

Esteban Bovo, Jr.
Mayor

Carl Zogby
President

Monica Perez
Vice President



Council Members
Bryan Calvo
Vivian Casàls-Muñoz
Jacqueline Garcia-Roves
Luis Rodriguez
Jesus Tundidor

City Council Meeting
Agenda
March 22, 2022
7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **INVOCATION**

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

4. **PLEDGE OF ALLEGIANCE**

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

5. **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.

- 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).
- 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

A. Mayor Bovo recognizes **women** during Women's History Month.
(MAYOR BOVO)

B. Mayor Bovo recognizes **Pastors Frank and Zaida Lopez**, as well as **Iglesia Jesus Worship Center**, for their contributions to the community.
(MAYOR BOVO)

7. COMMENTS AND QUESTIONS

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

9. CONSENT AGENDA

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 March 8, 2022.

(OFFICE OF THE CITY CLERK)

- B. Request permission to increase two purchase orders, issued to Alexander L. Palenzuela, P.A., (1) Purchase Order 2022-1063 by an additional amount of \$15,000.00, for a new total amount not to exceed \$30,000.00, and (2) Purchase Order 2022-1064, by an additional amount of \$10,000.00, for a new total amount not to exceed \$25,000.00, for legal services to the Water and Sewers and Solid Waste sections of the Department of Public Works, for a new total cumulative expense amount not to exceed \$55,000.00. The funding for this expenditure is to be charged as follows: \$15,000.00 is to be charged to the Water & Sewer Division Fund - Professional Services Account No. 450.9500.536310 and \$10,000.00 is to be charged to the Solid Waste Division Fund - Contractual Services Account No. 401.3240.534340.

(DEPARTMENT OF PUBLIC WORKS)

On March 8, 2022, the City Council postponed the item until March 22, 2022.

- C. Request permission to issue a purchase order to Arthur J. Gallagher Risk Management Services, Inc., for the purchase of cyber insurance coverage for the City commencing on March 10, 2022 and ending on March 9, 2023, in a total cumulative amount not to exceed \$300,000.00. The funding for this expenditure is to be charged to the General Government Account No. 001.8500.519458.

(RISK MANAGEMENT DEPARTMENT)

- C 1. **RESOLUTION:** Proposed resolution approving a supplemental appropriation pursuant to Hialeah, Fla. Charter Section 3.08(e)(1) in the amount of \$231,740.00 from the unassigned General Fund Balance to the General Government Account No. 001.8500.519458 Cyber Insurance to cover an increase in policy cost for a total of \$300,000.00; and providing for an effective date.

(RISK MANAGEMENT DEPARTMENT)

- D. **RESOLUTION:** Proposed resolution adopting the City of Hialeah Transit System Title VI Program Plan reaffirming the City's policy of non-discrimination in its public transportation system, and establishing a complaint procedure and a public participation plan to ensure all riders equal distribution to, participation in and enjoyment of the benefit of the City of Hialeah's Public Transportation Services, a copy of which is attached as Exhibit "A".

(TRANSIT)

- E. **RESOLUTION:** Proposed resolution repealing and rescinding Resolution No. 2021-112 (August 24, 2021) that authorized a "Piggyback Contract" FPL Services, LLC., pursuant to Hialeah Code of Ordinances § 2-818 that approved, pursuant to Section § 489.145 Florida Statutes, a guaranteed Energy Performance Savings Master Agreement not to exceed \$15,000,000.00, and allowed the payment of an

investment grade audit at a price of \$242,369.00 to determine the scope of the energy conservation improvements and approved related schedules; and providing for an effective date.

(ADMINISTRATION)

- F. RESOLUTION:** Proposed resolution designating “El Flan” as the official dessert of the City of Hialeah and providing for an effective date.

(ADMINISTRATION)

- G. RESOLUTION:** Proposed resolution declaring the month of April “Autism Awareness Month” in the City of Hialeah and adopting the motto: “Autism is not a Disability; it is a Different Ability”; and providing for an effective date.

(ADMINISTRATION)

- H. RESOLUTION:** Proposed resolution ratifying and approving the Memorandum of Understanding between the Hialeah Civil Service Employees Association/AFSCME, Local 161 and the City of Hialeah providing an amendment to the Collective Bargaining Agreement effective through September 30, 2022 pertaining to the salary of I.D. Technician I and I.D. Technician Supervisor.

(HUMAN RESOURCES DEPARTMENT)

- I.** Request permission to reject Hialeah Invitation to Bid No. 2021-22-3130-00-007 – *Library-HPL LAN/WiFi LAN Equipment Upgrade*, in that the Library Administrator finds that it is not in the City’s best interest to accept the sole bid received.

(LIBRARY)

- J.** Proposed resolution authorizing the application for, and the acceptance of, a grant from the Federal Universal Service Fund (E-Rate) for schools and libraries, for State fiscal year 2022-2023, for discounts on internet services whereby the grant provides for an 80% discount to the City of Hialeah for internet services or \$37,200.00 against the annual contract sum of \$46,500.00 payable to Comcast Business Communications, LLC, for internet services; authorizing the expenditure of \$9,300.00 or 20% of the annual cost for internet services; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an Internet Provider Agreement, attached in substantial form as Exhibit “A”, with Comcast Business Communications, LLC, in an amount not to exceed \$46,500.00 annually for a period of three years with an option to renew for a period of two years.

(LIBRARY)

- K.** Request permission to reject Hialeah Bid No. 2021/22-3230-00-004 – *JFK Library Re-Roofing* - because all of the bids received by the City exceeded the City’s estimated cost of the project by a substantial amount, and further request permission for the Construction and Maintenance Department to reissue the competitive solicitation.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

- L.** Request permission to increase Purchase Order No. 2022-1085, issued to Florida Lemark Corporation, for the Milander Center exterior rooftop terrace and stairs waterproofing, by an additional amount of \$8,699.71, to cover the cost of the additional required repairs in that upon inspecting the existing substrate, the material

manufacturer advised the City that the substrate required additional work in order to be sound enough to endorse the application of the waterproofing system, as well as to provide the required warranty period, for a new total cumulative expense amount not to exceed \$124,301.90. On November 23, 2021, the City Council awarded Hialeah Invitation to Bid No. 2020/21-3230-00-028 – *Milander Center Exterior Rooftop Terrace & Stairs - Waterproofing*, to Florida Lemark Corporation, lowest responsive and responsible bidder. The funding for this expenditure is to be charged to the General Fund - Capital Outlay - Building Account No. 001.3140.574620.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

- M.** Proposed resolution repealing and rescinding Resolution No. 2022-038 (March 8, 2022) re-appointing **Alberto Bade** to the Cultural Affairs Council of the City of Hialeah for a (2)-year term ending on March 8, 2024.

(OFFICE OF THE CITY CLERK)

- N.** Proposed resolution repealing and rescinding Resolution No. 2022-039 (March 8, 2022) re-appointing **Elizabeth Garcia** to the Cultural Affairs Council of the City of Hialeah for a (2)-year term ending on March 8, 2024.

(OFFICE OF THE CITY CLERK)

10. ADMINISTRATIVE ITEMS

- 10 A. ORDINANCE:** Second reading and public hearing of proposed ordinance approving a Wireless Site Lease Agreement between the City of Hialeah, Florida and T-Mobile South, LLC for O’Quinn Park, 6051 West 2nd Avenue, Hialeah, Florida, and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into the Wireless Site Lease Agreement with T-Mobile South, LLC, with a term commencing on May 1, 2022, for an initial term of five years ending on May 30, 2027, a copy of which is attached hereto and made a part hereof as Exhibit "1" with annual rent commencing at \$68,000.00, including reimbursement of attorneys’ fees; 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.

(ADMINISTRATION)

The item was approved on first reading by the City Council on March 8, 2022. Second reading and public hearing was scheduled for March 22, 2022.

- 10 B. ORDINANCE:** Second reading and public hearing of proposed ordinance providing for a Special Primary Election to be held in the City of Hialeah on Tuesday, November 8, 2022, the same date as the General Election for Miami-Dade County, to fill a vacancy for City Councilmember Group Seat IV providing for a Special General Election (Run-Off Election) to be held on Tuesday, December 6, 2022, if necessary; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; and providing for early voting times and dates for the City of Hialeah Special Primary Election and no early voting for the Special General Election, should a Special General Election be held; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(OFFICE OF THE CITY CLERK)

The item was approved on first reading by the City Council on March 8, 2022. Second reading and public hearing was scheduled for March 22, 2022.

- ~~10 C. First reading of proposed ordinance amending Section 98-1630.8 entitled “Limited Expansion of NBD Overlay District Regulations subject to Special Use Permit” of the Code of Ordinances of the City of Hialeah in Chapter 98, “Zoning”, Article V, entitled “Zoning District Regulations”, Division 33, NBD Neighborhood Business District; to prohibit expansion of the NBD Overlay District Regulations in Hialeah Heights geographic area within the BDH Business Development District, and the MH Industrial District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for severability; and providing for an effective date.~~

~~(ZONING)~~

ITEM IS WITHDRAWN BY THE ADMINISTRATION

The Planning and Zoning Board recommended approval of the item on February 16, 2022.

- 10 D. ORDINANCE:** First reading of proposed ordinance accepting the dedication of land improved with a pump station of approximately 2,925 square feet, as depicted in the Surveyor’s Sketch attached as Exhibit “A”; subject to and approving the terms of the Quit-Claim Deed attached as Attachment “1”, from Two Lakes Lennar, LLC, a Delaware Limited Liability Company; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(ADMINISTRATION)

- 10 E. ORDINANCE:** First reading of proposed ordinance accepting the dedication to enable construction of a roadway of approximately 11,548 square feet of land more or less abutting West 38 Avenue (NW 99 Avenue) to City of Hialeah for right-of-way purposes from WGC 97th Property, LLC, a Delaware Limited Liability Company pursuant to the Right-of-Way Deed attached hereto and made a part hereof as Exhibit “A”; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(ADMINISTRATION)

- 10 F. RESOLUTION:** Proposed resolution authorizing the Mayor or his designee Roman O. Garcia, Jr., to submit grant applications on behalf of the City of Hialeah, Florida, subject to ratification by City Council, upon grant approval; and providing for an effective date.

(ADMINISTRATION)

11. BOARD APPOINTMENTS

11 A. Request permission to approve the appointment of **Elsa Jaramillo Velez, Human Resources Director**, to the City of Hialeah Insurance Committee.

(RISK MANAGEMENT)

11 B. Proposed resolution appointing **Willians Guerra** as a member of Defined Contribution Plan Committee, as the Mayor’s appointment.

(MAYOR BOVO)

11 C. **Proposed** resolution appointing **Janet Del Corro** to the Cultural Affairs Council of the City of Hialeah for a (2)-year term ending on March 22, 2024.

(CITY COUNCIL)

(NOMINATED BY COUNCIL VICE PRESIDENT PEREZ)

12. UNFINISHED BUSINESS

13. NEW BUSINESS

14. ZONING

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 an elementary school including kindergarten, first grade and second grade within a 950 square foot bay, with a maximum of 25 students and 3 teachers, in conjunction with the existing daycare accommodating 28 children and 4 teachers within a contiguous 1,900 square foot bay. **Property located at 6815-6895 West 4 Avenue, Bays 6879, 6873 and 6887, Hialeah, zoned C-2 (Liberal Retail Commercial 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 March 8, 2022, the item was postponed until March 22, 2022, per the applicant’s request.</i>
<i>On February 22, 2022, the item was postponed until March 8, 2022, per the applicant’s request.</i>

<i>On January 25, 2022, the item was postponed until February 8, 2022, per the applicant's request.</i>
<i>On January 11, 2022 the item was postponed until January 25, 2022 per the applicants request.</i>
<i>On December 14, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 11, 2022.</i>
<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: (1) Tevere Apartments LLC (2) Victor J. Barone TRS, 2014 Barone Family Trust (3) Vivian Barone TRS (4) Pasqueale Digiorgio, 1471 Agua Avenue, Coral Gables, Florida 33156</i>

PZ 2. 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 96-student K-5 grade school in conjunction with an existing 78-student daycare with a total of 9 staff members; and allow 126 parking spaces, where 186 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(9). **Property located at 5916 West 16 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial 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 March 8, 2022, the item was postponed until March 22, 2022, per the applicant's request.</i>
<i>On February 22, 2022, the item was postponed until March 8, 2022, per the applicant's request.</i>
<i>On February 8, 2022, the item was postponed until February 22, 2022.</i>
<i>On January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 8, 2022.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016 on behalf of New Aladdin Learning Center Inc.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>

Property Owner: Malecon Plaza Inc., Nilo Ventura Sr. and Hector Ventura, 2087 West 76 Street, Hialeah, Florida 33016.

PZ 3. ORDINANCE: Second reading and public hearing of proposed ordinance rezoning property from C-2 (Liberal Retail Commercial District) to R-3-3 (Multiple-Family District); granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 4-unit and meeting room seminary; and allow 7 parking spaces, where 41 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189(9); **Property located at 1020 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial 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 March 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 22, 2022.</i>
<i>Registered Lobbyist: Suzanne A. Dockerty, Esq., 110 Merrick Way #3B, Coral Gables, Florida 33134, on behalf of, Rev. Thomas G. Wenski, Archbishop of the Archdiocese of Miami and Saint Cecilia Catholic Church.</i>
<i>On February 16, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>

PZ 4. ORDINANCE: Second reading and public hearing of proposed ordinance granting a variance permit to allow 13 parking spaces, where 26 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(15). **Property located at 621 West 20 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 March 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 22, 2022.</i>
<i>On February 16, 2022, the Planning and Zoning Board recommended approval of the item with the condition that the employee count does not exceed twelve (12) employees.</i>
<i>Planner's Recommendation: Approval with conditions</i>
<i>Property Owner: Marada Real Estate Holdings LLC - Maribel Fernandez, 621 West 20th Street, Hialeah, Florida 33010.</i>

PZ 5. ORDINANCE: Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow the expansion of the Neighborhood Business District Overlay pursuant to Hialeah Code of Ordinances 98-1630.8; and

allow a Variance Permit to allow only residential uses, where a mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level; allow all residential units with area ranging from 622 square feet to 832 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow rear setback of 10 feet, where 15 feet are required; allow 171 parking spaces, where 270 parking spaces are required; allow 14.3% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-1630.3(e)(2), 98-2189(16)a. and 98-2056(b)(1). **Property located at 1451 West 29 Street, Hialeah, zoned R-3-3 (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>On March 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 22, 2022.</i>
<i>Registered Lobbyist: Javier L. Vazquez, Esq., 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131, on behalf of 1451 W. 29th ST, LLC.</i>
<i>On February 16, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Caparros 2011 Children's Trust BRP1451, LLC Arch III, LLC Rodriguez Family Capital Holdings, LLC 16400 NW 59 Avenue, Miami Lakes, FL 33014</i>

15. LAND USE

- LU 1. ORDINANCE:** Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Industrial and Office District to Industrial District. **Property located at 16300 NW 97 Avenue, Hialeah, Florida, zoned BDH (Business Development 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 March 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 22, 2022.</i>
<i>Registered Lobbyist: Brian S. Adler and Andres T. Rivero, Bilzin Sumberg, 1450 Brickell Avenue, Miami, Florida 33131, on behalf of WGC 97th Property, LLC.</i>
<i>On February 16, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>

Property Owner: WGC 97th Property, LLC, 2929 Arch Street, Suite 800, Philadelphia, PA 19104.

LU 2. ORDINANCE: Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Major Institutions District to Medium Density Residential District. **Property located at 7605 West 10 Avenue, Hialeah, Florida**, zoned GU (Interim District a Miami-Dade County zoning designation). 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 March 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 22, 2022.

Registered Lobbyist: Hugo P. Arza, Esq., Alejandro Arias, Esq., and Alessandria San Roman, Esq., Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of Bessolo Design Group, Inc.

On February 16, 2022, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

Property Owner: HHA I, Inc. and Hialeah Housing Authority, 75 East 6th Street, Hialeah, Florida 33010.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 24, 2022 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, April 12, 2022 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).

3/18/2022 4:29 PM