

**Carlos Hernández**  
Mayor

**Vivian Casáls-Muñoz**  
Council President

**Isis Garcia-Martinez**  
Council Vice President



Council Members  
**Katharine Cue-  
Fuente**  
**Jose F. Caragol**  
**Paul B. Hernández**  
**Lourdes Lozano**  
**Carl Zogby**

**City Council Summary Agenda/Minutes**  
**February 12, 2019**  
**7:00 P.M.**

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Call to Order

**REPORT: Council President Casáls-Muñoz called the meeting to order at 7:15 p.m.**

Roll Call

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

- Council President Vivian Casáls-Muñoz
- Council Vice President Isis Garcia-Martinez
- Councilman Jose Caragol
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano
- Councilman Carl Zogby

**REPORT: The following Council Members were absent:**

- Councilwoman Cue-Fuente

• Also present was:

- Lorena Bravo, City Attorney
- Mayor Carlos Hernandez

Invocation given by Marbelys Fatjo, City Clerk

**REPORT: Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance to be led by Council President Casáls-Muñoz

**REPORT: Council President Casáls-Muñoz led the Pledge of Allegiance.**

## **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.
- 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.

**REPORT: The meeting guidelines were read into the record by Marbelys Fatjo, City Clerk, in English, and by Brigette Leal, Administrative Aide, Office of the City Clerk, in Spanish.**

### **1. PRESENTATIONS**

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- Mayor Hernandez presents a proclamation to the American Heart Association. **PRESENTED**
- Patrick Flynn, Fire Chief, Hialeah Fire Department presents an award to three members of the Fire Department's Command Staff: Chief Disbrow, Chief Perez and Chief Gagliano. (FIRE DEPT.) **PRESENTED**

**REPORT: Chief Flynn presented the Command Staff with the Miami-Dade County Public Protection Classification award.**

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

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- Consent Items CC, DD, EE, FF, GG, HH and Administrative Item 4E have been added to today's agenda and placed on the dais for the City Council's review.

- Backup documentation to Consent Items P and U has been updated.
- The expense amount for Consent Item G has been corrected.
- Exhibit “1” of Administrative Item 4A has been updated and placed on the dais for the City Council’s review.
- Administrative Item 4C has been postponed until February 26, 2019.
- Planning and Zoning Items PZ 1 and PZ 2 are to remain tabled until March 12, 2019.
- Administration has requested that Item PZ 3 be postponed until February 26, 2019 as the City has not received a Declaration of Restrictions.

### **3. CONSENT AGENDA**

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

**REPORT: Council President Casáls-Muñoz requested separate discussion on Items DD, EE, FF, GG and HH.**

**REPORT: Motion to Approve the Consent Agenda except Items DD, EE, FF, GG and HH made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

- A. Request permission to approve the minutes of the Council Meeting held on January 22, 2019. (OFFICE OF THE CITY CLERK)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- B. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to All Specialty Sales, Inc., vendor providing the lowest quotation, for capital improvements to the Milander (Ted Hendricks) Stadium locker rooms (toilet partitions and accessories), in the amount of \$31,198, and further request an allowance in the amount of \$3,120 to cover any unforeseen issues that may arise during the work, for a total cumulative amount not to exceed \$34,318. (CONSTRUCTION AND MAINTENANCE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- C. Request permission to approve the appointment of Marbelys Fatjo, City Clerk, to the City of Hialeah Insurance Committee. (RISK MANAGEMENT)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- D. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Service Agreement with Oneyda M. Paneque, Ed. D., as an evaluation consultant, to assess and report on the effectiveness of after-school and summer programs funded through the 21<sup>st</sup> Century Soaring Beyond Expectations Grant Young Leaders with Character (“YLC”) Steam Ahead Program from the Florida Department of Education, for a term of one year, commencing on August 1, 2018 and ending July 31, 2019, in an amount not to exceed \$6,412, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit”1”. (EDUCATION AND COMMUNITY SERVICES DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-010**

- E. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a professional service agreement with Oneyda M. Paneque, Ed. D., as an evaluation consultant, to assess and report on the effectiveness of after-school and summer programs funded through the 21<sup>st</sup> Century Soaring Beyond Expectations Grant Young Leaders with Character (“YLC”) Academic Achievers Program from the Florida Department of Education, for a term of one year, commencing on August 1, 2018 and ending July 31, 2019, in an amount not to exceed \$6,756, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit”1”. (EDUCATION AND COMMUNITY SERVICES DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-011**

- F. Proposed resolution approving a service agreement between the City of Hialeah and J&M Vera, Inc. to provide bus transportation services to the City’s Step Ahead Program, for a term commencing on January 21, 2019 and ending on June 7, 2019; and authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the service agreement attached hereto in substantial form and made a part hereof as Exhibit “1”; and providing for an effective date. (EDUCATION AND COMMUNITY SERVICES DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-012**

- G. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Kronos Systems Incorporated, for a system upgrade to the latest version of Telestaff, in a total cumulative amount not to exceed \$33,355. (FIRE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- H. Request permission to utilize Orange County Contract No. Y14-158-DG – *Medical Transportation Billing & Collection Services*, effective through July 30, 2019, and issue a purchase order to Advanced Data Processing Inc., for medical billing services, in a total

cumulative amount not to exceed \$35,000. (FIRE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- I. Proposed resolution authorizing the application for, and if awarded, the acceptance of, a grant from the Federal Universal Service Fund (e-Rate) for schools and libraries, for state fiscal year commencing on July 1, 2019 and ending on June 30, 2020, for internet services, whereby the grant provides for a 90% discount on internet services for the City of Hialeah public libraries; and further authorizing the expenditure of \$6,420 for internet services; providing for an effective date. (LIBRARY)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-013**

- J. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to Alan Jay Automotive Management, Inc., to purchase one (1) 2019 Chevrolet Express Cargo Van, 1WT, 135” Cargo Van, Specification No. 36, in a total cumulative amount not to exceed \$22,418. (LIBRARY)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- K. Proposed resolution authorizing the expenditure of funds, in an amount not to exceed \$16,262.33 from the Law Enforcement Trust Fund - *State*, payable to the Miami Dade County Association of Chiefs of Police, for joint funding to reduce overtime in the Miami-Dade County Courts. (POLICE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-014**

- L. Proposed resolution authorizing the Mayor or his designee to accept the 2018-2019 Victims of Crime Act (VOCA) Pass-Through Grant award and agreement with the State of Florida, Department of Legal Affairs, Office of the Attorney General, under the administration of the U.S Department of Justice, Office for Victims of Crime, and the City of Hialeah, as participating agency; to assist the City in the partial funding of the Hialeah Police Department Victim Advocate Assistant positions to provide services to victims of violent crime; accepting the award of a grant in the amount of \$126,515, ratifying the grant application, agreement, and award; and authorizing the Mayor or his designee to execute all necessary document(s) in furtherance thereof, which is attached hereto and made a part hereof as Exhibit “1”, and providing for an effective date. (POLICE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-015**

- M. Request permission to issue a permit to St. John the Apostle Catholic Church, located at 475 East 4<sup>th</sup> Street, Hialeah, Florida, to host a carnival on church grounds from Thursday, February 28, 2019 through Sunday, March 3, 2019, subject to recommendations from the Police Department and Fire Department. (OFFICE OF THE CITY CLERK)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- N. Request permission to increase purchase order # 2019-441, issued to Florida Bullet Incorporated, sole source distributor for Speer brand law enforcement ammunition in the State of Florida, for the purchase of ammunition for training, officer certifications and for the S.W.A.T. Team, by an additional amount of \$15,109.50, for a new total cumulative amount not to exceed \$45,109.50 (POLICE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- O. Request permission to issue a purchase order to Medical Priority Consultants, Inc., sole source vendor, for the license and service agreement maintenance of fire and emergency priority dispatch systems, in a total cumulative amount not to exceed \$32,400. (FIRE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- P. Request permission to waive competitive bidding, since it is advantageous to the City in that the original sealant for the rooftop deck of the City Hall Parking Garage is deteriorated, thus causing water intrusion and affecting the structural integrity of the parking structure, and issue a purchase order to Florida Lemark Corporation, vendor who originally erected the parking garage and performed the waterproofing operations, to remedy the issue, and further request a contingency in the amount of \$2,380 to cover any unforeseen issues that may arise during the work, for a total cumulative amount not to exceed \$26,180. (CONSTRUCTION AND MAINTENANCE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- Q. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has worked with the City for many years and constantly provides high quality work with the lowest pricing, and issue a purchase order to McCourt Construction Inc., for improvements to nine (9) basketball courts at Goodlet Park, Milander and Coston Park, in a total cumulative amount not to exceed \$48,300. (DEPT. OF PARKS AND RECREATION)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- R. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has met all the specifications to provide the subject services and has successfully provided these services at a number of large events for the City over the past several years including all production services during the City's Independence Day celebration, and issue a purchase order to Reflections Production, Inc., for staging, lighting, audio and video services for various events other than Independence Day celebration, in a total cumulative amount not to exceed \$100,000. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- S. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has met all the specifications to provide the subject services and has successfully provided these services at a number of events for the City over the past several years, and increase Purchase Order No. 2019-737, issued to Fantasy Designers, Inc., to pay staging décor services on an as needed basis for contracted events held at Milander Center, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$30,000. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- T. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to A.A. Magic Plumbing, Inc, for capital improvements to the Milander (Ted Hendricks) Stadium locker rooms (plumbing and plumbing fixtures), in the amount of \$88,500, and further request permission for a contingency in the amount of \$8,850 to cover any unforeseen items that may arise during the project, for a total cumulative expense amount not to exceed \$97,350. (CONSTRUCTION AND MAINTENANCE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- U. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to D-Elite Floors of Miami, Inc., vendor providing the lowest quotation, for capital improvements to Milander (Ted Hendricks) Stadium locker rooms (porcelain tile), in the amount of \$45,754, and further request permission for a contingency in the amount of \$4,575 to cover any unforeseen items that may arise during the project, for a total cumulative expense amount not to exceed \$50,329. (CONSTRUCTION AND MAINTENANCE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- V. Report of Scrivener's Error – Resolution No. 2018-115 of the City Council Meeting of November 13, 2018 was passed and adopted incorrectly referencing Ms. Medina as a political prisoner in the second whereas clause. The whereas clause is being amended as follows:

**WHEREAS**, Juana Aurora Medina's husband was imprisoned by Fidel Castro as a political prisoner, and she and her husband were fortunate enough to find their freedom, and live her life out in the City of Hialeah until her passing in 2014.

(LAW DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- W. Request permission to waive competitive bidding, since it is advantageous to City in that while this vendor was performing the roofing repairs approved by the City Council on November 13, 2018, the vendor noticed there were areas of the flat roofs and gutters which required repairs that were not in the original scope of work, and increase Purchase Order No. 2019-1040, issued to Top Seal Services Corp, for further roofing repairs at

Walker Park, by an additional amount of \$9,900, and further request a ten percent (10%) contingency to cover any unforeseen issues that may arise during the work in the amount of \$2,940, for a new total cumulative amount not to exceed \$32,340. (CONSTRUCTION AND MAINTENANCE DEPT)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- X. Request permission to reject Hialeah Bid No. 2015/16-3230-00-009 – *City Hall - Re-Roofing*, due insufficient funding to approve the project at the time, and request permission to waive competitive bidding and issue a purchase order to Top Seal Services Corp, vendor providing the lowest quotation, for the re-roofing of City Hall, in a total cumulative amount not to exceed \$195,000, and further request a ten percent (10%) contingency to cover any unforeseen issues that may arise during the work in the amount of \$19,500, for a new total cumulative amount not to exceed \$214,500. (CONSTRUCTION AND MAINTENANCE DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- Y. Request permission to waive competitive bidding, since it is advantageous to the City in that the employee assigned to this project by this vendor has worked with the City's Building program in the past and has a good understanding of how the system is programmed and needs to operate, and issue a purchase order to Croissierd Consulting Services, Inc., for the development, maintenance, support and modification of a web payment interface into the Building Program, in a total cumulative amount not to exceed \$18,000. (INFORMATION TECHNOLOGY DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- Z. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to G. & R. Electric Corp, for the procurement, installation, repair and maintenance of citywide CCTV, burglar alarms and electronic access control, in a total cumulative amount not to exceed \$100,000, to be allocated through various City departments. (INFORMATION TECHNOLOGY DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

- AA. Proposed resolution to extend services with the prior competitively bid award for three additional years with no cost increase and authorizing the Mayor and City Clerk, on behalf of the City, to enter into a professional services agreement with United Healthcare, Inc., which processes group health claims for the City, for a term of three additional years for calendar years 2020, 2021 and 2022 for a fixed monthly rate of \$32.77 for each employee/retired employee, for an amount not to exceed \$750,000 each year in a form acceptable to the City Attorney. (RISK MANAGEMENT)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-016**

- BB. Proposed resolution authorizing the placement of property insurance through the services of



Arthur J. Gallagher Risk Management Services, Inc., an Illinois Corporation, to insure City property, including, but not limited to, buildings, contents, property, equipment, and vehicles through Layered Insurance Coverage for a combined and total maximum loss limit of \$30 million against damages caused by natural disasters and by all other perils, and a 5% deductible for a named windstorm and hail storm, subject to a \$250,000 deductible and placement of Cyber Insurance with a limit of \$5 million for a total premium of \$697,255 commencing on March 10, 2019 and expiring on March 10, 2020; and placement of City's required flood coverage on necessary properties in accordance with the National Flood Program at appropriate renewal period. (RISK MANAGEMENT)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-017**

CC. Request from the Communications and Special Events Department, for a Temporary Street Closure, for the City's Art on Palm Festival, beginning on Palm Avenue from East 9<sup>th</sup> Street to 3<sup>rd</sup> Street, between 1<sup>st</sup> Avenue and East 1<sup>st</sup> Avenue along with 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Streets, from Friday, February 22, 2019 starting at 8:00 p.m. through Sunday February 24<sup>th</sup>, 2019 at 7:00 a.m., with the event taking place Saturday, February 23, 2019 from noon to 11:00 p.m. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

DD. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has met all the specifications to provide the needed services and has successfully provided these services at a number of events for the City over the past several years including all food services during the City's Independence Day Celebration, and increase Purchase Order No. 2019-743, issued to Cudello's Personal Chef Service Corp, for the reimbursement for food and supply purchases made by the vendor on an as needed basis for contracted events held at Milander Center, by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$25,000. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Jorge Hernandez, Milander Center Director, 4800 Palm Avenue, Hialeah, Florida, addressed the City Council on this item.**

**REPORT: Motion to Approve Item DD made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

EE. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has met all the specifications to provide the needed services and has successfully provided these services at a number of events for the City over the past several years, and increase Purchase Order No. 2019-738, issued to Exclusive Events by L Corp, for the payment of décor services, such as linen rental, floral and draping on an as needed basis for contracted events at Milander Center, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$30,000.

(COMMUNICATIONS & SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Jorge Hernandez, Milander Center Director, clarified item.**

**REPORT: Motion to Approve Item EE made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

FF. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has met all the specifications to provide the needed services and has successfully provided these services at a number of events for the City over the past several years including all food services during the City's Independence Day Celebration, and increase Purchase Order No. 2019-745, issued to Cudello's Personal Chef Service Corp, to pay for contracted event personnel on an as needed basis for events held at Milander Center, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$45,000. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Jorge Hernandez, Milander Center Director, 4800 Palm Avenue, Hialeah, Florida, addressed the City Council on this item.**

**REPORT: Motion to Approve Item FF made by Councilman Zogby, and seconded by Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

GG. Proposed resolution approving a Production Services Agreement between the City of Hialeah and Reflections Productions, Inc., to produce the City's yearly fourth of July celebration for a term of three years, in an amount not to exceed \$81,846.73 per year; and authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the Production Services Agreement attached hereto in substantial form and made a part hereof as Exhibit "1"; and providing for an effective date. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-018**

**REPORT: Jorge Hernandez, Milander Center Director, 4800 Palm Avenue, Hialeah, Florida, addressed the City Council on this item.**

**REPORT: Motion to Approve Item GG made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

**HH.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has met all the specifications to provide the needed services and has successfully provided these services at a number of events for the City over the past several years including all food services during the City's Independence Day Celebration, and increase Purchase Order No. 2019-744, issued to Cudello's Personal Chef Service Corp, to pay for chef services on an as needed basis for events held at Milander Center, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$45,000. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Jorge Hernandez, Milander Center Director, 4800 Palm Avenue, Hialeah, Florida, addressed the City Council on this item.**

**REPORT: Motion to Approve Item HH made by Councilman Hernandez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Mayor Hernandez discussed the Art on Palm event.**

**REPORT: David Fernandez, Director of Communications and Special Events, provided details regarding the Art on Palm event to be held February 23, 2019.**

**REPORT: Mayor Hernandez left the City Council Meeting at 7:53 p.m.**

#### **4. ADMINISTRATIVE ITEMS**

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- 4A.** Second reading and public hearing of proposed ordinance approving an amendment, a copy of which in substantial form is attached hereto as Exhibit "1", to the Development Agreement, by and between Alberto Micha, as trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, entered into on September 6, 2016, and recorded at Official Records Book 30303 at Pages 574-595 of the Public Records of Miami-Dade County, Florida; **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street/State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning 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. (*Applicant: Alejandro J. Arias, Esq., on behalf of Atlas Fam II, LLC*)-

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**ORDINANCE NO. 2019-007**

*Item was postponed by the City Council on January 22, 2019.*

*Item was approved on first reading by the City Council on January 8, 2019.*

**REPORT: Motion to Approve Item 4A made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

- 4B.** Second reading and public hearing of proposed ordinance amending Section 98-1607.3 RH-CD-Mixed Use Multiple Family District of the Code of Ordinances of the City of Hialeah, in Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 29. Hialeah Heights by allowing up to 32 units per gross acre; providing a purpose; site and development standards; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in code; and providing for an effective date. (ZONING)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

**ORDINANCE NO. 2019-008**

*Item was approved on first reading by the City Council on January 22, 2019.*

**REPORT: Motion to Approve Item 4B made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

- ~~**4C.** First reading of proposed ordinance banning the sale of Hemp and Cannabidiol/CBD products not presently permitted by federal or Florida state law and requiring proof of compliance thereof; and establishing a temporary moratorium for a period of one hundred and eighty (180) days on the processing, approval or issuance of business tax receipts and development permits as the term is defined in Florida Statutes 163.3164(16) or issuance of any other license or permit following the effective date of the enactment of Federal Hemp or Florida state regulations and Cannabidiol/CBD regulations once approved by the USDA as required by the 2018 Farm Bill; before cultivation and sales among the states is permitted; providing for amortization; 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. (ADMINISTRATION)~~

**POSTPONED UNTIL FEBRUARY 26, 2019.**

- 4D.** First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 26 “TOD Transit Oriented Development District” and in particular adding a new section 98-1561 entitled “Factory Town Entertainment Subdistrict Pilot Program” of the Code of Ordinances of the City of Hialeah, repealing all ordinances or parts of ordinances in conflict herewith, providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date. (ZONING)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Felix Lasarte, Esq., 3250 NE 1<sup>st</sup> Avenue, addressed the City Council regarding this item.**

**REPORT: Jorge Navarro, Esq., 333 SE 2<sup>nd</sup> Avenue, addressed the City Council regarding this item.**

**REPORT: Motion to Approve Item 4D made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent. Second reading and public hearing is scheduled for February 26, 2019.**

- 4E. First reading of proposed ordinance amending the lease agreement between the City of Hialeah, as landlord, and City of Hialeah Educational Academy, Inc., a Florida not-for-profit corporation, as tenant, to reflect the correct amount of pre-paid rent for the term of the lease as \$758,795.99, in Paragraph 3.1 and to insert the language “not to exceed” as a limit on the first year usage fee in Paragraph 4 of the lease agreement; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the first amendment, in substantial conformity with the form amendment attached hereto and made a part hereof as Exhibit “1”; repealing all ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.  
(ADMINISTRATION)

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Motion to Approve Item 4E made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent. Second reading and public hearing is scheduled for March 12, 2019.**

## 5. BOARD APPOINTMENTS

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**REPORT: NONE**

## 6. UNFINISHED BUSINESS

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**REPORT: NONE**

## 7. NEW BUSINESS

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- 7A. Report to the City Council from the Deferred Compensation/Defined Contribution Retirement Plans on the 2018 accomplishments of the Deferred Compensation and Defined Contribution Plan Oversight Committee. **SO NOTED**

8. COMMENTS AND QUESTIONS

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- **REPORT: David Gonzalez, 865 East 28<sup>th</sup> Street, addressed the City Council with concerns regarding loud music in his neighborhood.**

**ZONING**

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item**

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

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*Attention Applicants:*

- a. Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

**PZ 1.** ~~Second reading and public hearing of proposed ordinance to allow the construction of a duplex on a substandard lot, with a frontage of 40 feet and area of 5,160 square feet, where 75 feet and 7,500 square feet are required; and allow interior east side setback of 5.83 feet for a distance of 11 feet, where 7.5 feet are required; property zoned R-2 (One and Two-Family Residential District); all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. Property located at 457 East 16 Street (Lot 21), Hialeah, Florida. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.~~

**TABLED UNTIL MARCH 12, 2019.**

<i>Item was approved with conditions by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner’s Recommendation: Approval with conditions.</i>
<i>Owner of the Property: Charles Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141. Vivian Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141</i>

<i>Registered Lobbyists: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>
<i>Item was postponed by the City Council on January 22, 2019.</i>

~~PZ 2. Second reading and public hearing of proposed ordinance to allow the construction of a duplex on a substandard lot, with a frontage of 40 feet and area of 5,160 square feet, where 75 feet and 7,500 square feet are required; and allow interior east side setback of 5.83 feet for a distance of 11 feet, where 7.5 feet are required; property zoned R-2 (One and Two-Family Residential District); all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 457 East 16 Street (Lot 22), Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.~~

**TABLED UNTIL MARCH 12, 2019**

<i>Item was approved with conditions by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Owner of the Property: Charles Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141. Vivian Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141</i>
<i>Registered Lobbyists: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>
<i>Item was postponed by the City Council on January 22, 2019.</i>

**REPORT: Discussion between Council President Casals-Muñoz and Debora Storch regarding 4820-4822 East 10<sup>th</sup> Avenue and email received by the City Council advising item would be before the Council on February 26, 2019.**

~~PZ 3. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow for a plasma collection facility; **Property located at 2750 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.~~

**POSTPONED UNTIL FEBRUARY 26, 2019**

<i>Item was approved by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Frank Sarria, 1001 Ponce De Leon Blvd, Suite E, Coral Gables, Florida 33134.</i>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>
<i>On January 22, 2019 item was postponed until February 12, 2019 by the City Council.</i>

**REPORT: Frank De La Paz, 3920 West 12<sup>th</sup> Avenue, addressed the City Council on this item.**

**PZ 4.** Second reading and public hearing of proposed ordinance vacating and abandoning for public use all of the 16 foot alley east of and adjacent to Lot 6, Block 1 of Wollaston Park, according to the plat thereof, as recorded in Plat Book 13, at Page 49, of the public records of Miami-Dade County, Florida **extending for approximately 138.24 feet north of West 33 Street bounded on the north and adjacent to 3368 Palm Avenue and running between the properties located at 3320 Palm Avenue, to the east, and 35 W. 33 Street to the west**, and more particularly described in the legal description and location sketch attached hereto and made a part hereof as Exhibit "A"; and reserving within the easement to the city perpetual and exclusive access to maintain, repair and replace utilities or install utilities as may be necessary as more particularly depicted in the legal description and location sketch attached hereto and made a part hereof as Exhibit "B"; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**ORDINANCE NO. 2019-009**

<i>Item was approved with conditions by the Planning and Zoning Board on January 9, 2019.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of Property: 3368 Palm Avenue, LLC</i>
<i>Applicant: Virtual Imaging Investments, Inc., Juan Puig.</i>
<i>Item was approved on first reading by the City Council on January 22, 2019.</i>



**REPORT: Motion to Approve Item PZ 4 made by Council Vice President Garcia-Martinez and seconded by Councilman Caragol. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

**PZ 5.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). **Property located at 35 West 33 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**ORDINANCE NO. 2019-010**

<i>Item was approved with conditions by the Planning and Zoning Board on January 9, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Virtual Imaging Investments, Inc., 3320 Palm Avenue, Hialeah, Florida.</i>
<i>Item was approved on first reading by the City Council on January 22, 2019.</i>

**REPORT: Motion to Approve Item PZ 5 made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

**PZ 6.** Second reading and public hearing of proposed ordinance rezoning property from C-1 (Restricted Retail Commercial District) and R-1 (One-Family District) to TOD (Transit Oriented Development District); and granting a variance permit to allow 10 stories, where 8 stories is the maximum allowed contra to Hialeah Code of Ordinances §§ 98-1544(c)(2) and 98-1544(d). **Property located at 955 East 25 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**ORDINANCE NO. 2019-011**

<i>Item was approved by the Planning and Zoning Board on January 9, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Hialeah Evocative, LLC, 1474 A West 84 Street, Hialeah, Florida 33014; Michael L. Osman, 1474 A 84 Street, Hialeah, Florida 33014.</i>
<i>Item was approved on first reading by the City Council on January 22, 2019.</i>

**REPORT: Motion to Approve Item PZ 6 made by Councilman Caragol, and seconded by**

**Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

**PZ 7.** First reading of proposed ordinance rezoning property from R-1 (One Family District) to R-2 (One-and Two-Family Residential District); to allow the construction of a duplex on a substandard lot, with a frontage of 50 feet and area of 6,750 square feet, where 75 feet and 7,500 square feet are required; allow 34.3% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544 and 98-2056(b)(2). **Property located at 225 East 15 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 4-2-1 with Council President Casáls-Muñoz and Councilman Hernandez voting “No” and Councilwoman Cue-Fuente absent.**

<i>Item was approved with conditions by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner’s Recommendation: Approval with conditions.</i>
<i>Owner of the Property: Pedro Acebo, 8261 NW 172 Street, Hialeah, Florida 33015. Tangible Investments I Inc., 8261 NW 172 Street, Hialeah, Florida 33015.</i>
<i>Registered Lobbyists: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>
<i>Item was tabled by the City Council on January 8, 2019.</i>

**REPORT: Motion to Approve Item PZ 7 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Lozano. Motion passed 4-2-1 with Council President Casáls-Muñoz and Councilman Hernandez voting “No” and Councilwoman Cue-Fuente absent. Second reading and public hearing is scheduled for February 26, 2019.**

**PZ 8.** First reading of proposed ordinance granting a special use permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow the development of a research center; and granting a variance permit to allow 16 parking spaces, where 47 parking spaces are required; allow a rear setback of 6 feet, where 15 feet is the minimum required; allow a height of 50 feet, where 40 feet is the maximum allowed; and allow a 6% pervious area, where 18% is the minimum required. Property zoned C-1 (Restricted Retail Commercial District). All contra to §§ 98-1071, 98-1074(a), 98-2189(7), and the City of Hialeah Landscape Manual, latest edition dated July 9, 2015, Paragraph (E) Tree and Lawn Requirements by Zoning Classification, Table A. Property located at **425 West 51 Place, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**

<i>Item was approved with conditions by the Planning and Zoning Board on January 23, 2019.</i>
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<i>Planner's Recommendation: Approval with Declaration of Restrictive Covenants.</i>
<i>Owner of the Property: Aileen Tablado, 425 West 51 Place, Hialeah, Florida 33012.</i>

**REPORT: Cesar Mestre, Esq., 7600 West 20<sup>th</sup> Avenue, addressed the City Council on this item.**

**REPORT: Anthony Escarra, Esq., 16400 NW 59<sup>th</sup> Avenue, addressed the City Council on this item in representation of an objector to the approval of the item.**

**REPORT: Maylin Cablado, 425 West 51 Place, addressed the City Council, addressed the City Council on this item.**

**REPORT: Motion to Approve Item PZ 8 made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent. Second reading and public hearing is scheduled for February 26, 2019.**

### **FINAL DECISIONS**

**FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-01 that granted an adjustment on the **property located at 402 East 41 Street, Hialeah, Florida**; and providing for an effective date.

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-019**

<i>Item was approved with conditions by the Planning and Zoning Board on January 9, 2019.</i>
<i>Planner's Recommendation: Approval with Conditions.</i>
<i>Owner of the Property: Barbara De La Caridad Hernandez Navarro, 402 East 41 Street, Hialeah, Florida 33013.</i>

**REPORT: Motion to Approve Item FD 1 made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

**FD 2.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-02 that granted an adjustment on the **property located at 4734 East 8<sup>th</sup> Lane, Hialeah, Florida**; and providing for an effective date.

**APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.**  
**RESOLUTION NO. 2019-020**

<i>Item was approved with conditions by the Planning and Zoning Board on January 9, 2019.</i>
<i>Planner's Recommendation: Approval with Conditions.</i>
<i>Owner of the Property: Yohamni Diaz, 4734 East 8<sup>th</sup> Lane, Hialeah, Florida 33013. Pedro E. Diaz, 4734 East 8<sup>th</sup> Lane, Hialeah, Florida 33013.</i>

**REPORT: Motion to Approve Item FD 2 made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.**

**REPORT: Meeting was adjourned at 9:02 p.m. by Council President Casáls-Muñoz.**

**NEXT CITY COUNCIL MEETING: Tuesday, February 26, 2019 at 7:00 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 28, 2019 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 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 seven (7) 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).