

Esteban Bovo, Jr.
Mayor

Carl Zogby
President

Monica Perez
Vice President



Council Members
Bryan Calvo
Oscar De la Rosa
Jacqueline Garcia-Roves
Luis Rodriguez
Jesus Tundidor

City Council Meeting
Minutes
January 25, 2022
7:00 p.m.

1. CALL TO ORDER

A. REPORT: Council President Zogby called the meeting to order at 7:10 p.m.

2. ROLL CALL

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

1. Council President Zogby
2. Council Vice President Perez
3. Council Member Calvo
4. Council Member De la Rosa
5. Council Member Garcia-Roves
6. Council Member Rodriguez
7. Council Member Tundidor

B. REPORT:

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

3. INVOCATION

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

4. PLEDGE OF ALLEGIANCE

A. Council Member Rodriguez led the Pledge of Allegiance.

5. MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on matters of public concern or on any item on the agenda, may do so during the meeting.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.
- The public can view public meetings on the City's Facebook page (@CityofHialeah).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

REPORT: Brigette Leal, Office Coordinator of the Office of the City Clerk, read the meeting guidelines.

6. PRESENTATIONS

- A. **Mayor Bovo** spoke regarding the new City proclamation format, which includes the signature of the Mayor and all Council Members.

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No one expressed 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:** Eight (8) people present in the Council Chambers expressed interest in speaking during this portion of the meeting.
1. **Jose Azze**, with a home address of **788 Southeast Park Drive**, spoke regarding the budget of the Cultural Affairs Council, and provided the City Council with a copy of the budget of the Miami-Dade County Cultural Affairs Council, a copy of which is on file in the Office of the City Clerk.
 2. **Maria Rudi**, **1501 West 42 Street, Hialeah, Florida 33012**, voiced concern regarding a rent increase of over sixty percent for tenants of the building where she lives, as well as not having received sufficient time to evacuate their homes from the property owner.
 3. **Lomodia Segive**, **Miami Workers Center**, spoke regarding the issues the residents of 1501 West 42 Street are experiencing.
 4. **Julio Ponce**, **Director of the Hialeah Housing Authority, 75 East 6 Street**, spoke regarding the use of federal government funds to assist the residents of 1501 West 42 Street.
 5. **Dr. Santiago Cardenas**, **135 East 9 Street**, invited the Mayor and the City Council Members to a mass at Saint John the Apostle Church, and provided the elected officials with a printed invitation to the VII Social Week, a copy of which is on file in the Office of the City Clerk.
 6. **Zaina Alsous**, **1501 West 42 Street**, spoke regarding the issues the residents of 1501 West 42 Street are experiencing.
 7. **Silvia Oliva**, **302 East 9th Court**, spoke regarding issues with high water bills and service provided to her at the City's Department of Public Works.
 8. **Eric Johnson** on behalf of the Hialeah Firefighters, address exempt from public disclosure per Florida law, spoke regarding cancer screenings, housing crisis, appointment of Carlos

San Jose to the Employees General Retirement System Board of Trustees, as well as the dive equipment for the Fire Department item on the agenda, and thanked Jose Azze for never giving up in making his voice heard before the Mayor and the City Council.

9. **Tony Morales** with a home address of **16265 Northwest 20th Street** spoke in support of the approval of Administrative Item 10 C.

D. REPORT: No one participating in the meeting via Zoom expressed interest in making comments posing questions on matters of public concern during this portion of the meeting.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

➤ **Add-On Items:**

- Board Appointment 11E

➤ **Amended Items:**

- The proposed resolution for Administrative Item 10F has been amended.
- The expenditure amount for Consent Item H has been amended from \$46,403.56 to \$47,795.68.

➤ **Items Withdrawn from the Agenda:**

- Consent Item M
- Board Appointment Item 11B

➤ **Postponed Items:**

- Administrative Item 10 C is **postponed** until February 8, 2022
- Planning and Zoning Item PZ 1 is **postponed** until February 8, 2022.
- Planning and Zoning Item PZ 2 is **postponed** until February 8, 2022.

➤ **Additional backup documentation has been added to the following:**

- Administrative Item 10A

9. CONSENT AGENDA

All items listed under Consent Agenda with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda, made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

- A. Request permission to approve the minutes of the City Council Meeting held on January 11, 2022.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- B. Request permission to issue a permit to Immaculate Conception Catholic Church, located at 4497 West 1st Avenue, Hialeah, Florida, to host a carnival on church and school grounds, consisting of rides, food booths, games, as well as arts and crafts, from Friday, February 18, 2022 through Sunday, February 20, 2022, subject to recommendations from the Police Department and Fire Department.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- C. Request for a street closure permit to host the Jose Marti Parade, for the closure of the following streets on Sunday, January 30, 2022, from 11:00 a.m. to 5:00 p.m.:

1. West 29th Street from West 4th Avenue to West 11th Avenue (traffic open only to event personnel)
2. West 9th Avenue from West 29th Street to West 27th Street
3. West 27th Street from West 9th Avenue to West 5th Avenue

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

APPROVED 7-0

- D. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is one of two vendors in the State of Florida in the business of renting decorated parade floats and is the only vendor in Florida that has the number of pre-decorated floats available for this parade, and issue a purchase order to Festive Floats, LLC, for the rental of decorated floats that will be utilized in the Jose Marti Parade to be held on January 30, 2022, in a total cumulative amount not to exceed \$20,000.000. The funding for this expenditure is to be charged to the General Fund - Special Events Account No. 001.3150.573.492.

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

APPROVED 7-0

- E. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the original manufacturer of the equipment, and issue a purchase order to Eaton Corporation, for the payment of annual maintenance for the Uninterrupted Power Supplies (UPS) in all Data Centers - Citywide, with coverage from February 1, 2022 through January 31, 2023, in a total cumulative amount not to exceed \$21,225.93. The funding for this expenditure is to be charged to the General Fund - Repair and Maintenance - Equipment Account No. 001.0201.519.462.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

F. Request permission to issue a purchase order to DSM Technology Consultants LLC, for the payment of the following invoices:

- *Invoice No. 21-5067 in the amount of \$8,524.48*
- *Invoice No. 21-50859 in the amount of \$8,524.48*
- *Invoice No. 21-51021 in the amount of \$8,524.48*
- *Invoice No. 21-51177 in the amount of \$8,524.48*
- *Invoice No. 22-51331 in the amount of \$8,524.48*

for Disaster Recovery-as-a-Service Solution for all critical systems, in the amount of \$42,619.40, and further request permission to utilize the services of this vendor for two (2) months, while the City's Information Technology Department negotiates with the vendor to bring this service under contract once again, in the amount of \$8,524.48 per month, for a total cumulative expense amount not to exceed \$59,668.36. On February 13, 2018, the City Council approved the issuance of a purchase order to this vendor for the purchase and implementation of a Disaster Recovery-as-a-Service Solution for all critical systems. The funding for this expenditure is to be charged to the General Fund - Contractual Services Account No. 001.0201.519.340.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

G. 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 for Laserfiche, the City's electronic filing system, from December 29, 2021 through December 28, 2022, in a total cumulative amount not to exceed \$28,240.50. On April 24, 2018, the City Council approved Resolution No. 2018-038 entering into a Service Agreement between MCCI LLC, for the purchase of Laserfiche Avante Software and other related services. The funding for this expenditure is to be charged to the General Fund - Repair & Maintenance Equipment Account No. 001.0201.519.462.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

H. Request permission to issue a purchase order to CivicPlus, Inc., developer of the City's website, for the payment of the annual maintenance for the City's website, from January 31, 2022 through January 30, 2023, in a total cumulative amount not to exceed \$47,795.68. On January 23, 2018, the City Council awarded the purchase and implementation of a new website and mobile application for the City to this vendor utilizing GSA Contract No. 35F-0124U – *General Purpose Commercial Information Technology Equipment, Software, and Services*. The funding for this expenditure is to be charged to the General Fund - Repair & Maintenance - Equipment Account No. 001.0201.519.462.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

I. Request permission to issue a purchase order to VCS Tech Systems, LLC, for the payment of Invoice No. 001928 for the installation of an access control system in the Hialeah Police Department Training

building, in a total cumulative amount not to exceed \$10,748.41. On August 24, 2021, the City Council awarded this vendor City of Hialeah Invitation to Bid No. 2020-21-8500-36-004 – *Burglar Alarm Monitoring Services, Maintenance and Equipment*. The funding for this expenditure is to be charged to the General Fund - Repair & Maintenance - Building Account No. 001.1000.521.461.

(POLICE DEPARTMENT)

APPROVED 7-0

- J. Request permission to approve the expenditure of sponsoring thirty-(30) recruits to attend the police academy during fiscal year 2022, for \$6,100.00 per each accepted recruit, for a total cumulative expense amount not to exceed \$183,000.00. On June 8, 2021, the City Council approved for a police recruit program to be established through a Memorandum of Understanding between the City and the Fraternal Order of Police Lodge No. 12 due to the urgent need to hire and train individuals to perform law enforcement duties. The funding for this expenditure is to be charged to the General Fund - Training & Education Account No. 001.1000.521.491.

(POLICE DEPARTMENT)

APPROVED 7-0

- K. Report of Scrivener’s Error – On October 27, 2020, the City Council approved Resolution No. 2020-149 (Consent Item EE), approving an expenditure in an amount not to exceed \$20,510.00 from the Law Enforcement Trust Fund – *Federal* and 2018 to 2020 DOJ Jag Grant Accounts for the cost of rollout and configuration services of the National Incident-Based Reporting System and for a Florida Incident Based Reporting User Training. The item was approved with the incorrect expenditure amount for two (2) of the accounts being utilized to fund the expense:

- (1) Account No. 121.1000.521.498 was approved with an allocated expense amount of \$1,566.00
- (2) Account No. 121.1000.521.501 was approved with an allocated expense amount of \$1,097.65.

The item is being amended to reflect the correct allocated expenditure amount for each account as follows:

- (1) *\$1,351.00* is to be funded from Account No. 121.1000.521.498.
- (2) *\$1,312.65* is to be funded from Account No. 121.1000.521.501.

(POLICE DEPARTMENT)

APPROVED 7-0

- L. Request permission to waive competitive bidding since it is advantageous to the City in that other vendors would not be able to provide the needed equipment due to global supply chain issues and the equipment needs to be replaced as soon as possible because the department’s current equipment has reached its life span thereby creating a life safety issue, and issue a purchase order to Austin’s Diving Center, Inc., vendor providing the lowest quotation, for the purchase of scuba diving equipment, in a total cumulative amount not to exceed \$35,460.00. The funding for this expenditure is to be charged to the Fire Rescue Transportation Fund - Capital Outlay - Equipment Account No. 109.2000.522.640.

(FIRE DEPARTMENT)

APPROVED 7-0

~~M. Request permission to award City of Hialeah Invitation to Bid No. 2021-22-3130-24-003 — *RE-Bid Youth Tennis Program Management* — to Top Spin Services LLC, sole responsive bidder, for the Youth Tennis Program Management, for two (2) years from the date of the approval, with the option to renew for two (2) more years in one (1) year increments, in a total cumulative amount not to exceed \$15,000.00, with a revenue split between the vendor and the City as follows:~~

~~➤ *Revenue Split for Lessons:*~~

~~*Vendor: 80%*~~

~~*City: 20%*~~

~~➤ *Revenue Split for Tennis Tournaments:*~~

~~*Vendor: 80%*~~

~~*City: 20%*~~

~~➤ *Revenue Split for Pro Shop Sales:*~~

~~*Vendor: 90%*~~

~~*City: 10%*~~

~~The funding for this expenditure is to be charged to the General Fund — Contractual Services Account No. 001.3130.572.340.~~

~~(DEPARTMENT OF PARKS AND RECREATION)~~

ITEM WITHDRAWN

N. Request permission to increase Purchase Order No. 2021-2378, issued to Florida Roof-Tech Corp Roofing Done Right Guaranteed, for additional structural repairs required for the roof of the property located at 135 West 52 Street, Hialeah, Florida, in that once the existing roofing system was removed, it was determined that most of the wood sheathing and structural roof trusses were deteriorated due to termites and prolonged water damage, by an additional amount of \$19,200.40, for a new total cumulative expense amount not to exceed \$87,417.40. On August 24, 2021, the City Council approved the issuance of a purchase order to this vendor for a tile roof for the subject property through the State Housing Initiatives Partnership (SHIP) Program, in a total amount of \$62,532.00, amount which includes a ten percent contingency allowance to cover any unforeseen issues that may arise during the work.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

10. ADMINISTRATIVE ITEMS

10 A. First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article II. “Carnivals, Shows and Exhibits”, retitled as “Special Events”; and amending §18-26 “Definitions”; §18-27 “Prohibited and Restricted Conduct”; §18-28 “Financial Statement”; §18-29 “Permit”; “Operating Standards”; §18-30 “Additional Rules”; and creating § 18-31 “Permit for Special Events”; and § 18-32 “Prohibitions”; providing for the permitting of organized special events and assemblies on government or private property of fifty (50) persons or more; for monetary gain on

private or government property or within City facilities; for public advocacy upon private or government property, which is not for monetary gain and for the purpose of allowing free expression; providing for an application process to mitigate noise, sound, lighting and traffic; to provide for the public safety and welfare; review by the Cultural Affairs Council regarding applications for monetary gain; and approval by the City Council to conduct special events; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

On January 11, 2022, the item was postponed by the administration until January 25, 2022.

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 10 A made by Council Member Calvo, and seconded by Council Member Rodriguez. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

- 10 B.** First reading of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, Division 3 “Cultural Affairs Council” Sections 2-641 “Established”, 2-642 “Composition and Term of Service”, 2-643 “Meetings”, 2-644 “Duties and Powers”, and creating a new Section 2-645 “Meetings; Quorum and Voting; Attendance Requirements; “Rules of Procedures; Minutes”; 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 11, 2022, the item was postponed by the administration until January 25, 2022.

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 10 B made by Council Member Rodriguez, and seconded by Council Vice President Perez. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

- 10 C.** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article VI. “Peddlers, Solicitors, Itinerant Vendors”, Division 2. “Peddlers, Itinerant Vendors”; §18-311 “Retail Sales from Tents”; allowing retail tent sales other than the sale of Christmas trees and fireworks as a special event; allowing for a Farmers’ Market; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

On January 11, 2022, the item was postponed by the administration until January 25, 2022.

THE ITEM IS POSTPONED UNTIL FEBRUARY 8, 2022

- 10 D.** First reading of proposed ordinance amending Chapter 70 entitled “Retirement and Pensions”, Article VII. “Elected Officials”, Division 1 “Generally”, Section 70-529 “Oversight Committee” of the Code of Ordinances of the City of Hialeah, to eliminate the Finance Director and Council Member as Oversight Committee Members; providing for appointment of the City Treasurer by the City if the City Clerk is not a member of the Elected Officials Retirement System; and providing for retention of a financial or pension advisor by the committee; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

On January 11, 2022, the item was postponed by the administration until January 25, 2022.

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 10 D made by Council Vice President Perez, and seconded by Council Member Tundidor. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

- 10 E.** Proposed resolution appointing Mayor Esteban Bovo, Jr., to participate as a voting member of the Metropolitan Planning Organization for Miami-Dade County, Florida, representing the City of Hialeah, and to serve in this appointed capacity effective on the date of the Mayor’s signature of this resolution following adoption.

(ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2022-011

REPORT: Mayor Bovo advised that the name of the organization changed from Metropolitan Planning Organization to the Miami-Dade Transportation Planning Organization.

REPORT: Motion to Approve Administrative Item 10 E made by Council Vice President Perez, and seconded by Council Member Tundidor. Motion passes 7-0.

- 10 F.** Proposed resolution committing to the study and review of the costs built in the City’s water and sewer rates, the fiscal pressures on future rate increases, identification of operating efficiencies, subsidies, or alternate sources of funding to improve rate affordability, identification and implementation of programs or actions to conserve water, and to recommend to the Mayor cost-cutting measures, policies, actions or solutions to mitigate for the benefit of City residents; and providing for an effective date.

(COUNCIL MEMBER CALVO)

APPROVED 7-0

RESOLUTION NO. 2022-012

REPORT: Mayor Bovo advised that a workshop would be scheduled in the next thirty days regarding

the City's water and sewer rates.

REPORT: Motion to Approve Administrative Item 10 F made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

REPORT: Council Member De la Rosa announced his resignation as Council Member of the City of Hialeah effective January 26, 2022.

11. BOARD APPOINTMENTS

- 11 A.** Proposed resolution appointing **Robert Williams III** to the Board of Trustees of the Employees General Retirement System as the trustee elected from the membership by majority vote by the trustees appointed by the Mayor, City Council, Management, AFSCME Local, IAFF Local, and FOP, for a two (2)-year term ending on December 31, 2023.

(MEMBERS OF THE EMPLOYEES GENERAL RETIREMENT BOARD OF TRUSTEES)

APPROVED 7-0

RESOLUTION NO. 2022-013

REPORT: Motion to Approve Item 11 A made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

- ~~**11 B.** Proposed resolution reappointing **Elizabeth Garcia** to the Cultural Affairs Council of the City of Hialeah for a (2)-year term ending on January 14, 2024.~~

(COUNCIL MEMBER GARCIA-ROVES)

ITEM WITHDRAWN

- 11 C.** Proposed resolution appointing **Daniel Cruz** to the Board of Trustees of the Employees General Retirement System as the International Association of Fire Fighters ("IAFF") appointment for the remainder of a two (2)-year term ending on December 31, 2022.

(INTERNATIONAL ASSOCIATION OF FIREFIGHTERS)

APPROVED 7-0

RESOLUTION NO. 2022-014

REPORT: Motion to Approve Item 11 C made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 7-0.

- 11 D.** Proposed resolution appointing **Carlos San Jose** as the Mayor's representative to the Board of Trustees of the Employees' General Retirement System for a two (2)-year term ending on December 31, 2023.

(MAYOR BOVO)

APPROVED 7-0

RESOLUTION NO. 2022-015

REPORT: Motion to Approve Item 11 D made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

- 11 E.** Proposed resolution appointing **Julissa Henriquez** as a member of the Planning and Zoning Board for the remainder of a two (2)-year term ending on June 28, 2022.

(COUNCIL VICE PRESIDENT MONICA PEREZ)

APPROVED 7-0

RESOLUTION NO. 2022-016

REPORT: Motion to Approve Item 11 E made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 7-0.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

REPORT: Council Vice President Perez left the meeting at 8:55 p.m.

REPORT: **Francisco Delgado**, with a home address of **760 East 55 Street**, addressed the Mayor and City Council regarding concerns over the odor of Pump Station 348. Council President Zogby allowed Mr. Delgado to speak during this portion of the meeting.

REPORT: The Council Members present, Council President Zogby, Councilman Rodriguez, Councilman Calvo and Councilwoman Garcia-Roves discussed the appointment to the City Council to fill the vacancy of Seat IV.

REPORT: **Council President Zogby** called a recess at 9:08 p.m.

REPORT: Council President Zogby called the meeting to order at 9:18 p.m.

14. ZONING

PLANNING AND ZONING

REPORT: Brigitte Leal, Office Coordinator, Office of the City Clerk, duly swore all in all those persons testifying on an item.

PZ 1. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow an elementary school including kindergarten, first grade and second grade within a 950 square foot bay, with a maximum of 25 students and 3 teachers, in conjunction with the existing daycare accommodating 28 children and 4 teachers within a contiguous 1,900 square foot bay. **Property located at 6815-6895 West 4 Avenue, Bays 6879, 6873 and 6887, Hialeah, zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

On January 11, 2022 the item was postponed until January 25, 2022 per the applicants request.

On December 14, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 11, 2022.

On December 8, 2021, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

*Property Owners: (1) Tevere Apartments LLC
(2) Victor J. Barone TRS, 2014 Barone Family Trust
(3) Vivian Barone TRS
(4) Pasqueale Digiorgio, 1471 Agua Avenue, Coral Gables, Florida 33156*

ITEM POSTPONED UNTIL FEBRUARY 8, 2022.

PZ 2. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances §98-161 to allow harboring of live lobsters within a property zoned M-1 (Industrial District) where this type of use is not specified as a permitted use in the M-1 (Industrial District) zoning district. **Property located at 3171 East 10 Avenue, 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.

Council Member Tundidor filed a Form 8b Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers form, which is on file in the Office of the City

<i>Clerk.</i>
<i>On January 11, 2022, Council Member Tundidor abstained from voting on this item. Without Council Member Tundidor's presence, there were three City Council Members present, which was not sufficient to take action.</i>
<i>On December 14, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 11, 2022.</i>
<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item subject to a Declaration of Restrictions (DOR) specifying business operation plan as proffered in connection with the application.</i>
<i>Planner's Recommendation: Approval subject to specifying business operation plan as proffered in connection with the application.</i>
<i>Property Owner: St Real Estate Investments LLC ZVI Shechter, 6300 NW 72 Avenue, Miami, Florida 33166.</i>

ITEM POSTPONED UNTIL FEBRUARY 8, 2022

- PZ 3.** First reading of proposed ordinance rezoning from GU (Interim District) to MH (Industrial District); **property located at 4220 West 91 Place, Hialeah, zoned GU (Interim 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: Javier L. Vazquez, Esq., 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131 on behalf of Easton Development Company.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: DMG Properties LLLP, 2150 Goodlette Rd North, Sixth Floor, Naples, Florida 34102 and Easton Development Company, 10165 NW 19 Street, Doral, Florida 33172.</i>

APPROVED 7-0

REPORT: Motion to Approve Item PZ 3 made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Vice President Perez, Council Member De la Rosa and Council Member Tundidor absent.

REPORT: Javier L. Vazquez, Esq., 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131, addressed the City Council on behalf of Easton Development Company.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

- PZ 4.** First reading of proposed ordinance granting a variance permit to allow the construction of a duplex on a substandard lot with frontage of 50 feet and lot area of 6,750 square feet, where 75 feet and 7,500 square feet are required; allow east side setback of 4 feet and west side setback of 3 feet for the main house, where 7.5 is the minimum required; allow 5.50 feet east side setback and 6.10 feet west side setback for a 438 square foot accessory building, where 7.5 feet is the minimum required; and allow 38% 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 359-361 East 13 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.

On January 12, 2022, the Planning and Zoning Board recommended approval of the item subject to completing the legalization process within 180 days and immediately vacating the accessory building.

Planner's Recommendation: Approve with conditions.

Property Owner: Maria C. Valdes, 2420 SW 102 Place, Miami, Florida 33165.

APPROVED 7-0

REPORT: Motion to Approve Item PZ 4 made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Vice President Perez, Council Member De la Rosa and Council Member Tundidor absent.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

- PZ 5.** First reading of proposed ordinance granting a variance permit to allow 6 parking spaces, where 11 parking spaces are required and variance to allow a waiver of minimum landscape requirements, allowing 2 feet landscape buffer, where 7 feet are required; and allowing for the mitigation of two trees pursuant to Hialeah Code of Ordinances § 98-2233, by paying for two trees to be planted elsewhere in the City, all contra to Hialeah Code of Ordinances § 98-2189(7) and City of Hialeah Landscape Manual, updated July 9, 2015, ¶ (D)(7). **Property located at 223 West 27 Street, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

On January 12, 2022, the Planning and Zoning Board recommended approval of the item with the condition that the proffered improvements are built within 90 days, and subject to the proposed business hours proffered in a Declaration of Restrictive Covenants.

<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owners: Orlando & Magaly Carballosa, 875 West 30 Street, Hialeah, Florida 33012.</i>

APPROVED 7-0

REPORT: Motion to Approve Item PZ 5 made by Council Member Garcia-Roves, and seconded by Council Member Calvo. Motion passes 4-0-3 with Council Vice President Perez, Council Member De la Rosa and Council Member Tundidor absent.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

PZ 6. First reading of proposed ordinance granting a variance permit to allow the construction of a single-family home on the east side of the property (Lot 29), a substandard lot, having a frontage of 40 feet and a total lot area of 5,440 square feet, where 75 feet and 7,500 square feet are required; contra to Hialeah Code of Ordinances § 98-499. **Property located at 707 East 32 Street, Lot 29, 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: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016 on behalf of American Providers Inc.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: American Providers Inc. and Amelia Linares, 2000 NW 89 Place, Miami, Florida 33172.</i>

APPROVED 7-0

REPORT: Motion to Approve Item PZ 6 made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Vice President Perez, Council Member De la Rosa and Council Member Tundidor absent.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

PZ 7. First reading of proposed ordinance granting a variance permit to allow the construction of a

single-family home on the west side of the property (Lot 30), a substandard lot, having a frontage of 51 feet and a total lot area of 6,937.02 square feet, where 75 feet and 7,500 square feet are required; all contra to Hialeah Code of Ordinances § 98-499. **Property located at 701 East 32 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.

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016 on behalf of American Providers Inc.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: American Providers Inc. and Amelia Linares, 2000 NW 89 Place, Miami, Florida 33172.</i>

APPROVED 7-0

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

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

PZ 8. First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 96-student K-5 grade school in conjunction with an existing 78-student daycare with a total of 9 staff members; and allow 126 parking spaces, where 186 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(9). **Property located at 5916 West 16 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016 on behalf of New Aladdin Learning Center Inc.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>

Property Owner: Malecon Plaza Inc., Nilo Ventura Sr. and Hector Ventura, 2087 West 76 Street, Hialeah, Florida 33016.

APPROVED 7-0

REPORT: Motion to Approve Item PZ 8 made by Council Member Calvo, and seconded by Council Member Rodriguez. Motion passes 4-0-3 with Council Vice President Perez, Council Member De la Rosa and Council Member Tundidor absent.

REPORT: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, addressed the City Council via Zoom with a presentation.

REPORT: Debora Storch, Planning and Zoning Official, spoke on this item.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

PZ 9. First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 and allow the expansion of the Neighborhood Business District Overlay pursuant to Hialeah Code of Ordinances 98-1630.8; and allow a variance permit to allow only residential uses, where mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level; allow all residential units with area ranging from 505 square feet to 517 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow street side setback of 19.58 feet, where 10 feet built to line are required; allow 1.83 feet side setback where 15 feet are required; allow 10 parking spaces, where 21 parking spaces are required; allow 19.58% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-1630.3(e)(2), 98-2189(16)a. and 98-2056(b)(1). **Property located at 444 West 17 Street, Hialeah, zoned R-3-2 (Multi-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

Registered Lobbyist: Hugo P. Arza, Esq., and Alejandro J. Arias, Esq., Holland and Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of, Prestige Builders Construction Management, LLC.

On January 12, 2022, the Planning and Zoning Board recommended approval of the item subject to a parking management plan and reconstruction of sidewalk, curb and gutters along West 17th Street between West 4th Lane and West 4th Avenue.

Planner's Recommendation: Approval subject to a parking management plan.

Property Owner: Gilberto Aguila, 444 West 17 Street, Hialeah, Florida 33131.

APPROVED 7-0

REPORT: Motion to Approve Item PZ 9 made by Council Member Calvo and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Vice President Perez, Council Member De la Rosa and Council Member Tundidor absent.

REPORT: Second reading and public hearing is scheduled for February 8, 2022.

REPORT: Council President Zogby adjourned the meeting at 9:53 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 22, 2022 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, February 8, 2022 at 7:00 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may

telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).