

**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  
**May 10, 2022**  
7:00 p.m.

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**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 Garcia-Roves.

**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](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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- 6A.** Presentation by Senator Manny Diaz, Jr., as well as State Representatives Bryan Avila, Alex Rizo, and Tom Fabricio regarding the 2022 Legislative Session.

## **7. COMMENTS AND QUESTIONS**

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

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## **9. 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 April 26, 2022 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

- B. Request from Fireworks Lady and Co., LLC, located at 8600 Northwest South River Drive, Suite 75, Miami, Florida 33166, for a special events permit to host an Annual Fireworks Lady Demo Shoot (company gathering for product demonstration), to include music played by a disc jockey, as well as to have a maximum of two food trucks to serve food and non-alcoholic beverages, on Saturday, May 28, 2022 from 6:00 p.m. until 10:30 p.m., to be held at the Milander Park Field, with an expected estimate of 100 attendees, subject to compliance with the requirements of the Hialeah Police Department and the Hialeah Fire Department, as well as the insurance coverage required by the City's Risk Management Department.

(OFFICE OF THE CITY CLERK)

*On April 26, 2022, the City Council tabled the item until May 10, 2022.*

- C. Request permission to issue a purchase order to VCS Tech Systems, LLC, for payment of the following invoices:

- Invoice No. 002159, for the installation of new 911 call boxes at Sector 2 and Sector 5, for \$2,731.88
- Invoice No. 002299, for the reconfiguration of the NVRs in the K9 unit, Internal Affairs and the Office of the Chief of Police, for \$625.00
- Invoice No. 002404, payment of the monthly reoccurring fee for service to the 911 call box outside Sector 2 and Sector 5 during the month of December 2021, for \$66.88
- Invoice No. 002405, payment of the monthly reoccurring fee for service to the 911 call box outside Sector 2 and Sector 5 during the month of January 2022, for \$66.88
- Invoice No. 002529, payment for service call for UniView POE switches with power failures at two (2) police stations, for \$1,075.00
- Invoice No. 002531, payment for service call due to the Sector 5 NVR not working properly, for \$125.00
- Invoice No. 002544, payment of the monthly reoccurring fee for service to the 911 call box outside Sector 2 and Sector 5 during the month of February 2022, for \$66.88

in a total cumulative expense amount not to exceed \$4,757.52. The funding for this expenditure is to be withdrawn from the General Fund - Repair & Maintenance Equipment Account No. 001.1000.521.462.

On August 24, 2021 (Consent Item J), the City Council awarded Hialeah Invitation to Bid No. 2020/21-8500-36-024 – *Access Control- Keri Systems Installation and Maintenance*, to this vendor, sole source responsive bidder.

(INFORMATION TECHNOLOGY DEPARTMENT)

- D. Request permission to waive competitive bidding, since it is advantageous to the City in that the City is able to obtain the best options with the stop-loss insurance at the lowest annual cost, and issue a purchase order to Stealth Partner Group, LLC, for stop loss insurance with the City's self-funded PPO Plan, in the amount of \$576,553.90, and further request permission to ratify payments made for the month of January 2022 in the amount of \$35,863.98 and February in the amount of \$37,582.12, for a new total cumulative expense amount not to exceed \$650,000.00. The funding for this expenditure is to be withdrawn from the Contractual Services Account No. 520.8500.519.233.

(RISK MANAGEMENT DEPARTMENT)

**10. ADMINISTRATIVE ITEMS**

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- 10 A. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Ordinance No 2022-003 (February 8, 2022), of the Hialeah Code of Ordinances Chapter 18, entitled "Businesses", Article II, "Special Events"; amending § 18-29 "Permit; Hialeah Park District (HPD)" by allowing the Factory Town Entertainment Subdistrict to site special events of 60 days or less; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code, and providing for an effective date.

(ADMINISTRATION)

<i>On April 26, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for May 10, 2022.</i>
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<i>On March 8, 2022 the item was postponed by the administration until further notice.</i>
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- 10 B. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Ordinance No. 2013-83 (November 26, 2013) amending Chapter 46 entitled "Historical Preservation" of the Code of Ordinances, and in particular, revising Hialeah Code § 46-40 entitled "Powers and Duties" to allow the naming of City buildings, facilities, parks, rights-of-way and other City properties after elected federal officials or relatives of elected federal officials during the lifetime of the elected federal officials; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code, and providing for an effective date.

(ADMINISTRATION)

<i>On April 26, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for May 10, 2022.</i>
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- 10 C. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance supplementing Resolution No. 2021-124 adopted on September 14, 2021; authorizing the exchange of Series 2022 Note for the Series 2021 Note in the amount of \$28,400,000.00; providing for the rights, securities and remedies for the owner of the Series 2022 Note; authorizing certain City officials to execute such Series 2022 Note and all

necessary documents on behalf of the City and to take all actions required in connection with the delivery of such Series 2022 Note; making certain covenants and agreements in connection therewith; repealing all ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(ADMINISTRATION)

*On April 26, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for May 10, 2022.*

- 10 D. ORDINANCE:** Second reading and **public hearing** of proposed ordinance supplementing Ordinance No. 10-40 enacted by the City Council on June 22, 2010; authorizing not to exceed \$41,500,000.00 Utility System Revenue Refunding Bonds, Series 2022; providing for the issuance of such Series 2022 Bonds to refinance certain debt obligations; delegating the award of the sale of the Series 2022 Bonds to the Mayor; appointing a registrar and paying agent; approving the form of the Escrow Deposit Agreement; approving the execution and delivery of a Bond Purchase Agreement; approving the execution and delivery of a Disclosure Dissemination Agent Agreement; appointing a Dissemination Agent; amending Ordinance No. 10-40 to change the definition of Finance Director; providing certain covenants and agreements in connection with the issuance thereof; and providing an effective date.

(ADMINISTRATION)

*On April 26, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for May 10, 2022.*

- 10 E. ORDINANCE:** First reading of proposed ordinance amending Ordinance No. 2022-015 (March 8, 2022) amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article VI. “Peddlers, Solicitors, Itinerant Vendors”, Division 2. “Peddlers, Itinerant Vendors”, §18-311 “Retail Sales from Tents”; allowing retail tent sales other than the sales of Christmas trees and fireworks as a special event; allowing additional time for retail sales as a special event; allowing for a farmer’s market; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

*On April 26, 2022, the item was deferred until May 10, 2022.*

- 10 F. ORDINANCE:** First reading of proposed ordinance amending Chapter 98, entitled “Zoning”, Article V, Zoning District Regulations, Division 16, entitled “C-2 Liberal Retail Commercial District”, Section 98-1112, entitled “Uses Prohibited” removing open air markets as prohibited activity; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ZONING)

*On April 13, 2022, the Planning and Zoning Board recommended approval of this item.*

- 10 G.** Pursuant to Section 2.01 of the City’s Charter, Mayor Esteban Bovo, Jr., appoints Ruth Rubi, subject to civil service rules and regulations, to the position of Executive Director of Finance Management.

(ADMINISTRATION)

**11. BOARD APPOINTMENTS**

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**12. UNFINISHED BUSINESS**

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**13. NEW BUSINESS**

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**14. LANDUSE**

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**LU 1. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Commercial to Transit Oriented Development District; **Property located at 1067 East 25 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.

<i>Per the Planning and Zoning Division, the Land Use Amendment must be approved before the City Council's consideration of the rezoning of the property. (Item PZ 6 on the May 10, 2022 City Council Agenda)</i>
<i>Registered Lobbyists: Maritza Haro Salgado and Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of BEC Housing Trust, LLC.</i>
<i>On April 27, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: East 25 Street Shops, Inc., 2223 Pembroke Road, Hollywood, Florida 33020.</i>

**15. ZONING**

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**PLANNING AND ZONING**

**PZ 1. 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 an adult day training and care center for young people with disabilities ancillary to an existing church and school; **Property located at 5800 Palm 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.

<i>On April 26, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for May 10, 2022.</i>
<i>On April 13, 2022, the Planning and Zoning Board recommended approval of the item contingent on the construction of on-street parking spaces.</i>
<i>Planner's Recommendation: Approval contingent on the construction of on-street parking spaces.</i>
<i>Property Owners: Mayra Sanabria, 20110 Northwest 59 Court, Hialeah, Florida 33015 Mayra Aristy, 501 Southeast 4<sup>th</sup> Street, Hialeah, Florida 33010.</i>

**PZ 2. ORDINANCE:** First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 10,840 square foot expansion of the existing 36,950 square foot Behavioral Health Hospital; and increase the number of beds from 72 beds to 92 beds; and allow 73 parking spaces, where 115 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(12); **Property located at 4225 West 20 Avenue, Hialeah zoned C-2 (Liberal 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 April 26, 2022, the item was deferred until May 10, 2022.</i>
<i>On April 25, 2022, Mr. Javier Vazquez, registered lobbyist, requested that the item be deferred until May 10, 2022.</i>
<i>Registered Lobbyist: Javier Vazquez, 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131, on behalf of, 4225 LLC C/O Millennium Mgmt LLC.</i>
<i>On March 23, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: 4225 LLC c/o Millennium Mgmt LLC, 10800 Biscayne Blvd, Suite 600, Miami, Florida 33161.</i>

**PZ 3. ORDINANCE:** First reading of proposed ordinance granting a Special Use Permit (SUP) to

allow the expansion of the NBD (Neighborhood Business District) Overlay for the development of a 27-unit multifamily building, pursuant to Hialeah Code of Ordinances § 98-1630.8; granting a variance permit to allow only residential uses where mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level only; allow 18 residential units with an area of 595 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 7 feet front setback on East 7 Avenue, for encroachment of balconies above the ground floor, where 10 feet built-to-line are required; allow 32 parking spaces, where 61 parking spaces are required; and allow 29.6% 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); **Property located at 40 East 10 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 April 26, 2022, the item was tabled by the City Council until May 10, 2022.</i>
<i>On April 13, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Johanna Ferrer, 7440 SW 69 Terrace, Miami, Florida 33143.</i>

**PZ 4. ORDINANCE:** First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-3-3 (Multiple -Family District); granting a variance permit to allow front setback of 21.8 feet, where 25 feet are required; allow street side setback of 6 feet, where 15 are required; allow rear setback of 11.6 feet, where 20 feet are required; allow total lot coverage of 31%, where 30% is the maximum allowed; and allow 23% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-589, 98-590, 98-591, 98-2056(b)(1) and 98-2056(b)(2); **Property located at 782 East 37 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>Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of, New Land Opportunities Inc.</i>
<i>On April 27, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: New Land Opportunities Inc, P.O Box 820841, Pembroke Pines, Florida 33082. Alejandro Pla, 218 East 49 Street, Hialeah, Florida 33013. Daisy Gascow, 218 East 49 Street, Hialeah, Florida 33013.</i>



**PZ 5. ORDINANCE:** First reading of proposed ordinance rezoning from R-1 (One-Family District) to GUD (Governmental Use District) of property located at 815 West 75 Street and 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; granting a variance permit to allow residential use on the ground floor, where residential use is allowed above ground floor level only; allow 1,049 parking spaces, where 1,487 parking spaces are required; and allow 19.8% pervious area, where 30% is the minimum required; contra to Hialeah Code of Ordinances §98-1630.2, and §§98-2189(16)a. and b. **Property located at 7605 West 10 Avenue and 815 West 75 Street, Hialeah, Florida, zoned GUD (Governmental Use District) 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>Registered Lobbyist: Alejandro J. Arias, 701 Brickell Avenue, Suite 300, Miami Florida 33131, on behalf of Hialeah Housing Authority.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 300, Miami Florida 33131, on behalf of, Bessolo Design Group, Inc.</i>
<i>On April 27, 2022, the Planning and Zoning Board recommended approval of the item as recommended.</i>
<i>Planner's Recommendation: Approval subject to keeping buildings facing West 8 Avenue at a height not exceeding five stories and without commercial uses.</i>
<i>Property Owners: HHA I, Inc., Florida Not for Profit Organization and Hialeah Housing Authority, Not for Profit Entity, 75 East 6 Street, Hialeah, Florida 33010.</i>

**PZ 6. ORDINANCE:** First reading of proposed ordinance rezoning property from C-2 (Liberal Retail Commercial District) to TOD (Transit Oriented Development District); and granting a variance permit to allow 10 stories, where 8 stories is the maximum allowed; contra to Hialeah Code of Ordinances §§ 98-1544(c)(2) and 98-1544(d). **Property located at 1067 East 25 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.

<i>Registered Lobbyist: Maritza Haro Salgado and Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, on behalf of BEC Housing Trust, LLC.</i>
<i>On April 27, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: East 25 Street Shops, Inc., 2223 Pembroke Road, Hollywood, Florida</i>

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**PZ 7. RECOMMENDATION OF DENIAL:** Recommendation of Denial by the Planning and Zoning Board to allow the re-platting of the property into two substandard lots, Lot 1 having a frontage of 40.01 feet and total lot area of 5,399.91 square feet, where 75 feet and 7,500 square feet are required and Lot 2, having a frontage of 40.01 feet and total lot area of 5,399.91 square feet, where 75 feet and 7,500 square are required, and once platted, allow the construction of a single-family house on each district for property located at **1140 West 32<sup>nd</sup> Street, Hialeah**, zoned R-1 (One-Family District).

*On April 26, 2022, the item was tabled by the City Council until May 10, 2022.*

*Registered Lobbyist: Frank De la Paz, 9361 Bird Rd, Miami, Florida 33165, on behalf of Suneil Arzola.*

*On April 13, 2022, the Planning and Zoning Board recommended denial of the item.*

*Planner's Recommendation: Denial.*

*Property Owners: Suniel Arzola, 1140 West 32 Street, Hialeah, Florida 33012*

## 16. FINAL DECISIONS

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**FD 1. RESOLUTION:** Proposed resolution approving the final decision of the Planning and Zoning Board, **Decision No. 2022-06** granting an adjustment on the property located at **5958 West 13 Court, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

*On March 9, 2022, the Planning and Zoning Board recommended approval of the item with the condition that the terrace remain open on its three sides.*

*Planner's Recommendation: Approve with conditions.*

*Property Owners: Anthony Perez and Felipe Perez, 5958 West 13 Court, Hialeah, Florida 33012*

**FD 2. RESOLUTION:** Proposed resolution approving the final decision of the Planning and Zoning Board, **Decision No. 2022-07** granting an adjustment on the property located at **517 East 10 Street, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

*On March 9, 2022, the Planning and Zoning Board recommended approval of the item with the condition that a 6-foot concrete wall be erected on the east side property line to protect the privacy of the adjacent home to the east.*

<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owners: Osiris Machado, Ana L. Valdez, Ailin Machado, 517 East 10<sup>th</sup> Street, Hialeah, Florida 33010.</i>

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

**NEXT CITY COUNCIL MEETING: Tuesday, May 24, 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, 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).