

**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 Meeting Agenda June 25, 2019 7:00 P.M.

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Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilman Hernandez

### **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 4 has been postponed per the applicant's request until August 13, 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 June 11, 2019. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order # 2019-1574, issued to Eureka Farms LLC, to purchase Green Island Ficus Plants to be planted throughout the City, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$80,000. (STREETS)
- C. Proposed resolution waiving competitive bidding and approving a purchase agreement between Motorola Solutions, Inc. and the City of Hialeah, for the purchase of Motorola's P25 Phase II-Compliant Subscriber Radios, with embedded software, radio accessories and related services including warranty and maintenance services, technical support, and radio repair, for a term of ten years, in a total amount not to exceed \$5,072,513.20, in substantial conformity with the agreement attached hereto as Exhibit "1"; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute the purchase agreement; and providing for an effective date. (EMERGENCY MANAGEMENT)
- D. Report of Scrivener's Error – Ordinance No. 2018-150 of the City Council Meeting of December 11, 2018 was passed and adopted with errors. Section 7 – Registration of Voters - of the ordinance was passed and adopted as follows:  
  
"The Miami-Dade County Supervisor of Elections will register voters for the primary election until 5:00 p.m., on Tuesday, October 7, 2019."  
  
"The Miami-Dade County Supervisor of Elections will register voters for the primary election until 5:00 p.m., on Monday, October 7, 2019."  
  
(OFFICE OF THE CITY CLERK)
- E. Report of Scrivener's Error – Ordinance No. 2018-170 of the City Council Meeting of September 25, 2018 was passed and adopted with errors. In Section 2 of the ordinance, the following references were omitted and should be corrected as follows:

Section 2: “Property located at 7000 West 12<sup>th</sup> Avenue, Hialeah, Florida, zoned C-2 (Liberal Retail Commercial District).” (LAW DEPT.)

- F. Request permission to award Hialeah Bid No. 2018/19-3210-00-009 – *NW 97th Avenue from NW 154th Street to NW 162 Street Phase I Roadway and Drainage*, to Acosta Tractors Inc, lowest responsive bidder, for a total cumulative expense amount not to exceed \$2,826,244.97, which includes a ten percent contingency. (STREETS)
- G. Request permission to approve an increase of the total expenditure amount for the purchase of medical supplies, by an additional amount of \$35,000, from the following vendors, for a new total cumulative amount not to exceed \$155,000.
  - Bound Tree Medical, LLC (Purchase Order No. 2019-770)
  - Quadmed, Inc., (Purchase Order No. 2019-771)
  - Concordance Healthcare Solutions LLC (Purchase Order No. 2019-772)
  - Henry Schein, Inc. (Purchase Order No. 2019-773)

(FIRE DEPT.)

- H. Request permission to utilize Contract No. 15-CA-1415-A – *Archive Record Storage and Management Services*, effective through June 30, 2020, between the State of Florida Department of Children and Families and GRM Information Management Services, Inc., and issue a purchase order to GRM Information Management Services, Inc., for the services of off-premise storage of City records, for a period of one year ending on June 30, 2020, in a total cumulative amount not to exceed \$20,000. (CITY CLERKS OFFICE)
- I. Request permission to waive competitive bidding, since it is advantageous to the City, and issue and purchase order to Zarabanda Production Inc., for a ninety (90) minute performance by Willy Chirino at the 2019 City of Hialeah Independence Day Celebration, in a total cumulative amount not to exceed \$20,000. (DEPT. OF COMMUNICATIONS & SPECIAL EVENTS)
- J. Request permission to waive competitive bidding, since it is advantageous to the City and issue and purchase order to Albita Rodriguez Enterprise, Inc., for a ninety (90) minute performance by Albita at the 2019 City of Hialeah Independence Day Celebration, in a total cumulative amount not to exceed \$10,000. (DEPT. OF COMMUNICATIONS & SPECIAL EVENTS)

#### 4. ADMINISTRATIVE ITEMS

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- 4A. 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.

(ADMINISTRATION)

*Item was postponed by administration on June 11, 2019.*

- 4B.** First reading of proposed ordinance accepting from Bonterra Communities TIC, LLC and Club Bonterra Lennar, LLC a Warranty Deed conveying all right, title and interest to improved land as described in the Warranty Deed attached as Exhibit “1”; 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. (DEPT. OF PUBLIC WORKS)
- 4C.** First reading of proposed ordinance approving a second amendment to the Development Agreement by and among FDG Countyline, LLC, a Delaware limited liability company, FDG BN Expansion, LLC, a Delaware limited liability company, and the City of Hialeah, Florida, dated March 31, 2014 approved by Hialeah, Fla. Ordinance 2014-18 (March 25, 2014), as amended on June 19, 2018 (Hialeah, Fla. Ordinance 2018-41, May 22, 2018), a copy of the Second Amendment in substantial form is attached hereto and made a part hereof as Exhibit “1”, incorporating additional vacant land to be developed pursuant to the project program and providing for roadways to be built and dedicated by developer. **Property comprising approximately 515 acres, more or less, within an area bounded on the west by NW 107 Avenue, on the north by NW 170 Street, on the east by NW 97 Avenue and on the south by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and located within the BDH Business Development Zoning District.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ZONING)

*On April 23, 2019 the item was postponed until further notice.*

- 4D.** First reading of proposed ordinance approving an Equipment Lease-Purchase Agreement with Motorola Solutions, Inc., as lessor, and the City, as lessee, for the acquisition, purchase, financing and leasing of certain equipment as described herein; authorizing certain other documents required in connection therewith; authorizing all other actions necessary to the consummation of the transactions contemplated by this ordinance; authorizing the Mayor and City Clerk, as attesting witness, to execute the Equipment Lease-Purchase Agreement attached hereto and made a part hereof in substantial form as Exhibit “A” and all necessary documents on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violations hereof; providing for a severability clause; and providing for an effective date. (EMERGENCY MANAGEMENT)

## **5. BOARD APPOINTMENTS**

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- 5A.** 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)

*On June 11, 2019 the item was tabled by the City Council until June 25, 2019.*

- 5B.** 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)

*On June 11, 2019 the item was tabled by the City Council until June 25, 2019.*

- 5C.** Proposed resolution reappointing **Ovidio J. Perez** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2021. (COUNCILMAN HERNANDEZ)

**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 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.

*On June 11, 2019 the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 25, 2019.*

*On May 28, 2019, the item was postponed until June 11, 2019.*

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

*Planner's Recommendation: Approval.*

*Owners of the Property: Ignacio M. Urbietta, 9701 NW 89 Avenue, Medley, Florida 33178.*

**PZ 2.** Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow an elementary school for a maximum of 23 students pursuant to Hialeah Code of Ordinances § 98-181; and granting a variance permit to allow 13 parking spaces, where 23 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(9); allow a 1.4% pervious area, where 18% is required; allow a 2 foot landscape buffer, where a 7 foot landscape buffer is required; and allow no trees and no shrubs, where 8 trees and 80 shrubs are required, subject to mitigation pursuant to § 98-2233; all contra to the City of Hialeah Landscape Manual, latest edition dated July 9, 2015, ¶ (E) Tree and Lawn Requirements by zoning classification, Table A, ...minimum pervious area...percent of net lot area, ¶ (D)(7), parking lot buffers, and ¶ (G) landscape legend information required to be permanently affixed to plan, subpart trees and shrubs. Property zoned C-1 (Restricted Retail Commercial District); **property located at 375 East 49 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.

*Item was approved on first reading by the City Council on May 28, 2019. Second reading and public hearing was scheduled for June 25, 2019.*

*Registered Lobbyist: Oscar Gonzalez, 7901 West 21 Avenue, Hialeah, Florida 33016.*

*On May 15, 2019 the item was approved by the Planning and Zoning Board with the following conditions:*

- The increase on the number of students and staff is not recommended and the CUP for the existing 23 student school could be granted with the condition that a 2 feet landscape buffer be provided at the edge of the property line to prevent improper parking encroaching into the sidewalk and that no less than 2 employees for traffic circulation control be on site at drop-off and pick-up hours daily.*
- The parking variance could be approved with the condition that 3,460 square feet of the building remain utilized by a daycare operation which requires 50% parking spaces less than other commercial uses, that the substandard spaces at the rear be exclusively used by compact cars and that a minimum of 5 parking spaces be available at the times that the existing medical clinic is in operation.*
- The pervious area variance could be approved with the condition that adequate drainage be provided through a drainage system, the 2 feet landscape buffer should be approved since there is no space to provide a wider buffer and the waiver of the landscape requirement could be approved with the condition that the 8 trees and 80 shrubs be mitigated in accordance to Sec. 98-2233.*

*Planner's Recommendation: Approve with no school expansion and with conditions.*

*Owners of the Property: Adriki Investments Corp., 80 Marina Avenue, Key Largo, Florida 33037  
Ruben Demblans, 80 Marina Avenue, Key Largo, Florida 33037.*

**PZ 3.** First reading of proposed ordinance granting a Special Use Permit (SUP) to allow a temporary trailer and a shelter for an ATM machine utilized by Regions Bank while the property is demolished and redeveloped, for a time not exceeding 24 months from the effective date of this ordinance pursuant to Hialeah Code of Ordinances § 98-161, ET. AL.; property zoned M-3 (Industrial District). **Property located at 2899 West 4 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.

*Registered Lobbyist: William Rombera, 14125 NW 80 Avenue, Suite 303, Miami Lakes, FL 33016.*

*On June 12, 2019, the item was approved by the Planning and Zoning Board.*

*Planner's Recommendation: Approval.*

*Owners of the Property: Belsize Park LLC, 20533 Biscayne Blvd, Suite 1305, Aventura, FL 33180.  
Achikam Yogev, 20533 Biscayne Blvd, #1305, Aventura, Florida 33160.*

**PZ 4.** 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 AUGUST 13, 2019.**

<i>Registered Lobbyist: Brian S. Adler, Bilzin, Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL.</i>
<i>Item was postponed by the City Council on May 14, 2019.</i>
<i>On April 24, 2019 the item was approved by the Planning and Zoning Board with the following conditions:</i>
<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>
<i>Planner's Recommendation: Approve rear setback, pervious area and parking location variances and allow a maximum of four occupational licenses.</i>
<i>Owners of the Property: Torres Hialeah Investment, LLC., 4791 West 4<sup>th</sup> Avenue, Hialeah, Florida 33012.</i>

**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.

<i>Item was tabled by the City Council on June 11, 2019.</i>
<i>On May 29, 2019 the item was approved by the Planning and Zoning Board.</i>

**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).

<i>Item was tabled by the City Council on June 11, 2019.</i>
<i>Registered Lobbyist: Joni Armstrong Coffey, 98 SE 7<sup>th</sup> Street, Suite 1100, Miami, Florida 33131.</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: 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.** 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 962 and 972 East 26<sup>th</sup> 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>Item was approved by the City Council on June 11, 2019.</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: Eloina G. Rodriguez, Luis A. Valdes, Francisco C. Rodriguez and Javier A. Valdes, 962 East 26<sup>th</sup> Street, Hialeah, Florida 33013.</i>

**LU 4.** Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Commercial. **Property located at 662 East 27<sup>th</sup> Street and 2620 East 7<sup>th</sup> 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>Item was approved by the City Council on June 11, 2019.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155<sup>th</sup> 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.** Second reading and public hearing 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>Item was approved by the City Council on June 11, 2019.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155<sup>th</sup> 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: ARD Homes LLC, Rene G. Baques, Marta Baques, P.O. Box 520187, Miami, Florida 33152.</i>

**NEXT CITY COUNCIL MEETING: Tuesday, August 13, 2019 at 7:00 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, June 25, 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 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).