

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 22, 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 Vice President Garcia-Martinez

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

- Applicant has requested by Items PZ 1 and PZ 2 be postponed until February 12, 2019.

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 January 8, 2019. (OFFICE OF THE CITY CLERK)
- B. Request permission to award Hialeah Bid No. 2018/19-3230-00-007 – *Elderly Housing Buildings Units 32, 29, & 8-Porcelain Tile*, to D'Elite Floors of Miami, Inc., lowest responsive and responsible bidder, in a total cumulative amount not to exceed \$78,997, and further request a ten percent (10%) contingency in the amount of \$7,899, to cover any unforeseen issues that may arise during the work, for a total expense amount of \$86,896. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES)
- C. Request permission to award Hialeah Bid No. 2018/19-3230-00-002 – *57 Units Villa Aida Exterior Painting and Waterproofing*, to Pro-Max Restoration & Paint Corp., lowest responsive and responsible bidder, in a total cumulative amount not to exceed \$107,153.98, and further request a ten percent (10%) contingency in the amount of \$10,715.39, to cover any unforeseen issues that may arise during the work, for a total expense amount of \$117,869.37. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES)
- D. Request permission to award Hialeah Bid No. 2018/19-3230-00-006 – *57 Units Villa Aida - Porcelain Tile*, to D'Elite Floors of Miami, In., lowest responsive and responsible bidder, in a total cumulative amount not to exceed \$54,997, and further request a ten percent (10%) contingency in the amount of \$5,499, to cover any unforeseen issues that may arise during the work, for a total expense amount of \$60,496. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES)
- E. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to AN Motors of Pembroke, LLC d/b/a Autonation Chevrolet Pembroke Pines, to purchase four (4) 2019 Chevy Malibu, Mid-Size-4 Door Administrative Vehicles, Specification No. 19, in a total cumulative amount not to exceed \$66,068. (BUSINESS TAX DIVISION)

- F. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is a manufacturer representative for BECS System 3, 5 and 7 controllers and Poletank Sand filtration systems, and issue a purchase order to Commercial Energy Specialists, Inc., for the purchase of a new EPD filter tank system for Bucky Dent Water Park activity pool, in a total cumulative amount not to exceed \$43,499.26. (PARKS AND RECREATION DEPT.)
- G. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to extend the prices from last year's contract, and issue a purchase order to H & R Paving, Inc., for the purchase of asphalt material at \$72.00 per ton and paver rental at \$950.00 per day in order to resurface various roads, in a total cumulative amount not to exceed \$400,000. (STREETS)
- H. Report of Scrivener's Error – Ordinance No. 2018-008 of the City Council Meeting of January 23, 2018 was passed and adopted with a reference in the title of the ordinance having been omitted and an error in Section 1 of the ordinance. The title and section one (1) of the ordinance are being amended as follows:

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A PERVIOUS AREA OF 24 PERCENT, WHERE 30 PERCENT IS REQUIRED; ALLOW PARKING SETBACK OF 5 FEET, WHERE 55 FEET IS THE MINIMUM REQUIRED...

Section 1. The below-described property is granted a variance permit to allow a pervious area of 24 percent, where 30 percent is required; contra to Hialeah Code § 98-2056(b)(1) that provides: "A minimum of 30 percent of the net residential land area shall be maintained in landscaped open space..."; allow parking setback of 5 feet, where 55 feet is the minimum required...

- I. Report of Scrivener's Error – Ordinance No. 2011-78 of the City Council Meeting of November 8, 2011 was passed and adopted with an incorrect reference in the title and section one (1) of the ordinance. The title and section one (1) of the ordinance are being amended as follows:

ORDINANCE REZONING FROM C-2 (LIBERAL RETAIL COMMERCIAL DISTRICT) TO R-3-3 (MULTIPLE FAMILY DISTRICT).

Section 1. The below-described property is hereby rezoned from C-2 (Liberal Retail Commercial District) to R-3-3 (Multiple Family District).

- J. Request permission to issue a purchase order to Motorola Solutions, Inc., sole source vendor, for the purchase of three (3) Motorola 8500 all band dual control head mobile trunk mount radios for the fire department's 800 MHz Radio Trucking System for Hialeah Fire Department rescue trucks, in a total cumulative amount not to exceed \$17,414.25. (FIRE DEPT.)
- K. Request permission to issue a purchase order to Lewis, Longman & Walker, P.A., vendor assisting the City with the process of reaching a successor employment contract with IAFF, to pay for outstanding invoices for services rendered, in a total amount not to exceed \$73,075.70. Further request permission to increase Purchase Order No. 2019-982

issued to Bryant Miller Olive P.A., for the services of David Miller, Esq., the City's lead negotiator, for services rendered in the process of reaching a successor employment contract with IAFF, by an additional amount of 30,000, for a new total cumulative amount not to exceed \$30,000 for a new total commutative amount of \$90,400.97 (LAW DEPT.)

- L. Report of Scrivener's Error – Ordinance No. 2019-001 of the City Council Meeting of January 8, 2019 was passed and adopted with an incorrect reference in the title of the ordinance. The title of the ordinance is being amended as follows:

ORDINANCE REZONING PROPERTY FROM GU (INTERIM DISTRICT MIAMI-DADE COUNTY ZONING DESIGNATION) TO MH (INDUSTRIAL DISTRICT). PROPERTY CONSISTING OF APPROXIMATELY 336 ACRES BOUNDED ON THE NORTH BY NW 154 STREET,...

4. ADMINISTRATIVE ITEMS

- 4A. Second reading and public hearing 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*)

Item was approved on first reading by the City Council on January 8, 2019.

- 4B. Second reading and public of proposed ordinance 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*)

Item was approved on first reading by the City Council on January 8, 2019.

- 4C. First reading of proposed ordinance banning the sale of Hemp and Cannabidiol/CBD

products not presently permitted by federal or Florida state law and requiring proof of compliance thereof; and establishing a temporary moratorium for a period of one hundred and eighty (180) days on the processing, approval or issuance of business tax receipts and development permits as the term is defined in Florida Statutes 163.3164(16) or issuance of any other license or permit following the effective date of the enactment of Federal Hemp or Florida state regulations and Cannabidiol/CBD regulations once approved by the USDA as required by the 2018 Farm Bill; before cultivation and sales among the states is permitted; providing for amortization; 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.

- 4D.** First reading of proposed ordinance amending Section 98-1607.3 RH-CD-Mixed Use Multiple Family District of the Code of Ordinances of the City of Hialeah, in Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 29. Hialeah Heights by allowing up to 32 units per gross acre; providing a purpose; site and development standards; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in code; and providing for an effective date.

5. BOARD APPOINTMENTS

- 5A.** Proposed resolution appointing **Patrick Carnevale** to the Personnel Board of the City of Hialeah, as the IAFF/FOP appointment, for the remainder of a two (2)-year term ending on June 26, 2019. (IAFF/FOP)
- 5B.** Proposed resolution reappointing **Robert Williams III** to the Board of Trustees of the Employees General Retirement System as the International Association of Fire Fighters (“IAFF”) appointment for a two (2)-year term ending on December 31, 2020. (IAFF)

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 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>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>

PZ 2. ~~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>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>

PZ 3. Second reading and public hearing 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>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>

PZ 4. Second reading and public hearing 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>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>

PZ 5. Second reading and public hearing 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>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>

PZ 6. First reading of proposed ordinance vacating and abandoning for public use all of the 16 foot alley east of and adjacent to Lot 6, Block 1 of Wollaston Park, according to the plat thereof, as recorded in Plat Book 13, at Page 49, of the public records of Miami-Dade County, Florida **extending for approximately 138.24 feet north of West 33 Street bounded on the north and adjacent to 3368 Palm Avenue and running between the properties located at 3320 Palm Avenue, to the east, and 35 W. 33 Street to the west,** and more particularly described in the legal description and location sketch attached hereto and made a part hereof as Exhibit "A"; and reserving within the easement to the city perpetual and exclusive access to maintain, repair and replace utilities or install utilities as may be necessary as more particularly depicted in the legal description and location sketch attached hereto and made a part hereof as Exhibit "B"; 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 January 9, 2019.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of Property: 3368 Palm Avenue, LLC</i>
<i>Applicant: Virtual Imaging Investments, Inc., Juan Puig.</i>

PZ 7. First reading of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). **Property located at 35 West 33 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 January 9, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Virtual Imaging Investments, Inc., 3320 Palm Avenue, Hialeah, Florida.</i>

PZ 8. First reading of proposed ordinance granting a variance permit to allow a duplex on a substandard lot having a frontage of 50 feet and lot area of 5,000 square feet, where 75 feet and 7,500 square feet are required; allow interior north and south side setback of 5 feet, where 7.5 feet are required; property zoned R-2 (One and Two Residential District);

all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 4820-4822 East 10 Avenue, 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 as recommended by the Planning and Zoning Board on January 9, 2019.</i>
<i>Planner's Recommendation: Approve only substandard lot and side setback variances. Legalization shall be completed within 180 days.</i>
<i>Owner of the Property: Margie Izquierdo, 4822 East 10th Avenue, Hialeah, Florida 33013.</i>

PZ 9. First reading of proposed ordinance rezoning property from C-1 (Restricted Retail Commercial District) and R-1 (One-Family District) to TOD (Transit Oriented Development District); and granting a variance permit to allow 10 stories, where 8 stories is the maximum allowed contra to Hialeah Code of Ordinances §§ 98-1544(c)(2) and 98-1544(d). **Property located at 955 East 25 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 January 9, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Hialeah Evocative, LLC, 1474 A West 84 Street, Hialeah, Florida 33014; Michael L. Osman, 1474 A 84 Street, Hialeah, Florida 33014.</i>

PZ 10. Recommendation of denial by the Planning and Zoning Board for the rezoning from M-2 (Industrial District) to M-3 (Industrial District) and Special Use Permit to allow an indoor electronic recycling facility at property located at **5501 NW 36 Avenue, Hialeah, Florida**, zoned M-2 (Industrial District).

<i>Item was denied by the Planning and Zoning Board on January 9, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: FRC Warehouse 5501 LLC; Eduardo Rodriguez 9420 SW 77 Street, Miami, Florida 33173.</i>

FINAL DECISION

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-14 that granted an adjustment on the property located at **577 West 55 Place, Hialeah, Florida**; 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: Approve with conditions.</i>
<i>Owner of the Property: Magda Soriano, 577 West 55th Place, Hialeah, Florida 33012.</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>

NEXT CITY COUNCIL MEETING: Tuesday, February 12, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 12, 2019 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).