

**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 May 14, 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 Council Vice President Isis Garcia-Martinez

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

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- Item PZ 5 is postponed until May 28, 2019.

## 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 April 23, 2019. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-441, issued to Florida Bullet Incorporated, sole source distributor of Speer brand law enforcement ammunition in the State of Florida, to purchase ammunition, by an additional amount of \$3,090, for a new total cumulative amount not to exceed \$48,199.50. (POLICE DEPT.)
- C. Request permission to increase Purchase Order No. 2018-630, issued to AECOM Technical Services, Inc., for construction engineering inspection services for the improvements located at NW 142<sup>nd</sup> Street from 97<sup>th</sup> Avenue to NW 107<sup>th</sup> Avenue, by an additional amount of \$80,000, for a new total cumulative amount not to exceed \$330,000. On October 10, 2017, the City Council approved a purchase order to AECOM Technical Services, Inc., to oversee the construction of the NW 142<sup>nd</sup> Street improvements, in the amount of \$250,000. (DEPT. OF PUBLIC WORKS)
- D. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is one of the vendors that the City utilizes to outsource printing projects that are not cost effective when produced in house and this vendor has consistently provided the City with the lowest prices, and increase Purchase Order No. 2019-258, issued to R & C Management, Inc., for printing services, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (PURCHASING)
- E. Request permission to ratify two changes requested by the City and approved by the Mayor during the construction of the project, and completed by the contractor, JVA Engineering Contractor Inc, to the roadway, water, sewer improvements along NW 142<sup>nd</sup> Street between NW 97<sup>th</sup> Avenue to NW 107<sup>th</sup> Avenue, with change one being an extension of water and sewer lines south of NW 142<sup>nd</sup> Street along NW 107<sup>th</sup> Avenue, in the amount of \$155,015.80, and change two being the installation of water service lines and sewer laterals along the entire alignment of the project to serve the adjacent properties, in the amount of \$368,395.55. On January 23, 2018 the City Council awarded Hialeah Invitation to Bid No. T2016-17-9500-00-012 – *Roadway, Water & Sewer Improvements – NW 142<sup>nd</sup> Street from*

NW 97 Avenue to NW 107 Avenue to this vendor in the amount of \$4,887,949.94. Further request permission to ratify an adjustment to the contract between the City and this vendor to cover the additional cost of hauling and disposing of material, since it is advantageous to the City in that the contractor has excavated contaminated soils over and above the anticipated amounts in the bid documents, in the estimated amount of \$75,000. The total cost of the project, including these proposed expenses is \$5,486,361.29. (DEPT. OF PUBLIC WORKS)

- F.** Proposed resolution amending Resolution 2019-041 that provided for a Charter Review Committee of three persons, where five persons shall comprise the committee; and providing for an effective date. (ADMINISTRATION)
- G.** Proposed resolution approving supplemental appropriations to the annual budget for fiscal year 2018-2019 and in particular, revising the budget to supplement revenues within the Special Revenue Funds, in particular, Streets Fund, Community Development Block Grant (CDBG) Fund, Law Enforcement Trust Fund (LETF) - State, Emergency Solutions Fund, Fire Rescue Transportation Fund, Home Investment Partnership Program Fund, Park Grant & Impact Fees Fund, Police Grant Fund, State Housing Initiative Program Fund, LETF - Federal Fund, and ECS & Library Grant Fund; and within the Capital Funds in particular, Elderly Housing - 300 Unit Fund and NW 102 AVE-NW 138 Street to 145 Place Fund as summarized and itemized in the schedule attached as Exhibit "A" and made a part hereof. (OFFICE OF MANAGEMENT AND BUDGET)
- H.** Request permission to waive competitive bidding, since it is advantageous to the City due to emergency work done to the Garden of Arts as a result of a tornado that affected the area during the month of January of this year, and issue a purchase order to Paldama Investment, Inc., d/b/a Island Fence of Dade, for work done to the area, in a total cumulative amount not to exceed \$19,450. (DEPT. OF PARKS AND RECREATION)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City in that the assessment report prepared by RH Engineering Group, Inc revealed a number of issues observed by the structural engineer that required immediate attention, and issue a purchase order to Florida Lemark Corporation, for double tee connection repairs to the City Hall parking garage, in the amount of \$47,100, and further request a ten percent contingency in the amount of \$4,710 for any unforeseen issues that may arise during the project, for a total cumulative expense amount not to exceed \$51,810. (CONSTRUCTION AND MAINTENANCE DEPT.)
- J.** Proposed resolution authorizing the transfer of unencumbered appropriation balance or a portion thereof between classifications of expenditures within an office or department within the General Fund; and within the Special Revenue Funds, in particular, Streets Fund, Community Development Block Grant (CDBG) Fund, E-911 Non Wireless Fund, Fire Prevention Fund, Fire Rescue Fund, Home Investment Partnership Fund, Park Grant & Impact Fees Fund, CITT Surtax-Transportation Fund, Police Grant Fund, CITT Surtax Hialeah Circulator Fund, 21<sup>st</sup> Century Grant - Academic Achievers Fund, 21<sup>st</sup> Century Steam Ahead Fund, ECS and Library Grants Fund, and Building Division Fund; and within the Capital Funds in particular, NW 102 Avenue Fund and West 76<sup>th</sup> Street Fund; and within the Public Works Funds in particular, Water & Sewer Fund as summarized and itemized in the schedule attached as Exhibit "A" and made a part hereof. (OFFICE OF MANAGEMENT AND BUDGET DEPT.)

- K.** Proposed resolution approving Supplemental Appropriations to the annual budget for fiscal year 2018-2019 and in particular, revising the budget to supplement revenues within the Special Revenue Funds, in particular, Streets Fund, Community Development Block Grant (CDBG) Fund, Law Enforcement Trust Fund (LETF) - State, Emergency Solutions Fund, Fire Rescue Transportation Fund, Home Investment Partnership Program Fund, Park Grant & Impact Fees Fund, Police Grant Fund, State Housing Initiative Program Fund, LETF - Federal Fund, and ECS & Library Grant Fund; and within the Capital Funds in particular, Elderly Housing - 300 Unit Fund and NW 102 AVE-NW 138 St to 145 PL fund as summarized and itemized in the schedule attached as Exhibit “A” and made a part hereof.
- L.** Proposed resolution approving the expenditure totaling an amount no to exceed \$33,555.00 from the Law Enforcement Trust Fund - *Federal*, to purchase 15 MP5A3 Heckler & Koch rifles and related accessories for the Hialeah Police Department, from Heckler & Koch, the lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- M.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is a local business which has been working with the Hialeah Police Department for several years upgrading the CCTV-surveillance system, card access system, and providing additional emergency services when needed, and increase Purchase Order No. 2019-929, issued to G. & R. Electric Corp., for the repairs and maintenance of the police department’s network in headquarters and sectors one through five, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$139,570. (POLICE DEPT.)

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

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- 4A.** Second reading and public hearing of proposed ordinance accepting the Right of Way Deed attached as Exhibit “1” from F03-4, LLC, a Florida Limited Liability Company, conveying rights-of-way consisting of 35 feet in width along NW 102 Avenue to the north line of the southeast 1/4 of Section 20, Township 52 South, Range 40 East (hypothetical 146 Street) with an area of approximately 19,233 square feet or 0.442 acres for public highway purposes and all purposes incidental thereto; 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)

*Item was approved by the City Council on first reading on April 23, 2019.*

- 4B.** First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 15 entitled “C-1 Restricted Retail Commercial District” of the Code of Ordinances of the City of Hialeah, and in particular revising Section 98-1066 entitled “Permitted Uses” to remove manual carwashes as a permitted use, Section 98-1067 entitled “Prohibited Uses” to include manual carwashes as a prohibited use; and further amending Article VI. Supplementary District Regulations, Division 5., entitled “Uses”, Subdivision VI entitled “Carwashes”, and in particular, revising Section 98-1897 entitled “Manual Carwashes”, to prohibit manual carwashes to

operate within the City, and allow manual carwashes lawfully established prior to adoption of this ordinance to operate in C-1 and C-2 Zoning Districts as a non-conforming use, provided that said manual carwashes continue to comply with the city requirements; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for a severability clause; providing for an effective date. (ADMINISTRATION)

4C. First reading of proposed ordinance amending Chapter 18, entitled “Businesses”, Article VI. - Peddlers, Solicitors, Itinerant vendors, § 18-308 sale of Christmas trees by nonprofit organizations, of the Code of Ordinances; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for a severability clause; providing for an effective date. (ADMINISTRATION)

4D. First reading of proposed ordinance amending Chapter 2 entitled “Administration” of the Code of Ordinances, Article V. entitled “Finance”, Division 2. entitled “Fees and Charges”, and in particular amending Section 2-873(a) to expand the scope of violations and liens research to include open cases for violations of the Florida Fire Prevention Code, Violations of the forty-year building recertification requirement, and other debts owed to the City, to provide for a standard processing time from seven to ten business days, and provide for an expedited violations and lien research fee for an additional \$100.00 with a processing time not to exceed one business day; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for a severability clause; providing for an effective date.

## 5. BOARD APPOINTMENTS

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5A. Proposed resolution appointing five nominees from the following list to the City of Hialeah Charter Review Committee (“CRC”) effective immediately for a term ending upon the dissolution of the CRC; and providing for an effective date:

- (1) Manuel Ferrera (*nominated by Mayor Hernandez*)
- (2) Juan Junco (*nominated by Mayor Hernandez*)
- (3) Jonathan Martinez (*nominated by Mayor Hernandez*)
- (4) Oscar D. Banegas (*nominated by Council Vice President Garcia-Martinez*)
- (5) Luis Rodriguez (*nominated by Council President Casáls-Muñoz*)
- (6) Jorge Gonzalez (*nominated by Council President Casáls-Muñoz*)

## 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.

**PZ 1.** Second reading and public hearing of proposed ordinance granting a variance permit to allow one LED reader board pylon sign on property located outside the LED geographic area; allow a sign area of 200 square feet where 120 feet is the maximum allowed; allow a height of 36 feet where a maximum of 20 feet is allowed; allow an embellishment of 4 feet symbolizing a mast above the 36 feet; and allow a 5 foot setback, where 20 feet is the minimum required; contra to Hialeah Land Development Code §§ 74-149(b), 74-149(g)(2)(b) and (c); and Hialeah Code of Ordinances § 74-218 (1)(e). Property zoned M-1 (Industrial District). **Property located at 8155 West 28 Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the City Council on first reading on April 23, 2019. Second reading and public hearing was scheduled for May 14, 2019.</i>
<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida 33016.</i>
<i>On April 10, 2019 the item was approved with conditions by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approve with condition that the sign is placed outside of the triangle of vision area, that the sign face is not placed higher than 36 feet and that the 4 feet on top of the 36 feet sign height is only improved with an embellishment representing a mast, consistent with the plans submitted with this application.</i>

*Owners of the Property: David De La Sierra, Trustee  
William De La Sierra, 2637 West 81 Street, Hialeah, Florida 33016.  
Raul De La Sierra, 2637 West 81 Street, Hialeah, Florida 33016.*

**PZ 2.** First reading of proposed ordinance rezoning R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); to allow the construction of a duplex on an irregular substandard lot, having a front width of 52.98 feet and a rear width of 48.47 feet, where 75 feet is the minimum required; having a length of 92.18 feet, where 100 feet is the minimum required; allow an interior south side setback of 6 feet, where 7.5 feet is the minimum required; allow front and rear setbacks of 20 feet, where 25 feet is the minimum required respectively; allow a lot area of 4,676 square feet, 7,500 square feet is the minimum required; allow 38% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544, 98,545, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 2629 East 7 Avenue, 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.

*Registered Lobbyist: Fred Endara, 10829 NW 7<sup>th</sup> Street, Miami, Florida 33172.*

*On April 24, 2019 the item was approved with conditions by the Planning and Zoning Board.*

*Planner's Recommendation: Approve with condition that the property is developed in substantial consistency with the submitted plans and the construction is completed within 24 months.*

*Owners of the Property: Clemente Pablo Mendoza & Olga Mendoza, 8781 NW 142 Street, Miami Lakes, Florida 33018.*

**PZ 3.** First reading of proposed ordinance rezoning R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); to allow the construction of a duplex on a substandard lot, having a frontage of 55.10 feet, where 75 feet is the minimum required; having a length of 92.11 feet, where 100 feet is the minimum required; allow an interior south side setback of 6 feet, where 7.5 feet is the minimum required; allow a lot area of 5,075 square feet, 7,500 square feet is the minimum required; and allow 35% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544 and 98-2056(b)(2). **Property located at 2689 East 7 Avenue, 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.

*Registered Lobbyist: Fred Endara, 10829 NW 7<sup>th</sup> Street, Miami, Florida 33172.*

*On April 24, 2019 the item was approved with conditions by the Planning and Zoning Board.*

*Planner's Recommendation: Approve with condition that the property is developed in substantial consistency with the submitted plans and the construction is completed within 24 months.*

*Owners of the Property: Clemente Pablo Mendoza & Olga Mendoza, 8781 NW 142 Street, Miami Lakes, Florida 33018.*

**PZ 4.** First reading of proposed granting a Special Use Permit to allow a new gas station, convenience store, a mechanical carwash, and a pylon sign in the CR (Commercial Residential Zoning District); and granting a variance permit to allow 125 feet and 34 feet front setbacks, where 5 feet is required; allow parking on the front where no parking is allowed; allow 6 feet 10 inch and 9 feet 11 inch setbacks for the pylon sign from the right-of-way line, where 10 feet is the minimum required; and allow 0% frontage, where 50% is required; all contra to the Hialeah Code of Ordinances § 74-918(1)e. and §§ 98-881(1)a., (1)a.2 and (1)a.3; property zoned CR (Commercial Residential District). **Property located at 898 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*On April 24, 2019 the item was approved by the Planning and Zoning Board.*

*Planner's Recommendation: Approval.*

*Owners of the Property: Orion Palm Avenue, 5200 NW 77<sup>th</sup> Court, Doral, Florida 33166.*

~~**PZ 5.** First reading of proposed ordinance allowing for the site plan signed and sealed and dated March 14, 2019 by Alan D. Lerner, registered architect, and granting a variance permit to allow a rear setback of 38 feet, where 45 are required; allow a pervious area of 15.43 percent, where 20 percent is required; allow parking at the front and side of the property, where all parking is required in the rear; and allow seven occupational licenses, where no more than two occupational licenses are allowed; all contra to Hialeah Code of Ordinances §§ 98-781(2), 98-781(5), 98-782 and 98-778(2). **Property located at 135 West 49 Street, Hialeah, Florida.** Property zoned RO (Residential Office). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL MAY 28, 2019.**~~

*On April 24, 2019 the item was approved with conditions by the Planning and Zoning Board.*



<p><i>Planner's Recommendation: Approval with conditions:</i></p> <ol style="list-style-type: none"> <li><i>1. The maximum number of business tax receipts for the facility is limited to seven. Notwithstanding the seven issued business tax receipts, no more than three of the seven doctors shall be located at the facility at any given time.</i></li> <li><i>2. Should property be converted to a use other than an endoscopy/gastrointestinal center, the maximum number of business tax receipts shall revert to a maximum of two unless otherwise approved by the City of Hialeah City Commission or otherwise permitted under the City of Hialeah Code.</i></li> <li><i>3. The facility shall provide a valet parking or a parking attendant at a minimum during workdays between the hours of 7:00 a.m. to 12:00 p.m.</i></li> <li><i>4. The facility shall encourage employees to utilize public transportation, drop-off or carpooling.</i></li> <li><i>5. The facility shall maintain and/or provide patients with the name of transportation and or pickup services utilized at the property to encourage patients to use the transportation facilities rather than driving separately to the facility.</i></li> </ol>
<p><i>Owners of the Property: Torres Hialeah Investment, LLC., 4791 West 4<sup>th</sup> Avenue, Hialeah, Florida 33012.</i></p>

**FINAL DECISIONS**

**FD 1. Proposed** resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-10 that granted an adjustment on the property located at **5354 West 10 Court, Hialeah, Florida**; and providing for an effective date.

<p><i>On April 10, 2019 the item was approved with conditions by the Planning and Zoning Board.</i></p>
<p><i>Planner's Recommendation: Approve with condition that the setback adjustment for accessory building and distance separation as requested.</i></p>
<p><i>Owners of the Property: Angel Casanueva, 5354 West 10<sup>th</sup> Court, Hialeah, Florida 33012.</i></p>

**FD 2. Proposed** resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-11 that granted an adjustment on the property located at **1475 West 83 Street, Hialeah, Florida**; and providing for an effective date.

<p><i>Registered Lobbyist/Applicant: Fred Endara, 10829 NW 7<sup>th</sup> Street, Miami, Florida 33172.</i></p>
<p><i>On April 10, 2019 the item was approved by the Planning and Zoning Board.</i></p>
<p><i>Planner's Recommendation: Approval.</i></p>
<p><i>Owners of the Property: Orlando Blanco Jr., 1475 West 83 Street, Hialeah, Florida 33014.</i></p>

**NEXT CITY COUNCIL MEETING: Tuesday, May 28, 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).