

MINUTES

CITY COUNCIL MEETING

TUESDAY, FEBRUARY 19, 2002

CITY HALL COUNCIL CHAMBERS
10001 NW 87 AVENUE

1. **Call to Order:** Chairperson Valdes called the meeting to order at 7:32 p.m.
2. **Roll Call:** Present were Chairperson Valdes, Council members Manuel Zardon, Miguel Haddad, Luciano Garcia and Rolando Piña. Also present was 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:** The introduction of Mr. Sal Cuevas who will be acting as the new D.A.R.E. program officer was added to the agenda as **Item 7a**.
6. **Review of Minutes: February 5, 2002:** Chairperson Valdes made a motion to approve the minutes of February 5, 2002, the motion was 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 requests were made.
8. **Discussion of concerns:** Mr. and Mrs. Sergio Menendez, residents of 9900 N.W. 137 Street, Hialeah Gardens, FL came forward and addressed the council regarding D.E.R.M.'s determination that the vacant lot behind their property contained wetlands. This finding would require the property owner to seek a Class IV Wetlands Permit before any clean up can proceed. Mr. and Mrs. Menendez expressed their frustration with the lengthy process that began eleven months ago when they filed their first complaint. Mr. & Mrs. Menendez also informed the council of their concern for a power failure they had experienced over the weekend. They claim the branches of tall, dry pine trees located behind their property snapped and fell against the power lines causing the electrical outage. Mr. & Mrs. Menendez expressed concern for their children's safety and sought guidance on the matter.

9. **Discussion of concerns:** Mr. and Mrs. Angel Lage, residents of 10478 N.W. 131 Street, Hialeah Gardens, FL came forward and requested that their application for variances to their property be reconsidered by council. Ordinance 2002-06 that provided for variances to the Lage property failed upon first reading at the January 22, 2002 meeting. Mr. Lage explained that his home has only one bedroom and is causing a hardship for his two children who have had to make the dining room their bedroom. Mr. Lage added that he would make changes to the original site plan by removing plans for a pool and gazebo, but needed the variance to provide for the additional bedrooms. Council's concern is that Mr. Lage's site plan exceeds the allowed lot coverage and set back requirements. Council member Zardon offered that Mr. Lage revisit his site plan, with the assistance of the City's zoning staff, and bring the issue back before the council as a new item. Mr. Lage was amenable to this suggestion.

10. a) **Expenditure of forfeiture funds for new Police Department recording device.**
 b) **Expenditure of forfeiture funds for new Police "off road" specialized vehicle.**

Lieutenant Van Toth stood in for Police Chief Joy and explained the present need to use funds in the Police Department's forfeiture account for the purchase of a new recording device to replace the outdated one currently used by the Department. The purchase of an "off road" specialized vehicle to be used by Officer Woodruff was also addressed. Lt. Van Toth stated there was approximately \$34,000.00 in the forfeiture account at this time.

a) A motion was made by Council member Garcia to approve the expenditure for the recording device, seconded by Council member Haddad and unanimously approved by individualized voice vote of the council. A second motion was made to waive competitive bidding. Lt. Toth indicated that the recording device is one of great importance for public safety and that Dictaphone is the sole provider of this type of equipment. He added that they also have a state contract price of \$14,738.00. This motion was also seconded by Council member Haddad and unanimously approved by individualized voice vote of the council. Mr. Citrin advised that he would prepare a resolution to ratify the action taken.

b) A motion was made by Council member Garcia to approve the expenditure for the "off road" vehicle, seconded by Council member Haddad and unanimously approved by individualized voice vote of the council. Lt. Van Toth advised the council that Mr. Manny Carrera had obtained prices from at least three vendors for the vehicle and that Gus Machado Ford had quoted the best price at approximately \$19,000.00. The bids were not available for this meeting, therefore a motion to wave competitive bidding was not offered at this time.

11. **PUBLIC HEARING and Second Reading for consideration of final passage of the following ordinance:**

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 TRACT 25 LESS W 40' FOR ROAD RIGHT-OF-WAY AND W _ OF THE S _ OF TRACT 26, LESS THE WEST 40 FEET THEREOF FOR ROAD RIGHT-OF-WAY BOTH OF THE FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1 SECTION 29, TOWNSHIP 52 SOUTH, RANGE 40 EAST ACCORDING TO THE PLAT THEREOF, AS RECORDED IN 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 Ave.)

City Attorney Charles A. Citrin read the full title of the ordinance into the record. Chairperson Valdes opened the floor for discussion on this item at 8:17 p.m. Mr. Citrin swore in those present who were going to testify before the council. Mirtha Gonzalez, Chief Zoning Official, came forward and gave a brief report of the project's description. At this time Mr. George Garcia, architect for the project addressed the council and explained the rationale for the three variances requested. The first variance was for a 5' side set back, the second for a 25' front setback, and the third for 11.4% landscaping. Mr. Frank De La Paz, resident of 10655 S.W. 113 Place, and a limited partner in the project, also came forward and gave his comments on the need for the variances. Council found no objection to the set back requests, but expressed their concern for the required landscaping, which according to City code must be 15%. The architect for the project provided additional information to support the request for this variance and a discussion ensued. Chairperson Valdes asked if there was anyone present who wished to speak on the matter and Mr. Sergio Menendez approached the council, was sworn in, and stated his concerns. Following Mr. Menendez's comments Chairperson Valdes closed the floor for at 8:30 p.m., passed the gavel to Council member Garcia and made a motion to approve the ordinance as presented. The motion failed for lack of a second. A substitute motion was considered and after continued discussion, Mirtha Gonzalez, Chief Zoning Official, suggested an alternative. Because the project has approximately 40 more parking spaces than code requires a reduction in parking could provide for the additional landscaping needs. Therefore a motion was made by Council member Garcia to approve the ordinance as presented, with the exception of the landscaping variance. Council member Zardon offered a second and the ordinance was unanimously approved by individualized voice vote of the council. **(Vote 5-0)**

12. **City Attorney's Report** – No comments
13. **Mayor's Report – Miscellaneous** – The Mayor was not present
14. **Council Members Concerns/Reports – Miscellaneous**
 - Chairperson Valdes** – No comments
 - Council member Zardon** – No comments
 - Council member Garcia** – No comments

Council member Haddad – ceded his time to Mr. Rafael Gonzalez 8750 N.W. 112 Street, Hialeah Gardens, who proceeded to inform the council of his various concerns. Mr. Gonzalez made reference to noise being made at 3:30 a.m., during the past two weeks, by container deliveries to the Blue Sky Restaurant near his home. He also mentioned a barber shop located in the same shopping center which he believes has suspicious hours of operation. Mr. Gonzalez also voiced his concern over packs of wild dogs he has seen on city streets. After his testimony, Mr. Gonzalez was informed that this information would be provided to Mr. Arturo Ruiz, Director of Administration, who will be contacting him directly to address his complaints.

15. **Adjournment:** The meeting was adjourned at 8:58 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 FUTURE MEETINGS:

CITY COUNCIL

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

PLANNING AND ZONING BOARD

Wednesday, March 6, 2002, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Monday, March 4, 2002, 11:30 A.M.

WATER AND SEWER BOARD

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