

Carlos Hernández
Mayor

Jesus Tundidor
President

Monica Perez
Vice President



Council Members
Katharine Cue-Fuente
Oscar De la Rosa
Jacqueline Garcia-Roves
Paul B. Hernandez
Carl Zogby

City Council Meeting
Agenda
April 13, 2021
7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **INVOCATION**

A. Invocation to be led by Marbelys Fatjo, City Clerk.

4. **PLEDGE OF ALLEGIANCE**

A. The Pledge of Allegiance to be led by Council Member Garcia-Roves.

5. **MEETING GUIDELINES**

The following guidelines apply to today's City Council Meeting:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 (March 20, 2020), suspending the "Florida's Government in the Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and that the meeting be held at a physical location accessible to the public for the duration of the State's Declaration of Emergency issued on March 9, 2020 (EO20-52) as a result of the COVID-19 pandemic affecting the State of Florida. The nation and the State of Florida remain in a state of emergency. The Governor has extended the declaration every 60 days, as required by law, since the execution of Executive Order 20-52. The latest extension made through the execution of Executive Order 20-276 (November 3, 2020).

- Notwithstanding the continuing statewide threat of COVID-19 to the health, safety and welfare of our citizens, Executive Order 20-69, issued specifically to allow local governments to use communications media technology to hold public meetings during the public health emergency, has expired as of 12:01 a.m. November 1, 2020 (EO 20-246). As such, all public meetings in this City of any deliberative body must comply with the in-person quorum requirement of the Sunshine Law. This means, at a minimum, there must be present, in-person, the minimum number of board members required to meet quorum based on the composition of the deliberative body at the location of the meeting. All other members of the deliberative body exceeding quorum may choose, in coordination with the secretary of the respective board conducting the public meeting, to appear using communication media technology.
- Except for the requirement to meet physical quorum and as otherwise amended by this document, all other minimum guidelines and procedures adopted by City of Hialeah Emergency Order dated April 8, 2020 and Hialeah, Fla. Resolution 2020-048 (April 14, 2020) shall continue to govern the conduct of public meetings of the City Council of the City of Hialeah, Florida and the public meetings of all other boards or committees for the City of Hialeah, Florida using communications media technology, held during the duration of the public health emergency as a result of COVID19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.
- A limited number of members of the public will be allowed to be present at the location of the meeting considering the physical spacing limitations of the location to observe social distancing. As such, only 15 members of the public will be allowed to attend in person any scheduled meeting of the Council held in Chambers on a first-come-first serve basis. Based upon anticipated in-person attendance of any meeting, the City will provide additional space at City Hall to accommodate the public and provide both viewing and participation capabilities. In addition, all public meetings continue to be broadcast live for members of the public to view on the City's Facebook page. As an additional alternative, members of the public may hear the meeting live through telephonic conferencing.
- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by email to virtualmeeting@hialeahfl.gov by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. Email comments and questions shall not exceed three (3) minutes when read. Only the first three minutes of e-mail comments and questions received by the deadline will be read into and form part of the public record.
- Any person 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 by joining the meeting using Zoom or any other similar web-based meeting platform being used as identified in the notice. The person interested in joining the meeting to participate for this purpose must register with the City Clerk by completing a registration form, providing the information required and submitting the completed form to the City Clerk no later than 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. All registered participants 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.

- Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.
- All existing laws or rules of procedure applicable to public meetings (i.e. three-minute limit on speaking, three in favor and three in opposition on any item on the agenda, lobbyist registration requirements), that are not in conflict with these procedures and can be observed under the circumstances remain in effect and to the greatest extent practicable should be observed.
- Public comments and questions, whether on general matters of public concern or on a matter on the agenda, will be heard at the beginning of the meeting and once heard no other public participation will be permitted.
- Persons making public comments must identify themselves by first and last name and provide their address for the record, prior to speaking.
- If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

6. PRESENTATIONS

- A. Jose Arrojo, Executive Director of the Miami-Dade County Commission on Ethics and Public Trust**, presents regarding outside employment in relation to Administrative Item 10 E.
- B.** Presentation of a Certificate of Appreciation to Officer James Gutierrez who retired from the Hialeah Police Department after twenty-one years of service.

7. COMMENTS AND QUESTIONS

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Administrative Item 10 A is postponed until April 27, 2021.
- Item LU 3 is postponed until April 27, 2021, per the applicant's request.

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 23, 2021.
(OFFICE OF THE CITY CLERK)
- B. Request permission to increase Purchase Order No. 2021-1033, issued to Biocollections Worldwide, Inc., as an exception to competitive bidding per Section 2-817 on the basis of an emergency based on objective facts in that on March 16, 2020 Mayor Hernandez signed a Declaration of a state of emergency due to the COVID-19 pandemic and the services of this vendor were used on an as needed basis for the testing of City employees for the COVID-19 virus, for the payment of invoice number MI-37715, dated February 9, 2021, in the amount of \$38,325.00 for 511 COVID-19 tests at a cost of \$75.00 per test, as well as for the payment of invoice number MI-37824, in the amount of \$6,600.00 for 88 COVID-19 tests at a cost of \$75.00 per test, by an additional amount of \$44,925.00, for a new total cumulative amount not to exceed \$48,325.00.
(HUMAN RESOURCES DEPARTMENT)
- C. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is currently being used by the City's Human Resources Department for polygraph tests for pre-employment purposes for the Hialeah Police Department, and increase Purchase Order No. 2021-916, issued to Murray Lenchner (examiner), doing business as Precision Polygraph Service, for pre-employment polygraph testing for the Hialeah Police Department, by an additional \$10,000, for a new total cumulative amount not to exceed \$20,000.00.
(HUMAN RESOURCES DEPARTMENT)
- D. Request from Samurai Fireworks LLC, located at 7950 Northwest 53rd Street, Suite 337, Miami, Florida, for permission to install a seasonal tent for the sale of fireworks at 5378 West 16 Avenue, Hialeah, Florida, with set up taking place on Saturday, June 19, 2021, and sales commencing on Saturday, June 19, 2021 and ending on Sunday, July 4, 2021, subject to the requirements of the Hialeah Fire Department.
(OFFICE OF THE CITY CLERK)
- E. Request from Samurai Fireworks LLC, located at 7950 Northwest 53rd Street, Suite 337, Miami, Florida, for permission to install a seasonal tent for the sale of fireworks at 2122 West 62 Street, Hialeah, Florida, with set up taking place on Saturday, June 19, 2021, and sales commencing on Saturday, June 19, 2021 and ending on Sunday, July 4, 2021, subject to the requirements of the Fire Department, and with the recommendation of denial from the Hialeah Police Department due to lack of parking and close proximity of the subject location to other warehouses.
(OFFICE OF THE CITY CLERK)
- F. Request from Red Nose Entertainment Corp., located at 3619 Northwest 101st Street, Miami, Florida, for a special events permit to host a circus with no animals, as well as permission to install a tent, with the event scheduled to take place from Friday, April 16, 2021 through Sunday, May 2, 2021, at the Westland Mall parking lot, located at 1675 West 49th Street, Hialeah, Florida, in accordance with the recommendations from the Hialeah Fire Department.
(OFFICE OF THE CITY CLERK)
- G. Request permission to issue a purchase order to Tyler Technologies, Inc., for needed changes to the Citizen Online Self Service, inspections module, public records management and electronic plans review system used by the Building and Code Compliance Departments, in a total cumulative amount

not to exceed \$400,000. On May 22, 2018, the City Council approved Resolution No. 2018-046 – approving a service agreement between this vendor and the City to provide products and services for a term of three years, with an option to renew for an additional two-year term.

(BUILDING)

- H. Request permission to award City of Hialeah Invitation to Bid No. 2020-21-3230-00-009 – *Milander Center & Parking Garage Exterior Painting & Waterproofing* - to Yaa Global Services, Corp., lowest responsive and responsible bidder, in the amount of \$48,000.00, and further request a ten percent (10%) contingency in the amount of \$4,800.00 to cover any unforeseen issues that may arise during the project, in a total cumulative expense amount not to exceed \$52,800.00.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

- I. Request permission to award City of Hialeah Invitation to Bid No. 2020-21-8500-36-004 – *Burglar Alarm Monitoring Services, Maintenance and Equipment* - to VCS Tech Systems, LLC, sole responsive bidder, for burglar alarm monitoring service, maintenance and equipment at all City facilities, in a total cumulative amount not to exceed \$100,000.00.
(INFORMATION TECHNOLOGY DEPARTMENT)

- J. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is presently providing the City with staffing services, and issue a purchase order to Foxhire, LLC, for staffing services through September 30, 2021 for the Office of Management and Budget to replace the Budget Analyst Assistant whose last day of employment with the City was April 2, 2021, as well as for the Department of Grants and Human Services who was in need of a temporary agency employee to assist in extraordinary grant work associated with pandemic funding beginning January 25, 2021, in a total amount of \$70,000 of which \$25,000 will be charged to the Office of Management and Budget and \$45,000 will be charged to the Department of Grants and Human Services, and further request a blanket amount of \$100,000.00 for temporary employment services to be funded through various City departments as needed through September 30, 2021, for a total cumulative expense amount not to exceed \$170,000. On October 13, 2020, the City Council approved employment services from this vendor for the transition of six part-time Council Aides to full-time contractors employed by the vendor.
(OFFICE OF MANAGEMENT AND BUDGET)

- K. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor was recommended by the City’s Selection Committee for engineering services in response to Request for Qualifications No. 2009/10-9500-00-007 – *General Consultants for Engineering and Architectural Services* which was approved by the City Council on June 8, 2010 and expired in 2018, and issue a purchase order to The Corradino Group, Inc., for professional engineering services – the design of the proposed entrance feature at Northwest 97th Avenue and 138th Street, in a total cumulative amount not to exceed \$15,946.42.
(STREETS)

- L. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor was recommended by the City’s Selection Committee for engineering services in response to Request for Qualifications No. 2009/10-9500-00-007 – *General Consultants for Engineering and Architectural Services* which was approved by the City Council on June 8, 2010 and expired in 2018, and issue a purchase order to The Corradino Group, Inc., for Professional Engineering Services, for the design of the proposed entrance feature at NW 97th Avenue and 170th Street, in a total cumulative amount not to exceed \$16,878.98.
(STREETS)

M. Request permission to utilize a competitively bid contract from Sourcewell, Contract No. 2020-120716 NAF, effective through January 17, 2022, and issue a purchase order to Alan Jay Ford Lincoln Mercury, Inc, doing business as Alan Jay Ford, for the purchase of three (3) 2021 Ford Ranger (R4E) XL 2WD, SuperCrew 5' Box, at a cost of \$25,222.00 per vehicle, as well as one (1) 2021 Ford Explorer (K7B) Base RWD, at a cost of \$27,563.00, in a total cumulative expense amount not to exceed \$103,229.

(FIRE DEPARTMENT)

N. Proposed resolution authorizing the Mayor or his designee to negotiate the terms and conditions of an agreement with Axon Enterprise, Inc. for the purchase of law enforcement equipment, Axon's proprietary software products, and related professional services, including but not limited to, Axon body 3 cameras and accessories, license to use Axon's video and data storage, management and distribution software, Evidence.com, implementation and installation services, training, artificial intelligence redaction tools, comprehensive warranty and return policy, automatic hardware upgrades, and technical support, in a total amount not to exceed \$3,975,801.50, to be paid in installments over a period of five (5) years, bearing no interest and subject to appropriations, beginning with a payment in the amount of \$934,274.70 for the first year in fiscal year 2021, and subsequent equal payments in the amount of \$760,381.70 for years 2-5, as set forth in the quote dated March 30, 2021, attached hereto and incorporated herein as Exhibit "A"; further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute an agreement in a form acceptable to the City Attorney; and providing for an effective date.

(POLICE DEPARTMENT)

10. ADMINISTRATIVE ITEMS

10 A. Second reading and public hearing of proposed ordinance amending Chapter 78 entitled "Solid Waste", of the Code of Ordinances, Article I. entitled "In General", in particular Section 78-1 to update defined terms; amending Article III. entitled "Collection and Disposal", to rescind in its entirety Section 78-75; amending Article VI. entitled "Collection Services by Private Collectors Non-Exclusive Franchise", to authorize solid waste collection services by private collectors, to provide for collection container regulations including labeling, location and maintenance obligations; providing the City with the right to remove and impound abandoned collection containers; requiring any person collecting, removing, transporting or procuring collection services contracts as an intermediary to obtain a non-exclusive franchise upon application and payment of a fee; providing for minimum service standards; providing for administrative remedies; amending Article VII. entitled "Roll-Off Regulations", updating the application process; providing an authorization fee of \$150.00 per roll-off container; providing for minimum standards for roll-off containers; 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)

<i>On March 23, 2021, the second reading of the item was postponed until April 13, 2021, per the administration's request.</i>
<i>The item was approved on first reading by the City Council on March 9, 2021. Second reading and public hearing was scheduled for March 23, 2021.</i>

10 B. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. - Boards, Commissions and Committees, Division I - Generally, of the Code of Ordinances of the City of Hialeah, and in particular Section 2-583 - Removal of Board Members; imposing a penalty upon a Planning and Zoning Member following a third absence unless good cause is shown; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the Code; providing for an effective date.

(COUNCIL MEMBER HERNANDEZ)

The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.

10 C. Second reading and public hearing of proposed ordinance approving a covenant in favor of Miami Dade County to maintain, operate and preserve a Stormwater Management System serving N.W. 97 Avenue from N.W. 166 Street to N.W. 170 Street, dedicating pervious area containing 11,488 square feet, more or less, for stormwater retention as provided in the Stormwater Management Plan for CF 829, along N.W. 154 Street, west of N.W. 102 Avenue, and more particularly described in the form Covenant, a copy of which is attached hereto and made a part hereof as “Exhibit 1”; authorizing the execution of the Covenant by the Mayor and City Clerk, on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(STREETS)

The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.

10 D. Second reading and public hearing of proposed ordinance approving a covenant in favor of Miami Dade County to maintain, operate and preserve a Stormwater Management System serving N.W. 97 Avenue from N.W. 166 Street to N.W. 170 Street, dedicating pervious area containing 16,515 square feet, more or less, for stormwater retention as provided in the Stormwater Management Plan for CF 828, along N.W. 154 Street, west of N.W. 102 Avenue, and more particularly described in the form Covenant, a copy of which is attached hereto and made a part hereof as “Exhibit 1”; authorizing the execution of the Covenant by the Mayor and City Clerk, on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(STREETS)

The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.

10 E. First reading of proposed ordinance amending Chapter 26 entitled “Code of Ethics”, Article I. – In General, of the Code of Ordinances of the City of Hialeah, Florida adding Section 26-4 entitled “Prohibited Outside Employment” prohibiting outside employment by the Mayor, Department and Division Heads, and Management employees; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for an effective date.

(SPONSOR: COUNCIL MEMBER DE LA ROSA)

(CO-SPONSOR: COUNCIL VICE PRESIDENT PEREZ)

10 F. First reading of proposed ordinance providing for the early voting time and location as allowed by

state law, specifically, Sections 101.657(1)(a)-(1)(d), Florida Statutes; designating JFK Library as an early voting site for the November 2, 2021 City of Hialeah Primary Election; beginning on Monday, October 25, 2021, from 11:00 a.m. to 7:00 p.m., on Tuesday, October 26, 2021, from 7:00 a.m. to 3:00 p.m., on Wednesday, October 27, 2021, from 11:00 a.m. to 7:00 p.m.; on Thursday, October 28, 2021, from 7:00 a.m. to 3:00 p.m.; Friday, October 29, 2021, from 11:00 a.m. to 7:00 p.m., on Saturday, October 30, 2021, from 9:00 a.m. to 4:00 p.m., and on Sunday, October 31, 2021, from 9:00 a.m. to 4:00 p.m.; and providing for early voting at JFK Library for the General Election, if a General Election is held, and in particular, on Friday, November 12, 2021, from 11:00 a.m. to 7:00 p.m., on Saturday, November 13, 2021, from 9:00 a.m. to 4:00 P.M. and on Sunday, November 14, 2021, from 9:00 a.m. to 4:00 p.m.; 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.

(OFFICE OF THE CITY CLERK)

On November 24, 2020 the City Council tabled the item, and requested that the Office of the City Clerk request from the Miami-Dade County Department of Elections a cost estimate for the following early voting schedule: Monday through Friday 7:00 a.m. to 7:00 p.m., and Saturday and Sunday from 9:00 a.m. to 4:00 p.m.

10 G. First reading of proposed ordinance amending Chapter 98 entitled “Zoning” Article V. “Zoning District Regulations” Division 29. Hialeah Heights, § 98-1601. MH - Industrial District, of the Code of Ordinances of the City of Hialeah eliminating automotive uses; providing for vested rights; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

10 H. First reading of proposed ordinance amending Chapter 98, “Zoning”, Article I., entitled “In General”, by adding a new section 98-7 “Approval of Governmental Facilities”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in code; and providing for an effective date.

(ADMINISTRATION)

10 I. First reading of proposed ordinance revising the Hialeah, Fla., Land Development Code to reflect pertinent changes to the Hialeah Code and relevant changes in State Law enacted since the date of the last revision; repealing all ordinances or parts of ordinances in conflict therewith; providing penalties for violation hereof; providing for inclusion in the Hialeah, Fla. Land Development Code and the Hialeah Code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

10 J. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. entitled “Zoning District Regulations”, Division 26, TOD Transit Oriented Development District, Section 98-1560(1) Sunset and Amendments, of the Code of Ordinances of the City of Hialeah, to retroactively reinstate the TOD Transit Oriented Development District; 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.

(ADMINISTRATION)

11. BOARD APPOINTMENTS

12. UNFINISHED BUSINESS

13. NEW BUSINESS

14. ZONING

PLANNING AND ZONING

- PZ 1.** First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District Overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow a single use, multifamily residential building, where a vertical mix of uses is required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow all units with area of 660 square feet, where area of 850 square feet is the minimum required and where only 10% of the units may have an area of 600 square feet; allow 10.41 feet front setback, where 10 feet built-to-line are required; allow 27 parking spaces, where 48 parking spaces are required; allow 9% 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), 98-2189(16)a., and 98-2056(b)(1); allow a privacy fence on the north and west property lines adjacent to dissimilar uses, where a wall is required, contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 aragraph (d)(6) buffers between dissimilar uses. **Properties located at 425 East 8 Street and 443 East 8 Street, Hialeah, zoned R-1 (One-Family District) with CBD (Central Business District) land use.** 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: Hugo P. Arza, Esq. and Alejandro Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i>
<i>On March 24, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property:</i>

PZ 2. First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a K-3 grade school with a maximum enrollment of 56 students in conjunction with an existing daycare with a capacity of 44 children. **Property located at 3101-3141 East 4 Avenue, Hialeah, zoned C-1 (Restricted 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.

On March 24, 2021, the Planning and Zoning Board recommended approval of the item with the condition that designated staff is made available to facilitate the drop-off and pick-up process and to ensure that traffic flows adequately within the site without overflowing into the right-of-ways.

Planner's Recommendation: Approve with conditions.

Owners of the Property: Eliu Moliner and Elizabeth Moliner, PO Box 22402, Hialeah, Florida 33002.

PZ 3. First reading of proposed ordinance repealing and rescinding Hialeah Ordinance 93-01 (adopted January 12, 1993) and the related Unity of Title recorded in Official Records Book 15925 at Page 3448 (May 24, 1993) for properties zoned RO (Residential Office District) located at 4915 and 4935 E 1 Court, which upon repeal reverts from RO (Residential Office District) to R-1 zoning (One-Family District); rezoning property located at 4935 E 1 Court from R-1 (One Family District) to P (Parking District) for proposed surface parking to serve a proposed addition to the building located at 145 E 49 Street; rezoning property located at 4915 E 1 Court from R-1 (One Family District) to RO (Residential Office) and granting a variance to allow a rear setback of 41 feet, where 45 feet are required and allow one parking space at the front setback, where parking is required at the back of the building; rezoning property located at 4950 E 1 Court from R-1 (One Family District) to P (Parking District) to provide parking for a proposed addition to the building located at 145 E 49 Street that will expand into 4935 E 1 Avenue; granting a variance permit at 4935 E 1 Avenue and 145 E 49 Street to allow 0 feet rear setback, where 15 feet are required; granting a variance permit to allow 56 parking spaces where 58 are required for properties located at 4915 E 1 Court, 145 E 49 Street and building addition proposed at 4935 E 1 Avenue; granting a variance permit to allow a total 15% pervious area on the proposed shared development of the properties located at 125 E 49 Street, 145 E 49 Street, 4935 E 1 Avenue and 4950 E 1 Court, where 20% is the minimum required; and granting a variance to allow a combined 6 feet CBS wall with a 2 feet decorative aluminum fence on top, for a total height of 8 feet, where 6 feet is the maximum allowed, all contra to Hialeah Code of Ordinances §§ 98-930, 98-781 and 98-781(5), 98-782, 98-2189(7), 98-2118 and 98-2121 and the Hialeah Florida Landscape Manual, update July 9, 2015, Paragraph (e) Table a. **Properties located at 4915 East 1 Court, zoned RO (Residential Office); 4935 East 1 Court, zoned RO (Residential Office); 125 East 49 Street, zoned B-1 (Highly Restricted Retail District); 145 East 49 Street, zoned B-1 (Highly Restricted Retail District); 4950 East 1 Court, zoned R-1 (One-Family District); and 4935 East 1 Avenue, Hialeah, zoned B-1 (Highly Restricted Retail 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 March 24, 2021, the Planning and Zoning Board recommended approval of the item with conditions proffered in a Declaration of Restrictive Covenants

Planner's Recommendation: Approval.

PZ 4. First reading of proposed ordinance approving a Final Plat of Tom Thumb Food Stores Subdivision I. 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 2401 West Okeechobee Road, Hialeah, Florida.**

15. LAND USE

LU 1. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Commercial to Major Institutions. **Property located at 1020 West 29th Street, Hialeah, Florida**, 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.

The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.

Registered Lobbyist: Suzanne A. Dockerty, Esq., 110 Merrick Way, 3-B, Coral Gables, Florida 33134, on behalf of The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami.

On March 10, 2021, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

Owners of the Property: Thomas G. Wenski, 9401 Biscayne Blvd, Miami Shores, Florida 33138.

LU 2. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Residential Office to Medium Density Residential. **Properties located at 665 East 49th Street, 673 East 49th Street and Folio No. 04-2132-003-1010, Hialeah**, zoned R-1 (One Family District) and 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.

The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.

Registered Lobbyist: Hugo P. Arza, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of Caribbean Cat Corp & Jodnasi Properties, LLC.

Registered Lobbyist: Alejandro Arias, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of Caribbean Cat Corp & Jodnasi Properties, LLC.

<i>On March 10, 2021, the Planning and Zoning Board recommended approval of the item as amended.</i>
<i>Planner's Recommendation: Approve the change from Residential Office to Medium Density Residential.</i>
<i>Owners of the Property: Caribbean Cat Corp (Miriam Torres) and Jodansi Properties, LLC (Michael Montero and Joseph Perez)</i>

LU 3. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Commercial. **Property located at 740 East 49th Street, 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>The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.</i>
<i>On March 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval of the land use changes with limitation on uses.</i>
<i>Owners of the Property: Victoriano Gazquez, 400 Kings Point Drive, Suite 1106, Sunny Isles, Florida 33160. Sahilyn Reyes and Carmen Viela, 5910 West 3rd Lane, Hialeah, Florida 33012.</i>

LU 4. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Transit Oriented Development District. **Property located at 909 E 24 Street, 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>The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.</i>
<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Macallan Rental Investments LLC.</i>
<i>On March 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Macallan Rental Investments LLC and Nancy Ortiz, 100 South Pointe Drive, Suite 2702, Miami Beach, Florida.</i>

LU 5. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Transit Oriented Development District. **Property located at 879 East 24 Street, 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.

The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.

Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Macallan Rental Investments LLC.

On March 10, 2021, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

Owners of the Property: Macallan Rental Investments LLC, Fountain Investments LLC and Nancy Ortiz, 100 South Pointe Drive, Suite 2702, Miami Beach, Florida.

LU 6. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Transit Oriented Development District. **Property located at 1091 East 17 Street, 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.

The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.

Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Miami Rental Partners, LLC.

On March 10, 2021, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

Owners of the Property: Miami Rental Partners, Nancy Ortiz and Monica Otero, 100 South Pointe Drive, Suite 2702, Miami Beach, Florida.

LU 7. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Residential Office to Commercial. **Property located at 183 West 49 Street, 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>The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.</i>
<i>On March 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Osnay Rivero and Yudit Rivero, 798 East 54th Street, Hialeah, Florida 33013.</i>

LU 8. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Commercial to Transit Oriented Development District. **Properties located at 934 East 25 Street and 954 East 25 Street, Hialeah, Florida**, zoned C-1 (Restricted 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>The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.</i>
<i>Registered Lobbyist: Christopher Collins, 696 NE 125 Street, North Miami, Florida 33161, on behalf of Twenty Fifth Street Venture, LLC.</i>
<i>On March 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Yoram Izhak, 696 NE 125 Street, North Miami, Florida 33161.</i>

LU 9. Proposed resolution expressing its intent to adopt the City of Hialeah 20-Year Water Supply Facilities Work Plan update (2020-2040) and related text amendments to the Potable Water Element, Conservation Element, Intergovernmental Coordination Element and Capital Improvement Element of the Hialeah, Fla., Comprehensive Plan (2015-2025); and providing for an effective date.

On March 10, 2021, the Planning and Zoning Board recommended approval of the item.

NEXT CITY COUNCIL MEETING: Tuesday, April 27, 2021 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 25, 2021 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 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).