH GARDENS, AUTHORIZING THE CITY MAYOR TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH THE MIAMI-DADE DEPARTMENT OF HUMAN SERVICES TO APPLY FOR, RECEIVE, EXPEND FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A "DRUG CONTROL AND SYSTEM IMPROVEMENT" PROGRAM, PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chief Van Toth came forward and explained the annual grant, which provides funds for the police department. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was unanimously approved.

- C) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA AUTHORIZING THE PURCHASE OF TEN (10) MODEL X-26 ADVANCED TASERS WITH HOLSTERS, EXTENDED BATTERIES AND SOFTWARE TO BE USED BY THE POLICE DEPARTMENT; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH DGG

TASER AND TACTICAL SUPPLIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chief Van Toth came forward and gave information concerning the pilot program for taser use and this would be a purchase of additional tasers to extend the program. The purchase is through an existing government contract. 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 AUTHORIZING THE PURCHASE OF ONE (1) 2008 FLHP HARLEY DAVIDSON MOTORCYCLE TO BE USED BY THE POLICE DEPARTMENT; UTILIZING AN EXISTING GOVERNMENT CONTRACT AS ALLOWED BY SECTION 46-119 OF THE HIALEAH GARDENS CODE OF ORDINANCES; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH FT. LAUDERDALE HARLEY DAVIDSON, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the full title of the resolution into the record. Chief Van Toth came forward and asked that the item be tabled at this time, as the dealer involved in the purchase has not come to terms with the negotiated price. Chairman Garcia made a motion to table the item, seconded by Councilman Merida. The motion was unanimously approved. **(Tabled)**

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

Mr. Citrin swore in all those who would be testifying on the item for second reading.

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING SITE PLAN AND SETBACK VARIANCES FOR HIALEAH GARDENS CITY HALL AT HIALEAH GARDENS CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "A" OF HIALEAH GARDENS 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, LOCATION: 10001 N.W. 87 AVENUE, HIALEAH GARDENS, FLORIDA 33016. FOLIOS #: 27-3003-044-

0010, 27-3003-001-0125, PROVIDING FOR  
 CONDITIONS; PROVIDING FOR EFFECTIVE DATE.  
**(TRC Vote: 5-0; P&Z Vote: 4-0)**

M. Citrin read the full title of the ordinance into the record. This is a city-initiated application. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave staff recommendation for the site plan approval and explained the need for the setback variances for the city hall building. Chairman Garcia opened the public hearing at 7:45 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:45 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

B) ORDINANCE OF THE CITY OF HIALEAH GARDENS  
 AMENDING THE LAND DEVELOPMENT REGULATIONS  
 CHAPTER 78, AMENDING SECTION 78-36 PERMITTING  
 SIMILAR, ACCESSORY AND SPECIAL EXCEPTION USES  
 GENERALLY ALLOWING HOME BASED BUSINESS  
 OFFICE IN ALL RESIDENTIAL DISTRICTS; PROVIDING  
 FOR SEVERABILITY; PROVIDING FOR EFFECTIVE  
 DATE.

M. Citrin read the full title of the ordinance into the record. Mrs. Mirtha S. Gonzalez, Chief Zoning Official came forward and gave information regarding the amending of the city code in order to allow home-based business offices in all residential areas. Occupational licenses will be issued and the applicant must adhere to all city restrictions for licensure. Chairman Garcia opened the public hearing at 7:46 p.m. No one came forward; Chairman Garcia closed the public hearing at 7:46 p.m. Chairman Garcia made a motion to approve, seconded by Councilman Merida. The motion was approved by individualized voice vote **(4-0)**.

11. **City Attorney's Report:** Mr. Citrin reported that the closing for the Catholic Health Services bond will be held tomorrow on October.

12. **Mayor's Report – Miscellaneous**

Mayor De La Cruz reported that the City has officially entered into an impasse with the Police Benevolent Association for the Police contract. The P.B.A. attorney is looking for an arbitrator at this time. He also reminded everyone about the Halloween Event.

13. **Council Members Concerns/Reports – Board Appointments (Police Pension Board)**

There were no comments from the council members.

14. **Adjournment:** The meeting was adjourned at 7:48 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, November 20, 2007, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, December 10, 2007, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, December 6, 2007, 4:00 P.M.

**WATER AND SEWER BOARD**

Tuesday, November 27, 2007, 7:00 P.M.

**POLICE PENSION BOARD**

T.B.A.