

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 Minutes May 9, 2023 7:00 p.m.

1. CALL TO ORDER

A. **REPORT:** Council President Perez called the meeting to order at 7:05 p.m.

2. ROLL CALL

A. **REPORT:** Marbelys Fatjo, City Clerk, called the roll with the following Council Members absent:

1. Council Vice President Garcia-Roves
2. Council Member Luis Rodriguez
3. Council Member Jesus Tundidor (*arrived during the Presentations portion of the meeting*)

A. **REPORT:**

1. Mayor Esteban Bovo, Jr. was present.
2. Marbelys Fatjo, City Clerk, was absent.
3. Lorena Bravo, City Attorney, was present.

3. INVOCATION

A. Brigitte Leak, Deputy City Clerk, led the invocation.

4. PLEDGE OF ALLEGIANCE

A. Council Member Calvo led the Pledge of Allegiance.

5. 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.
- 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).
- 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.

REPORT: Brigette Leal, Deputy City Clerk, read the meeting guidelines into the record.

6. PRESENTATIONS

- A. The Mayor and the Council Members present a Certificate of Appreciation to Jasmine Liz Martinez, for the achievement of being crowned Miss Teen Universe Cuba.

(COUNCIL MEMBER ZOGBY)

REPORT: PRESENTED

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No member of the public participating via Zoom expressed interest in making comments or posing questions on matters of public concern.
- C. **REPORT:** Five (5) members of the public present in the Council Chambers expressed interest in speaking during this portion of the meeting:
- 1) **Lily Ferami, 50 East 54 Street**, addressed the City Council regarding recreational vehicles that are being utilized as rental properties near her parents' home.
 - 2) **Lily Azel, USA Pickleball Association Ambassador**, addressed the City Council in support of Consent Item C.
 - 3) **Zoran, Minajlovic, Miami Dade County Pickleball Ambassador**, addressed the City Council in support of Consent Item C.
 - 4) **Andy Vega, 6105 West 45 Court**, addressed the City Council regarding the hours of operation of the lightning at park facilities.
 - 5) **David Perez, 332 East 42 Street**, requested that the members of the public be allowed to speak during first reading on Item PZ 7.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

A. Postponed Items

The following items have been postponed until the City Council Meeting of June 13, 2023:

- PZ 2
- PZ 3

9. BOARD APPOINTMENTS

- A. **RESOLUTION:** Proposed resolution appointing **Anthony J. Gonzalez** as a member of the Beautification Committee beginning on May 9, 2023 for a two (2)-year term ending on May 8, 2025 as one of the four City Council appointments (non-resident elector).

(NOMINATION BY COUNCIL PRESIDENT PEREZ)

(CITY COUNCIL'S APPOINTMENT)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

RESOLUTION NO. 2023-046

REPORT: Motion to Approve Item 9A made by Council Member Tundidor, and seconded by Council Member Casàls-Muñoz. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

10. CONSENT AGENDA

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.

REPORT: Council Member Calvo requested that Items D, E, G be removed from the Consent Agenda for separate discussion.

REPORT: Council Member Casàls-Muñoz requested that Item H be removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda, except items D, E, G, and H made by Council Member Casàls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with

Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- A. Request permission to approve the minutes of the City Council Meeting held on April 25, 2023 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- B. **Report of Scrivener's Error** – On August 28, 2018, the City Council approved City of Hialeah Ordinance No. 2018-076 with an error in Section 1 of the ordinance. The legal description in Section 1 of the ordinance should have included Lot 6. The ordinance is being amended as follows:

Lots 1, 2, 3, 4, 5, 6, 25, 26, 27, 28, 29, and 30, in Block 97B, “AMENDED PLAT OF THE AMENDED PLAT ON THE THIRTEEN ADDITION TO HIALEAH”, according to the Plat thereof, as recorded in Plat Book 34, at Page 26, of the Public Records of Miami-Dade County, Florida, less the West 10 feet and less the North 15 feet for right-of-way”.

(OFFICE OF THE CITY CLERK)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- C. Request permission to utilize Cooper City Invitation to Bid No. 2018-5-PW – *Court Resurfacing* Cooperative Contract, effective through June 24, 2024, and issue a purchase order to Fast-Dry Courts, Inc., for the conversion of one (1) asphalt tennis court and former spectator area at Goodlet Tennis Center into six (6) permanent pickleball courts, as well as pressure cleaning service, patching of cracks, two (2) coats of resurfacing of the entire area, two (2) coats of Tropiccoat, court stripes, new concrete footing for new net posts, fiberglass membrane, furnishing of aluminum net posts and new nets, in a total amount of \$35,946.00. Further request permission to waive competitive bidding, since it is advantageous in that utilizing the same vendor will insure a quick and efficient completion of the project, and utilize the vendor's services for the removal of the existing fencing and installation of a new divider fence between the courts, in a total amount of \$21,490.00, for a total cumulative expense amount not to exceed \$63,180.00, cost which includes a ten percent (10%) contingency to cover any unforeseen expenses.

The funding for the expenditure will be drawn against the Park, Recreation and Open Space Fund – Capital Outlay - Equipment Account No. 342.3130.572.640.

(PARKS AND RECREATION DEPARTMENT)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- D. **RESOLUTION:** Proposed resolution authorizing the fiscal year 2023 supporting Law Enforcement agencies in seeking accreditation application, and if awarded, the acceptance of, a grant from the United States Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) for the total amount of \$246,376.00, for the City of Hialeah Police Department for payment of membership fees to become accredited, Power DMS Software, travel expenses to attend the Commission of Accreditation of Law Enforcement Agencies (CALEA) Conference,

sworn personnel overtime, and hiring an experienced accreditation consultant; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; and authorizing the establishment of a separate interest bearing trust account designated for this program, a copy of which is attached hereto and made a part hereof as Exhibit “1”, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

RESOLUTION NO. 2023-047

REPORT: George Fuente, Chief of the Hialeah Police Department, spoke on the item.

REPORT: Motion to Approve Consent Item D made by Council Member Casàls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- E. Request permission to award City of Hialeah Invitation to Bid No. 2022-23-3210-00-041 – *Tree Canopy Restoration Project CDBG Grant*, to SFM Landscape Services, LLC, sole source bidder, and issue a purchase order to this vendor, for the furnishing, planting and watering of trees in accordance with the specifications of the Tree Canopy Restoration Project Invitation to Bid, in a total cumulative expense amount not to exceed \$249,892.50.

The funding for this expenditure is to be drawn as follows: \$187,585.35 is to be drawn against CDBG Fund – Capital Outlay – Tree Planting-Community Canopy Improvement Account No. 103.8329.541.630; \$62,307.15 is to be drawn against the Streets Fund – Capital Outlay – Landscaping Account No. 101.3210.541.648, after a transfer is made in the amount of \$65,000.00 from the Streets Fund – Construction – Capital Account No. 101.3210.541.651.

(STREETS)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Jose Sanchez, Director of Streets, spoke on the item.

REPORT: Motion to Approve Consent Item E made by Council Member Casàls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- F. Request from Samurai Fireworks LLC, with an office address of 7950 Northwest 53rd Street, Suite 337, Miami, Florida, for permission to install a seasonal tent for the sale of fireworks at the company’s location of 2122 West 62nd Street, Hialeah, Florida, property zoned M-1 Industrial District, with set-up taking place on Thursday, June 15, 2023 and take down on Thursday, July 6, 2023, and sales commencing on Tuesday, June 20, 2023 and ending on Tuesday, July 4, 2023, subject to compliance with the requirements of the Fire Department and the Risk Management Department.

(OFFICE OF THE CITY CLERK)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- G. **RESOLUTION:** Proposed resolution retroactively authorizing the use of State Housing Initiatives Partnership (SHIP) Program funds expended through the City's Safe Home Program in an amount not to exceed \$125,000.00 for rehabilitation of single-family dwelling owned and occupied by Teresita Garcia, located at 120 East 44 Street, as allowed by the City's Local Housing Assistance Plan (LHAP) authorizing the Mayor or his designee, and the City Clerk, as attesting witness, to execute any and all agreements in furtherance of the project on behalf of the City; and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

RESOLUTION NO. 2023-048

REPORT: Maria Ruiz, Grants Administrator, spoke on the item.

REPORT: Motion to Approve Consent Item G made by Council Member Casàls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

- H. ~~Proposed resolution appointing City of Hialeah Council Member Vivian Casàls Muñoz, as the City's representative to the Miami Dade County League of Cities.~~

(OFFICE OF THE MAYOR)

WITHDRAWN BY THE ADMINISTRATION

11. ADMINISTRATIVE ITEMS

- 11 A. **ORDINANCE:** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 62, entitled "Parks and Recreation", amending §62-1 "Definitions" and creating §62-26 entitled "Smoking in Parks Prohibited" to prohibit smoking in all City Parks and imposing penalties in violation of the prohibition; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Alexander Magrisso, Assistant City Attorney, presented a PowerPoint Presentation to the City Council, a copy which is on file with the Office of the City Clerk.

REPORT: William Sanchez, Director of Hialeah Department of Parks and Recreation, spoke on the item.

REPORT: Mayor Bovo spoke on the item.

REPORT: Motion to Approve Item 11A amending the penalty provision of the proposed ordinance made by Council Member Tundidor, and seconded by Council Member Casàl-Muñoz. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for June 13, 2023.

12. UNFINISHED BUSINESS

None reported.

13. NEW BUSINESS

None reported.

14. ZONING

REPORT: All were duly sworn in.

PLANNING AND ZONING

PZ 1. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Variance Permit to allow 13 parking spaces, where 26 parking spaces are required to open a new tapas and wine restaurant on the second floor of an existing commercial building operating a liquor store, contra to Hialeah Code of Ordinances § 98-2189(4)(f). **Property located at 400 East 41 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.

<i>On April 11, 2023, the item was postponed until May 9, 2023, per the applicant's request. Second reading is scheduled for May 9, 2023.</i>
<i>On March 28, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for April 11, 2023.</i>
<i>On March 15, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>

Property Owners: Barbara De La Caridad Hernandez Navarro, Barbarita's Liquor, LLC, and Raul Rodriguez, 400-402 East 41st Street, Hialeah, Florida 33013.

APPROVED 4-0-3 with Council Member Tundidor not present during roll call, and Council Vice President Garcia-Roves and Council Member Rodriguez absent.

ORDINANCE NO. 2023- 055

REPORT: Council President Perez opened the item for public participation and no member of the public present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Raul Rodriguez, 400 East 41 Street, on behalf of the applicant, spoke on the item.

REPORT: Motion to Approve Item PZ 1 made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 4-0-3 with Council Member Tundidor not present during roll call, and Council Vice President Garcia-Roves and Council Member Rodriguez absent. Council Member Tundidor recorded his vote as “Yes” after the item was approved.

PZ 2. 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 57-student K-5 grade school within a shopping plaza in conjunction with an existing 60–student daycare. **Property located at 6500 West 4 Avenue, Units 15 through 23, 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.

ITEM IS POSTPONED UNTIL JUNE 13, 2023.

On April 11, 2023, the item was postponed until May 9, 2023, per the applicant's request. Second reading is scheduled for May 9, 2023.

On March 28, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for April 11, 2023.

Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Kingdom Palace Daycare Inc., c/o Madelen Dib.

On March 15, 2023, the Planning and Zoning Board recommended approval with the following conditions:

- (1) Immediate legalization of the 2,820 square feet of school space and adjacent fenced area, including the removal of an illegal shed*
- (2) Repair of asphalt along West 4th Place, striping of the parallel parking spaces, and posting of signs*
- (3) Implementation of two drop-off/pick-up shifts*
- (4) Adopt and enforce parking and drop-off/pick-up regulations for the parents and staff.*

Planner's Recommendation: Approval with conditions.

Property Owner: Mohatra INC., c/o Richard Gonzalez Esq., 1989 Northwest 88th Court, Unit 1, Doral, Florida 33172.

PZ 3. 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 20-student K-2 grade elementary school in a freestanding commercial building in conjunction with an existing 41–student daycare. **Property located at 430 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.

ITEM IS POSTPONED UNTIL JUNE 13, 2023.

On April 11, 2023, the item was postponed until May 9, 2023, per the applicant’s request. Second reading is scheduled for May 9, 2023.

On March 28, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for April 11, 2023.

Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Los Pinos Nuevos Academy c/o Albenis Gill.

On March 15, 2023, the Planning and Zoning Board recommended approval with the condition that the building remain as a school/daycare stand-alone facility with a maximum capacity of 20 students in conjunction with a 41 children daycare, and that staff is assigned to expedite the school’s drop-off and pick-up process.

Planner’s Recommendation: Approval with conditions

Property Owner: Inmex Investment Corp. (registered agent: Jorge Quintana).

PZ 4. ORDINANCE: First reading of proposed ordinance granting a Variance Permit to allow the expansion of a non-conforming use by allowing a 125% building footprint increase of an existing duplex approved in 1948; approve front setback of 17.67 feet, where 25 feet are required; allow rear setback of 20 feet, where 25 feet are required; and allow lot coverage of 31.3%, where 30% is the maximum allowed, subject to the condition that the property will be platted before the issuance of a Certificate of Occupancy and that the applicant will be responsible for the infrastructure upgrade that might be required for the proposed building expansion; all contra to Hialeah Code of Ordinances §§ 98-545, 98-547 and 98-2056 (b)(2). **Property located at 501 East 59 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.

On April 25, 2023, the item was postponed by the City Council until May 9, 2023. First reading is scheduled for May 9, 2023.

Registered Lobbyist: Frank De La Paz, 11000 Southwest 104th Street, Unit 2804, Miami, Florida 33116, on behalf of Suniel Arzola.

On April 12, 2023, the Planning and Zoning Board recommended approval with the condition that the property is platted before the issuance of a Certificate of Occupancy, and that the applicant will be responsible for the infrastructure upgrade that might be required for the proposed building expansion.

Planner's Recommendation: Approval with the following conditions:

1. Approval of the variance to allow the expansion of a non-conforming use by allowing a 125% building footprint increase of an existing duplex approved in 1948.
2. Front setback of 17.67 feet and rear setback of 20 feet and 31.3% lot coverage subject to the condition that the property will be platted before the issuance of a Certificate of Occupancy.
3. Applicant will be responsible for the infrastructure upgrade that might be required for the proposed building.

Property Owners: Suniel Arzola, 1140 West 32nd Street, Hialeah, Florida 33012

APPROVED 4-0-3 with Council Member Tundidor not present during roll call, and Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Frank De La Paz, 11000 Southwest 104th Street, spoke on this item.

REPORT: Debora Storch, Planning Official, for the City of Hialeah, spoke on this item.

REPORT: Motion to remove Item PZ 4 from Table made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council Member Tundidor not present during roll call and Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Motion to Approve Item PZ 4 with conditions made by Council Member Casáls-Muñoz, and seconded by Council Member Calvo. Motion passes 4-0-3 with Council Member Tundidor not present during roll call and Council Vice President Garcia-Roves and Council Member Rodriguez absent. Council Member Tundidor recorded his vote as "Yes" after the item was approved.

REPORT: Second reading and public hearing is scheduled for May 23, 2023.

PZ 5. LU 1 NEEDS TO BE CONSIDERED PRIOR TO THE CONSIDERATION OF ITEM PZ 5.

REPORT: Item LU 1 was considered at this time.

ORDINANCE: First reading of proposed ordinance rezoning properties from R-1 (One-Family District) to TOD (Transit Oriented Development District). Properties located at 901 East 27 Street, 921 East 27 Street, 931 East 27 Street, 941 East 27 Street, 951 East 27 Street, 957 East 27 Street, 967 East 27 Street, 971 East 27 Street, 981 East 27 Street, 991 East 27 Street, 902 East 28 Street, 912 East 28 Street, 922 East 28 Street, 932 East 28 Street, 952 East 28 Street,

962 East 28 Street, 972 East 28 Street, 982 East 28 Street, 992 East 28 Street and 2740 East 10 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.

Registered Lobbyist: Jorge L. Navarro, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.

Registered Lobbyist: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.

On April 26, 2023, the Planning and Zoning board recommended approval of the item.

Planner's Recommendation: Approval.

Property Owners: Please refer to Exhibit B to the City of Hialeah Application for Rezoning/Variance Hearing, for a list of the owner(s) of each property.

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida, addressed the City Council.

REPORT: Motion to Approve Item PZ 5 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for May 23, 2023.

PZ 6. LU 2 NEEDS TO BE CONSIDERED PRIOR TO THE CONSIDERATION OF ITEM PZ 6.

REPORT: Item LU 2 was considered at this time.

ORDINANCE: First reading of proposed ordinance rezoning properties from R-1 (One-Family District), R-3-4 (Multiple-Family District) and C-1 (Restricted Retail Commercial District) to TOD (Transit Oriented Development District); allow a variance permit to allow a maximum building height of 10 stories, where 8 stories is the maximum allowed; contra to Hialeah Code of Ordinances §98-1544(c)(2); **properties located at 965 East 24 Street, 975 East 24 Street, 981 East 24 Street, 991 East 24 Street, 997 East 24 Street, 934 East 25 Street and 954 East 25 Street, Hialeah, zoned R-1 (One-Family District), R-3-4 (Multiple-Family District) and C-1 (Restricted 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.

Registered Lobbyist: Jorge L. Navarro, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida 33131, on behalf of Saber South Hialeah, LLC.

Registered Lobbyist: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida

33131, on behalf of Saber South Hialeah, LLC.
On April 26, 2023 the Planning and Zoning board recommended approval of the item.
Planner's Recommendation: Approval.
Property Owners: (1) Saber South Hialeah, LLC, 975 East 24 Street, (2) Saber South Hialeah II, LLC, 965 East 24 th Street and (3) Elizabeth Delgado, 981, 991 and 997 East 24 th Street.

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida, addressed the City Council.

REPORT: Motion to Approve Item PZ 6 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for May 23, 2023.

PZ 7. ORDINANCE: First reading of proposed ordinance rezoning 390 East 43 Street from R-1 (One-Family District) to P (Parking) for the construction of a new parking lot to serve the existing restaurant located at 4290 East 4 Avenue and rezoning of property with Folio No. 04-3106-009-0040 from R-1 (One-Family District) to C-1 (Restricted Retail Commercial District) to make the zoning consistent with the existing land use; allow a variance permit to allow 27 parking spaces, where 38 parking spaces are required related to the proposed expansion of the existing restaurant; contra to Hialeah Code of Ordinances § 98-2189(10)(a). **Properties located at 390 East 43 Street and 4290 East 4 Avenue, and Folio No. 04-3106-009-0040, Hialeah, zoned R-1 (One-Family District) and C-1 (Restricted 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.

Registered Lobbyist: John C. Lukacs Sr. Esq., 2655 South Lejeune Road, Suite 1011, Coral Gables, Florida 33134.
On April 26, 2023 the Planning and Zoning board recommended approval with the following conditions:
<ol style="list-style-type: none"> 1. Owner to comply with the signage required by the City of Hialeah Streets Division. 2. Owner is to have a traffic control person on site to facilitate access and parking. 3. Deliveries shall be limited to off-peak hours between 8:30 a.m. and 12:00 noon, Monday through Friday. No deliveries on weekends. 4. Owner is to provide closed commercial-grade garbage cans on site for the use of patrons. 5. There shall be no street-sidewalk vendors, nor sidewalk-boxed fruit/vegetable containers. 6. Parking lots are to be closed after business hours with a chain restraint, fence, or the like to deter/prevent entry after hours.

7. *Owner shall install landscaping along the inside of the 8' privacy wall to be constructed along the westerly boundary of the property.*
8. *There shall be no outdoor cleaning of pots and pans; gas pressure washers shall not be used after business hours. Electric pressure washers shall be used whenever possible.*
9. *Personnel shall be attentive to maintaining the cleanliness of the exterior of the premises.*

Planner's Recommendation: Approval.

Property Owners: Fruteria Latin Proud, Inc., Ricardo Largo and P-5-D, 2818 Southwest 62 Avenue, Miami, Florida 33155.

DENIED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: John C. Lukacs Sr. Esq., 2655 South Lejeune Road, Suite 1011, Coral Gables, Florida, addressed the City Council with renderings, and provided the City Council with signatures and letters of support, a copy of which is on file with the Office of the City Clerk.

REPORT: Maria Fernandez, 15552 Southwest 15 Street, on behalf of MF Architects, spoke on the item.

REPORT: Debora Storch, Planning Official for the City of Hialeah, spoke on this item.

REPORT: David Perez, 332 East 42 Street, for the City of Hialeah, spoke in opposition of the approval of the item.

REPORT: Motion to Deny Item PZ 7 made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion fails 3-1-3 with Council Member Zogby voting "No", Council Member Tundidor not present during roll call, and Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Motion to Deny Item PZ 7 made by Council Member Calvo, and seconded by Council Member Tundidor. Motion passes 4-1-2 with Council Member Zogby voting "No", and Council Vice President Garcia-Roves and Council Member Rodriguez absent.

15. LAND USE

- LU 1. **ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Transit Oriented Development District. **Properties located at 901 East 27 Street, 921 East 27 Street, 931 East 27 Street, 941 East 27 Street, 951 East 27 Street, 957 East 27 Street, 967 East 27 Street, 971 East 27 Street, 981 East 27 Street, 991 East 27 Street, 902 East 28 Street, 912 East 28 Street, 922 East 28 Street, 932 East 28 Street, 952 East 28 Street, 962 East 28 Street, 972 East 28 Street, 982 East 28 Street, 992 East 28 Street and 2740 East 10 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.

<i>Registered Lobbyist: Jorge L. Navarro, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.</i>
<i>Registered Lobbyist: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.</i>
<i>On April 26, 2023 the Planning and Zoning board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Please refer to Exhibit B to the City of Hialeah Application for Rezoning/Variance Hearing, for a list of the owner(s) of each property.</i>

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida, addressed the City Council with a PowerPoint Presentation, copy which is on file with the Office of the City Clerk.

REPORT: Motion to Approve Item LU 1 made by Council Member Casáls-Muñoz, and seconded by Council Member Calvo. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for May 23, 2023.

- LU 2. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential and High-Density Residential to Transit Oriented Development District. **Properties located at 965 East 24 Street, 975 East 24 Street, 9811 East 24 Street, 991 East 24 Street, 997 East 24 Street, Hialeah, zoned R-1 (One-Family District) and R-3-4 (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: Jorge L. Navarro, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida 33131, on behalf of Saber South Hialeah, LLC.</i>
<i>Registered Lobbyist: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida 33131, on behalf of Saber South Hialeah, LLC.</i>
<i>On April 26, 2023 the Planning and Zoning board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: (1) Saber South Hialeah, LLC, 975 East 24th Street, (2) Saber South Hialeah II, LLC, 965 East 24th Street and (3) Elizabeth Delgado, 981, 991 and 997 East 24th Street.</i>

APPROVED 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Carlos Diaz, 333 Southeast 2nd Avenue, 41st Floor, Miami, Florida, addressed the City Council with a PowerPoint Presentation, copy which is on file with the Office of the City Clerk.

REPORT: Motion to Approve Item LU 2 made by Council Member Calvo, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Vice President Garcia-Roves and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for May 23, 2023.

16. CITY COUNCIL DISCUSSION

17. ADJOURNMENT

A. **REPORT:** The meeting was adjourned by Council President Perez.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 23, 2023 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, May 23, 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, 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).