

**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**

### **January 24, 2023**

7:00 p.m.

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#### **1. CALL TO ORDER**

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**A. REPORT:** Council President Perez called the meeting to order at 7:08 p.m.

#### **2. ROLL CALL**

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

1. Council President Perez
2. Council Vice President Garcia-Roves
3. Council Member Casàls-Muñoz
4. Council Member Calvo
5. Council Member Rodriguez
6. Council Member Zogby

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

1. Council Member Tundidor

**C. REPORT:**

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

#### **3. INVOCATION**

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

#### **4. PLEDGE OF ALLEGIANCE**

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A. Council Member Calvo led the Pledge of Allegiance.

#### **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.

**REPORT: Marbelys Fatjo, City Clerk, read the meeting guidelines into the record.**

## **6. PRESENTATIONS**

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- A. The City of Hialeah recognizes employee Doris Guerrero of the Department of Parks and Recreation as Employee of the year.

*(HUMAN RESOURCES DEPARTMENT)*

**PRESENTED**

- B. Lesley Beautelus of the Department of Parks and Recreation is presented with a Certificate of Appreciation for two years of service to the City as a member of the City of Hialeah Employees' Retirement System Board of Trustees.

*(HUMAN RESOURCES DEPARTMENT)*

**PRESENTED**

- C. Ricardo Fernandez of the Hialeah Police Department is presented with a Certificate of Appreciation for eight years of service to the City as a member of the Defined Contribution Plan Committee.

*(HUMAN RESOURCES DEPARTMENT)*

**PRESENTED**

**REPORT:** Proclamation presentation to George Fuente, Chief of the Hialeah Police Department, along with Williams Guerra, Chief of the Hialeah Fire Department, and Eric Johnson, firefighter with the Hialeah Fire Department, in honor of first responders battling cancer.

*(COUNCIL PRESIDENT MONICA PEREZ)*

**REPORT:** PowerPoint presentation by William Sanchez, Director of the Hialeah Parks and Recreation Department, along with Michael Festa, Assistant Director of the Hialeah Parks and Recreation Department, regarding accessibility of the parks to all residents, the status of upcoming programs, and the status of operations. A copy of the presentation is on file with the Office of the City Clerk.

*(DEPARTMENT OF PARKS AND RECREATION)*

- D. Presentation by James L. Ferraro, Jr., Esq., of the Ferraro Law Firm, P.A., discussing the decision to participate in the multi-district litigation to recover damages resulting from contamination caused by the use of PFOA and PFO from the use of aqueous film forming foam (AFFF) to suppress or extinguish fires by the Hialeah Fire Department against the manufacturers of AFFF and other products containing AFFF.

Further seeking approval to retain the firm of Ferraro Law Firm, P.A., on a contingency fee basis, subject to agreement on the terms of engagement.

(LAW DEPARTMENT)

**REPORT:** PowerPoint presentation by Frank Quesada from MSP Recovery Law Firm and James Ferraro from the Ferraro Law Firm, P.A. regarding fire foam matter. A copy of the presentation is on file with the Office of the City Clerk.

**REPORT: Motion to authorize the Mayor to negotiate a fee agreement with the Ferraro Law Firm, P.A., and MSP Recovery Law Firm, to engage the firm for the multi-district litigation, made by Council Member Calvo and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Tundidor absent.**

## **7. COMMENTS AND QUESTIONS**

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- 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:** One (1) member of the public present in the Council Chambers expressed interest in speaking during this portion of the meeting:
- 1) **Eric Johnson** on behalf of **Local 1102**, spoke regarding the usage of foam by firefighters, firefighters battling cancer, contract negotiations with the current administration, the hiring of fire department personnel, and acts of suicide by first responders.

**REPORT:** Board Appointment Items 11A, 11B and 11C were considered by the City Council at this time, out of the order of the agenda, at Council President Perez's direction.

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

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### **A. Postponed Items:**

- **Item PZ 1** is postponed until the City Council Meeting of February 14, 2023, per the applicant's request.
- **Item PZ 6** is postponed until the City Council Meeting of February 14, 2023, per the applicant's request.
- **Item LU 2** is postponed until the City Council Meeting of February 14, 2023, per the applicant's request.

**B. Add-On Items:** The following items have been added to today's agenda:

- N
- O
- P
- Q
- R
- S
- T
- U
- V
- W
- 11C

**C.** The expenditure amount on **Consent Item U** has been amended to reflect the correct amount of \$1,760,000.00.

## **9. 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.*

**REPORT: Council Member Casáls-Muñoz requested that Consent Item M be removed from the Consent Agenda for separate discussion.**

**REPORT: Motion to Approve the Consent Agenda, except Item M, made by Council Member Zogby, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Tundidor absent.**

**A.** Request permission to approve the minutes of the City Council Meeting held on January 10, 2023 at 7:00 p.m.

*(OFFICE OF THE CITY CLERK)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**B.** Request for a street closure permit to host the Jose Marti Parade, for the closure of the following streets on Sunday, January 29, 2023, from 10:00 a.m. to 5:00 p.m.:

1. West 29<sup>th</sup> Street from West 4<sup>th</sup> Avenue to West 11<sup>th</sup> Avenue, *with traffic open only to event personnel*
2. West 9<sup>th</sup> Avenue from West 29<sup>th</sup> Street to West 27<sup>th</sup> Street
3. West 27<sup>th</sup> Street from West 9<sup>th</sup> Avenue to West 5<sup>th</sup> Avenue

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- C. **Report of Scrivener's Error** - On October 11, 2022, the City Council approved Consent Item BB, utilizing the Florida Sheriffs Association Bid No. FSA20-VEL28.0 – *Pursuit, Administrative, and Other Vehicles*, effective through September 30, 2022, and issue a purchase order to Duval Ford, LLC, for the purchase of ten (10) police rated vehicles for the Uniform Patrol Division, in a total expense amount not to exceed \$405,840.00 (for a cost of \$33,014.00 plus \$5,394.00 for a 2023 model per vehicle. The item was approved with the incorrect funding account number of General Fund – Capital Outlay – Vehicles Account No. 001.1000.521.645. The item is being amended to reflect the correct account number as **Police Impact Fee Fund – Capital Outlay – CIP Account No. 340.1000.521.650.**

(POLICE DEPARTMENT)

**WITHDRAWN BY THE POLICE DEPARTMENT**

- D. **RESOLUTION:** Proposed resolution accepting the award of a grant from Miami-Dade County through the Growing Roots for Environmentally Equitable Neighborhoods (GREEM) Matching Grant Program administered by the County's Parks, Recreation and Open Spaces Department, in an amount not to exceed \$99,000.00, which represents a maximum 75% contribution to project costs, provided the city contributes 25% of project costs, for the procurement and planting of trees to increase tree canopy, pursuant to the 2023 City of Hialeah-Miami Dade County Green Tree Planting Project application; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Tree Planting Agreement with Miami-Dade County commencing upon execution of the agreement and ending on April 30, 2023 attached as Exhibit 1; approving the project's grant application package attached as Exhibit A to the Tree Planting Agreement; and providing for an effective date.

(STREETS)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**RESOLUTION NO. 2023-003**

- E. Request permission to award City of Hialeah Bid No. 2021/22-8325-00-033 – *SHIP Home - Impact Windows and Doors*, to A & M Hurricane Protection L.L.C., lowest responsive and responsible bidder, and issue a purchase order to the vendor, for the Eco Window Systems Impact rated windows and glass doors removal and installation for the home of Orestes and Alina Armenteros located at 135 West 52 Street, pursuant to Resolution No. 2022-095, in a total expense amount not to exceed \$33,834.00.

The funding for the expenditure is to be withdrawn from the State Housing Initiative Program Fund – SHIP Armenteros Case Account No. 123.8314.554.306.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- F. Request permission to award City of Hialeah Bid No. 2022/23-8325-00-002 – *SHIP – Safe Home New Roof*, to Vercetti Enterprises, LLC, lowest responsive and responsible bidder, and issue a purchase order to the vendor, for a new roofing system using 900 – Slate and Split Slate, Saxony 900 – Shake & Saxony Split Shake for the home of Karina Vallina located at 3459 West 75 Place, pursuant to Resolution No. 2021-082, in a total expense amount not to exceed \$25,000.00.

The funding for the expenditure in is to be withdrawn from the State Housing Initiative Program Fund – SHIP Karina Vallina Case Account No. 123.8314.554.316.

*(GRANTS AND HUMAN SERVICES DEPARTMENT)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- G. Request permission to increase Purchase Order 2023-1130, issued to FoxHire, LLC, for temporary employment services of the aides to the City Council Members, by an additional amount of \$290,328.88, for a new total cumulative amount not to exceed \$315,328.88. The approval of this item requires the waiving of competitive bidding in that on October 13, 2020 the City Council approved, as requested by the Human Resources Department, this vendor for employment services provided to the City for the transition of six part-time Council Aides to full-time contractors employed by the vendor.

The funding for the expenditure in is to be withdrawn from the General Fund – Professional Services Account No. 001.0220.512.310.

*(OFFICE OF THE CITY CLERK)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- H. Request permission to retroactively utilize the contract awarded pursuant to City of Miami Beach Solicitation No. 20-055-AY – *Temporary Staffing Services*, effective through February 11, 2023, and issue a purchase order to 4 Best Business Corp, doing business as 4BBCorp, for the cost temporary trade staffing services to supplement City staff in the rehabilitation of thirty-five (35) affordable housing apartments that became vacant as a result of COVID-19, in a total expense amount not to exceed \$45,104.32.

The funding for the expenditure in is to be withdrawn from the Affordable Housing Fund – Contractual Services Account No. 125.8500.554.340.

*(FINANCE MANAGEMENT DEPARTMENT)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- I. Proposed resolution approving the expenditure in an amount not to exceed \$26,363.00 from the Law Enforcement Trust Fund – *Federal* for the purchase of ballistic shields from Federal Eastern International, LLC and requesting an exemption from competitive bidding for the purchase of the equipment by utilizing the competitively bid governmental Contract #46151500-NASPO-21-ACS upon such costs having been approved by the Chief of Police, and providing for an effective date.

*(POLICE DEPARTMENT)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**RESOLUTION NO. 2023-004**

- J. Request permission to issue a special event permit to Immaculate Conception Catholic Church, located at 125 West 45<sup>th</sup> Street, Hialeah, Florida, to host the annual spring carnival on school grounds, consisting of rides, food booths, games, as well as arts and crafts, from Friday, February 17, 2023 through Sunday, February 19, 2023, in accordance with the requirements of the Hialeah Fire Department, Police Department and Risk Management Department.

*(OFFICE OF THE CITY CLERK)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- K. Request permission to issue a purchase order to Lou's Police Distributors, Inc., for the purchase of uniforms of new hires, promotions, and for uniforms damaged in the line of duty, in a total expense amount not to exceed \$100,000.00, of which \$30,500.75 will cover ordered uniforms and \$69,499.25 is to offset the cost of future invoices. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the Hialeah Police Department has requested that the Purchasing Division commence the bidding process, and this purchase order will cover the cost while the competitive bidding process is completed.

The funding for the expenditure is to be withdrawn from the General Fund – Uniforms & Clothing Allowance Account No. 001.1000.521.525.

*(POLICE DEPARTMENT)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- L. Proposed resolution approving a Consulting Services Agreement with R. Rudy Garcia, Jr. doing business as Florida Governmental Affairs to assist the City advance the City's legislative priorities and secure available state funding, in an amount not to exceed \$30,000.00 payable on a monthly basis in equal amounts; authorizing the Mayor, and the City Clerk, as attesting witness, on behalf of the City, to execute a Consulting Services Agreement in substantial conformity with the form attached as Exhibit 1; and providing for an effective date.

*(OFFICE OF THE MAYOR)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**RESOLUTION NO. 2023-005**

- M. Request permission to retain the following professional firms for professional services through the conclusion of the competitive process and selection of the successful developer in a total expenditure not to exceed \$428,000.00 for services related to an unsolicited proposal received by the City for a public-private partnership involving the construction of a new government center on roughly twenty acres of the City's fifty-five acre property located at 900 East 56 Street, presently housing the Hialeah Police Headquarters and certain other government services:



- (1) The Lambert Advisory Group, to conduct an independent financial analysis of all competing proposals;
- (2) AECOM to create the criteria package and assist through the procurement process;
- (3) Akerman, a preeminent multinational law firm with subject matter expertise and experience in ventures of the kind proposed in the unsolicited proposal.

(OFFICE OF THE MAYOR)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Mayor Bovo spoke on the item.**

**REPORT: Lorena Bravo, City Attorney, spoke on this item.**

**REPORT: Motion to Approve Consent Item M made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Tundidor absent.**

- N. **ADD-ON ITEM:** Request permission to award City of Hialeah Bid No. 2022/23-3110-12-001 - *Right-of-Way Turf & Landscape Maintenance – Sector 1*, to a primary and secondary contractor pursuant to Section 3.1 – *General Scope of Service* of the bid, with the secondary contractor serving as a backup to the primary contractor as follows:

- (1) VisualScape, Inc., as the primary contractor in a total amount of \$58,784.00;
- (2) Super Landscape & Maintenance, Inc., as the secondary contractor, in a total amount of \$60,665.00;

to supply all labor, equipment and materials for the maintenance of designated right-of-way and properties within the City through September 30, 2023, with the option to renew for four (4) additional one (1) year periods based on the contractor's acceptable level of performance and approved funding.

The funding for the expenditure in is to be withdrawn from the Streets Fund – ROW Maintenance – Sector 1 Account No. 101.3210.541.467-1.

(STREETS)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- O. **ADD-ON ITEM:** Request permission to award City of Hialeah Bid No. 2022/23-3110-12-005 - *Right-of-Way Turf & Landscape Maintenance – Sector 2*, to a primary and secondary contractor pursuant to Section 3.1 – *General Scope of Service* of the bid, with the secondary contractor serving as a backup to the primary contractor as follows:

- (1) VisualScape, Inc., as the primary contractor in a total amount of \$130,204.80;

(2) Super Landscape & Maintenance, Inc., as the secondary contractor, in a total amount of \$111,166.00;

to supply all labor, equipment and materials for the maintenance of designated right-of-way and properties within the City through September 30, 2023, with the option to renew for four (4) additional one (1) year periods based on the contractor's acceptable level of performance and approved funding.

The funding for the expenditure in is to be withdrawn from the Streets Fund – ROW Maintenance – Sector 2 Account No. 101.3210.541.467-2 after a budget transfer from Capital Outlay – Landscape Account 101.3210.541.648 in the amount \$79,384.80.

(STREETS)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**P. ADD-ON ITEM:** Request permission to award City of Hialeah Bid No. 2022/23-3110-12-006 - *Right-of-Way Turf & Landscape Maintenance – Sector 3*, to a primary and secondary contractor pursuant to Section 3.1 – *General Scope of Service* of the bid, with the secondary contractor serving as a backup to the primary contractor as follows:

(1) Super Landscape & Maintenance, Inc., as the primary contractor, in a total amount of \$67,980.00;

(2) VisualScape, Inc., as the secondary contractor in a total amount of \$97,275.20;

to supply all labor, equipment and materials for the maintenance of designated right-of-way and properties within the City through September 30, 2023, with the option to renew for four (4) additional one (1) year periods based on the contractor's acceptable level of performance and approved funding.

The funding for the expenditure in is to be withdrawn from the Streets Fund – ROW Maintenance – Sector 3 Account No. 101.3210.541.467-3 after a budget transfer from Capital Outlay – Landscape Account 101.3210.541.648 in the amount \$9,979.32.

(STREETS)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**Q. ADD-ON ITEM:** Request permission to award City of Hialeah Bid No. 2022/23-3110-12-007 - *Right-of-Way Turf & Landscape Maintenance – Sector 4*, to a primary and secondary contractor pursuant to Section 3.1 – *General Scope of Service* of the bid, with the secondary contractor serving as a backup to the primary contractor as follows:

(1) Super Landscape & Maintenance, Inc., as the primary contractor, in a total amount of \$52,228.00;

(2) VisualScape, Inc., as the secondary contractor in a total amount of \$89,674.20;

to supply all labor, equipment and materials for the maintenance of designated right-of-way and properties within the City through September 30, 2023, with the option to renew for four (4)

additional one (1) year periods based on the contractor's acceptable level of performance and approved funding.

The funding for the expenditure in is to be withdrawn from the Streets Fund – ROW Maintenance – Sector 4 Account No. 101.3210.541.467-4.

(STREETS)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- R. **ADD-ON ITEM:** Request permission to award City of Hialeah Bid No. 2022/23-3110-12-008 - *Right-of-Way Turf & Landscape Maintenance – Sector 5*, to a primary and secondary contractor pursuant to Section 3.1 – *General Scope of Service* of the bid, with the secondary contractor serving as a backup to the primary contractor as follows:

(1) Super Landscape & Maintenance, Inc., as the primary contractor, in a total amount of \$59,862.00;

(2) VisualScape, Inc., as the secondary contractor in a total amount of \$126,546.20;

to supply all labor, equipment and materials for the maintenance of designated rights-of-way and properties within the City through September 30, 2023, with the option to renew for four (4) additional one (1) year periods based on the contractor's acceptable level of performance and approved funding.

The funding for the expenditure in is to be withdrawn from the Streets Fund – ROW Maintenance – Sector 5 Account No. 101.3210.541.467-5 after a budget transfer from Streets Fund – ROW Maintenance – Sector 4 Account No. 101.3210.541.467-4 in the amount of \$13,058.66.

(STREETS)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- S. **ADD-ON ITEM:** Request permission to award City of Hialeah Bid No. 2022/23-3110-12-009 - *Right-of-Way Turf & Landscape Maintenance – Sector 6*, to a primary and secondary contractor pursuant to Section 3.1 – *General Scope of Service* of the bid, with the secondary contractor serving as a backup to the primary contractor as follows:

(1) VisualScape, Inc., as the primary contractor in a total amount of \$12,760.00;

(2) Super Landscape & Maintenance, Inc., as the secondary contractor, in a total amount of \$11,363.00;

to supply all labor, equipment and materials for the maintenance of designated rights-of-way and properties within the City through September 30, 2023, with the option to renew for four (4) additional one (1) year periods based on the contractor's acceptable level of performance and approved funding.

The funding for the expenditure in is to be withdrawn from the Streets Fund – ROW Maintenance – Sector 6 Account No. 101.3210.541.467-6 after a budget transfer from Streets

Fund – ROW Maintenance – Sector 4 Account No. 101.3210.541.467-4 in the amount of \$12,760.00.

*(STREETS)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

- T. **ADD-ON ITEM/RESOLUTION:** Proposed resolution respectfully urging the Florida Legislature to appropriate funds for a new mobile command vehicle for the City in an amount of \$384,000, representing 80% of the costs of the vehicle, to which the City will match funding in amount equal to no less than 20% of the total cost of vehicle.

*(OFFICE OF THE MAYOR)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**RESOLUTION NO. 2023-006**

- U. **ADD-ON ITEM/RESOLUTION:** Proposed resolution respectfully urging the Florida Legislature to appropriate funds to fund the expense of a communications tower to be erected in the City's Northwest Annex Area to expand the City's telecommunications network used by first responders in the amount of ~~\$177 million dollars~~ \$1,760,000.00, representing 80% of the costs of the capital project, to which the City will match funding in an amount equal to no less than 20% of the costs of the project.

*(OFFICE OF THE MAYOR)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**RESOLUTION NO. 2023-007**

- V. **ADD-ON ITEM/RESOLUTION:** Proposed resolution respectfully urging the Florida Legislature to appropriate funds of right-of-way improvement projects including road widening, stormwater infrastructure improvements, road reconstruction, new sidewalks meeting current ADA standards, new LED street lights, improved offsite school pickup/drop off zone and improved school pedestrian crossings in the amount \$1,980,000, representing 80% of the projects' total estimated cost, to which the City will match funding in an amount equal to no less than 20% of the total cost of the project.

*(OFFICE OF THE MAYOR)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**RESOLUTION NO. 2023-008**

- W. **ADD-ON ITEM/RESOLUTION:** Proposed resolution to respectfully urging the Florida Legislature to appropriate funds to fund the expense of certain capital improvements to the City's sewer system in the amount of \$1.2 million dollars, representing 80% of the total estimated costs of the projects, to which the City will match funding in an amount equal to no less than 20% of the total costs of the projects.

(OFFICE OF THE MAYOR)

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**RESOLUTION NO. 2023-009**

## 10. ADMINISTRATIVE ITEMS

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- 10 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)

<i>On January 10, 2023, the City Council tabled the item until January 24, 2023 at the Mayor’s request.</i>
<i>On December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.</i>

**ITEM IS TABLED UNTIL FEBRUARY 14, 2023.**

**REPORT:** Lorena Bravo, City Attorney, spoke on this item.

**REPORT:** Mayor Bovo spoke on this item and requested that it be tabled until the next City Council Meeting

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

**REPORT: Motion to Table Item 10A until February 14, 2023 made by Council Member Rodriguez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Tundidor absent.**

- 10 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 Council Committee”; 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.~~

**WITHDRAWN**

(ADMINISTRATION)

*On January 10, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 24, 2023.*

- 10 C. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, by amending Division 5 entitled “Veteran’s Affairs Board” by designating it as the “Veteran’s Affairs Committee”; 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)

*On January 10, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 24, 2023.*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**ORDINANCE NO. 2023-009**

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

**REPORT: Motion to Approve Item 10 C made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Tundidor absent.**

- 10 D. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, by amending Division 2 entitled “Youth Advisory Board” by designating it as the “Youth Advisory Committee”; 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)

*On January 10, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 24, 2023.*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**ORDINANCE NO. 2023-010**

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

**REPORT: Motion to Approve Item 10 D made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Tundidor absent.**

- 10 E. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting Pivotal Utility Holdings Inc., d/b/a Florida City Gas, its successors and assigns, a non-exclusive natural gas franchise in the City of Hialeah, Florida, including the right to construct, maintain, and operate gas lines; providing for regulation of the gas system by the City; 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.

*(ADMINISTRATION)*

*On January 10, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 24, 2023.*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**ORDINANCE NO. 2023-011**

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

**REPORT:** **Monica Barn, General Counsel for Florida City Gas,** addressed the City Council via Zoom.

**REPORT:** **Miguel Bustos,** on behalf of Florida City Gas, **955 SE 56 Street,** addressed the City Council via Zoom.

**REPORT:** **Motion to Approve Item 10 E made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Tundidor absent.**

- 10 F. ORDINANCE:** First reading 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)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT:** **Motion to Approve Item 10 F made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT:** **Second reading and public hearing is scheduled for February 14, 2023.**

- 10 G. ORDINANCE:** First reading 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)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Motion to Approve Item 10 G made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for February 14, 2023.**

- 10 H. ORDINANCE:** First reading 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)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Motion to Approve Item 10 H made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for February 14, 2023.**

- 10 I. ORDINANCE:** First reading 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)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Motion to Approve Item 10 I made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for February 14, 2023.**

- 10 J. ORDINANCE:** First reading 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)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Motion to Approve Item 10 J made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby, Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for February 14, 2023.**

- 10 K. ORDINANCE:** First reading 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)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Motion to Approve Item 10 K made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby, Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for February 14, 2023.**

- 10 L. ORDINANCE:** First reading 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)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Lorena Bravo, City Attorney, spoke on this item.**

**REPORT: Motion to Approve Item 10 L made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz, Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for February 14, 2023.**

## **11. BOARD APPOINTMENTS**

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- 11 A.** Proposed resolution confirming and approving the nomination of **Quentin R. Webb II** as a member of Defined Contribution Plan Committee, as the American Federation of State, County and Municipal Employees (“AFSCME”) appointment to the Defined Contribution Plan Committee for the City of Hialeah commencing on January 25, 2023.

*(AFSCME)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

### **RESOLUTION NO. 2023-010**

**REPORT: Motion to Approve Item 11 A made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Tundidor absent.**

- 11 B.** Proposed resolution confirming and approving the nomination of **Quentin R. Webb II** to the Board of Trustees of the Employees’ General Retirement System of the City of Hialeah as the American Federation of State, County and Municipal Employees (“AFSCME”) appointment, for a two (2)-year term ending on December 31, 2024.

*(AFSCME)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

### **RESOLUTION NO. 2023-011**

**REPORT: Motion to Approve Item 11 B made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Tundidor absent.**

- 11C.** **ADD-ON ITEM:** Proposed resolution confirming and approving the nomination of **Marcelino Moreno** to the Board of Trustees of the Employees General Retirement System, as the City Council’s appointment for a two (2)-year term ending on December 31, 2024.

*(NOMINATION MADE BY COUNCIL PRESIDENT PEREZ)*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

### **RESOLUTION NO. 2023-012**

**REPORT: Motion to Approve Item 11 C made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Tundidor absent.**

## 12. UNFINISHED BUSINESS

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None Reported.

## 13. NEW BUSINESS

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None Reported.

**REPORT: Council President Perez called for a recess at 9:29 p.m.**

**REPORT: Council President Perez called the meeting to order at 9:33 p.m.**

## 14. ZONING

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**REPORT: All were duly sworn in.**

### **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.

**ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF FEBRUARY 14, 2023.**

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

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

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.

PZ

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, FL 33012  
Vivian Jimenez, 673 West 60<sup>th</sup> Street, Hialeah, FL 33012

2. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a variance permit to allow 15 parking spaces where 21 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(7). **Property located at 840 East 25 Street, Hialeah, zoned 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.

On January 10, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 24, 2023.

Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of MMTZ Health, LLC.

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

Planner's Recommendation: Approval.

Property Owner: MMTZ Health LLC, 2940 SW 128<sup>th</sup> Ave, Miami, FL 33175  
Luz M. Pinton 2940 SW 128<sup>th</sup> Avenue, Miami, FL 33175

**APPROVED 5-0-2 with Council Member Tundidor absent and Council Member Calvo not present during the roll call for the vote on the item.**

**ORDINANCE NO. 2023-012**

**REPORT:** Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, addressed the City Council.

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

**REPORT: Motion to Approve Item PZ 2 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Tundidor absent and Council Member Calvo not present during the roll call for the vote on the item.**

**REPORT: Council Member Calvo recorded his vote as YES after the Motion to Approve passed.**

- PZ 3. ORDINANCE:** Second reading and **public hearing** of proposed ordinance accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; 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. **Property located at 631 East 40 Street, Hialeah, Florida.**

*On January 10, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 24, 2023.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, on behalf of Hammer Holdings, Inc.*

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

*Property Owner: Hammer Holding Inc.*

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**ORDINANCE NO. 2023-013**

**REPORT:** Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, presented a PowerPoint presentation, a copy of the presentation is on file with the Office of the City Clerk.

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

**REPORT: Motion to Approve Item PZ 3 made by Council Member Zogby, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Tundidor absent.**

- PZ 4. ORDINANCE:** First reading 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.

*On December 13, 2022, the item was tabled by the City Council until January 24, 2023.*

<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, FL 33010</i>

**APPROVED 4-2-1 with Council Member Tundidor absent.**

**REPORT:** Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, addressed the City Council and presented a presentation, a copy of the presentation is on file with the Office of the City Clerk.

**REPORT:** Debora Storch, Planning and Zoning Director, spoke on the item.

**REPORT:** Elier Martin, 830 East 16 Place, addressed the City Council.

**REPORT: Motion to Approve Item PZ 4 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 4-2-1 with Council Members Rodriguez and Calvo voting “No”, and Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for February 14, 2023.**

**PZ 5. ORDINANCE:** First reading 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

<i>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</i>
<i>On January 11, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>

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

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT:** Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, addressed the City Council and presented a PowerPoint presentation, a copy of which is on file with the Office of the City Clerk.

**REPORT:** Lorena Bravo, City Attorney, spoke on the item.

**REPORT:** Motion to Approve Item PZ 5 made by Council Member Rodriguez, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Tundidor absent.

**REPORT:** Second reading and public hearing is scheduled for February 14, 2023.

- PZ 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).**

**ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF FEBRUARY 14, 2023.**

<i>On January 10, 2023, the item was postponed until January 24, 2023, per the applicant's request.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Martha Alvarez.</i>
<i>On December 14, 2022, the Planning and Zoning Board recommended denial.</i>
<i>Planner's Recommendation: Denial</i>
<i>Property Owner: Martha Alvarez, 1022 East 8<sup>th</sup> Avenue, Hialeah, FL 33010</i>

**15. LANDUSE**

- LU 1.** Recommendation of denial by the Planning and Zoning Board 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.

<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, FL 33010</i>

**APPROVED 6-0-1 with Council Member Tundidor absent.**

**REPORT: Frank de la Paz, 9361 Bird Road, Miami, Florida, addressed the City Council.**

**REPORT: Motion to Overturn the Recommendation of Denial of the Planning and Zoning Board made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Tundidor absent.**

**REPORT: First reading is scheduled for February 14, 2023.**

- LU 2.** Recommendation of denial by the Planning and Zoning Board amending the Future Land Use Map from Medium-Density Residential to Commercial. **Property located at 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.

**ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF FEBRUARY 14, 2023.**

<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, FL 33010</i>



## 16. ADJOURNMENT

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A. **REPORT:** Council President Perez adjourned the meeting at 10:33 p.m.

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

**NEXT CITY COUNCIL MEETING: Tuesday, February 14, 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).