

MINUTES

CITY COUNCIL MEETING

TUESDAY, JANUARY 22, 2002

CITY HALL COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairperson Valdes called the meeting to order at 7:40 p.m.
2. **Roll Call:** Present were Chairperson Lucy Valdes, Council member Manuel Zardon, Council member Luciano Garcia and City Attorney Charles A. Citrin.
3. **Invocation:** Council member Garcia gave the invocation.
4. **Pledge of Allegiance:** Chairperson Valdes led the Pledge of Allegiance.
5. **Deletions/Emergency Additions:** No deletions or additions were offered.
6. **Review of Minutes: January 8, 2002:** Chairperson Valdes made a motion to approve the minutes of January 8, 2002, seconded by Council member Garcia and the minutes were unanimously approved by individualized voice vote of the council.
7. **Citizens' Miscellaneous:** Requests to place items on future agenda(s): No one came forward.
8. **Approval of Sanitary Sewer Extension Agreement for Okeechobee Equities, LLC**
Mr. Al Nielson, Director, Department of Water and Sewers came forward and informed the council that he had received the necessary information to go forward with this agreement. He added that the Water and Sewer Board had given their recommendation for approval and Mr. J. Frost Walker, attorney for the Board, had also reviewed the document and found it to be in order. Based on this information
9. **Discussion of recommendations from Planning & Zoning Board regarding special exceptions and setback requirements:** Mirtha Gonzalez, Chief Zoning Official addressed the council and stated that the Planning and Zoning Board had agreed to hold a workshop to discuss the setback and special exception issue. The workshop has been scheduled for Thursday, January 31, at 4:30 p.m. in the City Hall

Council Chambers. Therefore, Council member Garcia made a motion to table this item until after the workshop, Chairperson Valdes offered a second and the motion passed unanimously by individualized voice vote of the council. **(Tabled 3-0)**

10. **Discussion of terms for unopposed candidates to elected office:** Mr. Charles A. Citrin, City Attorney made mention of the legal opinion he had drafted at the request of the City Clerk regarding candidacy qualifications. He stated that both candidates up for re-election are unopposed and offered his congratulations. Mr. Citrin did however, ask the council to table the item as changes had been made as late as last Friday and he would be able to give a full response to the question of terms at the next council meeting. Following this request, Chairperson Valdes made a motion to table the item, seconded by Council member Garcia and the motion was unanimously approved by individualized voice vote of the council. **(Vote 3-0).**
11. **First Reading for consideration of the following ordinances:**

ORDINANCE 2002-04

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING A SPECIAL EXCEPTION USE TO PERMIT A GARDENS ACADEMY OF EXCELLENCE CHARTER SCHOOL AND SITE PLAN REVIEW FOR GARDENS ACADEMY OF EXCELLENCE CHARTER SCHOOL; SANTA NAVILA SUBDIVISION PB 154-97-20340 TRACT A LOT SIZE 2.107 ACRES M/L FAU 27-3003-001-0118 OR 17998-3141 0298 (5); PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Vote P & Z 3-0, T.R.C. 6-0) (Location: 103 St. between Santa Navila and Hialeah Gardens City Hall)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Chairperson Valdes made a motion to approve the ordinance on first reading. Council member Garcia offered a second stating that an opportunity for public input would be provided for upon second reading. The ordinance was approved unanimously by individualized voice vote of the council. **(Vote 3-0).**

ORDINANCE 2002-05

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE, VARIANCES AND SITE PLAN FOR STEAK N' SHAKE FAST FOOD DRIVE-IN ESTABLISHMENT CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT "B" OF WALMART AT HIALEAH GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 156, AT PAGE 6, OF THE PUBLIC RECORDS

OF MIAMI-DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE (Vote P & Z 3-0, T.R.C. 4-0) (Location: Tract B of Wal-Mart N.W. 77 Ave. & 95 St.)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Council member Garcia made a motion to approve the ordinance on first reading as an opportunity for public input would be allowed upon second reading. Chairperson Valdes seconded the motion and it passed unanimously by individualized voice vote of the council. **(Vote 3-0).**

ORDINANCE 2002-06

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING VARIANCES AND SITE PLAN FOR ANGEL LAGE RESIDENCE 10478 N.W. 131 STREET CONCERNING PROPERTY LEGALLY DESCRIBED AS: LOT 8 OF BLOCK 1, OR "RO-JEN" ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, AT PAGE 61 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Vote P & Z 3-0, T.R.C. 0-5) (Location: 10478 N.W. 131 St.)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Council member Garcia made a motion to approve the ordinance on first reading as an opportunity for public input would be allowed upon second reading. Chairperson Valdes seconded the motion, Council member Zardon voted against, therefore the motion failed for lack of the required minimum of (3) three affirmative votes. **(Vote 2-1)**

ORDINANCE 2002-07

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, GRANTING VARIANCES AND SITE PLAN REVIEW FOR: MACO COMMERCE CENTER MDT, LLC, CONCERNING PROPERTY LEGALLY DESCRIBED AS: W _ OF THE S _ OF TRACT 26, LESS THE WEST 40 FEET THEREOF FOR A ROAD R/W PATH OF THE FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 SECTION 20, TOWNSHIP 52 SOUTH, RANGE 40 EAST, PLAT BOOK 2 PAGE 17 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Vote P & Z 3-0, T.R.C. 5-0) (Location: Northeast corner of Okeechobee Rd. and N.W. 107 St.)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Council member Garcia made a motion to approve the ordinance on first reading as an opportunity for public input would be allowed upon second reading, and Chairperson Valdes offered a second. However, at this time Mr. Francisco De La Paz representing the applicant, came forward and stated that there was an error in the legal description of the ordinance. Chairperson Valdes and Council member Garcia withdrew their previous motions and a new motion to table the item was made by Council member Garcia to allow time to review the matter. This motion was seconded by Chairperson Valdes and approved unanimously by individualized voice vote of the council. **(Tabled Vote 3-0)** Later in the evening, by a vote of 3-0, the item was removed from the table and Chief Zoning Official, Mirtha Gonzalez reported that in fact the legal description as noted on the agenda was missing a specific tract. Therefore, in order to give proper notice, the item was continued for a first reading at the next council meeting scheduled for February 5, 2002.

12. PUBLIC HEARING and Second Reading for consideration of final passage of the following ordinances:

ORDINANCE 2002-01

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR CACOPHONY CORP., CONCERNING PROPERTY LEGALLY DESCRIBED AS: TRACT A & B OF LICKERS SUBDIVISION AS RECORDED IN PLAT BOOK 157, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Vote P & Z 3-0, T.R.C. 6-0) (Location: N.W. 114 St. between N.W. 93 Ave. and 94 Ave.)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Chairperson Valdes opened the floor for a public hearing at 7:50 p.m. and asked if there was anyone present who wished to speak on the issue. Council member Garcia asked staff if the applicant was in compliance with all City regulations. He also confirmed what was before council at this time was the approval of a site plan unanimously approved by P & Z and T.R.C. Mirtha Gonzalez, Chief Zoning Official, stated that the applicant was in compliance. At this time Mr. Juan Silverio Fernandez, architect for the project came forward and reiterated that the plans had been approved by P & Z and T.R.C. The plans were now under review in the building department and construction would begin on the project as soon as the permits were issued. Based on P & Z's and T.R.C.'s unanimous recommendation, Council member Garcia made a motion to approve the ordinance. Chairperson Valdes closed the public hearing at 7:52 p.m. and seconded the motion, which passed unanimously by individualized voice vote of the council. **(Vote 3-0)**.

ORDINANCE 2002-02

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR IBIS COVE #1 (NORCA #1) CONCERNING PROPERTY LEGALLY DESCRIBED AS: THE WEST 230 FEET OF NORTH 150 FEET OF THE WEST 431.42 OF TRACT 64, IN SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORD OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR EFFECTIVE DATE. (Vote P & Z 3-0, T.R.C. 6-0) (Location: East of N.W. 82 Ave. and South of N.W. 98 St.)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Chairperson Valdes opened the floor for a public hearing at 7:53 p.m. Mr. Citrin indicated that this was a site plan approval with no requests for variances. Mr. Maynard Hellman, for the applicant came forward and stated that the site plan had been unanimously approved by both P & Z and T.R.C. and there were no variances to the project. Chairperson Valdes closed the floor at 7:55 p.m. and made a motion to approve the ordinance, seconded by Council member Garcia and the motion was unanimously approved by voice vote of the council. (Vote 3-0)

ORDINANCE 2002-03

ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR MIAMI-DADE COUNTY FIRE DEPARTMENT CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 29, 30 AND 31, OF FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, SECTION 3, TOWNSHIP 53 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, LYING NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 25, AS SHOWN IN RIGHT OF WAY MAP SECTION 87090-2518 AND LYING SOUTHERLY OF THE SOUTHERLY RIGHT WAY LINE OF NORTHWEST 103RD STREET AS RECORDED IN ROAD PLAT BOOK 60 AT PAGE 53 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (Vote P & Z 3-0, T.R.C. 6-0) (Location: S.E. corner of N.W. 87 Ave. and 103 St.)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Chairperson Valdes opened the floor for discussion at 7:55 p.m. Ms. Barbara Matthews with the Planning Bureau of Miami-Dade County Fire Rescue came forward and explained that the new fire station would be a replacement station. It will be located on the corner of N.W. 87 and 103 Street and the existing personnel will be staffing the new station; “they would just be moving across the street”. Mr. Jerry Davis, in charge of construction of new facilities with Miami-Dade County Fire Rescue also addressed the council and stated that construction would begin sometime this summer as they have requested the County to expedite their approval. Construction would take approximately nine months and they estimate completion of the project by the first quarter of 2003. Ms. Matthews added that a waiver of plat might be requested in the near future in order to meet this construction schedule. In response to Council member Garcia’s question, Ms. Matthews informed the council that the land on which the old station is currently occupied would be returned to the City as soon as the transfer to the new station is complete. Following these remarks, Chairperson Valdes closed the public hearing at 8:00 p.m. and made a motion to approve the ordinance, seconded by Council member Garcia and the motion was unanimously approved by individualized voice vote of the council. **(Vote 3-0).**

13. **City Attorney’s Report –**

- 1) Reported a little further on his memorandum and opinion as far as the election was concerned. He has asked the city clerk to send the legal opinion to the Elections Department, know that the Department has acknowledged it as our decision to follow the charter, and to put the woman that had attempted to run on notice that in fact she was entitled to withdraw and entitled to change the group she wished to run in. In order to do this, however, she would have to follow the same principles that were required for qualification because each of the 25 electors who had signed her petition previously had nominated or supported her for a specific seat.
- 2) Reminded that there would be an Executive meeting after tonight’s council meeting to discuss the Hameetman lawsuit.
- 3) Informed that a letter had been received from D.E.R.M. regarding the Menendez issue and asked that Mr. Joe Lopez, Public Works Director come forward and explain the letter’s findings. Mr. Lopez stated that the vacant lot in question had been identified as a wetland area and therefore the clearing of the lot would have to follow the strict guidelines outlined by D.E.R.M. and call for the owner’s of the land to obtain costly special permits. The Menendez’s will be notified of the situation and the City’s current limitations.

14. **Mayor’s Report – Miscellaneous –** Mayor De La Cruz was not present

15. **Council Members Concerns/Reports – Miscellaneous**

Council member Garcia – Disclosed his involvement with the Youth Co-Op Charters School’s (which his daughter attends) expansion efforts. Council member Garcia stated that a meeting had been held with school officials and contractors to provide an overview of what is required by the City in terms of permits, zoning, etc. He

mentioned that Rey Regalado, the City's Building Official, was present and handed out copies of pertinent City Ordinances. Council member Garcia felt he should disclose his participation as this matter may come before the council at a future date and stated he has no financial interest in the school.

Council member Zardon – No Comments

Chairperson Valdes – Congratulated Council members Garcia and Zardon on being unopposed this election and commended them for their hard work and a job well done.

At this time (8:08 p.m.) a noticed Executive Meeting was called to order to discuss the on-going litigation concerning George Hameetman v. City of Hialeah Gardens, Case No. 00-6228CA. The meeting ended at 8:25 p.m.

16. **Adjournment** – The council meeting was resumed and called to order at 8:25 p.m. and immediately thereafter adjourned.

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 FUTURE MEETINGS:

CITY COUNCIL

Tuesday, February 19, 2002, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, February 11, 2002 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Wednesday, February 6, 2002, 11:30 A.M.

WATER AND SEWER BOARD

Tuesday, February 26, 2002 , 7:30 P.M.