

**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 April 9, 2019 7:00 P.M.

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Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilman Carl Zogby

### **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**

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- Mayor Carlos Gimenez, Miami-Dade County, discusses the creation of the Miami Dade Transit Authority.

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

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## **3. CONSENT AGENDA**

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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 March 26, 2019. (OFFICE OF THE CITY CLERK).
- B.** Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to Pembroke Motors, Inc., doing business as Autonation CDJR Pembroke Pines, to purchase two (2) 2019 Dodge Charger V8 Police Rated Sedan-RWD, Specification No.2, in the amount of \$24,451 per vehicle, for a total cumulative amount not to exceed \$48,902. Further request permission to issue two (2) purchase orders to Rainbow Window Tinting Inc., purchase order number one in the amount of \$7,407.00, for the purchase of emergency equipment, and purchase order number two in the amount of \$7,147.98 for retrofitting of the vehicles, for a total expense amount not to exceed \$14,554.98. (POLICE DEPARTMENT)
- C.** Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to Pembroke Motors, Inc., doing business as Autonation CDJR Pembroke Pines, to purchase two (2) 2019 Dodge Charger V8 Police Rated Sedan-RWD, Specification No. 2, in the amount of \$24,451 per vehicle, for a total cumulative amount not to exceed \$48,902. Further request permission to issue two (2) purchase orders to Rainbow Window Tinting Inc., purchase order number one in the amount of \$1,666.00, for the purchase of emergency equipment, and purchase order number two in the amount of \$12,88.98 for retrofitting of the vehicles, for a total expense amount not to exceed \$14,554.98. (POLICE DEPARTMENT)
- D.** Request permission to issue a purchase order to R.J. Behar & Company, Inc., a vendor recommended by the City's Selection Committee in 2010 for engineering services, for engineering support pertaining to the City's Municipal Separate Storm Sewer System (MS4) Program, in a total cumulative amount not to exceed \$20,000. On June 8, 2010, the City Council approved the recommendations of the Selection Committee for the selection of General Consultants for engineering services in response to Request for Qualifications No.2009/10-9500-00-07– General Consultants for Engineering and Architectural Services, which included this vendor, for a period of three (3) years, with the option to extend annually for a total of no more than five (5) years. (DEPT. OF PUBLIC WORKS)
- E.** Request permission for approval to pay the annual City of Hialeah membership dues to the

Florida League of Cities, Inc., for providing a variety of benefits to the City, including legislative advocacy and updates, bond services, legal advice, access to the statewide newsletter, and educational webinars, in a total cumulative amount not to exceed \$29,396.00 (OFFICE OF THE MAYOR)

- F.** Proposed resolution waiving competitive bidding; and authorizing the Mayor or his designee and the City Clerk, as attesting witness, on behalf of the City to enter into a Consulting Services Agreement with Civitas, LLC, to provide direct technical assistance to selected new non-profits organizations wishing to serve as a Community Housing and Development Organization (“CHDO”), including technical assistance with all programmatic matters related to the U.S. HUD-CHDO Home Grant, in an amount not to exceed \$5,625.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; and providing for an effective date.  
(DEPARTMENT OF GRANTS AND HUMAN SERVICES)
- G.** Report of Scrivener’s Error – Item L of the City Council meeting of March 26, 2019 was approved with the incorrect account number of 103.8324.541634. The item is being amended to reflect the correct account number to 103.8324.541636. (STREETS DEPT)
- H.** Report of Scrivener’s Error – Item M of the City Council meeting of March 26, 2019 was approved with the incorrect account number of 103.8324.541634. The item is being amended to reflect the correct account number to 103.8324.541635. (STREETS DEPT)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has successfully provided these services at a number of large events for the City over the past several years and has provided the City with the best pricing for amusement rides, and issue a purchase order to The Celebration Source Inc, to provide rides, operators and other equipment necessary for city events, for a total cumulative amount not to exceed \$30,000. (COMMUNICATION AND SPECIAL EVENT DEPT.)
- J.** Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, to purchase the following vehicles from AN Motors of Pembroke, LLC doing business as Autonation Chevrolet Pembroke Pines, in a total cumulative amount not to exceed \$80,013.00:

- Two (2) 2019 Chevy Tahoe (1FL) – CC15706, Specification No. 31, in a total amount of \$40,006.50 per vehicle

Further request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, to purchase the following vehicles from Asbury Jax Ford, LLC., doing business as Coggin Ford, in a total cumulative amount not to exceed \$27,052.00:

- One (1) 2019 Ford F-150 XL (W1C) - ½ Ton Crew Cab Pickup Truck - 4X2, Specification No. 57, in a total amount of \$27,052.00 per vehicle

Further request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, to purchase the following vehicle from Bozard Ford Co., in a total cumulative amount not to exceed \$42,328:

- One (1) 2019 Ford Expedition CL 4X2 (U1F/100A) - Full Size 4-Door Utility

(BUILDING DEPT.)

- K.** Proposed resolution approving a State Housing Initiatives Partnership (SHIP) Program's Rental Assistance /Rapid Re-Housing Sub-Recipient Services Agreement between Citrus Health Network, Inc. and the City of Hialeah, Florida, to provide financial assistance and support to homeless individuals and families in need of permanent housing, in the total amount of \$232,571.55, for a term commencing on January 2, 2019 and ending on May 31, 2020; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the State Housing Initiatives Partnership (SHIP) Program's Rental Assistance /Rapid Re-Housing Sub-Recipient Services Agreement, attached hereto in substantial form and made a part hereof as Exhibit "1"; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

- L.** Request approval to execute the Stormwater Management Covenant with Miami-Dade County for the maintenance of the proposed stormwater management system along the right-of-way of NW 102 Avenue between 138<sup>th</sup> Street to NW 142<sup>ND</sup> Street. During the drainage and design review process of the above mentioned project approved by the City Council on October 11, 2017, Miami-Dade County DERM determined that the project is within an established drainage basin, as a result a cut and fill permit and a stormwater management covenant are required. (STREET DEPT)

#### **4. ADMINISTRATIVE ITEMS**

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- 4A.** Second reading and public hearing of proposed ordinance repealing and rescinding the Growth Management Advisory Committee (GMAC) and any references to same from the Hialeah Code of Ordinances; Chapter 98 Zoning; in Article II Administration, Division 1 Generally, Section 98-38 Record of Quasi-Judicial Proceedings—Zoning Items; Division 2 Local Planning Agency, Section 98-73 Growth Management Advisory Committee; Division 6 Conditional Use Permits, Section 98-181(4) CUP Conditional Use Permit; in Article V Zoning District Regulations, Division 9 RO Residential Office District, Section 98-785 Improvement Plan; Division 33 NBD Neighborhood Business District, Section 98-1630.3 Development Standards, Subsection (d) Building Frontage; and in Article VI Supplementary District Regulations, Division 5 Uses, Subdivision I In General, Section 98-1736 Permitted Similar Uses; and repealing and rescinding the Growth Management Advisory Committee (GMAC) from the Hialeah Land Development Code and any references to same; in Regulation No. 1 - Land Development Procedures, Section 1-2 Procedures for Applications for Development Orders, Subsection (f)(2)(c) Growth Management Advisory Committee Review; in Regulation No. 2 - Uses of Land and Water, Section 2-3 Requirements for the Use of Land and Water, Subsection (c)(2), Conditional Use Permit (CUP) Requirements; in Regulation No. 10 - Subdivision of Land, Section 10-3 Plats and Platting Procedure, Subsection (a) Unlawful Acts; and in Section 10-5(c) Site Plan Review; 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.

- 4B.** First reading of proposed ordinance approving an amendment to the Development Agreement by and among FDG Countyline, LLC, a Delaware Limited Liability Company, FDG BN Expansion, LLC, a Delaware Limited Liability Company, (The “Developer”) and the City of Hialeah, Florida, dated March 31, 2014 approved by Hialeah, Fla. Ordinance 2014-18 (March 25, 2014), as amended on June 19, 2018 approved by Hialeah, Fla. Ordinance No. 2018-041 (May 24, 2018); a copy of the Second Amendment in substantial form is attached hereto and made a part hereof as Exhibit “1”, providing for warehouse, retail, hotel and office uses, changes to the configuration of certain roads to be built and dedicated by developer; and approving the form of deed, manner of conveyance and restrictions upon the land. **Property comprising approximately 504 acres within an area bounded on the West by NW 107 Avenue, on the North by NW 170 Street, on the East by NW 97 Avenue and on the South by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and located within the BDH Business Development 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.

**5. BOARD APPOINTMENTS**

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**6. UNFINISHED BUSINESS**

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**7. NEW BUSINESS**

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**8. COMMENTS AND QUESTIONS**

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**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**

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*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.

*Item was approved by the Planning and Zoning Board on February 27, 2019.*

**PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). Property zoned R-1. **Located at 545 East 49<sup>th</sup> 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.

*Item was approved on first reading by the City Council on March 26, 2019.*

*Registered Lobbyist: Octavio A. Santurio (Architect), 6262 SW 40<sup>th</sup> Street, Suite 3E, South Miami, FL 33155, on behalf of 551 East 49 Street LLC, 1200 Alton Road, Miami Beach, FL 33139.*

*Registered Lobbyist: John Diaz, 6262 SW 40<sup>th</sup> Street, Suite # 3E, South Miami, FL 33155, on behalf of 551 East 49<sup>th</sup> Street LLC, 120 Alton Road, Miami Beach, FL 33139.*

*On March 13, 2019 the item was approved by the Planning and Zoning Board with the condition that the construction of the parking lot be completed within 12 months of the approval of the ordinance, that the improvements are built in substantial conformity with the submitted site plan, and that a Declaration of Use and Unity of Title be provided in accordance with § 98-1618 of the City of Hialeah Code of Ordinances.*

*Planner's Recommendation: Approval with conditions.*

*Owners of the Property: Rodolfo Dumenigo, 545 East 49<sup>th</sup> Street, Hialeah, Florida.*

**PZ 2.** Second reading and public hearing of proposed ordinance granting a variance permit to allow one single family home on each substandard lot (lots 16 and 17) having a frontage of 40 feet, where 75 feet are required and a lot area of 4,905.6 square feet, where 7,500 square feet are required; allow a street side setback of 6.1 feet, where 15 is the minimum required for lot 16; all contra to Hialeah Code of Ordinances §§ 98-347(4), 98-348(a), and 98-501. Property zoned R-1 (One Family District). **Property located at 897 East 20 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.

*Item was approved on first reading by the City Council on March 26, 2019.*

*Registered Lobbyist: Anthony Escarra Esq., Alejandro Vilarello, PA, 16400 NW 59 Avenue, 2<sup>nd</sup> Floor, Miami Lakes, FL, on behalf of Horsebit Capital XIII, LLC, 16400 NW 59 Avenue, 2<sup>nd</sup> Floor, Miami Lakes, FL.*

<i>On March 13, 2019 the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Horsebit Capital XIII, LLC, 16400 NW 59 Avenue, Miami Lakes, FL.</i>

**PZ 3.** First reading of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District). Property zoned RO. Located at 710 East 49 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>On March 27, 2019 the item was approved with conditions by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approve rezoning from RO to B-1, with the condition that a DOR is proffered.</i>
<i>Owners of the Property: Harlequin Property Management LLC., 4143 SW 74 Court, Suite B, Miami, Florida 33155.</i>

**NEXT CITY COUNCIL MEETING: Tuesday, April 23, 2019 at 7:00 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 28, 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, 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 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).