

Carlos Hernández
Mayor

Paul B. Hernández
President

Oscar De la Rosa
Vice President



Council Members
Katharine Cue-Fuente
Jacqueline Garcia-Roves
Monica Perez
Jesus Tundidor
Carl Zogby

City Council Meeting
February 11, 2020
7:00 p.m.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilwoman Garcia-Roves

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. COMMENTS AND QUESTIONS

2. PRESENTATIONS

- Mayor Hernandez presents a proclamation to Raymond Robinson, who served as a Council Member for the City of Hialeah from the year 1977 to 1989. (MAYOR HERNANDEZ)
- Walter Keller of Walter H. Keller, Inc., Consultant Engineers and Planners, presents his 2018 police impact fees rate study. (ADMINISTRATION)

3. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

4. 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 28, 2020.
(OFFICE OF THE CITY CLERK)
- B. Proposed resolution directing the City Attorney to report to the City Council on the progress of the obligations assumed by the City specifically to address unauthorized municipal approvals in the Consent Agreement between the City and Miami-Dade County DERM on a quarterly basis beginning in May 2020 and every three months thereafter, at regularly scheduled meetings of the Council, until the term of the Consent Agreement ends or all obligations are met; and providing for an effective date.
(ADMINISTRATION)
- C. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Education Adventures, LLC, to provide interactive science enrichment services to the participants of the City's Creative Learning and Play Program, for a term commencing on September 1, 2019 and ending on May 31, 2020, in an amount not to exceed \$15,500.00; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Service Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1"; and providing for an effective date.
(EDUCATION AND COMMUNITY SERVICE DIVISION)

- D.** Request from the City of Hialeah Communications and Special Events Department, for a Temporary Street Closure permit, for the City's Art on Palm Festival, beginning on Palm Avenue from East 9th Street to 3rd Street, and between 1st Avenue and East 1st Avenue along with 4th, 5th, 6th, 7th and 8th Streets, from Friday, February 21, 2020 starting at 6:00 p.m. through Sunday February 23, 2020 at 7:00 a.m., with the event taking place on Saturday, February 22, 2020 from 5:00 p.m. to 12:00 a.m.
(COMMUNICATIONS AND SPECIAL EVENTS DEPT.)
- E.** Request from La Familia Multiservices, located at 2750 West 68th Street, Suite 113, Hialeah, Florida, for a permit to host a family festival in the complex parking lot, to be held on Saturday, February 15, 2020, beginning at 12:00 p.m. and ending at 4:00 p.m., subject to recommendations from the Police Department and the Fire Department.
(OFFICE OF THE CITY CLERK)
- F.** Proposed resolution authorizing the placement of property insurance through the services of Arthur J. Gallagher Risk Management Services, Inc., an Illinois Corporation, to insure City property, including, but not limited to, buildings, contents, property, equipment, and vehicles through Layered Insurance Coverage for a combined and total maximum loss limit of \$25 million against damages caused by natural disasters and by all other perils, and a 5% deductible for a named windstorm and hail storm, subject to a \$500,000.00 deductible, placement of Cyber Insurance with limits of \$5 million, Fiduciary Liability Insurance with limits of \$2 million, and excess Workers Compensation Insurance for a total premium of \$982,437 commencing on March 10, 2020 and expiring on March 9, 2021; and placement of City's required Fuel Tank Insurance at an amount not to exceed \$15,000.00 and required Flood Coverage at an amount not to exceed \$30,000.00 at appropriate renewal periods.
(RISK MANAGEMENT)
- G.** Proposed resolution authorizing the Mayor and City Clerk, on behalf of the City to enter into a three-year agreement, commencing December 1, 2020 and ending on November 30, 2023, with Sedgwick Claims Management Services, Inc., to provide administrative services for the City of Hialeah's Self-Insurance Program in the areas of Auto Liability, General Liability, Auto Physical Damage, Police and Fire Professional Liability, and Workers' Compensation for the City of Hialeah, Florida and further authorizing the expenditure of the sum of \$490,406 each year for the next three years in monthly installments, for services rendered under the agreement.
(RISK MANAGEMENT)
- H.** Request permission to waive competitive bidding, and issue a purchase order to Eaton Corporation, for the annual maintenance for the Data Center UPS' located throughout the City, in a total cumulative amount not to exceed \$16,328.66.
(INFORMATION TECHNOLOGY DEPT.)
- I.** Request permission to waive competitive bidding since it is advantageous to the City, and issue a purchase order to each of the following three vendors: (1) Royal Electrical Supply, Inc., (2) Miami-Dade Electric and A/C Supply, LLC, and (3) Manhattan Electric & Hardware Corporation, doing business as Manhattan Electric & Lighting Supply, for the purchase of electrical equipment, components and supplies, in a total cumulative amount not to exceed \$100,000 for all three vendors.
(CONSTRUCTION & MAINTENANCE DEPT.)

J. Request permission to waive competitive bidding, and increase purchase order number 2020-779, issued to Culmin Staffing Group, Inc, for clerical staffing services for the Office of Management and Budget until a vacant Budget Analyst Assistant position is filled, by an additional \$25,000, for a new total cumulative amount not to exceed \$35,000.
(OFFICE OF MANAGEMENT AND BUDGET)

K. Request permission to issue a purchase order to Ashbrite, Inc., to issue payment for disaster debris removal services rendered due to Hurricane Irma during five separate periods ranging from September of 2017 through October of 2017, in a total cumulative amount not to exceed \$817,695.43, amount which will be reimbursed to the City by Federal Emergency Management Agency (FEMA).

5. ADMINISTRATIVE ITEMS

5A. Proposed resolution approving the reimbursement of taxes paid for temporary business tax receipts to each of the business operators identified in the list attached as Exhibit “1” and in the amount provided for each, all totaling \$255,050.13; and providing for an effective date.
(ADMINISTRATION)

5B. Second reading and public hearing of proposed ordinance amending Chapter 86 entitled “Taxation and Fees”, Article II. Local Business Tax, of the Code of Ordinances of the City of Hialeah, and in particular revising Hialeah Code Section 86-34 entitled “Business Tax Receipt Required”, to rescind subsection (c) Temporary Business Tax Receipt; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date.
(LICENSE)

Item was approved on first reading by the City Council on January 28, 2020.

5C. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 26 “TOD Transit Oriented Development District”, Section 98-1561 entitled “Factory Town Entertainment Subdistrict Pilot Program”, subsection 98-1561(a) of the Code of Ordinances of the City of Hialeah to provide for an extension for another six months to the Factory Town Entertainment Subdistrict Pilot Program following approval of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith, providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date.
(ZONING)

Item was approved on first reading by the City Council on January 28, 2020.

Form 8b Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was filed by Council Vice President De la Rosa on January 28, 2020, and he abstained from voting on this item on first reading.

- 5D.** First reading of proposed ordinance amending Chapter 86 entitled "Taxation and Fees", Article II. Local Business Tax, of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code Section 86-35 entitled "Doing Business Without a Local Business Tax Receipt" subsection (a), to remove the provision for arrests and adding a new subsection (d) to provide for a civil penalty for violations of Article II in Chapter 86, including against persons operating a business or engaging in an occupation or profession without a business tax receipt, within 150 days after the initial notice of tax due is received; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

6. BOARD APPOINTMENTS

- 6A. Proposed resolution removing Luis Rodriguez from the Planning and Zoning Board and appointing **Bryan Calvo** as a member of the Planning and Zoning Board for the remainder of a two (2)-year term ending on June 28, 2020. (COUNCILWOMAN GARCIA-ROVES)

7. UNFINISHED BUSINESS

8. NEW BUSINESS

9. CITY COUNCIL'S NEW BUSINESS

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 granting a Conditional Use Permit (CUP) to allow the expansion of an existing 55 student, K-8 school to a 100 student K-12; variance permit to allow 95 parking spaces, where 327 are required and allow 9 of those 33 existing parking spaces to back out into the street. **Property located at 5800 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was postponed on January 28, 2020 until February 11, 2020 per the applicant's request.</i>
<i>Item was postponed on January 14, 2020 until January 28, 2020 per the applicant's request.</i>
<i>Item was postponed on December 10, 2019 until January 14, 2020 per the applicant's request.</i>
<i>Item was postponed on November 26, 2019 until December 10, 2019 per the applicant's request.</i>
<i>Item was postponed on November 12, 2019 until November 26, 2019 per the applicant's request.</i>
<i>On October 22, 2019 the City Council postponed the item until November 12, 2019.</i>
<i>Item was approved on first reading by the City Council on October 8, 2019.</i>
<i>On September 25, 2019, the Planning and Zoning Board approved the item with conditions.</i>
<i>Planner's Recommendation: Approval with the condition that the school remains with 60 students and 6 staff members until the proposed parking lot is completed. A Declaration of Restrictive Covenants should describe the operational plan, number of students and staff before and after the completion of the parking lot, number of high school students that will be allowed to park on premises, control method to avoid that other high school students park on the swale areas, pick-up and drop-off times and number of parking control employees to manage that process.</i>
<i>Owner of the Property: Daniel Ramos, 5855 West 2 Avenue, Hialeah, Florida 33012 Larry Weeks, 740 SW 61 Avenue, Plantation, Florida 33317 Maria, Elizabeth Vitale, 155 East 61 Street, Hialeah, Florida 33013</i>

PZ 2. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit pursuant to Hialeah Code of Ordinances § 98-181 to allow the expansion of an existing non-conforming church including a patronage building; and granting a variance permit to allow a 25 foot front setback for the patronage building, where 5 feet are required; allow for 3 back out parking spaces on the front setback, where parking in the front setback and back out parking is not allowed; allow a 14 foot front setback for the church, where 10 feet are required; allow 0 feet interior side setback, where 5 feet are required; allow 9 parking spaces, where 77 parking spaces are required; and allow 8.5% pervious area, where 30% pervious

area is required. All contra to §§ 98-881(1)a., 98-881(1)a.2., 98-2186, 98-641(a) and (b), and 98-2189(17) and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (e), Table A. **Property located at 16-26 East 7 Street, Hialeah, Florida.** Property zoned R-3-D (Multifamily District) and CR (Commercial Residential). 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 postponed on January 28, 2020 until February 11, 2020 per the applicant's request.</i>
<i>On January 14, 2020 the item was approved on first reading by the City Council.</i>
<i>On December 11, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Israel Suarez, 702 East 30 Street, Hialeah, Florida. Isis D. Suarez, 650 East 62 Street, Hialeah, Florida.</i>

PZ 3. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One-Family District) to R-3-3 (Multiple-Family District); and granting a variance permit to allow a front setback of 17.66 feet, where 25 feet are required; allow a rear setback of 10.5 feet, where 20 feet are required; allow a street side setback of 5 feet, where 15 feet are required, all contra to Hialeah Code of Ordinances §§ 98-589, 98-590 and 98-591. **Property located at 811 East 52 Street, Hialeah, Florida.** Property zoned R-1 (One-Family District). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved on first reading by the City Council on January 28, 2020.</i>
<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida.</i>
<i>On January 15, 2020, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: ARB Homes, LLC, PO Box 520187, Miami, Florida 33152 Rene G. Baques, PO Box 520187, Miami, Florida 33152 Marta Baques, PO Box 520187, Miami, Florida 33152</i>

PZ 4. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); providing a parking plan to permit 118 on-site parking spaces, where 485 spaces are required provided that the remaining parking spaces identified in a parking plan are provided off-site; and granting a variance to allow

surface parking within 1,500 feet or by payment into the parking improvement trust fund as established in a parking covenant; contra to Hialeah Code of Ordinances §98-1545(b) and (c); and granting a Conditional Use Permit Pursuant to Hialeah Code of Ordinances §98-1561, Factory Town Entertainment Subdistrict Pilot Program and incorporating a conceptual site plan and a conceptual master sign plan allowing distilleries, entertainment establishments, festivals, live music venues, nightclubs, banquet halls, dance halls, bars, special events, exhibits, and similar outdoor uses, such as retail, dining (including food trucks and food carts), and other entertainment, music and art festivals pursuant to a declaration of restrictions. Property located at 4800 NW 37 Avenue located within the Factory Town Entertainment Subdistrict Pilot Program, Hialeah, zoned M-1 (Industrial 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>On January 28, 2020 the recommendation of denial of the Planning and Zoning Board was overridden by the City Council, and first reading was scheduled for February 11, 2020.</i>
<i>Form 8b Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was filed by Council Vice President De la Rosa on January 28, 2020, and he abstained from voting on this item on first reading.</i>
<i>Registered Lobbyist: Carlos Diaz, Greenberg Traurig P.A., 333 SE 2nd Avenue, 44th Floor, Miami, Florida 33134</i>
<i>Registered Lobbyist: Jorge Navarro, Greenberg Traurig P.A., 333 SE 2nd Avenue, 44th Floor, Miami, Florida 33134.</i>
<i>On January 15, 2020, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval of rezoning, conditional use permit and variance to allow deviation of the parking standards, so long as a complete application for site plan review for each phase of development is submitted for each phase in substantial compliance with the conceptual site plan.</i>
<i>Owner of the Property: 4700 NW 37th Investments, LLC, 2665 S. Bayshore Dr, Suite 1020, Coconut Grove, Florida 33131.</i>

LAND USE AMENDMENTS

- LU 1.** First reading of proposed ordinance amending the Future Land Use Map from Residential Office to Medium Density Residential. **Property located at 840 and 860 SE 8 Avenue, Hialeah, Florida**, zoned R-1 (One 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 postponed by the City Council on January 28, 2020 until February 11, 2020, per the applicant's request.</i>
<i>On January 14, 2020, both a motion to approve the item and a motion to table the item until January 28, 2020 failed. The City Council passed a motion to adjourn the City Council Meeting of January 14, 2020 without having taken action on this item.</i>
<i>Item was postponed on December 10, 2019 until January 14, 2020 per the applicant's request.</i>
<i>On November 26, 2019, the recommendation of denial from the Planning and Zoning Board was overridden by the City Council.</i>
<i>On November 12, 2019, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Mitchell Sabina (New Spot, LLC) 7767 NW 146 Street, Miami Lakes, Florida 33016. Michael Osman (Oakwood on Main, LLC) 147- A West 84 Street, Hialeah, Florida 33014</i>

NEXT CITY COUNCIL MEETING: Tuesday, February 25, 2020 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 25, 2020 at 6:30 p.m.

PENSION WORKSHOP: Wednesday, March 11, 2020 at 7:00 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 two (2) 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).