

Carlos Hernández
Mayor

Jesus Tundidor
President

Monica Perez
Vice President



Council Members
Katharine Cue-Fuente
Oscar De la Rosa
Jacqueline Garcia-Roves
Paul B. Hernandez
Carl Zogby

City Council Meeting
Minutes
January 12, 2021
7:00 p.m.

1. **CALL TO ORDER**

REPORT: Council President Tundidor called the meeting to order at 7:34 p.m.

2. **ROLL CALL**

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

1. Council President Tundidor
2. Council Vice President Perez **via Zoom**
3. Councilman De la Rosa
4. Councilwoman Garcia-Roves
5. Councilman Zogby

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

1. Councilwoman Cue-Fuente
2. Councilman Hernandez

C. **REPORT:**

1. Mayor Hernandez was present **via Zoom**.
2. Lorena Bravo, City Attorney, was present.

3. **INVOCATION**

A. Marbelys Fatjo, City Clerk, led the invocation.

4. PLEDGE OF ALLEGIANCE

A. Council Member Garcia-Roves led the Pledge of Allegiance.

5. MEETING GUIDELINES

The following guidelines apply to today's City Council Meeting:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 (March 20, 2020), suspending the “Florida’s Government in the Sunshine Laws” requirement that a quorum of the legislative body holding a public meeting be met in-person and that the meeting be held at a physical location accessible to the public for the duration of the State’s Declaration of Emergency issued on March 9, 2020 (EO20-52) as a result of the COVID-19 pandemic affecting the State of Florida. The nation and the State of Florida remain in a state of emergency. The Governor has extended the declaration every 60 days, as required by law, since the execution of Executive Order 20-52. The latest extension made through the execution of Executive Order 20-276 (November 3, 2020).
- Notwithstanding the continuing statewide threat of COVID-19 to the health, safety and welfare of our citizens, Executive Order 20-69, issued specifically to allow local governments to use communications media technology to hold public meetings during the public health emergency, has expired as of 12:01 a.m. November 1, 2020 (EO 20-246). As such, all public meetings in this City of any deliberative body must comply with the in-person quorum requirement of the Sunshine Law. This means, at a minimum, there must be present, in-person, the minimum number of board members required to meet quorum based on the composition of the deliberative body at the location of the meeting. All other members of the deliberative body exceeding quorum may choose, in coordination with the secretary of the respective board conducting the public meeting, to appear using communication media technology.
- Except for the requirement to meet physical quorum and as otherwise amended by this document, all other minimum guidelines and procedures adopted by City of Hialeah Emergency Order dated April 8, 2020 and Hialeah, Fla. Resolution 2020-048 (April 14, 2020) shall continue to govern the conduct of public meetings of the City Council of the City of Hialeah, Florida and the public meetings of all other boards or committees for the City of Hialeah, Florida using communications media technology, held during the duration of the public health emergency as a result of COVID19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.
- A limited number of members of the public will be allowed to be present at the location of the meeting considering the physical spacing limitations of the location to observe social distancing. As such, only 15 members of the public will be allowed to attend in person any scheduled meeting of the Council held in Chambers on a first-come-first serve basis. Based upon anticipated in-person attendance of any meeting, the City will provide additional space at City Hall to accommodate the public and provide both viewing and participation capabilities. In addition, all public meetings continue to be broadcast live for members of the public to view on the City’s Facebook page. As an additional alternative,

members of the public may hear the meeting live through telephonic conferencing.

- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by email to virtualmeeting@hialeahfl.gov by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. Email comments and questions shall not exceed three (3) minutes when read. Only the first three minutes of e-mail comments and questions received by the deadline will be read into and form part of the public record.
- Any person 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 by joining the meeting using Zoom or any other similar web-based meeting platform being used as identified in the notice. The person interested in joining the meeting to participate for this purpose must register with the City Clerk by completing a registration form, providing the information required and submitting the completed form to the City Clerk no later than 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. All registered participants 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.
- Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.
- All existing laws or rules of procedure applicable to public meetings (i.e. three-minute limit on speaking, three in favor and three in opposition on any item on the agenda, lobbyist registration requirements), that are not in conflict with these procedures and can be observed under the circumstances remain in effect and to the greatest extent practicable should be observed.
- Public comments and questions, whether on general matters of public concern or on a matter on the agenda, will be heard at the beginning of the meeting and once heard no other public participation will be permitted.
- Persons making public comments must identify themselves by first and last name and provide their address for the record, prior to speaking.
- If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

REPORT: The City Clerk outlined the meeting guidelines for the record.

6. PRESENTATIONS

REPORT: None.

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email messages from persons interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the Comments and Questions portion of the meeting using Zoom.
- C. **REPORT:** No one present at City Hall expressed interest in speaking during this portion of the meeting.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- A. Consent Items N and O have been added to the agenda.
- B. Administrative Items 10B and 10C are postponed until January 26, 2021.
- C. Item PZ 5 is postponed until January 26, 2021.
- D. Additional backup documentation has been added to Items PZ 4, PZ 6 and PZ 7.

9. 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.

REPORT: Council President Tundidor requested separate discussion on Consent Items H, L and M.

REPORT: Council Vice President Perez requested separate discussion on Consent Item I.

- A. Request permission to approve the minutes of the City Council Meeting held on December 8, 2020.
(OFFICE OF THE CITY CLERK)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council

Vice President recording her vote as “YES” via Zoom.

- B. Request permission approve the minutes of the Special Meeting of the City Council held on December 14, 2020.

(OFFICE OF THE CITY CLERK)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- C. Request permission to issue two (2) purchase orders, one purchase order to REV RTC, Inc., doing business as Hall-Mark RTC, the exclusive dealer for the sale of E-One parts and emergency vehicles in the State of Florida, for purchase of E-One factory authorized tools, parts and equipment, and the second purchase order to TEN-8 Fire Equipment, Inc., the exclusive dealer for the sale, service, parts and warranty of custom and commercial fire apparatus manufactured by Pierce in the State of Florida, for the purchase of factory authorized tools, parts and equipment, in a total cumulative amount not to exceed \$30,000 to be allocated amongst these two vendors.

(FIRE DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- D. Request permission to issue a purchase order to MCCI, LLC, vendor under contract with the City under a Master Services Agreement, for the annual maintenance and support of Laserfiche, the City’s electronic document management system, from December 29, 2020 through December 28, 2021, in a total cumulative amount not to exceed \$28,240.50.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- E. Request permission to increase Purchase Order No. 2021-490, issued to G. & R. Electric Corp., to cover the cost of emergency fire alarm repairs during this fiscal year, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$75,000. On September 22, 2020, the City Council awarded Hialeah Invitation to Bid No. 2019/20-8500-36-0022 – *Fire Alarm Monitoring, Maintenance and Annual Testing* to this vendor, for a period ending on September 30, 2023, including a \$25,000 contingency allowance to cover the cost of emergency fire alarm repairs at City facilities, amount which to date has almost been exhausted due to numerous emergency repairs required to satisfy the annual fire alarm certifications.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- F. Request permission to award Hialeah Invitation to Bid No. 2020/21-3230-00-003 – *Fire Alarm Replacement of Various City Facilities*, to G. & R. Electric Corp., lowest responsive and responsible bidder, in the amount of \$187,737.18, and further request an additional amount of \$18,700 to cover the cost of any unforeseen issues that may arise during the work, as well as for the reimbursement of permit fees, for a total cumulative expense amount not to exceed \$206,437.18.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- G. Request permission to issue a purchase order to Intercontinental Fire Training Academy LLC, sole source vendor, for the purchase of Hazardous Toxicology/Hazardous Materials Technician classes, a 160-hour course for twenty-five (25) students to become Certified Hazmat Technician, in a total cumulative amount not to exceed \$25,000.

(FIRE DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- H. Request permission to waive competitive bidding, since it is advantageous to the City, and issue three (3) purchase orders, one purchase order to Top Seal Services Corp, in the amount of \$25,000, the second purchase order to A-1 Property Services Group Inc., in the amount of \$25,000, and the third purchase order to Z Roofing & Waterproofing, Inc., in the amount of \$25,000, for citywide emergency roof repairs, with the goal of rotating all three vendors, but selecting the vendor that can respond immediately based on the gravity of the emergency, for a total cumulative expense amount not to exceed \$75,000.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

REPORT: Vicente Rodriguez, Director of the Construction and Maintenance Department, City of Hialeah, 900 East 56 Street, addressed the City Council on the item.

REPORT: Motion to Approve Consent Item H made by Council Vice President Perez, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- I. Proposed resolution selecting CBRE, Inc., as the qualified, responsive and responsible bidder providing the best overall value to the City pursuant to Request for Qualification No. 2019-20-8500-00-003 for Real Estate Broker Services, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute a Listing Agreement for the sale of property located at 601 West 20th Street, Hialeah, Florida, a copy of which is attached hereto as Exhibit “1”.

(LAW DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

RESOLUTION NO. 2021-001

REPORT: Lorena Bravo, City Attorney, addressed the City Council.

REPORT: Motion to Approve Consent Item I made by Council Member De la Rosa, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- J. Report of Scrivener’s Error – Consent Item N of the City Council Meeting of August 11, 2020, was approved with the incorrect project description. The item was approved as “Hurricane Irma Closeout” and it is being amended to reflect “Hurricane Irma (Pre-Closeout)”.

(EMERGENCY MANAGEMENT DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- K. Request permission to approve Task Order No. COH2019-01 to supplement the agreement between the City and Tidal Basin Government Consulting, LLC, as it applies to the Disaster Recovery Services - COVID-19, and issue a purchase order to Tidal Basin Government Consulting, LLC, to provide professional services designed to support the City with emergency management, response, recovery, mitigation, and other support services to assist the City in its recovery from the impacts of COVID-19, in a total cumulative amount not to exceed \$100,000. On June 25, 2019, the City Council awarded Hialeah Request for Proposal No. 2018/19-8500-36-001 – *Emergency Management Administrative Support Services* to this vendor, highest ranked proposer.

(EMERGENCY MANAGEMENT DEPARTMENT)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- L. Request permission to utilize National Joint Powers Alliance Contract No. 030117-LTS, effective through April 14, 2021, and issue a purchase order to Miracle Recreation Equipment Company, for the purchase and installation of a new shade structure system for the Goodlet Park basketball court, as well as bleachers and benches, in a total cumulative amount not to exceed \$33,935.

(DEPARTMENT OF PARKS AND RECREATION)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

REPORT: Joseph Dziejcz, Director of the Parks and Recreation Department, City of Hialeah, addressed the City Council.

REPORT: Motion to Approve Consent Item L made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- M. Request permission to issue payment to the State of Florida Department of Environmental Protection for an annual regulatory program and surveillance fee for stormwater permits, since it is advantageous to the City in that in 1993 the City of Hialeah Streets Department created a Stormwater Utility Program and in order to operate the program, the City is required to maintain its permit from the Florida Department of Environmental Protection, the entity responsible for the implementation of the Stormwater element of the National Pollutant Discharge Elimination System mandated by the Clean Water Act, in a total cumulative amount not to exceed \$18,760.

(STREETS)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

REPORT: Jose Sanchez, Director of Streets, City of Hialeah, addressed the City Council.

REPORT: Mayor Hernandez addressed the City Council.

REPORT: Motion to Approve Consent Item M made by Council Member Zogby, and seconded by Council Vice President Perez. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- N. Proposed resolution accepting the donation of 105 Winn Dixie Supermarket gift cards in an amount of \$250 each for distribution to City residents impacted by the COVID-19 pandemic; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

RESOLUTION 2021-002

- O. Proposed resolution directing the Mayor or designee to apply for the new Emergency Rental Assistance Program under the Coronavirus Response and Relief Supplemental Appropriations Act of 2021, by submitting an application directly with the United States Department of Treasury; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

RESOLUTION 2021-003

10. ADMINISTRATIVE ITEMS

- 10 A. Second reading and public hearing of proposed ordinance repealing and rescinding the Declaration of Use recorded in Miami-Dade County Official Records Book 14850 at Page 804. Property located at **752 East 33 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.

(ZONING)

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

ORDINANCE NO. 2021-001

On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve Administrative Item 10 A made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

- 10 B.** Second reading and public hearing of proposed ordinance providing for a Primary Election to be held on Tuesday, November 2, 2021 and a General Election to be held on Tuesday, November 16, 2021; 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 penalties for violation hereof; providing for a severability clause; and providing for an effective date.

(OFFICE OF THE CITY CLERK)

POSTPONED UNTIL JANUARY 26, 2021

On November 24, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.

- 10 C.** Second reading and public hearing of proposed ordinance setting the election date for the General Election for the year 2021 for the date of Tuesday, November 16, 2021 for the Office of Mayor and for the Offices 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)

POSTPONED UNTIL JANUARY 26, 2021

On November 24, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.

- 10 D.** Second reading of proposed ordinance approving an amendment to Declaration of Restrictive Covenants recorded in Official Records Book 30440, Pages 2995-2959 on March 1, 2017 providing for conditions regarding the approval of the Maverick Brewing Real Estate LLC a/k/a Unbranded Brewing Company to operate at 1395 East 11 Avenue, Hialeah Florida. **Property located at 1395 East 11 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

ORDINANCE NO. 2021-002

On December 8, 2020, the item was not on the agenda for consideration by the City Council,

pending documentation from Maverick Brewing Real Estate LLC.

On November 10, 2020, the City Council approved the item as amended on first reading. Second reading and public hearing was scheduled for December 8, 2020.

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve Administrative Item 10 D made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

11. BOARD APPOINTMENTS

- 11 A. Proposed resolution reappointing **Robert Williams III** to the Board of Trustees of the Employees General Retirement System as the International Association of Fire Fighters (“IAFF”) appointment for a two (2)-year term ending on December 31, 2022.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

RESOLUTION NO. 2021-004

REPORT: Mayor Hernandez addressed the City Council on this item.

REPORT: Motion to Approve 11 A made by Council Member Garcia-Roves, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

12. UNFINISHED BUSINESS

REPORT: None.

13. NEW BUSINESS

REPORT: Mayor Hernandez wished everyone a Happy New Year and updated the City Council on the following:

- COVID-19 vaccine
- Skate park at Bucky Dent Park
- Potential passive park in the annex area

REPORT: Council President Tundidor spoke regarding the Canelas brothers wanting to donate skateboards to kids in Hialeah.

14. ZONING

PLANNING AND ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow three flagpoles of 37 feet in height, where 30 feet is the maximum allowed; contra to Hialeah Code of Ordinances § 74-146(4). **Property located at 3990 West 108 Street, Hialeah, zoned BDH (Business Development 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

ORDINANCE NO. 2021-003

<i>On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.</i>
<i>On November 18, 2020, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Gary Edwards, 6831 East 32 Street, Suite 300, Indianapolis, Indiana 46226.</i>

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve PZ 1 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez absent, and Council Vice President recording her vote as “YES” via Zoom.

PZ 2. Second reading and public hearing of proposed ordinance granting a variance permit to allow a single-family home on a substandard lot having a frontage of 40 feet and total lot area of 5,442.8 square feet, where 75 feet frontage and 7,500 square feet are required; contra to Hialeah Code of Ordinances § 98-499. Property located at **740 East 33 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

ORDINANCE NO. 2021-004

On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.

On November 18, 2020, the Planning and Zoning Board recommended approval of the item.

Planner’s Recommendation: Approval

Owner of the Property: Lumination Homes, LLC and Luminous Builders, LLC, 1474-A West 84 Street, Hialeah, Florida 33014.

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve PZ 2 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez and Council Vice President Perez absent.

PZ 3. Second reading and public hearing of proposed ordinance granting a variance permit to allow a single-family home on a substandard lot having a frontage of 40 feet and total lot area of 5,443.2 square feet, where 75 feet frontage and 7,500 square feet are required; contra to Hialeah Code of Ordinances § 98-499. **Property located at 752 East 33 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez and Council Vice President Perez absent.

ORDINANCE NO. 2021-005

On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.

On November 18, 2020, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval

Owner of the Property: Lumination Homes, LLC., and Lumination Builders LLC., 1474-A West 84 Street, Hialeah, Florida 33014.

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: **Michael Osman**, *applicant*, 1474 West 84th Street, after being duly sworn in by the City Clerk, addressed the City Council on this item.

REPORT: Motion to Approve PZ 3 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

PZ 4. 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); and granting a variance permit to allow for the replatting and construction of a duplex on a substandard lot with frontage of 60 feet, where 75 feet is the minimum required; allow lot coverage of 31.2%, where 30% is the maximum allowed; and allow a rear setback of 24 feet, where 25 feet is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-544, 98-547(a) and 98-2056(b)(2). **Property located at 631 East 40 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

ORDINANCE NO. 2021-006

<i>On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.</i>
<i>Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Hammer Holdings Inc., 7801 Coral Way, #101, Miami, FL 33155.</i>
<i>On November 18, 2020, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner’s Recommendation: Approval</i>
<i>Owner of the Property: Jorge De la Osa, 631 East 40th Street, Hialeah, Florida 33013.</i>

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve PZ 4 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

PZ 5. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit pursuant to Hialeah Code of Ordinances § 98-181 to allow the sale and consumption of alcohol

within the facility located in the Alwod Artist Live/Work Overlay District, “Leah Art District”. **Property located at 901 East 10 Avenue, Bay # 24, 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.

POSTPONED UNTIL JANUARY 26, 2021.

On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.

Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Isabel Restaurant Inc., 901 East 10 Avenue, Hialeah, FL.

On November 18, 2020, the Planning and Zoning Board recommended approval with the condition that alcohol for consumption on premises will only be sold with full meals and that improvements will be made to the façade of the subject bay to reflect consistency with the ALWOD district, prior to applying for the alcoholic beverages license.

Planner’s Recommendation: Approval with conditions.

Owner of the Property: Flamingo East LTD, Jack Glottman, Deborah Glottman, 290 West 165 Street, PH 2, Miami, Florida 33029, Isabel Restaurant Inc., 901 East 10 Avenue, Bay 24, Hialeah, FL 33013, and Fabio Marte, 18175 SW 5 Court, Pembroke Pines, Florida 33029.

PZ 6. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District Overlay at an activity node fronting the Hialeah Metrorail Station for a multifamily 90 residential unit building pursuant to §§ 98-1630.8 and 98-161 Hialeah Code of Ordinances; and granting a variance permit to allow a single use multifamily residential building, where a vertical mix of uses is required; allow 36 units with less than 850 square feet, where only 9 units may have a minimum of 600 square feet; allow front setbacks for buildings of 6.75 feet along East 21 Street, 2.10 feet along East 1 Avenue, and 2.10 feet and 15 feet along Curtiss Drive, where front setbacks of 10 feet built-to-line are required; allow front setback for terraces on the ground floor and balconies above the ground floor of 2 feet along East 21 Street, East 1 Avenue, and Curtiss Drive, where 10 feet built-to-line are required; allow 125 parking spaces where 203 are required; and allow 12.4% pervious area, where 30% is required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a. and 98-2056(b)(1). **Property located at 102 East 21 Street, Hialeah, zoned CBD (Central Business 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

ORDINANCE NO. 2021-007

<i>On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., and Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of East 21st ST, LLC.</i>
<i>On November 18, 2020, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: East 21st ST, LLC (Martin H. Caparros 2004 Children's Trust, JMDR, LLC, BRP 12, LLC, Metro FL Consulting, LLC, ARCH III, LLC, and Rodriguez Family Capital Holdings, LLC)</i>

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve PZ 6 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

PZ 7. Second reading and public hearing of proposed ordinance rezoning the property from R-2 (One- and Two-Family Residential District) to CBD (Central Business District); granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District overlay at an activity node fronting the Hialeah Metrorail Station for a mixed-use building including 12 residential units and 2,710 square feet of commercial area; pursuant to §§ 98-1630.8, and 98-161 Hialeah Code of Ordinances; and granting a variance permit to allow 12 residential units with less than 850 square feet where only 1 unit may have a minimum of 600 square feet; allow a 50 foot high building pedestal, where 40 feet is the maximum allowed; allow front setbacks for building of 4.5 feet along east 21 street and 5 feet and 6 feet along East 1 Avenue, where 10 feet built-to-line are required; allow front setback for staircase and entrance hallway of 1-foot along East 1 Avenue, where 10 feet built-to-line are required; allow front setbacks of 3.83 feet for building walls above the ground floor, where 10 feet built-to-line are required; allow 25 parking spaces, where 38 parking spaces are required; and allow 8% pervious area, where 30% is required; all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(b), 98-1630.3(e)(1), 98-2189(16) a. and b. and 98-2056(b)(1). **Property located at XX East 21 Street, Hialeah, zoned R-2 (One- and Two-Family 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

ORDINANCE NO. 2021-008

<i>On December 8, 2020, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 12, 2021.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., and Alejandro J. Arias, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of East 21st ST, LLC.</i>
<i>On November 18, 2020, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: East 21st ST, LLC (Martin H. Caparros 2004 Children's Trust, JMMDR, LLC, BRP 12, LLC, Metro FL Consulting, LLC, ARCH III, LLC, and Rodriguez Family Capital Holdings, LLC)</i>

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: **Hugo Arza**, 701 Brickell Avenue, after being duly sworn-in by the City Clerk, addressed the City Council with a presentation.

REPORT: Motion to Approve PZ 7 made by Council Member De la Rosa, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

PZ 8. 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); and granting a variance permit to allow the construction of a duplex on a substandard lot with frontage of 40 feet and area of 4,000 square feet, where 75 feet frontage and 7,500 square feet are required; allow 0 feet south

side interior setback, where 7.5 feet is required; allow 18 feet rear setback where 25 feet are required; and allow 39% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 851 East 43 Street (Lot 14), 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

ORDINANCE NO. 2021-009

<i>On March 10, 2020, the item was postponed until April 14, 2020. Second reading and public hearing of the item has been postponed until further notice, per the applicant's request.</i>
<i>Item was approved on first reading by the City Council on February 25, 2020.</i>
<i>Registered Lobbyist: Ceasar Mestre, Jr., Esq. 8105 NW 155 Street, Miami Lakes, Florida, on behalf of SOB 3011 LLC, 6500 Cowpen Road, Suite 303, Miami Lakes, FL 33014.</i>
<i>On February 12, 2020 the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: SOB, 3011 LLC, Gregorio Betancourt, and Melinda Betancourt, 6500 Cowpen Road, Suite 303, Miami Lakes, Florida 33014.</i>

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: The following two individuals, who were both present at City Hall in the Council Chambers, registered with the Office of the City Clerk to participate during the second reading of this item:

- (1) **Lupe Rodriguez, 4350 East 8th Court**, after being duly sworn-in by the City Clerk, addressed the City Council in opposition to the approval of this item.
- (2) **Milly Herrera, 4341 East 8th Lane**, after being duly sworn-in by the City Clerk, addressed the City Council in opposition to the approval of this item.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. One member of the public expressed interest in participating:

(3) **Mariam Kajahai, 4375 East 8th Court**, after being duly sworn-in by the City Clerk, addressed the City Council in opposition to the approval of this item.

REPORT: Ceasar Mestre, with law office at 8105 NW 155 Street, after being duly sworn-in by the City Clerk, addressed the City Council on this item via Zoom, and shared his screen via Zoom with a presentation.

REPORT: Debora Storch, Planning and Zoning Official for the City of Hialeah, addressed the City Council.

REPORT: Motion to Approve PZ 8 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

PZ 9. 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); and granting a variance permit to allow the construction of a duplex on a substandard lot with frontage of 40 feet and area of 4,000 square feet, where 75 feet frontage and 7,500 square feet are required; allow 0 feet north side interior setback, where 7.5 feet is required; allow 10 feet street side setback, where 15 feet are required; allow 18 feet rear setback where 25 feet is required; and allow 39% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 851 East 43 Street (Lot 15), 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

ORDINANCE NO. 2021-010

On March 10, 2020, the item was postponed until April 14, 2020. Second reading and public hearing of the item has been postponed until further notice, per the applicant's request.

Item was approved on first reading by the City Council on February 25, 2020.

Registered Lobbyist: Ceasar Mestre, Jr., Esq. 8105 NW 155 Street, Miami Lakes, Florida, on behalf of SOB 3011 LLC, 6500 Cowpen Road, Suite 303, Miami Lakes, FL 33014.

On February 12, 2020, the Planning and Zoning Board approved the item.

Planner's Recommendation: Approval.

Owners of the Property: SOB, 3011 LLC, Gregorio Betancourt, and Melinda Betancourt, 6500 Cowpen Road, Suite 303, Miami Lakes, Florida 33014.

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

REPORT: No one interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve PZ 9 made by Council Member De la Rosa, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

PZ 10. First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances §98-181 to allow a K-5 grade school with an enrollment of 40 students within a facility that also includes a daycare with an enrollment of 83 students; **property located at 1995 West 60 Street consisting of 4,400 square feet with a street addresses within the site of 1917 and 1919 West 60 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.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Little Children's Learning Academy, 1917 West 60th Street, Hialeah, Florida 33012.</i>
<i>On December 9, 2020, the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: RIC Inc, 16765 NW 80 Court, Miami Lakes, Florida 33016 and Artveo Garcin, 5431 West 8th Lane, Hialeah, Florida 33012.</i>

REPORT: Ceasar Mestre, with law offices at 8105 NW 155 Street, after being duly sworn-in by the City Clerk, addressed the City Council on this item via Zoom.

REPORT: Debora Storch, Planning and Zoning Official for the City of Hialeah, addressed the City Council on this Item.

REPORT: Motion to Approve PZ 10 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for January 26, 2021.

15. FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, **Decision No. 2020-18** that granted an adjustment on the property located at **1100 West 33 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

RESOLUTION NO. 2021-005

On November 18, 2020, the Planning and Zoning Board approved the item with the condition that the completion of the legalization of the shed and of all other illegal additions be completed within 180 days.

Planner's Recommendation: Approve with conditions.

Owner of the Property: Noelio Almaguer Calzadilla, 1100 West 33 Street, Hialeah, Florida 33012.

REPORT: Luna Almager, 840 East 36 Street, after being duly sworn-in by the City Clerk, addressed the City Council on this item.

REPORT: Debora Storch, Planning and Zoning Official for the City of Hialeah, addressed the City Council on this item.

REPORT: Motion to Approve FD 1 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 4-0-3 with Council Members Cue-Fuente and Hernandez, and Council Vice President Perez absent.

REPORT: Council President Tundidor adjourned the meeting at 9:09 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, January 26, 2021 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 23, 2021 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

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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).