

**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 August 13, 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 Zogby

### **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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- Administrative Item 4C has been postponed until August 27, 2019.
- Item PZ 1 has been postponed until September 10, 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 July 16, 2019. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and issue two purchase orders, the first purchase order to Rescue Systems Unlimited LLC and the second purchase order to Bulldog Hose Company LLC, to purchase fire protection equipment, with the first purchase order in the amount of \$24,700 and the second in the amount of \$55,160, for a total cumulative amount not to exceed \$79,860. (FIRE DEPT.)
- C. Proposed resolution approving the expenditure totaling an amount not to exceed \$367,308.00 from the Law Enforcement Trust Fund - *State* Account to purchase eighteen (18) 2020 Chevrolet Malibu LT vehicles from Auto Nation Chevrolet, utilizing the pricing established by a competitive bid from the Florida Sheriff's Association, Bid #18-VEL26.0 upon such costs having been approved by the Chief of Police (POLICE DEPT.)
- D. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to American Pavement Corp., vendor providing the lowest quotation, for the restriping of East 4<sup>th</sup> Avenue, from 41 Street to 32 Street, in a total cumulative amount not to exceed \$15,770. (STREETS DEPARTMENT)
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-354, issued to General Asphalt Co., Inc., to purchase emergency EZ Street hot asphalt, by an additional amount of \$6,500, for a new total cumulative amount not to exceed \$21,500. (STREETS DEPARTMENT)
- F. Request permission for approval to pay the annual City of Hialeah membership dues to the Florida League of Cities, Inc., for providing a variety of benefits to the City including legislative advocacy and updates, bond services, legal advice, access to the statewide newsletter, and educational webinars, in a total cumulative amount not to exceed \$15,000. (OFFICE OF THE MAYOR)

**G.** Proposed resolution urging the United States Citizenship and Immigration Services (“USCIS”) to reevaluate and grant Ramon Saul Sanchez’s application for permanent resident status; further directing the City Clerk to transmit a copy of this resolution to the officials named herein. (ADMINISTRATION)

**H.** Report of Scrivener’s Error – Resolution 2019-027 of the City Council Meeting of March 12, 2019 was passed and adopted with an error. The header of the ordinance was passed and adopted as follows:

“50 Brother RuggedJet RJ-42330BL.”

The ordinance should be corrected as follows:

“Brother RuggedJet RJ-4230BL.”

(OFFICE OF THE CITY CLERK)

**I.** Proposed resolution approving the expenditure totaling an amount not to exceed forty two thousand twenty dollars (\$42,020.00) from the Law Enforcement Trust Fund- Federal, to purchase 20 Lenovo ThinkPad T489 laptop computers and applicable warranties from Lenovo, Inc., an authorized distributor, utilizing Florida Naspo ValuePoint Contract No. MNWNC-117/43211500-WSCA-15-ACS, and 20 Brother RuggedJet RJ-4230BL label printers, related accessories, and extended maintenance plans from CDW Computer Centers, LLC (Government Division), and authorized distributor, utilizing National IPA Technology Solutions Contract No. 2018011-01, and waiving competitive bidding as it is advantageous to the City, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

**J.** Proposed resolution approving the expenditure totaling an amount not to exceed \$124,098.00 from the Law Enforcement Trust Fund - *Federal* Account to purchase three (3) 2020 Chevrolet Tahoe 4WD Vehicles from Auto Nation Chevrolet, utilizing the pricing established by a competitive bid from the Florida Sheriff’s Association, Bid #18-VEL26.0 upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

**K.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-20, issued to Cummins Inc., doing business as Cummins Power South, to purchase truck parts and service, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$65,000. (FLEET MAINTENANCE DEPT.)

**L.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-23, issued to Rainbow Window Tinting, Inc., doing business as Rainbow Emergency Equipment, for the purchase of emergency equipment and supplies for City vehicles, by an additional amount of \$60,000, for a new total cumulative amount not to exceed \$220,000. (FLEET MAINTENANCE DEPT.)

**M.** Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Deferred Compensation/Defined Contribution Plans commencing on October 1, 2018 and ending on September 30, 2019, with the firm’s compensation fee being based on a percent of the fund’s assets at the end of each quarter (0.07% fee of the total assets), which is estimated at \$47,600 annually. (OFFICE OF MANAGEMENT AND BUDGET)

**N.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Waste Connections of Florida, Inc., vendor providing the lowest quotation, for the disposal of special waste from the cleaning of storm drains, as necessary throughout the year, in a total cumulative amount not to exceed \$60,000. (STREETS DEPARTMENT)

**O.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to extend the unit prices of the 2017-2018 fiscal year contract for the remainder of the 2018-2019 fiscal year, and issue a purchase order to Horizon Contractors, Inc., to continue the removal and replacement of damaged sidewalks and curbs throughout the City, Horizon Contractors, Inc., in a total cumulative amount not to exceed \$181,712.06. (STREETS)

**P.** Report of Scrivener's Error – Ordinance No. 2009-34 of the City Council Meeting of April 28, 2009 was passed and adopted with an error. The first whereas clause of the ordinance was passed and adopted as follows:

“Whereas, the Planning and Zoning Board on October 22, 2008 did not recommend the proposed amendment”.

The ordinance should be corrected as follows:

“Whereas, the Planning and Zoning Board on October 22, 2008 recommended the proposed amendment.”

(LAW DEPT.)

**Q.** Report of Scrivener's Error – Resolution No. 2017-015 of the City Council Meeting of February 14, 2017 was passed and adopted with an error. Section 1 of the Resolution was passed and adopted as follows:

“where 25 feet are required.”

The ordinance should be corrected as follows:

“The Mayor and the City Council of the City of Hialeah, Florida, hereby approve Final Decision 17-01 granting an adjustment of 13.10 feet, between the main residence and gazebo, to 13.10 feet, where 20 feet are required.”

(LAW DEPT.)

**R.** Report of Scrivener's Error – Ordinance No. 2018-111 of the City Council Meeting of October 9, 2018 was passed and adopted with an error. In Section 1 of the ordinance, the shorter legal description should be substituted to identify the 6 foot alley to achieve the lot size requirement.

The ordinance should read as follows:

Lots 12, 13 and North ½ of the 12 foot alley lying South of and adjacent to said lots as closed per Resolution No. R-94-104, in Block 11F, of “REVISED PLAT OF

FOURTEENTH ADDITION TO HIALEAH”, according to the Plat thereof, as recorded in Plat Book 29 at Page 46, of the Public Records of Miami-Dade County, Florida.

(LAW DEPT.)

- S. Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Elected Officers Retirement Trust, commencing on October 1, 2018 and ending on September 30, 2019, with the firm’s compensation fee being based on a percent of the fund’s assets at the end of each quarter (0.25% fee of the total assets), which is estimated at \$30,900 annually. (OFFICE OF MANAGEMENT AND BUDGET)
- T. Request permission to utilize Contract No. 030117-LTS, effective through April 14, 2021 between the National Joint Power Alliance and Playpower, Inc., and issue a purchase order to Miracle Recreation Equipment Company, for the purchase and installation of a new shade system for Sparks Park outdoor gym shade structure, in a total cumulative amount not to exceed \$22,798.01. (DEPT. OF PARKS & RECREATION)
- U. Request permission to issue a purchase order to Brunswick Corporation, doing business as LifeFitness, sole source vendor, for the purchase of ten (10) selectorized gym equipment which will serve to construct an outdoor gym for the community at Sparks Park and surrounding areas, in a total cumulative amount not to exceed \$30,355.58. (DEPT. OF PARKS & RECREATION)
- V. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to maintain the same prices from fiscal year 2017-2018, and issue a purchase order to Super Landscape & Maintenance, Inc., for the landscaping of all City parks and for the new City park, in a total cumulative amount not to exceed \$418,555. (DEPT. OF PARKS & RECREATION)
- W. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Royal Electrical Supply, Inc., vendor providing the lowest quotation, for the installation of new LED lighting in all posts at McDonald Park, in a total cumulative amount not to exceed \$22,785. (DEPT. OF PARKS & RECREATION)
- X. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-384, issued to Law Enforcement Psychological and Counseling Associates, Inc., for the psychological screening services for the hiring of certified police officers, firefighters and Employee Assistance Program (EPA), by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$45,000. (HUMAN RESOURCES DEPT.)
- Y. Request permission to issue a purchase order to Acosta Tractors, Inc., to address the broken sidewalks, dips/potholes in the road, construction of additional curb and gutters to improve pedestrian safety on sidewalks adjacent to the road and modification to segments of the drainage system due to various utility conflicts to roadway improvements on West 16<sup>th</sup> to 18<sup>th</sup> Court from 46<sup>th</sup> to 49<sup>th</sup> Street, in a total cumulative amount not to exceed \$70,058.82. On August 28, 2019 this vendor was awarded Hialeah Invitation to Bid # 2017/18-3210-00-003- *Roadway, Improvements to West 16<sup>th</sup> to 18<sup>th</sup> Court from 46<sup>th</sup> to 49<sup>th</sup> Street.* (STREETS)

- Z.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a software as a service (SAAS) master agreement with SIRSI Corporation, a copy of which is attached to this resolution, for five years, commencing on the date the last party signs, with subsequent five year renewals unless cancelled by written notice, for a data migration, annual subscription and support of the Sirsdynix Symphony SAAS Integrated Library System, including cataloging, circulation, public access and reports, for the City of Hialeah Public Libraries; further authorizing the annual expenditures as per the attached quote, and providing for an effective date. (LIBRARY)
- AA.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to SHI International Corp., to purchase a three (3) year subscription for Cb Defense by Carbon Black, to be paid over a three year period as follows: year one (1) \$22,978.39, year two (2) \$20,680, year three (3) \$20,680, for a total cumulative amount not to exceed \$64,338.39. (INFORMATION TECHNOLOGY DEPT.)
- BB.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to PCMG, Inc., vendor providing the lowest quotation, for the purchase of an upgrade to the City's current license for Enterprise Vault to the Enterprise Vault Suite, for a total cumulative amount not to exceed \$31,450. (INFORMATION TECHNOLOGY DEPT.)
- CC.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to SHI International Corp., for the purchase of a three (3) year security awareness training subscription, for a total cumulative amount not to exceed \$25,387.50. (INFORMATION TECHNOLOGY DEPARTMENT)
- DD.** Request permission to waive competitive bidding, since it is advantageous to the City in that during construction and preparation for asphalt, the contractor found a discrepancy between the asphalt quantities disclosed in pay item list of the project plans dated January 13, 2019 and the field quantities, and increase Purchase Order No. 2019-1419, issued to Acosta Tractors Inc., for the purchase of asphalt for West 16<sup>th</sup> Avenue from West 68<sup>th</sup> to 74<sup>th</sup> Street, by an additional amount of \$40,408.17, for a new total cumulative amount not to exceed \$565,000. On March 26, 2019 the City Council awarded Hialeah Bid No. 2018/19-3210-00-011 - *West 16<sup>th</sup> Avenue Roadway Improvements from West 68<sup>th</sup> Street to West 74<sup>th</sup> Street* to this vendor. (DEPT. OF GRANTS & HUMAN SERVICES AND STREETS)
- EE.** Proposed resolution accepting a grant award, from the State of Florida Department of Elder Affairs, through Alliance for Aging, Inc. in the amount of \$1,650,000 to provide congregate meals at five (5) sites throughout the city for one (1) year commencing July 1, 2019 and ending on June 30, 2020; approving and ratifying a local services program agreement between Alliance for Aging, Inc. and the City of Hialeah, Florida, executed by Annette Quintana as Director of the Grants Department on behalf of the Mayor and the city, a copy of which is attached hereto and made a part of hereof as Exhibit "1"; and further authorizing the Mayor or his designee on behalf of the city to execute all other necessary documents in furtherance thereof. (DEPT. OF GRANTS & HUMAN SERVICES)
- FF.** Proposed resolution approving and ratifying the State Housing Initiatives Partnership (SHIP) Program's Owner Occupied Rehabilitation Program sponsor agreement between Community Revitalization Affiliates, Inc. and the City of Hialeah, Florida, a copy of which is attached hereto and made a part hereof as Exhibit "A", to administer a portion of the

city's State Housing Initiatives Partnership Program Owner-Occupied Rehabilitation Program, for a period beginning upon execution of the agreement through June 30, 2021; and authorizing the Mayor or his designee to execute and deliver all State Housing Initiatives Partnership's Funds and all other necessary or customary documents in furtherance thereof on behalf of the city; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)

- GG.** Proposed resolution authorizing the city utilization of Home Investment Partnerships (HOME) Program funds awarded to the city by the U.S. Department of Housing and Urban Development (HUD) to increase the existing amount of home program funding awarded to Hialeah Housing Authority for the construction of a new elderly housing community known as Seminola Elderly Housing Development by \$256,557.44 for a new total award in an amount not to exceed \$6,278,652.09, in order to further facilitate the construction of the project. (DEPT. OF GRANTS & HUMAN SERVICES)
- HH.** Proposed resolution ratifying a Sub-Recipient Services Agreement between Hialeah Housing Authority and the City of Hialeah, Florida, executed by Annette Quintana as Director of the Grants Department on behalf of the Mayor and the city, a copy of which is attached hereto and made a part hereof as Exhibit "I". to operate the city's Hot Lunch Program for elderly residents at five (5) congregate meal sites and provide other related services and activities for one-year commencing July 1, 2019 and ending on JUNE 30, 2020. (DEPT. OF GRANTS & HUMAN SERVICES)
- II.** Proposed resolution authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida, to submit to the United States Department of Housing and Urban Development (HUD) the Action Plan budgets for program year 19, commencing on October 1, 2019 and ending on September 30, 2020, a copy of which is attached hereafter as Exhibit A-E, which shall include the allocations and selected programs for CDBG, HOME, ESG, and the sub-recipients awards for public service and microenterprise business assistance; authorizing the Mayor or his designee to execute any and all agreements, certifications and assurances in furtherance of the programs in the action plan in accordance with the United States Department of Housing and Urban Development Regulations; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)
- JJ.** Proposed resolution of the Mayor and the City Council of the City of Hialeah, Florida, repealing and rescinding Resolution 2019-034 (March 26, 2019), that authorized the use of State Housing Initiative Partnership (SHIP) program funds in the amount of \$256,557.44 for the construction of the Seminola Elderly Housing Development containing 83 units of elderly-occupied affordable housing; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)
- KK.** Proposed resolution approving and ratifying a State Housing Initiatives Partnership (SHIP) Program's Rental Assistance /Rapid Re-Housing Sub-Recipient Services Agreement between Volunteers of America of Florida, Inc. and the City of Hialeah, Florida, to provide financial assistance and support to homeless individuals and families in need of permanent housing, in the total amount of \$39,000.00, for a term commencing on July 1, 2019 and ending on June 30, 2020, a copy of which is attached hereto and made a part hereof as Exhibit "1"; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES)

#### 4. ADMINISTRATIVE ITEMS

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- 4A. Second reading and public hearing 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)

<i>Item was approved on first reading by the City Council on June 25, 2019.</i>
<i>Item was postponed by administration on June 11, 2019.</i>

- 4B. Second reading and public hearing 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)

<i>Item was approved on first reading by the City Council on June 25, 2019.</i>
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- 4C. Second reading and public hearing 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. (PLANNING & ZONING DIVISION) **POSTPONED UNTIL AUGUST 27, 2019.**

<i>Item was approved on first reading by the City Council on June 25, 2019.</i>
<i>On April 23, 2019 the item was postponed until further notice.</i>

- 4D. First reading of proposed ordinance submitting to the electorate at a special election conducted during the Primary Election of the City of Hialeah occurring in the City of



Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES TO ARTICLE IV OF THE HIALEAH CHARTER ENTITLED "ADMINISTRATIVE".

**"SHALL THE CITY AMEND THE HIALEAH CHARTER TO HEAR ZONING AND LAND USE MATTERS AT THE FIRST AVAILABLE REGULAR CITY COUNCIL MEETING AFTER NOTICE OF THE HEARING IS PROVIDED ACCORDING TO STATE LAW; AND TO CHANGE THE RESIDENCY ELECTOR REQUIREMENT FOR BOARD MEMBERS TO ALLOW NON-RESIDENT TRUSTEES OF THE EMPLOYEE RETIREMENT SYSTEM; AND TO ALLOW NON-RESIDENTS MEMBERS OF THE OVERSIGHT COMMITTEE FOR THE ELECTED OFFICIALS RETIREMENT SYSTEM?"**

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

- 4E. First reading of proposed ordinance submitting to the electorate at a special election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES TO ARTICLE III OF THE HIALEAH CHARTER ENTITLED "LEGISLATIVE".

**"SHALL THE CITY AMEND THE HIALEAH CHARTER TO INCLUDE THE ADOPTION OF ZONING AND LAND USE DECISIONS BY ORDINANCE AND NONUSE ADJUSTMENTS AND LAND USE TRANSMITTALS TO THE STATE OF FLORIDA FOR COMMENT BY RESOLUTION; AND TO APPROVE ALL TYPES OF BUDGET TRANSFERS BY RESOLUTION DURING THE FISCAL YEAR AND APPROVE APPROPRIATION AMENDMENTS TO THE BUDGET AFTER THE CLOSE OF THE FISCAL YEAR BY ORDINANCE?"**

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

- 4F. First reading of proposed ordinance submitting to the electorate at a special election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES AUTHORIZING MAYOR TO DECLARE AN EMERGENCY AND TEMPORARY SUSPENSION OF SPENDING LIMITS.

**“SHALL THE CITY AMEND THE HIALEAH CHARTER TO AUTHORIZE THE MAYOR TO DECLARE A STATE OF EMERGENCY AND UNDERTAKE ALL EMERGENCY MANAGEMENT POWERS IN TIME OF PUBLIC DANGER OR EMERGENCY; AND TO SUSPEND SPENDING LIMITS DURING THE EMERGENCY THAT WOULD NORMALLY REQUIRE CITY COUNCIL APPROVAL FOR NO MORE THAN 90 DAYS, UNLESS EXTENDED FOR GOOD CAUSE BY THE CITY COUNCIL?”**

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

- 4G.** First reading of proposed ordinance submitting to the electorate at a special election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES TO ARTICLE I ENTITLED “CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWER”.

**“SHALL THE CITY AMEND THE HIALEAH CHARTER TO INCLUDE JOINT USE AGREEMENTS, JOINT PARTICIPATION AGREEMENTS, INTERGOVERNMENTAL AGREEMENTS, LEASE AGREEMENTS SUPPORTED BY RENT, MANAGEMENT OR OPERATIONAL AGREEMENTS, FRANCHISE AGREEMENTS AND LICENSE AGREEMENTS INVOLVING THE SPENDING OF CITY FUNDS TO EXCEED 5 YEARS UPON APPROVAL BY A SUPER MAJORITY VOTE (5/7<sup>TH</sup>) OF THE CITY COUNCIL?”**

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

- 4H.** First reading of proposed ordinance submitting to the electorate at a special election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHANGES TO ARTICLE V OF THE HIALEAH CHARTER ENTITLED “ELECTIONS”.

**“SHALL THE CITY AMEND THE HIALEAH CHARTER TO EXTEND THE GENERAL ELECTION DATE TO THE THIRD TUESDAY AFTER NOVEMBER 1, TWO WEEKS FROM THE PRIMARY ELECTION; PROVIDING ONE SWEARING-IN DATE FOR EACH ELECTION CYCLE;**

**PROVIDING THAT CANDIDATES FOR ELECTIVE OFFICE PAY FILING FEES AND ASSESSMENTS CONSISTENT WITH STATE LAW; AND TO CLARIFY THAT SUCH CANDIDATES MUST BE A RESIDENT ELECTOR FOR MINIMUM OF ONE YEAR IMMEDIATE PRECEDING THE PRIMARY OR SPECIAL ELECTION?"**

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

- 4I. First reading of proposed ordinance accepting the dedication of 30 acres of improved land, more or less, from Countyline I, LLC, a Delaware Limited Liability Company, for park purposes, as more particularly described in the special warranty deed, a copy of which is attached hereto and made a part hereof as "Exhibit 1"; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

**5. BOARD APPOINTMENTS**

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**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:*

8/9/2019 5:24 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 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. **POSTPONED UNTIL SEPTEMBER 10, 2019.**

*On June 25, 2019 item was postponed until August 13, 2019 by the City Council per the applicant's request.*

*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 2.** Second reading and public hearing 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.

*Item was approved on first reading by the City Council on June 25, 2019. Second reading and public hearing was scheduled for August 13, 2019.*

*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 3.** 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.

*Registered Lobbyist: Brian S. Adler, Bilzin, Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL.*

*Item was postponed by the City Council on May 14, 2019, May 28, 2019, June 11, 2019, and June 25, 2019.*

<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"> <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>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 4<sup>th</sup> Avenue, Hialeah, Florida 33012.</i></p>

**PZ 4.** First reading of proposed ordinance granting a variance permit to allow a rear setback of 11.3 feet, where 20 feet are required; allow an interior east side setback of 6.6 feet and an interior west side setback of 5 feet, where 10 feet are required respectively, and allow a side setback of 1.7 feet, where 10 feet are required for an existing carport and allow lot coverage of 34 percent, where a maximum of 30 percent is allowed; all contra to Hialeah Code of Ordinances §§ 98-590, 98-591, and 98-2056(b)(2); **Property located at 75 West 14 Street, Hialeah, Florida.** Property zoned R-3 (Multi-Family District). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<p><i>Registered Lobbyist: Francisco De La Paz, 3920 West 12<sup>th</sup> Avenue, Hialeah, Florida 33012.</i></p>
<p><i>On June 26, 2019, the item was approved by the Planning and Zoning Board with the following condition, that the addition is legalized within 180 days. The applicant should be aware that the building permit plans for such legalization shall also include the demolition of concrete pavement to provide the required 30% pervious area and the legalization of the existing shed located between the buildings.</i></p>
<p><i>Planner's Recommendation: Approval with conditions</i></p>
<p><i>Owners of the Property: Maritza I. Galvan, 75 West 14<sup>th</sup> Street, Hialeah, Florida 33010.</i></p>

**PZ 5.** First reading of proposed ordinance granting a variance permit to allow 13 off-street

parking spaces, where 17 parking spaces are required; allow a side setback of 2 feet 4 inches, where 2 feet 7 inches is the minimum required; and allow a waiver of the minimum landscape requirements to allow 7.16% pervious area, where 10% is the minimum required and allow 4 trees and 100 shrubs provided that 18 trees and 120 shrubs are mitigated to protect and maintain tree canopy and landscape cover of the city pursuant to Hialeah Code of Ordinances § 98-2233. Property zoned M-1 (Industrial District) all contra to Hialeah Code of Ordinances §§ 98-2189(22) and § 98-1372; and the latest edition of the Hialeah Landscape Manual dated July 9, 2015, Paragraph (E) Table A Tree and Lawn Requirements by zoning classification and Paragraph (G) Landscape Legend Information...Shrubs. **Property located at 340 West 78 Road, 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: Anthony Escarra Esq., 16400 NW 59<sup>th</sup> Avenue, Miami Lakes, Florida 33014</i>
<i>On June 26, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Amelia Storage, LLC., 340 West 78<sup>th</sup> Road, Hialeah, Florida 33014.</i>

**FINAL DECISION**

**FD 1.** Recommendation of denial by the Planning and Zoning Board to allow side street setback of 1.5 feet, where 15 feet are required, for an existing aluminum accessory building attached to the main house; allow interior side setback of 3.5 feet, where 7.5 feet are required for an existing utility shed and allow 2.8 feet interior side setback for an existing screened porch, where 7.5 feet are required at **Property located at 4041 West 6<sup>th</sup> Court, Hialeah, Florida.**

<i>On June 12, 2019, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owners of the Property: Victor Delgado, 4041 West 6<sup>th</sup> Court, Hialeah, Florida 33012.</i>

**FD 2.** Recommendation of denial by the Planning and Zoning Board to allow 3.11 interior side setback, for an addition to the main house, where 5.9 feet is the minimum required; allow 2.5 feet interior west side setback and 2.5 feet rear setback for a terrace, where 5.9 feet respectively are the minimum required and allow 4.70 street side setback, where 15 feet

is the minimum required. **Property located at 590 East 55<sup>th</sup> Street, Hialeah, Florida.**

<i>On June 12, 2019, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owners of the Property: Francisco Tabares &amp; Yanet Mora, 590 East 55<sup>th</sup> Street, Hialeah, Florida 33013.</i>

**NEXT CITY COUNCIL MEETING: Tuesday, August 27, 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, 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).