

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis García-Martínez
Council Vice President



Council Members
Katharine Cue-Fuente
Jose F. Caragol
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda June 11, 2019 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilman Caragol

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

- Mayor Hernandez proclaims June 11, 2019 as Rivas Music and Video day. (MAYOR HERNANDEZ)

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Item PZ 5 is postponed until June 25, 2019 per the applicant's request.

3. CONSENT AGENDA

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 May 28, 2019. (OFFICE OF THE CITY CLERK)
- B. Request permission to cancel the upcoming July 9, 2019 and July 23, 2019 City Council meetings for summer recess, pursuant to §3.01 of the City Charter. (OFFICE OF THE CITY CLERK)
- C. Proposed resolution repealing and rescinding Resolution No.: 2019-062 that named West 60th Street from Palm Avenue to West 2nd Avenue as "Raymond R. Robinson Street". (ADMINISTRATION)
- D. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to permit the Purchasing Department and the Hialeah Police Department to dispose of as surplus the Hialeah Police Department's Mine Resistant Ambush Protected Vehicle (MRAP) and accept the Department of Defense Law Enforcement Support Office/1033 Program's transfer of ownership of the Hialeah Police Department's Mine Resistant Ambush Protected vehicle (MRAP) to the Gulf County, Florida Sheriff's Office, as approved by the Department of Defense Law Enforcement Support Office and attached hereto and made a part hereof as Exhibit "A". (HIALEAH POLICE DEPT.)

4. ADMINISTRATIVE ITEMS

- 4A. Second reading and public hearing of proposed ordinance vacating the right-of-way located on East 28th Street, East of 11th Avenue, and West of the railroad tracks. **Property located adjacent to 2801 East 11 Avenue on the north and 2675 East 11 Avenue on the south, Hialeah, Florida**, and more particularly described in the location sketch attached hereto and made a part hereof as Exhibit "A"; 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. (ZONING)

<i>Item was approved on first reading by the City Council on May 28, 2019.</i>
<i>On May 15, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: MBM Developments Group Corp., 2600 Island Blvd, Aventura, Florida 33160.</i>

- 4B.** Second reading and public hearing of proposed ordinance amending Chapter 98 Zoning; Article V Zoning District Regulations; Division 3. R-1 One Family District; Section 98-502 Rear Yard Required; reducing the distance separation between a principal residential building and an accessory building from twenty feet to ten feet; 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. (ZONING)

<i>Item was approved on first reading by the City Council on May 28, 2019.</i>
<i>Item was approved by the Planning and Zoning Board on May 15, 2019.</i>

- 4C.** First reading of proposed ordinance amending Chapter 50 entitled "Housing", Article II. Minimum Housing Code, of the Code of Ordinances of the City of Hialeah, and in particular, adding a new Section 50-30 entitled "Storm Shutters", to provide for storm shutter regulations including conditions during which storm shutters can be used, and to provide for penalties for violations thereof; 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

- 5A.** Proposed resolution reappointing **Christopher Zacarias** as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on June 1, 2019 and ending on May 31, 2020, at an hourly rate to be established by administrative order of the Mayor; and providing for an effective date. (MAYOR HERNANDEZ)
- 5B.** Proposed resolution reappointing **Eugene M. Steinfeld** as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on

June 1, 2019 and ending on May 31, 2020, at an hourly rate to be established by administrative order of the Mayor; and providing for an effective date. (MAYOR HERNANDEZ)

- 5C. Proposed resolution appointing **Oscar D. Banegas** as a member of the Planning and Zoning Board for the period of a two (2)-year term ending on June 28, 2020. (COUNCIL VICE PRESIDENT GARCIA-MARTINEZ)
- 5D. Proposed resolution reappointing **Manuel Ferrera** to the Board of Trustees of the Employees General Retirement System, as the City Council's appointment, for a two (2)-year term ending on December 31, 2020.
- 5E. Reappointment by Councilman Hernandez of **Gustavo Orta** to the Cultural Affairs Council for a two (2) year term ending on November 16, 2019. (COUNCILMAN HERNANDEZ)
- 5F. Proposed resolution reappointing **Jacqueline Garcia-Roves** to the Personnel Board of the City of Hialeah, as the Mayor's appointment, for a two (2)-year term ending on June 26, 2021. (MAYOR HERNANDEZ)
- 5G. Proposed resolution reappointing **Angel Maestre** to the Personnel Board of the City of Hialeah, as the Mayor's appointment, for a two (2)-year term ending on June 26, 2021. (MAYOR HERNANDEZ)

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. COMMENTS AND QUESTIONS

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

Attention Applicants:

6/7/2019 4:29 PM

- 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 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, where 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.

<i>On May 28, 2019 the item was postponed until June 11, 2019.</i>
<i>On May 14, 2019 the item was approved by the City Council on first reading.</i>
<i>Registered Lobbyist: Fred Endara, 10829 NW 7th Street, Miami, Florida 33172.</i>
<i>On April 24, 2019 the item was approved by the Planning and Zoning Board with the condition that the property is developed in substantial consistency with the submitted plans and the construction is completed within 24 months.</i>
<i>Planner’s Recommendation: Approve with the condition that the properties are developed in substantial consistency with the submitted plans and the construction is completed within 24 months.</i>
<i>Owners of the Property: Clemente Pablo Mendoza & Olga C. Mendoza, 8781 NW 142 Street, Miami Lakes, Florida 33018.</i>

PZ 2. Second reading and public hearing of proposed ordinance rezoning from 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, where 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.

<i>On May 28, 2019, the item was postponed until June 11, 2019.</i>
<i>On May 14 , 2019, the item was approved on first reading by the City Council.</i>
<i>Registered Lobbyist: Fred Endara, 10829 NW 7th Street, Miami, Florida 33172.</i>
<i>On April 24, 2019 the item was approved by the Planning and Zoning Board with the condition that the property is developed in substantial consistency with the submitted plans and the construction is completed within 24 months.</i>
<i>Planner's Recommendation: Approve with the condition that the properties are developed in substantial consistency with the submitted plans and the construction is completed within 24 months.</i>
<i>Owners of the Property: Clemente Pablo Mendoza & Olga C. Mendoza, 8781 NW 142 Street, Miami Lakes, Florida 33018.</i>

PZ 3. Second reading and public hearing of proposed ordinance 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.

<i>On May 28, 2019, the item was postponed until June 11, 2019.</i>
<i>On May 14, 2019, the item was approved by the City Council on first reading.</i>
<i>On April 24, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Orion Oil LLC, 5200 NW 77th Court, Doral, Florida.</i>

PZ 4. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow a private elementary school pursuant to Hialeah Code of Ordinances § 98-181; property zoned C-1 (Restricted Retail Commercial District); **property located at 930 East 9 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>Registered Lobbyist: Octavio A. Santurio AIA, 6262 SW 40th Street, Suite 3E, South Miami, Florida 33155.</i>

<i>On May 15, 2019, the item was approved by the Planning and Zoning Board with the condition that the site is improved in substantial consistency with the submitted site plan and the traffic is managed in accordance to the submitted traffic circulation plan. In addition, the applicant should be required to take responsibility for the improvement and maintenance of the portion of the alley that will be used daily for egress and that is subject to the Streets Department approval.</i>

<i>Planner's Recommendation: Approve with conditions and Declaration of Restrictive Covenants.</i>

<i>Owners of the Property: Juditt Milian, 8310 NW 167 Terrace, Miami Lakes, Florida 33016.</i>
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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 JUNE 25, 2019.**

<i>On May 28, 2019, the City Council tabled the item until June 11, 2019, per the applicant's request.</i>

<i>On May 14, 2019, the item was postponed until May 28, 2019.</i>

<i>Registered Lobbyist: Brian S. Adler, Bilzin Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL 33156.</i>

<p><i>On April 24, 2019, the item was approved by the Planning and Zoning Board with the following conditions:</i></p> <ol style="list-style-type: none"> <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> <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> <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> <i>4. The facility shall encourage employees to utilize public transportation, drop-off or carpooling.</i> <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>
<p><i>Planner's Recommendation: Approve rear setback, pervious area and parking location variances and allow a maximum of four occupational licenses.</i></p>
<p><i>Owners of the Property: Torres Hialeah Investment, LLC, 4791 West 4th Avenue, Hialeah, Florida 33012.</i></p>

PZ 6. First reading of proposed ordinance rezoning C-1 (Restricted Retail Commercial District) and C-2 (Liberal Retail Commercial District) to C-3 (Extended Liberal Commercial District); and granting a variance permit to allow 11 parking spaces, where 13 are required; allow 5 feet rear setback, where 15 feet is the minimum required; and allow a pervious area of 13.46%, where an 18% minimum is required; contra to Hialeah Code of Ordinances §§ 98-2189(7), 98-1071, 98-1161; and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, ¶ (E) Tree and Lawn Requirements by Zoning Classification, Table A, ...minimum pervious area...percent of net lot area. **Property located at 975 and 995 Hialeah Drive, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<p><i>On May 28, 2019, the item was postponed until June 11, 2019.</i></p>
<p><i>On May 15, 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: Ignacio M. Urbieta, 9701 NW 89 Avenue, Medley, Florida 33178.</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.

On May 28, 2019, the item was tabled until June 11, 2019 by the City Council because the applicant was not present.

On May 14, 2019, the item was tabled until May 28, 2019 by the City Council because the applicant was not present.

On April 10, 2019, the item was approved by the Planning and Zoning Board. The board approved setback adjustment for accessory building and distance separation as requested.

Planner's Recommendation: Approve with condition that the setback adjustment for accessory building and distance separation as requested, with the condition that the gazebo is reduced in order to eliminate the encroachment into the utility easement and the need for a setback adjustment for the gazebo.

Owners of the Property: Angel Casanueva, 5354 West 10th Court, Hialeah, Florida 33012.

FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-12 that granted an adjustment on the property located at **8260 West 18th Lane, Hialeah, Florida**; and providing for an effective date.

On May 15, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

Owners of the Property: Janet Pis, 8260 West 18th Lane, Hialeah, Florida 33014.

FD 3. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-13 that granted an adjustment on the property located at **324 West 15th Street, Hialeah, Florida**; and providing for an effective date.

Registered Lobbyist: Emilio Agrenot, 11510 SW 185th Street, Miami, Florida.

On May 15, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

Owners of the Property: Daimy Mesa, Lionel Molina, Diego Molina, 324 West 15th Street, Hialeah, Florida 33010.

FD 4. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-14 that granted an adjustment on the property located at **7460 West 14th Avenue, Hialeah, Florida**; and providing for an effective date.

On May 15, 2019, the Planning and Zoning Board approved the item.

Planner's Recommendation: Approval.

Owners of the Property: Juan Mendoza, Yanelkis Sarmiento, 7460 West 14th Avenue, Hialeah, Florida 33014.

FD 5. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-15 that granted an adjustment on the property located at **5835 West 12th Avenue, Hialeah, Florida**; and providing for an effective date.

On May 15, 2019, the item was approved by the Planning and Zoning Board with the condition that the terrace remains open on three sides.

Planner's Recommendation: Approve with conditions.

Owners of the Property: Modesto Fernandez, 585 West 12 Lane, and MB & CB Investment LLC, 2000 NW 83 Court.

LAND USE AMENDMENTS

LU 1. Proposed resolution expressing its intent to approve and adopt a text amendment to the Future Land Use Element of the City of Hialeah Comprehensive Plan to eliminate Policy 2.3.5 related to the Growth Management Advisory Committee.

On May 29, 2019 the item was approved by the Planning and Zoning Board.

LU 2. Proposed resolution expressing its intent to approve and adopt a map amendment to the Future Land Use Map from Industrial and Office to Industrial. **Property located at the northeast corner of NW 102 Avenue and West 108 Street, Hialeah, Florida.** Zoned BDH (Business Development District).

Registered Lobbyist: Joni Armstrong Coffey, 98 SE 7th Street, Suite 1100, Miami, Florida 33131.

On May 29, 2019 the item was approved by the Planning and Zoning Board.

<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Section 17, LLC- 1525 Gabriel Street, Hollywood, Florida 33020. Lloyd Moriber, James Horland, Bruce Schwartz, Melvyn Drucker, Norman Klein, Nadine Samter, Brent Samter, and Jordan Samter.</i>

LU 3. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Transit Oriented Development District. **Property located at 962 and 972 East 26th 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>On May 29, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Eloina G. Rodriguez, Luis A. Valdes, Francisco C. Rodriguez and Javier A. Valdes, 962 East 26th Street, Hialeah, Florida 33013.</i>

LU 4. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Commercial. **Property located at 662 East 27th Street and 2620 East 7th Avenue, 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 155th Street, Miami Lakes, Florida 33016.</i>
<i>On May 29, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Machado Investments Inc., Orlando M. Machado, Jose R. Machado, Rolando J. Machado, 6625 Miami Lakes Drive., E#212, Miami Lakes, Florida .</i>

LU 5. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential. **Property located at 811 East 52 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 155th Street, Miami Lakes, Florida 33016.</i>
<i>On May 29, 2019, the item was approved by the Planning and Zoning Board.</i>

Planner's Recommendation: Approval.

Owners of the Property: ARD Homes LLC, Rene G. Baques, Marta Baques, P.O. Box 520187, Miami, Florida 33152.

NEXT CITY COUNCIL MEETING: Tuesday, June 11, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 27 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, 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).