

**Esteban Bovo, Jr.**  
Mayor

**Monica Perez**  
President

**Jacqueline Garcia-Roves**  
Vice President



Council Members  
**Bryan Calvo**  
**Vivian Casàls-Muñoz**  
**Luis Rodriguez**  
**Jesus Tundidor**  
**Carl Zogby**

## **City Council Meeting Agenda March 14, 2023 7:00 p.m.**

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### **1. CALL TO ORDER**

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### **2. ROLL CALL**

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### **3. INVOCATION**

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A. The invocation is to be led by Marbelys Fatjo, City Clerk.

### **4. PLEDGE OF ALLEGIANCE**

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A. The Pledge of Allegiance is to be led by Council Member Zogby.

### **5. MEETING GUIDELINES**

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*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.
- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on matters of public concern or on any item on the agenda, may do so during the meeting.
- 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.
- The public can view public meetings on the City's YouTube page ([www.youtube.com/cityofhialeahgov](http://www.youtube.com/cityofhialeahgov)).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

## **6. PRESENTATIONS**

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## **7. COMMENTS AND QUESTIONS**

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## **8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA**

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## **9. BOARD APPOINTMENTS**

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- A. Proposed resolution appointing **David Fernandez** to the Board of Trustees of the Employees Retirement System as the Management appointment, for the remainder of a two (2)-year term

ending on December 31, 2023.

(MANAGEMENT)

## **10. CONSENT AGENDA**

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*All items listed under Consent Agenda with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, 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 City Council Meeting held on February 28, 2023 at 7:00 p.m.

*(OFFICE OF THE CITY CLERK)*

- B.** Request permission to utilize Contract No. 4400006644 – *Technology Products, Services, Solutions, and Related Products and Services*, between the County of Fairfax, Virginia and the vendor, contract that expires on October 31, 2023, and issue a purchase order to Insight Public Sector, Inc., for the subscription renewal of the City’s mobile VPN client, from March 27, 2023 through March 26, 2024, in a total expense amount not to exceed \$41,613.00.

The funding for this expenditure is to withdrawn from the General Fund - Contractual Services Account No. 001.0201.519.340.

*(INFORMATION TECHNOLOGY DEPARTMENT)*

- C.** Request permission to issue a purchase order to L3Harris Technologies, Inc., vendor currently under contract with the City for the P25 Radio System, for contractual services and maintenance to the City’s radio system, as well as for repairs and upgrades, in a total expense amount not to exceed \$255,878.00.

The funding for this expenditure is to withdrawn from the General Fund - Contractual Services Account No. 001.1500.520.340.

*(FIRE DEPARTMENT)*

- D.** Request permission to increase Purchase Order No. 2023-838, issued to Rainbow Window Tinting Inc., for the installation of window tints and accessories for all city vehicles, including emergency vehicles, by an additional amount of \$100,000.00, for a new total cumulative amount not to exceed \$125,000.00. The approval of this item requires the waiving of competitive bidding, since it is advantageous in that the vendor provided the City with the lowest quotation.

The funding for this expenditure is to withdrawn from the General Fund - Contractual Services – Charge Back to Other Departments Account No. 001.3220.591.341.

*(FLEET AND MAINTENANCE DEPARTMENT)*

- E.** Request permission to utilize MNWNC-108/43211500-ESCA-15-ACS – *Computer Equipment, Peripherals, and Related Services*, between the State of Florida, Department of

Management Services and the vendor, effective through July 31, 2023, and issue a purchase order to Dell Marketing L.P., for the purchase of fifty (50) Dell Latitude 5430 Rugged and related accessories, in a total expense amount not to exceed \$117,500.00.

The funding for this expenditure is to withdrawn from the General Fund – Capital Outlay – Equipment Account No. 001.1000.521.640.

*(POLICE DEPARTMENT)*

- F.** Request permission to utilize Contract 2018011-01 – *Information Technology Solutions and Services*, between the City of Mesa, Arizona and the vendor, effective through February 28, 2025, and issue a purchase order to CDW Government LLC, for the purchase of fifty (50) Brother RuggedJet receipt printers and related accessories, in a total expense amount not to exceed \$43,631.50.

The funding for this expenditure is to withdrawn from the General Fund – Capital Outlay – Equipment Account No. 001.1000.521.640.

*(POLICE DEPARTMENT)*

- G.** Request permission to ratify the Mayor’s decision to utilize Florida Sheriffs Association Bid No. FSA22-VEL30.0 - *Pursuit, Administrative, and Other Vehicles*, effective through September 30, 2023, and issue a purchase order to AutoNation Chevrolet Pembroke Pines, doing business as AN Motors of Pembroke, LLC, for the emergency purchase of four (4) police rated vehicles due the vehicle supply constraint, in a total cumulative amount not to exceed \$151,848.00.

The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay - Vehicles Account No. 001.1000.521.645.

*(POLICE DEPARTMENT)*

- H.** Request to increase Purchase Order No. 2023-824, issued to Image First of SE Florida, LLC, to provide pick-up and delivery service of linens, as well as laundry services for all nine (9) fire stations through the end of fiscal year 2023, by an additional amount of \$47,000.00, for a new total cumulative amount not to exceed \$72,000.00. The approval of this item requires the waiving of competitive bidding.

The funding for this expenditure is to withdrawn from the Fire Rescue Transportation Fund - Contractual Services Account No. 109.2000.522.340.

*(FIRE DEPARTMENT)*

- I.** Request permission to issue a purchase order to Kronos, LLC, for web-based access to administrative staffing and operations staffing (Tele-staff) functions through the internet for Fire Operations and Fire Administration personnel beginning on May 23, 2023 through May 22, 2024, in a total expense amount not to exceed \$28,632.47. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the services offered by this vendor have been utilized by the Hialeah Fire Department.

The funding for this expenditure is to be withdrawn from Fire Rescue Transportation Fund - Contractual Services Account No. 109.2000.522.340.

*(FIRE DEPARTMENT)*

- J. RESOLUTION:** Proposed resolution ratifying and approving the Collective Bargaining Agreement between the Hialeah Civil Service Employees Association/AFSCME Local 161 and the City of Hialeah, Florida for a period beginning on October 1, 2022 through September 30, 2023, a copy of which will be on file in the office of the City Clerk; and providing for an effective date.

*(ADMINISTRATION)*

*(HUMAN RESOURCES DEPARTMENT)*

- K.** Request permission to utilize Lake County, Florida Contract No. 22-730C - *Fire Equipment, Supplies and Services*, contract that expires on July 31, 2023, and issue a purchase order to Fisher Scientific Company L.L.C., for the purchase of Scott SCBA breathing air equipment, which includes one (1) SCBA Air Pack, ninety (90) SCBA face masks with radio direct microphones, twenty-eight (28)-SCBA face masks, twelve (12) spare batteries and ten (10) chargers, in a total expense amount not to exceed \$126,142.02.

The funding for this expenditure is to be charged as follows: \$124,000.00 is to be charged to the CDBG Fund - Capital Outlay SCBA Packs – Fire Equipment Account No. 103.8325.541.640, and \$2,142.02 is to be charged to the Fire Rescue Transportation Fund – Capital Outlay - Equipment Account No. 109.2000.522.640.

*(FIRE DEPARTMENT)*

## **11. ADMINISTRATIVE ITEMS**

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## **12. UNFINISHED BUSINESS**

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## **13. NEW BUSINESS**

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## **14. ZONING**

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### **PLANNING AND ZONING**

**PZ 1. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances §98-181 to allow a K-4 grade elementary school with a maximum capacity of 100 students in conjunction with a 43 children daycare; **Property located at 1905 West 35 Street, 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.

*At the City Council Meeting of February 28, 2023, it was announced that the second reading and public hearing was scheduled for March 14, 2023, due to advertisement deadlines the item has been postponed until March 28, 2023.*

*On February 28, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for March 28, 2023.*

*On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Growing Treasures Private School, Corp.*

*On January 25, 2023, the Planning and Zoning Board recommended approval with the following conditions: (1) that cars on the proposed pick-up/drop-off lane need to enter through the West 20<sup>th</sup> Avenue entrance and exit through the one on West 25<sup>th</sup> Street, (2) a minimum of 2 staff members need to assist in traffic circulation and pick-up/drop-off to make sure cars enter on West 20<sup>th</sup> Avenue, exit on West 35<sup>th</sup> Street, and move quickly, (3) bollards need to be installed around the entire perimeter of the playground within 3 months of the approval of the ordinance, (4) expansion of the original daycare into an adjacent bay needs to be legalized if no proof of permit is provided and (5) school operator needs to make sure that dumpsters are within the walls built for that purpose and not interrupting the area designated for the drop-off pick-up lane.*

*Planner's Recommendation: Approval with conditions.*

*Property Owner: Growing Treasures Private School Corp., 1905 West 35<sup>th</sup> Street, Hialeah, FL 33012  
Jacqueline Senra, 16801 NW 77 Place, Miami Lakes, Florida 33016.  
Madeline Paredes, 2950 SW 174 Way, Miramar, Florida 33029.*

**POSTPONED UNTIL MARCH 28, 2023.**

**PZ 2. ORDINANCE:** First reading of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District). **Property located at 3375 West 4 Avenue, Hialeah, zoned RO (Residential Office 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.

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of J and Y Investments Corp.*

<i>On February 22, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Jorge Leopoldo Acevedo and Yenin Acevedo, 181 Leucadendra Drive, Coral Gables, Florida 33156.</i>

**PZ 3. ORDINANCE:** First reading of proposed ordinance rezoning property from R-1 (One-Family District) to P (Parking). **Property located at 374 West 34 Street, Hialeah, zoned R-1 (One-Family Residential 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>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of J and Y Investments Corp.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Jorge Leopoldo Acevedo and Yenin Acevedo, 181 Leucadendra Drive, Coral Gables, Florida 33156.</i>

**PZ 4. ORDINANCE:** First reading of proposed ordinance rezoning property from M-1 (Industrial District) to C-3 (Extended Liberal Commercial District); granting a variance permit to allow 27 parking spaces (20 off-street and 7 on-street), where 322 parking spaces are required (258 off-street and 64 on-street); allow a waiver of the minimum landscape requirements allowing 8 trees, where 58 trees are required; allow a waiver of a landscape buffer along West 74 Street, where a 7 foot landscape buffer is required; and allow 3.11% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-2189(10)(b) and 98-2056(b)(1) and to the latest edition of the Hialeah Landscape Manual dated July 9, 2015. **Property located at 7445 West 4 Avenue, 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>Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval with the condition that a Declaration of Restriction be proffered providing for the limitation of uses mentioned in the report, the statements represented by the applicant in the Letter of Intent, and details safeguards to ensure that the public safety, morals, and welfare of the community are protected, and establishing maximum capacities in relation to available parking spaces as it increases over time (e.g.: 200 persons for 84-parking spaces availability; 400 persons for 160-parking spaces availability and full capacity for 322</i>

<i>parking spaces availability).</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Property Owner: Feur Family 2 LLC, 7445 West 4<sup>th</sup> Avenue, Hialeah, Florida 33014.</i>

**PZ 5. ORDINANCE:** First reading of proposed ordinance rezoning property from M-1 (Industrial District) to C-3 (Extended Liberal Commercial District); granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow the site to operate 24 hours a day, seven days a week in connection to planned entertainment events; granting a variance permit to allow rear setback of 3.6 feet, where 15 feet are required; allow 84 parking spaces, where 300 parking spaces are required; allow a waiver of the minimum landscaping requirements allowing 30 trees, where 58 trees are required; allow a reduced width landscape buffer along West 4 Avenue, where 7 feet landscape buffer is required; and allow 3% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1071, 98-2189(10)(b) and 98-2056(b)(1), and Section (D)(7) of the latest edition of the Hialeah Landscape Manual dated July 9, 2015. **Property located at 7551 West 4 Avenue, 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>Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval with the condition that a Declaration of Restriction be proffered providing for the limitation of uses mentioned in the report, the statements represented by the applicant in the Letter of Intent, and details safeguards to ensure that the public safety, morals, and welfare of the community are protected, and establishing maximum capacities in relation to available parking spaces as it increases over time (e.g.: 200 persons for 84-parking spaces availability; 400 persons for 160-parking spaces availability and full capacity for 322 parking spaces availability).</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Property Owner: Prestige 7551 LLC, 7551 West 4<sup>th</sup> Avenue, Hialeah, Florida 33014.</i>

**PZ 6. ORDINANCE:** First reading of proposed ordinance granting a variance permit to allow 32 parking spaces, where 65 parking spaces are required; contra to Hialeah Code of Ordinances §98-2189(7); **property located at 7963 West 28 Avenue, 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 February 22, 2023, the Planning and Zoning Board recommended approval with the condition that a Declaration of Restriction be proffered setting the number of employees and single barber present at the location to be set by appointment.</i>
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<i>Planner's Recommendation: Denial.</i>
<i>Property Owner: 7939 Hialeah Warehouse, LLC, 11840 Northwest 17<sup>th</sup> Place, Plantation Florida 33323.</i>

**PZ 7. ORDINANCE:** First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business District Overlay; and granting a variance permit to allow building height of 126 feet, where 95 feet is the maximum allowed; allow 11 stories, where 9 is the maximum allowed, and waive massing setback requirements for building tower and cap; all contra to Hialeah Code of Ordinances §§98-1630.3(b), 98-1630.4(b), and 98-163.3(e). **Property located at 1035 SE 5 Street, 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 February 22, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Olivia's Home Corporation, Juan C. Olivia and Rosa Fundora, 4601 Northwest 36<sup>th</sup> Street, Miami Springs, Florida 33166.</i>

## 15. LANDUSE

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**LU 1. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Residential Office District to Commercial District. **Property located at 218 East 49 Street and 226 East 49 Street, Hialeah, zoned RO (Residential Office) and 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>On February 28, 2023 the item was approved on first reading. Second reading and public hearing was scheduled for March 14, 2023.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of AA &amp; DD Investments Inc., 21.</i>
<i>On February 8, 2023, the Planning and Zoning Board recommended approval of the item with the condition that the properties are consolidated through a Unity of Title and rezoned to B-1 (Highly Restricted Retail District).</i>
<i>Planner's Recommendation: Approval with conditions.</i>

*Property Owners: AA & DD Investments Inc., 218 East 49 Street, Hialeah Florida 33013,  
Alejandro Pla & Daisy Gaston, 218 East 49 Street, Hialeah, Florida 33013.*

- LU 2. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Industrial District to Commercial District. **Property located at 7551 West 4 Avenue, 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.

*On February 28, 2023, the item was postponed until March 14, 2023, per the applicant's request.*

*Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.*

*On February 8, 2023, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval.*

*Property Owner: Prestige 7551, LLC, 7551 West 4 Avenue, Hialeah, Florida 33014.*

- LU 3. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Medium-Density Residential District. **Property located at 1797 West 1 Avenue, Hialeah, 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.

*On February 28, 2023, the item was postponed until March 14, 2023, per the applicant's request.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Luis O. Lago.*

*On February 8, 2023, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval.*

*Property Owner: Luis O. Lago 15991 SW 143 Lane, Miami, Florida 33196.*

## 16. CITY COUNCIL DISCUSSION

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## 17. ADJOURNMENT

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**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, April 25, 2023 at 6:30 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, March 14, 2023 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, 3<sup>rd</sup> 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).