

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martinez
Council Vice President



Council Members
Katharine Cue-Fuente
Jose F. Caragol
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda January 8, 2019 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Council President Casáls-Muñoz

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

1. PRESENTATIONS

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Second reading and public hearing for Items LU 1 and LU 2 will be held on January 22, 2019, due to required advertising.

3. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the Council Meeting held on December 11, 2018. (OFFICE OF THE CITY CLERK)
- B. Request permission to award Hialeah Bid No. 2018/19-3230-00-001 - *300 Unit Elderly Housing Project - Painting and Waterproofing*, to Cunano Builders Corporation, lowest responsive and responsible bidder, in a total cumulative amount not to exceed \$253,428, and further request permission to add the removal of the existing accordion shutters to the scope of work in the amount of \$4,250, as well a ten percent (10%) contingency, for a total expense amount of \$283,020.80. (CONSTRUCTION & MAINTENANCE AND DEPT. OF GRANTS & HUMAN SERVICES)
- C. Request permission to increase Purchase Order No. 2019-384, issued to Law Enforcement Psychological and Counseling Associates, Inc., whose primary psychologist is Mark Axelberd, Ph.D., to provide psychological screening services for the hiring of police officers, firefighters and the Employee Assistance Program, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (HUMAN RESOURCES DEPT.)
- D. Request permission to increase Purchase Order No. 2019-929, issued to G. & R. Electric Corp., to repair and maintain the Police Department's network in headquarters and sectors one through five, by an additional amount of \$34,570, for a new total cumulative amount not to exceed \$49,570. (POLICE DEPT.)
- E. Proposed resolution accepting a grant award from the Department of Homeland Security, Federal Emergency Management Agency, under the fiscal year 2017 assistance to Firefighters Grant Program, in the amount of \$128,800.00, to fund the purchase of operation and safety equipment; authorizing the Mayor or his designee, and the City Clerk, as attesting witness, on behalf of the City, to enter into a Grant Award Agreement commencing on August 30, 2018 and ending on August 29, 2019, a copy of which is attached hereto and made a part hereof as Exhibit "A"; and further authorizing the Mayor or his designee to execute and submit any and all agreements and documents in furtherance

thereof. (FIRE DEPT.)

- F. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute an Automated Teller Machine Concession Agreement between Communitel, Inc., and the City of Hialeah, Florida, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1", to provide ATM services to the public at designated city-owned locations; providing for an effective date. (ADMINISTRATION)
- G. Request from Saint Benedict Catholic Church, located at 701 West 77th Street, Hialeah, Florida, for a permit to host a carnival on church grounds from Thursday, February 21, 2019 through Sunday, February 24, 2019, subject to recommendations from the Police Department and Fire Department. (OFFICE OF THE CITY CLERK)
- H. Request permission to utilize U.S. Communities Contract No. 4400003732 – *Multifunction Devices/Managed Print Services*, effective through June 30, 2019, between Fairfax County, Virginia and Ricoh USA, Inc., and issue a purchase order to Ricoh USA, Inc., for a five year lease of a Ricoh Pro8210S Copier for the City's Print Shop, commencing on February 1, 2019 and ending on January 31, 2024, in a total cumulative amount not to exceed \$5,774.76, with a cost per copy of \$0.0030 which includes parts, labor, toner and staples. (PURCHASING DEPT.)
- I. Proposed resolution authorizing the expenditure of an amount not to exceed sixty thousand dollars (\$60,000.00) from the Law Enforcement Trust Fund - *State*, for costs associated with protracted and complex investigations, to satisfy vehicle liens, for confidential police informant fees, forfeiture case settlement payments, and to acquire investigative equipment or expertise, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- J. Proposed resolution approving the expenditure totaling an amount not to exceed \$99,305.00 from the Law Enforcement Trust Fund - *Federal* account to purchase five (5) 2019 Chevrolet Malibu LS Vehicles from Auto Nation Chevrolet, utilizing the pricing established by a competitive bid from the Florida Sheriff's Association, Bid #18-VEL26.0, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

4. ADMINISTRATIVE ITEMS

- 4A. First reading of proposed ordinance approving an amendment, a copy of which in substantial form is attached hereto as Exhibit "1", to the Development Agreement, by and between Alberto Micha, as trustee of Hialeah Gardens irrevocable trust dated December 6, 2010, and the City of Hialeah, Florida, entered into on September 6, 2016, and recorded at Official Records Book 30303 at Pages 574-595 of the Public Records Of Miami-Dade County, Florida; **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street/State Road 924; all located in Hialeah, Florida. Property having a land use classification of mixed-use commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning District.** Repealing all ordinances or parts of ordinances in conflict

herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro J. Arias, Esq., on behalf of Atlas Fam II, LLC*)

- 4B.** First reading of proposed approving the Development Agreement between F03-4, LLC, and F99-5, LLC, Florida Limited Liability Companies, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit “1”. Property comprising approximately 326.50 acres within an area generally located at the southwest intersection of NW 97 Avenue and NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and to be developed within the parameters of the MH (Industrial District) zoning classification. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Melissa Tapanes Llahues, Esq., on behalf of F03-4, LLC and F99-5, LLC*)

5. BOARD APPOINTMENTS

- 5A.** Re-appointment by Council Vice President Garcia-Martinez of **Roberto “Bobby” Ramirez** to the Cultural Affairs Board for a two year term commencing on November 16, 2017 and ending on November 16, 2019. (COUNCIL VICE PRESIDENT GARCIA-MARTINEZ)
- 5B.** Re-appointment by Councilwoman Cue-Fuente of **Efrain Santiago** to the Veterans Affairs Board for a two year term commencing on November 16, 2017 and ending on November 16, 2019. (COUNCILWOMAN CUE FUENTE)
- 5C.** Re-appointment by Councilman Caragol of **Nilda Donahue** to the Veterans Affairs Board for a two year term commencing on November 16, 2018 and ending on November 16, 2020. (COUNCILMAN CARAGOL)
- 5D.** Proposed resolution reappointing **Rodolfo J. Suarez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2020.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- a. Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from GU (Interim District Miami-Dade County Zoning Designation) to MH (Industrial District). **Property consisting of 336 acres, more or less, lying north of N.W. 142 Street, and bounded on the north by N.W. 54 Street, on the east by N.W. 97 Avenue, and on the west by N.W. 107 Avenue, identified by folio numbers 04-2020-002-0010 and 04-2020-002-0021, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on November 28, 2018.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Owners of the Property: F03-4 LLC., P.O Box 22577, Hialeah, Florida 33002. F99 5, LLC, P.O Box 22577, Hialeah, Florida 33002.</i>
<i>Registered Lobbyists: Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131. Maritza Haro Salgado, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131.</i>
<i>Item was approved on first reading by the City Council on December 11, 2018.</i>

PZ 2. First reading of proposed ordinance rezoning R-1 (One Family District) to R-2 (One-and Two-Family Residential District); to allow the construction of a duplex on a substandard lot, with a frontage of 50 feet and area of 6,750 square feet, where 75 feet and 7,500 square

feet are required; allow 34.3% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code Of Ordinances §§ 98-544 and 98-2056(b)(2). **Property located at 225 East 15 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Owner of the Property: Pedro Acebo, 8261 NW 172 Street, Hialeah, Florida 33015. Tangible Investments I Inc., 8261 NW 172 Street, Hialeah, Florida 33015.</i>
<i>Registered Lobbyists: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>

PZ 3. First reading of proposed ordinance to allow the construction of a duplex on a substandard lot, with a frontage of 40 feet and area of 5,160 square feet, where 75 feet and 7,500 square feet are required; and allow interior east side setback of 5.83 feet for a distance of 11 feet, where 7.5 feet are required; property zoned R-2 (One-and Two-Family Residential District); all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 457 East 16 Street (Lot 21), Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Owner of the Property: Charles Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141. Vivian Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141</i>
<i>Registered Lobbyists: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>

PZ 4. First reading of proposed ordinance to allow the construction of a duplex on a substandard lot, with a frontage of 40 feet and area of 5,160 square feet, where 75 feet and 7,500 square feet are required; and allow interior east side setback of 5.83 feet for a distance of 11 feet, where 7.5 feet are required; property zoned R-2 (One-and Two-Family Residential District); all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 457 East 16 Street (Lot 22), Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval with conditions.</i>

<i>Owner of the Property: Charles Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141. Vivian Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141</i>
<i>Registered Lobbyists: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>

PZ 5. First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow for a plasma collection facility; **Property located at 2750 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Frank Sarria, 1001 Ponce De Leon Blvd, Suite E, Coral Gables, Florida 33134.</i>

PZ 6. First reading of proposed ordinance approving a Final Plat of Aquabella North Subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property bounded on the north by N.W. 170 Street, on the south by N.W. 154 Street, on the east by the I-75 extension and on the west by N.W 97 Avenue.**

<i>Item was approved by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>

PZ 7. First reading of proposed ordinance approving a Final Plat of Mount Sinai Subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 6050 West 20 Avenue, Hialeah, Florida.**

<i>Item was approved by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>

LANDUSE

~~**LU 1.** Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Residential Office to Commercial. **Property located at 385 West 49**~~

~~Street, Hialeah, Florida, zoned RO (Residential Office); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.~~

<i>Item was approved with conditions by the Planning and Zoning Board on November 28, 2018.</i>
<i>Planner's Recommendation: Approve as recommended</i>
<i>Registered Lobbyist: Felix Lasarte, 3250 NE 1 Avenue, Suite 334, Miami, Florida.</i>
<i>Item was approved on first reading by the City Council on December 11, 2018.</i>

LU 2. ~~Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Medium Density Residential to High Density Residential. Property located at 1200, 1205, 1265, 1280 West 25 Place, Hialeah, Florida, zoned R-3 (Multiple Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.~~

<i>Item was approved with conditions by the Planning and Zoning Board on November 28, 2018.</i>
<i>Planner's Recommendation: Approve as recommended.</i>
<i>Owner of the Property: Oceanmar Park Apartments LLC., 16400 NW 59th Avenue, Miami Lakes, Florida.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq., 16400 NW 59th Avenue, Miami Lakes, Florida.</i>
<i>Item was approved on first reading by the City Council on December 11, 2018.</i>

FINAL DECISION

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-13 that granted an adjustment on the **property located at 260 West 52 Street, Hialeah, Florida;** and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on November 14, 2018.</i>
<i>Planner's Recommendation: Denial</i>
<i>Owners of the Property: Yanamara Perez, 1950 West 54 Street, Apt 421, Hialeah, Florida 33012 Maria Del Carmen Perez, 1950 West 54 Street, Apt 421, Hialeah, Florida 33012.</i>

NEXT CITY COUNCIL MEETING: Tuesday, January 22, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 26, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).