

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martínez
Council Vice President



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

City Council Meeting Agenda October 22, 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 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

➤ Swearing-In Ceremony for the following new Hialeah Police Officer hires:

10/18/2019 5:06 PM

- 1) Raul Fiallo Morell
- 2) Manuel Alejandro Moreno
- 3) Osvaldo Leyva
- 4) Osmay Exequiel Del Campo
- 5) Lazaro Orfila
- 6) Joseph Perera
- 7) Alfonso Oscar Delgado III
- 8) Michael Denis
- 9) Steven Bauer
- 10) Lazaro J. Echevarria Ramos

(POLICE DEPT.)

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Item PZ 5 is being postponed until November 12, 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 October 8, 2019. (OFFICE OF THE CITY CLERK)
- B. Request from ABC Promotions Unlimited, Inc., located at 940 South Military Trail, West Palm Beach, Florida 33415, for a Christmas Tree Sales Permit, to benefit Best Buddies, with set-up taking place on Sunday, November 10, 2019 and take down on Sunday, January 5, 2019, and with sales commencing on Friday, November 15, 2019 and ending on Wednesday, December 25, 2019, to be located at 795 Hialeah Drive, vacant lot located on the northwest corner of LeJeune Road and NW 54 Street, Hialeah, Florida, in accordance with recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)
- C. Request from San Lazaro Catholic Church and Shrine, located at 4400 West 18th Avenue, Hialeah, Florida, for a permit to host a procession on Tuesday, December 17, 2019, commencing at 8:30 p.m., beginning on church grounds, traveling on 44th Place to West 16th Avenue, West 16th Avenue to West 42nd Street, West 42nd Street to West 18th Avenue, and West 18th Avenue ending at the Church grounds, in accordance with recommendations from the Police Department and Fire Department. (OFFICE OF THE CITY CLERK)
- D. Proposed resolution authorizing the Mayor or his designee to accept a direct award from the United States Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant Program, for the total amount of \$43,755.00, for the procurement of

police patrol vehicles and in compliance with the FBI National Incident-Based Reporting System (NIBRS) Project; approving and ratifying the grant application and agreement, a copy of which is attached hereto and made a part hereof as Exhibit "1" and all action taken in support of the application; authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; authorizing the establishment of a separate interest bearing trust account designated for this program; and providing for an effective date. (POLICE DEPT.)

- E.** Proposed resolution approving the renewal of a Turf and Landscape Maintenance Department Funded Agreement with the State of Florida, Department of Transportation, for the maintenance of all turf and landscape areas on designated state roads within the corporate limits of the City of Hialeah, for a term of one year, beginning on March 8, 2020 and ending on March 7, 2021, in an amount not to exceed \$142,872.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "A"; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the city, to execute the contract renewal and all other customary and necessary documents to carry out this resolution; and providing for an effective date. (STREETS)
- F.** Proposed resolution approving a Memorandum of Agreement between the Florida Division of Emergency Management ("FDEM") and the City of Hialeah, Florida for the provision of statewide alert and mass notification services, including the transmission of alerts and other authorized public safety messaging to residents, business and visitors located in or transiting through the City of Hialeah; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute the Memorandum of Agreement, a copy of which is attached hereafter and incorporated herein as Exhibit "A"; and providing for an effective date. (EMERGENCY MANAGEMENT)
- G.** Request permission to make required payments to various vendors for services and utilities, including utilities of telephones, electric, water, gas, as well as the purchase of water, sewage disposal, solid waste dumping fees, freight and postage, and insurances, in a total cumulative amount not to exceed \$81,911,407. (OFFICE OF MANAGEMENT & BUDGET)
- H.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Top Seal Services Corp., vendor providing the lowest quote, for the re-roofing of Babcock Park Concession, in the amount of \$27,800, and further request the approval for a contingency allowance in the amount of \$2,780 to cover any unforeseen items that may arise during the work, for a total cumulative amount not to exceed \$30,580. (CONSTRUCTION AND MAINTENANCE DEPT)
- I.** Request permission to renew Hialeah Bid No. 2015-16-3130-00-026 - *Sodium Hypochlorite*, awarded to Sentry Industries, Inc., since it is advantageous to the City in that the vendor has agreed to maintain the same price for an additional year, from October 1, 2019 through September 30, 2020, to purchase sodium hypochlorite (liquid bleach) sanitizing solution for the City's pools, fountains and aquatic centers, in a total cumulative amount not to exceed \$65,000. On October 25, 2016, the City Council awarded this bid to this vendor for a period of one year with the option to extend the period of the contract for an additional contract period with the extension of the contract only occurring for three (3) consecutive years. (DEPT. OF PARKS AND RECREATION)
- J.** Request permission to waive competitive bidding, since it is advantageous to the City in that

this vendor possess plan review and inspection experience at a municipal building department level thereby offering a wide range of services including building, mechanical, and plumbing plan review and inspection services, and issue a purchase order to M. T. Causley, Inc., for plan review services, in a total cumulative amount not to exceed \$90,000. (BUILDING)

- K.** Request permission to utilize State of Florida Contract No. 43211500-WSCA-15-ACS-E - *Computer Equipment, Peripherals and Services*, effective through March 31, 2020, and issue a purchase order to Hewlett Packard Enterprise, to lease two (2) HPE Cohesity Apollo 30TB appliances with installation services, as well as five (5) years of support and maintenance, in a total cumulative amount not to exceed \$180,009.25, to be paid in three (3) equal annual payments of \$60,002.75 and a \$1.00 purchase option at the end of the lease. (INFORMATION TECHNOLOGY DEPT.)
- L.** Request permission to utilize State of Florida Contract No. 973-000-14-01 – *Management Consulting Services*, effective through January 15, 2020, and issue a purchase order to Maximus Consulting Services, Inc., to prepare a full cost and OMB Cost Allocation Plan for the City based on actual expenditures for the fiscal year which ended on September 30, 2018, in a total cumulative amount not to exceed \$21,000. (FINANCE)
- M.** Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Defined Benefit/Defined Contribution Plans, commencing on October 1, 2019 and ending on September 30, 2020, 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 \$53,000 annually. (OFFICE OF MANAGEMENT AND BUDGET)
- N.** 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, 2019 and ending on September 30, 2020, 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 \$33,000 annually. (OFFICE OF MANAGEMENT AND BUDGET)
- O.** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Bal Harbour Village as a participating municipal police department to provide for the requesting and rendering of assistance for routine and intensive law enforcement situations from the effective date of the agreement through December 31, 2024, a copy of which is attached hereto and made a part hereof as Exhibit “1” and providing for an effective date. (POLICE DEPT.)
- P.** Proposed resolution approving the City of Hialeah Local Housing Assistance Plan (LHAP) for fiscal years 2019-2020, 2020-2021, and 2021-2022, a copy of which is attached hereafter as Exhibit “A”, as required by the State Housing Initiatives Partnership Program Act, subsections 420.907-420.9079, Florida Statutes and Chapter 67-37 of the Florida Administrative Code; authorizing and directing the Mayor or his designee to execute any necessary documents and certifications required by the state in furtherance hereof; and further authorizing the submission of the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date. (DEPT. OF GRANTS AND HUMAN SERVICES)

- Q.** Proposed resolution waiving competitive bidding; and further authorizing the, Mayor or his designee and the City Clerk, as attesting witness, on behalf of the City to enter into a Consulting Services Agreement with Civitas, LLC, to provide the city with technical assistance and program management services related to the City’s housing programs funded by the U.S. Department of Housing and Urban Development (HUD), and other services as set forth in the scope of work attached hereafter as Exhibit “A”, for a term commencing on October 1, 2019 and ending on September 30, 2020, in an amount not to exceed \$72,000.00 payable in equal monthly installments of \$6,000.00, in a form acceptable to the city attorney; and providing for an effective date. (DEPT. OF GRANTS AND HUMAN SERVICES)
- R.** Proposed resolution authorizing the expenditure of funds in an amount not to exceed \$16,714.50 from the Law Enforcement Trust Fund - *State* to pay for the County Court standby program sponsored by the Miami-Dade County Association of Chiefs of Police for a period of one year beginning on October 1, 2019; and providing for an effective date. (POLICE DEPT.)

4. ADMINISTRATIVE ITEMS

- 4A.** Second reading and public hearing of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article II. “Carnivals, Shows and Exhibits”, retitled as “Special Events”; and amending §18-26 “Definitions”; §18-27 “Prohibited and Restricted Conduct”; §18-28 “Financial Statement”; §18-29 “Permit; Operating Standards”; and §18-30 “Additional Rules”; to provide for the permitting of organized special events and assemblies on government or private property of fifteen (15) persons or more; repealing all prior ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date. (ADMINISTRATION)

<i>On October 8, 2019, the item was postponed until October 22, 2019.</i>
<i>On September 28, 2019 the item was tabled by the City Council until October 8, 2019.</i>
<i>Item was approved on first reading by the City Council on September 10, 2019.</i>

- 4B.** Second reading and public hearing of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 4 entitled “Membership”, Division 5 entitled “Benefits” and Division 7 entitled “Deferred Retirement Option Program”; implementing the changes to the retirement plan contained in Resolution No. 2019-064, resolving the Impasse in Collective Bargaining Negotiations between the City and IAFF for firefighter members, in particular revising §70-208 entitled “Purchase of Membership Service Credit Time”; revising §70-210 entitled “Member Contributions to Retirement Plan”; revising §70-238 entitled “Service Retirement Allowance”, revising §70-260 entitled “Eligibility;” Repealing all ordinances or parts of ordinances in conflict herewith ; providing for penalties hereof; providing for inclusion in the code; providing for an interpretation and savings clause; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

On October 8, 2019 the item was tabled by the City Council until October 22, 2019.

On September 24, 2019 the item was tabled by the City Council until October 8, 2019.

Item was approved on first reading by the City Council on September 10, 2019.

- 4C.** Second reading and public hearing of proposed ordinance accepting the Right of Way Deed attached as Exhibit “1” from RELP Beacon Logistics, LLC, a Delaware Limited Liability Company, conveying rights-of-way consisting of 35 feet in width along NW 102 Avenue to the north line of the southwest 1/4 of Section 20, Township 52 South, Range 40 East with an area of approximately 19,869 square feet; and upon the west line adjacent to NW 102 Avenue of the southwest 1/4 of Section 20, Township 52 South, Range 40 East with an area of approximately 60 square feet for public highway purposes and all purposes incidental thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ZONING)

Item was approved on first reading by the City Council on October 8, 2019.

- 4D.** Second reading and public hearing of proposed ordinance repealing and rescinding the Declaration of Restrictive Covenants recorded on August 31, 2011 in the public records of Miami Dade County, Florida in OR Book 27811, Pages 0023-26, providing access for emergency vehicles for a day care facility that was demolished and has been replaced by a Navarro Discount Pharmacy constructed on the site. **Property located at 2401 East 8 Avenue, 801 East 24 Street and 802 East 25 Street, 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. (ZONING)

Item was approved on first reading by the City Council on October 8, 2019.

- 4E.** First reading of proposed ordinance accepting a dedication of vacant land for right of way purposes from the Machado Family Limited Partnership No. 2, LP, a Florida Limited Partnership, as more particularly described in the right-of-way 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)
- 4F.** First reading of proposed ordinance accepting a dedication of vacant land for right of way purposes from Gimrock Property, LLC, a Florida Limited Liability Company, as more particularly described in the right-of-way 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)
- 4G.** First reading of proposed ordinance approving covenants in favor of Miami-Dade County to maintain, operate and preserve a Stormwater Management System as designed on N.W. 102 Avenue, from N.W. 142 Street to N.W. 145 Place, as more particularly described in the form covenants, a copy of which is attached hereto and made a part hereof as “Exhibit 1” authorizing the execution of the covenants by the Mayor and the

City Clerk, on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

- 4H.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2018-087 (September 24, 2018) adopting the Operating Budget for fiscal year 2018-2019 to approve and ratify supplemental appropriations in the amount of \$440,606 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end operating budget in the total amount of \$152,640,606; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
- 4I.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2018-93 (September 24, 2018) that adopted the Public Works Fund Budget for fiscal year 2018-2019 to approve and ratify a reduction in appropriations in the amount of \$16,823,486 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end public works fund budget in the total amount of \$100,928,188; repealing all ordinances or parts of ordinances in conflict herewith; providing for a penalty in violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
- 4J.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2018-092 (September 24, 2018) that adopted the Street Transportation Fund Budget for fiscal year 2018-2019 to approve supplemental appropriations in the amount of \$620,570 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end street transportation fund budget in the total amount of \$5,929,833; repealing all ordinances or parts of ordinances in conflict herewith; providing penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
- 4K.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2018-088 (September 24, 2018) that adopted the Stormwater Fund Budget for fiscal year 2018-2019 to approve and ratify a reduction in appropriations in the amount of \$425,090 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end stormwater fund budget in the total amount of \$3,174,910; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties in violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
- 4L.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2018-091 (September 24, 2018) adopting the Special Revenue Funds Budget for fiscal year 2018-2019, to approve and ratify supplemental appropriations in the amount of \$6,546,566 and to approve and ratify all unencumbered appropriation balance transfers for a new year-end Special Revenue Funds Budget in the total amount of \$30,529,135; repealing all ordinances or parts of ordinances in conflict herewith; providing penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
- 4M.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2018-089

(September 24, 2018) adopting the Capital Projects Fund Budget for fiscal year 2018-2019 to approve and ratify a reduction in appropriations in the amount of \$7,988,799 and to approved and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end Capital Projects Fund Budget in the total amount of \$3,215,400; repealing all ordinances or parts of ordinances in conflict herewith; providing for a penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

- 4N. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2018-090 (September 24, 2018) adopting the Debt Service Fund Budget for fiscal year 2018-2019 to approve and ratify supplemental appropriations in the amount of \$956,430 and to approve and ratify all unencumbered appropriation balance transfers for a new year-end debt service budget in the total amount of \$8,764,430; repealing all ordinances or parts of ordinances in conflict herewith; providing penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

5. BOARD APPOINTMENTS

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:

- 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 allowing the continued operation of an existing hospital to allow in the future building additions and/or expanded uses. Property zoned C-2 (Liberal Retail Commercial District). **Property located at 1435 and 1475 West 49 Place, 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>Item was approved on first reading by the City Council on October 8, 2019.</i>
<i>Registered Lobbyists: Daniel A. Barrera, Esq., 2525 Ponce De Leon Blvd, Miami, Florida Simone Ferro, Esq., 2525 Ponce De Leon Blvd, Suite 1225, Coral Gables, FL</i>
<i>On September 25, 2019, the item was approved Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Jack J. Michel, MD., President and Chair of the Board of Directors 5996 SW 70th Street, 5th Floor, South Miami, Florida 33143.</i>

PZ 2. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) for a twelve month period from the effective date of this ordinance of a temporary prefabricated building sorting facility for the loading and unloading, sorting and distribution of mail packages; which use was extended and is operating through the extension granted and ending October 9, 2019 pursuant to Ordinance No. 2018-113; on property zoned M-1 (Industrial District). **Property located at 6001 East 8 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>Item was approved on first reading by the City Council on October 8, 2019.</i>
<i>On September 25, 2019, the item was approved Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: United Parcel Service Inc (Rick Garcia), 8901 Atlantic Avenue, Orlando, Florida 32824.</i>

PZ 3. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow the expansion of an existing 55 student, K-8 school to a 100 student K-12; variance permit to allow ~~33~~ 95 parking spaces, where 327 are required and

allow 9 of those 33 existing parking spaces to back out into the street. **Property located at 5800 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>Item was approved on first reading by the City Council on October 8, 2019.</i>
<i>On September 25, 2019, the Planning and Zoning Board approved the item with conditions.</i>
<i>Planner's Recommendation: Approval with the condition that the school remains with 60 students and 6 staff members until the proposed parking lot is completed. A Declaration of Restrictive Covenants should describe the operational plan, number of students and staff before and after the completion of the parking lot, number of high school students that will be allowed to park on premises, control method to avoid that other high school students park on the swale areas, pick-up and drop-off times and number of parking control employees to manage that process.</i>
<i>Owner of the Property: Daniel Ramos, 5855 West 2 Avenue, Hialeah, Florida 33012 Larry Weeks, 740 SW 61 Avenue, Plantation, Florida 33317 Maria, Elizabeth Vitale, 155 East 61 Street, Hialeah, Florida 33013</i>

PZ 4. First reading of proposed ordinance granting a special use permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business Overlay District; and granting a variance permit to allow a single use building, where a mixed of use is required; allow all residential units to have an area of 625 square feet, where units shall have a minimum of 850 square feet and only 10% of the units may have a floor area of 600 square feet; allow 47% building frontage on East 1 Avenue, where 100% is required; allow front setback of 5 feet, and 14.4 feet, where 10 feet built-to-line are required; allow street side setbacks of 3 feet, 5 feet, and 6.25 feet, where 10 feet built-to-line are required; allow a 5.83 foot interior side setback, where 15 feet are required; allow surface parking on the street side front setback, where no surface parking is allowed; and allow 34 parking spaces, where 63 parking spaces are required; all contra to §§ 98-1627, 98-1630.2, 98-1630.3(d), 98-1630.3(e)(1), 98-1630.3(e)(2), 98-1630.3(4) and 98-2189(19)a. **Property located at 100 East 9 Street, Hialeah, Florida;** zoned CR (Commercial Residential 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: Anthony Escarra, Esq., 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>
<i>On October 2, 2019, the Planning and Zoning Board approved the item with the condition that uses are restricted in a Declaration of Restrictive Covenants.</i>
<i>Planner's Recommendation: Approval subject to submittal of a parking management plan and submittal of a development schedule.</i>

Owner of the Property: 100 E 9TH, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.

PZ 5. First reading of proposed ordinance rezoning property from R-1 (one-family district) TO TOD (Transit Oriented Development District). **Properties located at 962, 972 and 980 East 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

Registered Lobbyist: Carlos Diaz, 333 SE 2 Avenue, Miami, Florida 33131.

On October 2, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

*Owner of the Property: Eloina G. Rodriguez, Francisco C. Rodriguez, Javier A. Valdes, 962 East 26 Street, Hialeah, Florida 33013.
Hialeah East 10 LLC, 1474 A West 84 Street, Hialeah, Florida 33014.*

PZ 6. First reading of proposed ordinance rezoning property from C-1 (Restricted Retail Commercial District) to C-2 (Liberal Retail Commercial District). **Property located at 4000 Palm 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.

On October 2, 2019, the item was approved by the Planning and Zoning Board with the condition that uses are restricted in a Declaration of Restrictive Covenants.

Planner's Recommendation: Approval with conditions.

*Owner of the Property: Carlos Corderi (President) 98 De Leon Drive, Miami Springs, Florida.
Eduardo Corderi (Treasurer) 590 Pinecrest Drive, Miami Springs, Florida.*

PZ 7. First reading of proposed ordinance granting a special use permit (SUP) to allow the expansion of the Neighborhood Business District regulations pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow all units to have 650 square feet, where 850 square feet is the minimum required and where only 10% may have a minimum of 600 square feet; allow 25% building frontage, where 100% is required; allow a front setback of 70.66 feet, where 10 feet built-to-line is required; allow 5.16 feet rear setback, where 15 feet are required; allow surface parking on front setback, where no surface parking is allowed; allow 14% pervious area, where 20% is required; and allow 92 parking spaces, where 153 parking spaces are required; all contra to Hialeah Code §§ 98-2189(16)a. and b., 98-1630.2 98-1630.3(d), 98-1630.3(e)(1), 98-1630.3(2), 98-1630.3(4); and contra to City of Hialeah Landscape Manual requirements updated July 9, 2015, ¶ (E), Table A, Industrial M-1, Percent of Required Surface

Parking. Property zoned M-1 (Industrial District). **Property located at 7755 West 4th 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>Registered Lobbyist: Anthony Escarra, Esq., 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>
<i>On October 2, 2019, the Planning and Zoning Board approved the item subject to inclusion of pavers on the entire front driveway, submittal of a parking management plan and submittal of a development schedule.</i>
<i>Planner's Recommendation: Approval subject to inclusion of pavers on the entire front driveway, submittal of a parking management plan and submittal of a development schedule.</i>
<i>Owner of the Property: Amelia Mixed Use, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

PZ 8. First reading of proposed ordinance granting a special use permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business Overlay District; and granting a variance permit to allow a single use building, where a mixed use is required; allow all residential units to have an area of 670 square feet, where units shall have a minimum of 850 square feet and only 10% of the units may have a floor area of 600 square feet; allow 36% building frontage, where 100% is required; allow front setback of 12.16 feet, where 10 feet built-to-line are required; allow west and rear side setbacks of 10 feet, where 15 feet are required; allow surface parking on the front and east side setbacks, where no surface parking is allowed; allow a pervious area of 19%, where 30% is required; and allow 31 parking spaces, where 54 parking spaces are required; all contra to §§ 98-1627, 98-1630.2, 98-1630.3(d), 98-1630.3(e)(1), 98-1630.3(e)(2), 98-2056(b)(1), 98-1630.3(4), and 98-2189(19)a. **Property located at 440 East 27 Street, Hialeah, Florida;** zoned R-3 (Multiple-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: Anthony Escarra, Esq., 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>
<i>On October 2, 2019, the Planning and Zoning Board approved the item subject to conditions.</i>
<i>Planner's Recommendation: Approval subject to submittal of a parking management plan and submittal of a development schedule.</i>
<i>Owner of the Property: 100 E 9TH, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-23 that granted an adjustment on the property located at **1595 West 57 Terrace, Hialeah, Florida**; and providing for an effective date.

On September 25, 2019, the Planning and Zoning Board approved the item with the condition that the connection between the house and the addition be legalized remains open and the legalization process is completed within 180 days.

Planner's Recommendation: Approval with the condition.

Owner of the Property: Geronimo J Vallejos & Maria E. Vallejos, 1595 West 57 Terrace, Hialeah, Florida.

FD 2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-24 that granted an adjustment on the property located at **7082 West 4 Court, Hialeah, Florida**; and providing for an effective date.

On September 25, 2019, the Planning and Zoning Board approved the item with the condition that the proposed addition will not include exterior doors.

Planner's Recommendation: Approval with the condition.

Owner of the Property: William Garcia & Odalys Cardenas, 7082 West 4 Court, Hialeah, Florida 33014.

FD 3. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-25 that granted an adjustment on the property located at **898 West 34 Street, Hialeah, Florida**; and providing for an effective date.

On September 25, 2019, the Planning and Zoning Board approved the item with the condition that the legalization is completed within 180 days.

Planner's Recommendation: Approval with the condition that the legalization is completed within 180 days.

Owner of the Property: Maidelis Rodriguez, 898 West 24th Street, Hialeah, Florida 33012.

FD 4. Proposed resolution overriding the final decision of the Planning and Zoning Board, Decision No. 2019-26 and approving an adjustment on the property located at **590 East 55 Street, Hialeah, Florida**; and providing for an effective date.

On September 24, 2019 the denial of the Planning and Zoning Board was overridden by the City Council. Next hearing was scheduled for October 22, 2019.

<i>On September 10, 2019, the item was postponed until September 24, 2019.</i>
<i>On August 27, 2019, the item was postponed until September 10, 2019.</i>
<i>On August 13, 2019, the item was tabled by the City Council until August 27, 2019.</i>
<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 & Yanet Mora, 590 East 55th Street, Hialeah, Florida 33013.</i>

FD 5. Proposed resolution overriding the final decision of the Planning and Zoning Board, Decision No. 2019-28 and approving an adjustment on the property located at **4041 West 6 Court, Hialeah, Florida**; and providing for an effective date.

<i>On September 24, 2019 the denial of the Planning and Zoning Board was overridden. Next hearing was scheduled for October 22, 2019.</i>
<i>On September 10, 2019, the item was postponed until September 24, 2019.</i>
<i>On August 13, 2019, the item was postponed until September 10, 2019.</i>
<i>On June 12, 2019, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Victor Delgado, 4041 West 6th Court, Hialeah, Florida 33012.</i>

NEXT CITY COUNCIL MEETING: Tuesday, November 12, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 12, 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).