

**Esteban Bovo, Jr.**  
Mayor

**Monica Perez**  
President

**Jacqueline Garcia-Roves**  
Vice President



Council Members  
**Bryan Calvo**  
**Vivian Casàls-Muñoz**  
**Luis Rodriguez**  
**Jesus Tundidor**  
**Carl Zogby**

**City Council Meeting**  
**Agenda**  
**February 14, 2023**  
**7:00 p.m.**

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**1. CALL TO ORDER**

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**2. ROLL CALL**

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**3. INVOCATION**

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A. The invocation to be led by Marbelys Fatjo, City Clerk.

**4. PLEDGE OF ALLEGIANCE**

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A. The Pledge of Allegiance is to be led by Council Member Casàls-Muñoz.

**5. MEETING GUIDELINES**

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*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.
- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on matters of public concern or on any item on the agenda, may do so during the meeting.
- 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.
- The public can view public meetings on the City's YouTube page ([www.youtube.com/cityofhialeahgov](http://www.youtube.com/cityofhialeahgov)).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

## **6. PRESENTATIONS**

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## **7. COMMENTS AND QUESTIONS**

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

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## **9. BOARD APPOINTMENTS**

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- A.** Proposed resolution appointing **Maikol J. Guerrero Montes** as a member of the Beautification Committee beginning on February 14, 2023 for a two (2)-year term ending on February 13, 2025 as one of the four City Council appointments.

(NOMINATION BY COUNCIL MEMBER TUNDIDOR)

## 10. CONSENT AGENDA

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*All items listed under Consent Agenda with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, 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 City Council Meeting held on January 24, 2023 at 7:00 p.m.

*(OFFICE OF THE CITY CLERK)*

- B. **RESOLUTION:** Proposed resolution accepting a \$150,000.00 grant from the State of Florida Department of Emergency Management, funded by the Federal Emergency Management Agency (FEMA), and appropriating the grant funds in the building fund for the creation of a Watershed Master Plan in collaboration with Florida Atlantic University, subject to an in-kind contribution by the City in the amount of \$50,000.00 for a total project cost of \$200,000.00; approving the terms of the grant agreement with the State of Florida as set forth in “Exhibit 1”; approving and ratifying the grant application attached as “Exhibit 2”; authorizing the Mayor and the City Clerk, as attesting witness, to execute and deliver the agreement, assurances and all other necessary and customary documents in furtherance thereof on behalf of the City; and providing for an effective date.

*(BUILDING)*

- C. Request permission to ratify the Mayor’s decision to utilize Contract No. 21-083-01- *Holiday Lighting*, between the City of Miami Beach and the vendor, and issue Purchase Order No. 2023-1353, in the amount of \$25,000.00, issued to South Florida Lighting Team, LLC, for the 2022 City of Hialeah Holiday Project created to bring holiday cheer to other locations throughout the City that included the holiday décor at all City entrance features, key parks and City Hall, and further request permission to increase the purchase order by an additional amount of \$36,621.97, for a total cumulative expense amount not to exceed \$61,621.97.

The funding for the expenditure is to be withdrawn from the General Fund – Holiday Decorations Account No. 001.8500.519461G.

*(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)*

- D. **RESOLUTION:** Proposed resolution accepting a grant award from the Nita M. Lowkey Twenty-First (21<sup>st</sup>) Century Community Learning Centers grant in the amount of \$582,120.00 for a term commencing on August 1<sup>st</sup>, 2022 and ending on July 31<sup>st</sup>, 2023, to fund the Young Leaders with Character Afterschool and Summer Programs operating out of three 21<sup>st</sup> Century Community Learning Centers sites within the City of Hialeah, for students from grades 6 through 8; and further authorizing the Mayor or his designee to execute any and all agreements, documents and subcontracts in furtherance thereof; and providing for an effective date.

*(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)*

- E. Request permission to issue a purchase order to Forge Fire & Company, LLC, sole source vendor of comprehensive modular and interchangeable bolt-in construction systems for the first responder industry, for the purchase of the components and features to be modular and

interchangeable, to allow for continuous customization of a bolt-in non-burn construction system for a fire training building, in a total expense amount not to exceed \$359,900.00.

The funding for the expenditure is to be withdrawn from the Capital Outlay – Infrastructure Account No. 109.2000.522.630.

*(FIRE DEPARTMENT)*

- F. RESOLUTION:** Proposed resolution approving the Home American Rescue Act 2021 (HOME-ARP) Allocation Plan; authorizing the Mayor or his designee, to submit to the HOME-ARP Plan to the United States Department of Housing and Urban Development (U.S. HUD) and to execute any and all agreements, as may be required by U.S. HUD Program Rules and Regulations; and providing for an effective.

*(GRANTS AND HUMAN SERVICES DEPARTMENT)*

- G.** Request permission to utilize BuyBoard Purchasing Cooperative Contract No. 647-21 – *Emergency Alert and Voice Broadcast Communications Systems*, contract between Texas Association of School Board and the vendor, effective through September 30, 2023, contract which is part of BuyBoard a portfolio of competitively bid contracts, which the City of Hialeah is registered to utilize, and enter into a three (3) year agreement with Perry Weather, Inc., with the option of two (2) additional one (1) year renewals, for the installation, monitoring and software of four (4) outdoor lightning warning systems to be installed at four (4) City aquatic centers, which features an audible horn and visible strobe, as well as a cloud-based application that will expand warnings to the staff of the City’s Parks and Recreation Department on near instantaneous basis via mobile app or text message, and further request permission to issue a purchase order to Perry Weather, Inc. in the amount of \$16,846.00, for an annual cost of \$11,250.00 and a one-time installation fee of \$5,596.00, for a total cumulative expense amount not to exceed \$39,346.00 for the service over a three (3) year period.

The funding for the expenditure is to be withdrawn from the General Fund – Contractual Services Account No. 001.3130.572.340.

*(DEPARTMENT OF PARKS AND RECREATION)*

- H.** Request permission to award City of Hialeah Bid No. 2022-23-3210-00-024 – *Drainage Improvements to West 17<sup>th</sup> Street from 4<sup>th</sup> to 8<sup>th</sup> Avenue; West 4<sup>th</sup> Lane, West 6<sup>th</sup> Avenue and West 7<sup>th</sup> Avenue from 16<sup>th</sup> to 17<sup>th</sup> Street*, and issue a purchase order to Acosta Tractors Inc, lowest responsive and responsible bidder, for the construction of the drainage improvements to West 17<sup>th</sup> Street from 4<sup>th</sup> Avenue to 8<sup>th</sup> Avenue and West 4<sup>th</sup> Lane, West 6<sup>th</sup> Avenue, and West 7<sup>th</sup> Avenue from 16<sup>th</sup> Street to 17<sup>th</sup> Street, in a total expense amount not to exceed \$2,368,088.47.

\$412,880.72 of the funding for the expenditure is to be withdrawn from Streets – Local Option Fuel Tax Fund Account No. 133.3210.541.651, and \$1,955,207.75 of the funding for the expenditure is to be withdrawn from CITT Surtax Transportation Fund Account No. 120.3210.541.630.

*(STREETS DEPARTMENT)*

- I.** Request permission to issue a purchase order to R.J. Behar & Company, Inc., vendor recommended by the City’s Selection Committee for engineering and architectural services in

response to Request for Qualifications No. 2021-22-9500-00-001 – *Engineering and Architectural Services including City funded and American Rescue Plan Act (ARPA) Funded Projects*, to update the Bacteria Pollution Control Plan to current recognized water quality standard for bacteria (E. Coli and/or Enterococci), in response to the Florida Department of Environmental Protection’s Request for Additional Information (RAI), in a total expense amount not exceed \$5,424.00.

The funding for the expenditure in is to be withdrawn from the Stormwater Utility Fund Account No. 475.3211.530.310.

*(STREETS DEPARTMENT)*

- J. Request permission to award City of Hialeah Bid No. 2022-23-3210-00-023 – *Drainage Improvements to East 5<sup>th</sup> Street from 9<sup>th</sup> Street to 12<sup>th</sup> Street and East 10<sup>th</sup> Street, East 11<sup>th</sup> Street and East 12<sup>th</sup> Street from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue*, and issue a purchase order to Acosta Tractors Inc, lowest responsive and responsible bidder, for the construction of the drainage improvements to East 5<sup>th</sup> Street from 9<sup>th</sup> Street to 12<sup>th</sup> Street and East 10<sup>th</sup> Street, East 11<sup>th</sup> Street and East 12<sup>th</sup> Street from 4<sup>th</sup> Avenue to 6<sup>th</sup> Avenue, in a total expense amount not to exceed \$3,045,292.39.

\$321,224.67 of the funding for the expenditure in is to be withdrawn from Streets Fund – Construction - Capital Account No. 101.3210.541.651 and \$2,724,067.72 from CITT Surtax – Transportation Fund Account No. 120.3210.541.630.

*(STREETS DEPARTMENT)*

- K. Request permission to increase Purchase Order No. 2023-308, issued to Law Enforcement Psychological and Counseling Associates, Inc. (*Dr. Mark Axelsberd, PHD*), for the consulting service of psychological screening for the hiring of police recruits and certified police officers, as well as for the payment of following outstanding invoices for services that have already been rendered:

*Invoice No. 13005 for \$5,040.00*

*Invoice No. 13006 for \$3,720.00*

by an additional amount of \$25,000.00, for a new total cumulative expense amount not to exceed \$50,000.00.

The funding for this expenditure is to be withdrawn from the General Fund - Professional Services Account No. 001.4100.513.310.

*(HUMAN RESOURCES DEPARTMENT)*

## 11. ADMINISTRATIVE ITEMS

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- 11 A. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 46 entitled “Historical Preservation” of the Code of Ordinances, and in particular, revising Hialeah Code § 46-40 entitled “Powers and Duties” to prohibit the naming of City buildings, facilities, parks, rights-of-way and other city properties if any person has a felony conviction, unless waived by a 5/7 vote of the City Council; 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 and providing for an effective date.

(ADMINISTRATION)

*On January 24, 2023, the City Council postponed the item until February 14, 2023 at the Mayor's request.*

*On January 10, 2023, the City Council tabled the item until January 24, 2023 at the Mayor's request.*

*On December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.*

- 11 B. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 2 entitled "Administration", Article III. entitled "Boards, Commissions and Committees", by amending Division 3 entitled "Cultural Affairs Council" by designating it as the "Cultural Affairs Committee" and striking special events from its responsibilities; repealing all ordinances or parts of 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)

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

- 11 C. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled "Businesses", Article II. "Special Events"; §18-26 "Purpose and Definitions" to provide that a commercial event is not only for remuneration or monetary gain; and §18-30 "Application Process" eliminating review by the Cultural Affairs Council Committee to conduct special events; repealing all ordinances or parts of 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)

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

- 11 D. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 2 of the Code of Ordinances of the City of Hialeah entitled "Administration," Article II "Departments, Offices and Divisions," to change the Division Head title for the Division of Finance and the Budget Division from Assistant Director to Division Director; providing for a severability clause; repealing all ordinances in conflict herewith; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

*public hearing is scheduled for February 14, 2023.*

- 11 E. ORDINANCE:** Second reading and **public hearing** of proposed ordinance providing for a Primary Election to be held on Tuesday, November 7, 2023 and a General Election to be held on Tuesday, November 21, 2023, providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*(OFFICE OF THE CITY CLERK)*

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

- 11 F. ORDINANCE:** Second reading and **public hearing** of proposed ordinance setting the election date for the General Election for the year 2023 for the date of Tuesday, November 21, 2023 for the Office of the City Council whose terms have expired, pursuant to municipal powers vested by state law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; 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.

*(OFFICE OF THE CITY CLERK)*

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

- 11 G. ORDINANCE:** Second reading and **public hearing** of proposed ordinance providing for the early voting time and location as allowed by state law, specifically, Sections 101.657(1)(a)-(1)(d), Florida Statutes; designating JFK Library as an early voting site for the November 7, 2023 City of Hialeah Primary Election; beginning on Monday, October 30, 2023, from 7:00 a.m. to 7:00 p.m., on Tuesday, October 31, 2023, from 7:00 a.m. to 7:00 p.m., on Wednesday, November 1, 2023, from 7:00 a.m. to 7:00 p.m.; on Thursday, November 2, 2023, from 7:00 a.m. to 7:00 p.m.; Friday, November 3, 2023, from 7:00 a.m. to 7:00 p.m., on Saturday, November 4, 2023, from 9:00 a.m. to 4:00 p.m., and on Sunday, November 5, 2023, from 9:00 a.m. to 4:00 p.m.; and providing for early voting at JFK Library for the General Election, if a General Election is held, and in particular, on Friday, November 17, 2023, from 7:00 a.m. to 7:00 p.m., on Saturday, November 18, 2023, from 9:00 a.m. to 4:00 p.m. and on Sunday, November 19, 2023, from 9:00 a.m. to 4:00 p.m.; 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.

*(OFFICE OF THE CITY CLERK)*

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

- 11 H. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 78 entitled “Solid Waste”, of the Code of Ordinances; Article II. entitled “Nuisances”, Section 78-37 entitled “Donation Bins Prohibited” to allow for donation bins on City owned property; repealing

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

(ADMINISTRATION)

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

- 11 I. ORDINANCE:** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 98, entitled “Zoning”, Article VI. “Supplementary District Regulations”, Division 5. “Uses” creating Subdivision XIV entitled “Private Schools” creating regulations that provide the safety and wellness of school aged children and require proper traffic and adequate internal circulation and ensure compatibility of uses; repealing all ordinances or parts of 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)

## 12. UNFINISHED BUSINESS

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## 13. NEW BUSINESS

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## 14. ZONING

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### PLANNING AND ZONING

- PZ 1. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a K-3 Grade Elementary School with a maximum capacity of 27 students to be dropped off and picked up in 3 shifts in conjunction with a 14-children daycare and a total of 5 staff members; and granting a variance permit to allow 6 parking spaces, where 9 parking spaces are required; contra to Hialeah Code of Ordinances §98-2189(4)d; **Property located at 367 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial 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.

*On January 24, 2023, the item was postponed until February 14, 2023, per the applicant's request.*



*On January 10, 2023, the second reading and public hearing was postponed until January 24, 2023, per the applicant's request.*

*On December 13, 2022, the second reading and public hearing was postponed until January 10, 2023, per the applicant's request.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Precious Little Angels.*

*On November 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for December 13, 2022.*

*On October 26, 2022, the Planning and Zoning Board recommended approval subject to the following conditions: (1) the school have no overlapping shifts, (2) the daycare schedule will not coincide with the elementary school drop-off and pick-up times, (3) school personnel will assist in the drop-off/pick-up process, (4) the drop-off area will remain clear at all times, (5) teachers and staff shall not exceed five members, (6) the daycare is limited to 14 children and (7) the school maximum capacity is limited to 27 students. The applicant shall also acknowledge that the after-school/tutoring business is independent from the school operation, and the parking variance could be approved with the condition that the existing parking is assigned to teachers and staff and that no parking of any duration is allowed at the circular driveway designated for drop-off.*

*Planner's Recommendation: Approval with conditions.*

*Property Owners: J & P Property Enterprises Inc., 367 West 29<sup>th</sup> Street, Hialeah FL 33012  
Lazaro Picallo 367 West 29<sup>th</sup> Street, Hialeah, Florida 33012  
Vivian Jimenez, 673 West 60<sup>th</sup> Street, Hialeah, Florida 33012*

**PZ 2. ~~ORDINANCE:~~** ~~Second reading and **public hearing** of proposed ordinance rezoning property from R-1 (One-Family District) to R-2 (One and Two-Family Residential District); granting a variance permit to allow the construction of a duplex on a substandard lot with a frontage of 60 feet and lot area of 6,000 square feet, where 75 feet and 7,500 square feet are required; allow a 20 foot front setback, where 25 feet are required; all contra to Hialeah Code of Ordinances §§ 98-544 and 98-545. **Property located at 830 East 16 Place, Hialeah, 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.~~

**PENDING APPLICATION FOR REZONING AND VARIANCES HAS BEEN WITHDRAWN BY THE APPLICANT**

**PZ**

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| <i>On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.</i> |
| <i>On December 13, 2022, the item was tabled by the City Council until January 24, 2023.</i>   |
| <i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, on behalf of Elier Martin</i>   |
| <i>On November 16, 2022, the Planning and Zoning Board recommended approval.</i>   |
| <i>Planner's Recommendation: Approval</i>  |
| <i>Property Owner: Elier Martin and Yida Martin 425 SE 9<sup>th</sup> Avenue, Hialeah, Florida 33010.</i>  |

**3. ORDINANCE:** Second reading and **public hearing** of proposed ordinance rezoning properties from R-1 (One-Family District) to R-3-3 (Multiple-Family District); granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business District Overlay; and granting a variance permit to allow only residential uses, where a vertical mix of uses is required; allow residential use on the ground floor, where residential uses are only allowed above the ground level; allow front setback of 3 feet fronting East 6 Avenue, 7.25 feet fronting East 26 Street and 8 feet fronting East 27 Street, where 10 feet built-to-line are required; allow a 10 foot interior side setback, where 15 feet are required; allow 26.2% pervious area, where 30% pervious area is the minimum required; and allow 56 parking spaces, where 63 parking spaces are required; all contra to §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-590, 98-2056(b)(1) and 98-2189(16)a. **Properties located at 585 East 26 Street, 591 East 26 Street and 595 East 26 Street, Folio No. 04-3108-001-2570 and 04-3108-001-2580, Hialeah, 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

*On January 24, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 14, 2023.*

*Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Hialeah R.E. Investment, LLC*

*On January 11, 2023, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval.*

*Property Owner: Benjamin Leon, 8600 NW 41 Street, Doral, Florida 33166.*

- PZ 4. ORDINANCE:** First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances §98-181 to allow a K-4 grade elementary school with a maximum capacity of 100 students in conjunction with a 43 children daycare; **Property located at 1905 West 35 Street, Hialeah, zoned M-1 (Industrial 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.

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Growing Treasures Private School, Corp.*

*On January 25, 2023, the Planning and Zoning Board recommended approval with the following conditions: (1) that cars on the proposed pick-up/drop-off lane need to enter through the West 20<sup>th</sup> Avenue entrance and exit through the one on West 25<sup>th</sup> Street, (2) a minimum of 2 staff members need to assist in traffic circulation and pick-up/drop-off to make sure cars enter on West 20<sup>th</sup> Avenue, exit on West 35<sup>th</sup> Street, and move quickly, (3) bollards need to be installed around the entire perimeter of the playground within 3 months of the approval of the ordinance, (4) expansion of the original daycare into an adjacent bay needs to be legalized if no proof of permit is provided and (5) school operator needs to make sure that dumpsters are within the walls built for that purpose and not interrupting the area designated for the drop-off pick-up lane.*

*Planner's Recommendation: Approval with conditions.*

*Property Owner: Growing Treasures Private School Corp., 1905 West 35<sup>th</sup> Street, Hialeah, FL 33012  
Jacqueline Senra, 16801 NW 77 Place, Miami Lakes, Florida 33016.*

Madeline Paredes, 2950 SW 174 Way, Miramar, Florida 33029.

PZ

5. **ORDINANCE:** First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances §98-161 to allow a mural outside the Artist Live/Work Overlay District (ALWOD) geographic area, where murals are only allowed in the Alwod District. **Property located at 1675 West 49 Street, Space 1004, Hialeah, zoned C-2 (Liberal Retail Commercial 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.

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*Registered Lobbyist: Min Hwang Jang (Cindy), 330 West 34<sup>th</sup> Street, 3<sup>rd</sup> FL, New York, NY 10001, on behalf of Footlocker Retail, Inc*

*On January 25, 2023, the Planning and Zoning Board recommended approval with the conditions that when the retailer (Foot Locker) no longer uses the bay the murals shall be removed and that any design change will require a new SUP.*

*Planner's Recommendation: Approval with conditions*

*Property Owner: Centennial Westland Mall Partners, LLC 1675 West 49<sup>th</sup> Street, Hialeah, Florida 33012.*

6. **Recommendation of Denial:** Recommendation of Denial by the Planning and Zoning Board to allow a Prescribed Pediatric Extended Care (PPEC) with a maximum of four (4) patients and two (2) staff members. **Property located at 1022 East 8<sup>th</sup> Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District).**

*On January 24, 2023, the item was postponed until February 14, 2023, per the applicant's request.*

*On January 10, 2023, the item was postponed until January 24, 2023, per the applicant's request.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Martha Alvarez.*

*On December 14, 2022, the Planning and Zoning Board recommended denial.*

*Planner's Recommendation: Denial*

*Property Owner: Martha Alvarez, 1022 East 8<sup>th</sup> Avenue, Hialeah, Florida 33010.*

15. LANDUSE

LU 1. First reading of proposed ordinance amending the future land use map from Low-Density Residential to Residential Office. **Property located at 320 NE 8 Avenue, Hialeah, 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.

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| <i>On January 24, 2023, the City Council overturned the Recommendation of Denial of the Planning and Zoning Board. First reading is scheduled for February 14, 2023.</i> |
| <i>On January 10, 2023, the City Council tabled the item until January 24, 2023.</i>   |
| <i>On December 13, 2022, the City Council tabled the item until January 10, 2023.</i>  |
| <i>Registered Lobbyist: Frank de la Paz, 9361 Bird Road, Miami, Florida on behalf of Juan C. Carballo and Gipsy Suarez</i>   |
| <i>On November 16, 2022, the Planning and Zoning Board recommended denial.</i>   |
| <i>Planner's Recommendation: Denial</i>  |
| <i>Property Owner: Juan C. Carballo and Gipsy Suarez, 320 NE 8<sup>th</sup> Avenue, Hialeah, Florida 33010.</i>  |

2. Recommendation of Denial by the Planning and Zoning Board amending the Future Land Use Map from Medium-Density Residential to Commercial. **Property located 445 West 11 Street, Hialeah, 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.

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| <i>On January 24, 2023, the item was postponed until February 14, 2023, per the applicant's request.</i> |
| <i>On January 10, 2023, the item was postponed, per the applicant's request, until January 24, 2023.</i> |
| <i>On December 13, 2022, the item was postponed until January 10, 2023, per the applicant's request.</i> |
| <i>On November 16, 2022, the Planning and Zoning Board recommended denial.</i>                           |
| <i>Planner's Recommendation: Denial</i>  |
| <i>Property Owner: Odalys Fernandez, 445 West 11 Street, Hialeah, Florida 33010.</i>                     |

**16. FINAL DECISION**

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**FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2023-01** granting an adjustment on the property located at **120 East 53 Terrace, Hialeah, Zoned R-1 (One-Family District);** and providing for an effective date.

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| <i>On January 11, 2023, the Planning and Zoning Board recommended approval with conditions that the pergola remains an open-air structure and will not be converted into a detached habitable addition.</i> |
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FD

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| <i>Planner's Recommendation: Approval with conditions.</i>  |
| <i>Property Owner: Juan Santamaria Le, 120 East 53 Terrace, Hialeah, Florida 33013.<br/>Marta Santamaria Le, 120 East 53 Terrace, Hialeah, Florida 33013.<br/>Rem Nataly Ortega, 120 East 53 Terrace, Hialeah, Florida 33013.<br/>Rem Andres Mario Ortega, 120 East 53 Terrace, Hialeah, Florida 33013.</i> |

2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2023-02** granting an adjustment on the property located at **875 East 8<sup>th</sup> Street, Zoned R-1 (One-Family District)**; and providing for an effective date.

*On January 11, 2023, the Planning and Zoning Board recommended approval with the conditions that no exterior doors are added to the gym and that the property will continue to abide by the 30 percent drainage requirements once the work is complete.*

*Planner's Recommendation: Approval with conditions.*

*Property Owner: Dayan Daniel Gonzalez Florin, 875 East 8<sup>th</sup> Street, Hialeah, Florida 33010.*

**17. CITY COUNCIL DISCUSSION**

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**18. ADJOURNMENT**

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**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2023 at 6:30 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, February 28, 2023 at 7:00 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).