

**Carlos Hernández**  
Mayor

**Jesus Tundidor**  
President

**Monica Perez**  
Vice President



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

Meeting of the City Council  
**Minutes**  
**February 23, 2021**  
7:00 p.m.

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1. **CALL TO ORDER**

A. **REPORT:** Council President Tundidor called the meeting to order at 7:15 p.m.

2. **ROLL CALL**

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

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

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

1. Council Member Cue-Fuente

C. **REPORT:**

1. Mayor Hernandez was present **via Zoom.**
2. Lorena Bravo, City Attorney, was present **via Zoom.**
3. Marbelys Fatjo, City Clerk, was present.

3. **INVOCATION**

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

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

A. **REPORT:** Council Vice President Perez led the Pledge of Allegiance.

#### 5. **MEETING GUIDELINES**

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

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

participation capabilities. In addition, all public meetings continue to be broadcast live for members of the public to view on the City's Facebook page. As an additional alternative, members of the public may hear the meeting live through telephonic conferencing.

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

**REPORT:** Marbelys Fatjo, City Clerk, outlined the meeting guidelines for the record.

## 6. PRESENTATIONS

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- A. Presentation by Alexander David Acosta of FPL Services, LLC, regarding Energy Performance Contracting Services.

(MAYOR HERNANDEZ)

**PRESENTED**

**REPORT: A copy of the documentation presented by Mr. Acosta is on file in the Office of the City Clerk.**

**REPORT: Armando Vidal, Director of the Department of Public Works for the City of Hialeah,** addressed the City Council via Zoom.

## 7. COMMENTS AND QUESTIONS

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- A. **REPORT:** The Office of the City Clerk received two email messages from persons interested in making comments or posing questions on matters of public concern.

1. **Milly Herrera**, with a home address of 4341 East 8<sup>th</sup> Lane, Hialeah, Florida 33013, was present at the City Council Meeting and advised the City Clerk that she no longer wanted the email message to be read into the record by the City Clerk, and would address the City Council herself.

2. **Belquis Garcia and Fredy Cubas**, 6950 West 6<sup>th</sup> Avenue, Apartment 106, sent an email message on February 23, 2021 at 7:31a.m., with the subject "Dear Mayor", and Marbelys Fatjo, City Clerk, read the email message into the record.

- a. **REPORT:** **Belquis Garcia** was present in the Council Chambers and spoke regarding the reopening of the swimming team program, as well as the gym at Milander used by swim team members.

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

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

- D. **REPORT** Four (4) individuals present at City Hall expressed interest in speaking during this portion of the meeting.

(1) **Belquis Garcia**, with a home address of **6950 West 6<sup>th</sup> Avenue, Apartment 106, Hialeah, Florida**, spoke regarding the reopening of the swimming team program, as well as the gym at Milander used by swim team members.

**REPORT: Joseph Dziejcz, Director of the Parks and Recreation Department of the City of Hialeah,** spoke via Zoom.

- (2) **Jose Azze**, with a home address of **788 Southeast Park Drive, Hialeah, Florida**, spoke regarding the closure of City park/programs.
- (3) **Milly Herrera**, with a home address of **4341 East 8<sup>th</sup> Lane, Hialeah, Florida**, spoke regarding reformation of the City Council.
- (4) **Eric Johnson**, with a home address exempt from public disclosure per Florida law, spoke regarding the reopening of City parks/programs, the presentation made during today's City Council Meeting by Florida Power and Light Services, LLC, the ceremony held in honor of Mike Miller, Hialeah Firefighter who lost his life to Cancer, and outside employment.

**REPORT:** **Lorena Bravo, City Attorney**, spoke regarding outside employment.

**REPORT: Motion by Council Member De la Rosa directing the Law Department to draft legislation to add to the City's Code a prohibition of outside employment for the Mayor, department directors and full time employees. Motion fails for lack of a second.**

**REPORT: Motion by Council Member De la Rosa directing the Law Department to draft legislation to add a prohibition of outside employment to the City's Code for the Mayor, department directors and upper level management employees, seconded by Council Member Hernandez. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

- **Council Vice President Perez** requested to be a cosponsor of the legislation.

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

- Additional backup documentation to Consent Item H has been placed on the dais for the City Council's review.
- The header of the proposed resolution for Consent Item E has been updated.
- Consent Item K has been updated to reflect Walker Park as the location.
- PZ 1 is postponed until further notice, per the applicant's request.
- A Declaration of Restrictions and Opinion of Title has been added to Items PZ 2 and PZ 6.

## **9. CONSENT AGENDA**

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

**REPORT: Council Member Hernandez** requested a separate discussion on Consent Items C, H and L.

**REPORT: Council Member Garcia-Roves** requested a separate discussion on Consent Item K.

**REPORT: Motion to Approve the Consent Agenda, except Items C, H, K and L, made by Council Member De la Rosa, and seconded by Council Vice President Perez. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

- A. Request permission to approve the minutes of the City Council Meeting held on February 16, 2021.  
(OFFICE OF THE CITY CLERK)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- B. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is an authorized Detroit Diesel engines-Allison transmissions local service dealer, and increase Purchase Order No. 2021-328, issued to Stewart & Stevenson FDDA LLC, doing business as Florida Detroit Diesel-Allison, for the purchase of truck parts and service, by an additional amount of \$20,000.00, for a new total cumulative amount not to exceed \$35,000.00.  
(FLEET MAINTENANCE DEPARTMENT)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- C. Request permission to issue a purchase order to CivicPlus, LLC, developer of the City's website and vendor under contract with the City, to issue payment for the annual maintenance of the City's website, from January 31, 2021 through January 30, 2022, in a total cumulative amount not to exceed \$46,403.56. 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*.  
(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.**

**REPORT: Ricardo Suarez, City of Hialeah Chief Information Officer,** addressed the City Council.

**REPORT: Motion to Approve Consent Item C made by Council Member Hernandez, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as "Yes" after the item was approved.**

- D. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2021-573, issued to Cano Occupational Medicine, LLC, doing business as Health Care Center of Miami, for pre-employment examination services for new hires, by an additional amount of \$10,000.00, for a new total cumulative amount not to exceed \$25,000.00.  
(HUMAN RESOURCES DEPARTMENT)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- E. 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 \$25 million against damages caused by natural disasters and by all other perils, placement of cyber insurance with limits of \$5 million, fiduciary liability insurance with limits of \$2 million, excess workers compensation insurance, and fuel tank insurance for a total premium of \$1,078,858 commencing on March 10, 2021 and expiring on March 9, 2022; and placement of city's required flood coverage at an amount not to exceed \$25,000 at appropriate renewal periods.  
(RISK MANAGEMENT DEPARTMENT)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**RESOLUTION NO. 2021-021**

- F. Request permission to award Hialeah Invitation to Bid No. 2020/21-3230-00-006 – *Fire Alarm Replacement at McDonald Park and Pump Station 200*, to G. & R. Electric Corp., sole responsive bidder, for the replacement and repairs of fire alarms at McDonald Park Aquatic Center and the Department of Public Works' Pump Station 200, in the amount of \$54,050.00, and further request a contingency allowance in the amount of \$5,405.00 to cover any unforeseen issues that may arise during the work, as well as for the reimbursement of permit fees, in a total cumulative expense amount not to exceed \$59,455.00.  
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- G. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor provided the lowest quotation, and issue a purchase order to Acosta Tractors Inc, for mobilization, clearing, grubbing and excavation for the construction of a new park located on West 92<sup>nd</sup> Street and West 33<sup>rd</sup> Lane, in a total cumulative amount not to exceed \$72,469.00.  
(DEPARTMENT OF PARKS AND RECREATION)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- H. Proposed resolution vehemently opposing Florida House Bill 403 and Florida Senate Bill 266, proposing to allow home based businesses in any area zoned for residential use and preempting to the State all manner of regulation of home-based businesses to the detriment of the constitutional power of Local Home-Rule; providing for transmittal; and providing for an effective date.  
(COUNCIL MEMBER HERNANDEZ)  
(MAYOR HERNANDEZ)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**RESOLUTION NO. 2021-022**

**REPORT: Motion to Approve Consent Item H made by Council Member Hernandez, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

- I. Proposed resolution approving an Off-System Construction and Maintenance Agreement between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, a copy of which is attached hereto and made a part hereof as Exhibit “1”, for improvements to West 52 Street (NW 106 Street) from West 24 Way (N.W. 116 Way) to N.W. 87 Avenue in Hialeah, Florida, at no cost to the City, subject to the obligation to repair and maintain the roadway improvements in perpetuity; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the agreement; and providing for an effective date.  
(STREETS)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**RESOLUTION NO. 2021-023**

- J. Request permission to utilize National Joint Powers Alliance Contract No. 030117-LTS, effective through April 14, 2022, and issue a purchase order to Miracle Recreation Equipment Company, for the purchase and installation of eight (8) new cantilever shade systems for the Bucky Dent Softball complex, including labor, materials and freight, in a total cumulative amount not to exceed \$124,910.56.  
(DEPARTMENT OF PARKS AND RECREATION)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- K. Request permission to utilize National Joint Powers Alliance Contract No. 030117-LTS, effective through April 14, 2022, and issue a purchase order to Miracle Recreation Equipment Company, for the purchase and installation of two (2) shade structures which includes a play structure for ages 2-12 and a play structure for ages 5-12, playground mulch, three (3) benches and four (4) freestanding items for the Walker Community Center, including the addition of a concrete curb to separate the park from trees, in a total cumulative amount not to exceed \$161,234.07, price which includes labor, materials, installation and freight.  
(DEPARTMENT OF PARKS AND RECREATION)

**APPROVED 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.**

**REPORT: Joseph Dzedzic, Director of the Department Parks and Recreation of the City of Hialeah, addressed the City Council via Zoom.**

**REPORT: Motion to Approve Consent Item K made by Council Member Garcia-Roves, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as “Yes” after the item was approved.**

- L. Request permission to waive competitive bidding, since it is advantageous to the City in that the Department of Public Works has used the services of this vendor for the past few years and the vendor is now familiar with the department’s after hours and emergency procedures, and issue a purchase order to Sunshine Communication Services, Inc., for after-hours emergency telephone services, in the total cumulative amount not exceed \$35,000.00. Further request permission to ratify the Mayor’s decision to authorize previous payments made to this vendor in the total amount of \$11,974.75, for a total cumulative expense amount not to exceed \$46,974.75.



(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**REPORT:** Armando Vidal, Director of the Department of Public Works of the City of Hialeah, addressed the City Council via Zoom.

**REPORT: Motion to Approve Consent Item L made by Council Member Zogby, and seconded by Council Member Hernandez. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

- M. Request permission to ratify the Mayor's decision to authorize the Department of Public Works to issue payment to Hazen and Sawyer, P.C., vendor which has been supporting the Department of Public Works in the management of the sanitary sewage pump station rehabilitation program for several years, for professional services involving the modeling of sewer flows from a proposed development (1025 Metro Mixed Use) on East 25<sup>th</sup> Street (Pump Station 106).  
(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- N. Request permission to issue a purchase order to Opex Business Machines Corporation, sole source vendor, for the maintenance of the Department of Public Works' payment processing machine, in a total cumulative amount not to exceed \$22,455.00.  
(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- O. Request permission to enter into a Joint Participation Agreement with the Florida Department of Transportation, for the relocation of water valves and sanitary manholes in the Florida Department of Transportation corridor of State Road 932 (West 49<sup>th</sup> Street) from West 3<sup>rd</sup> Avenue to East 10<sup>th</sup> Avenue, including the utility work of the construction project, in a total cumulative amount not to exceed \$37,235.00.  
(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

- P. Request permission to ratify the Mayor's decision to enter into a Joint Participation Agreement with the Florida Department of Transportation on January 20, 2021, for the adjustment of water value boxes and manholes along State Road 826 Frontage Road between Northwest 122<sup>nd</sup> Street and Northwest 138<sup>th</sup> Street, as well as ratify the payment made to the Florida Department of Transportation in the amount of \$15,675.00. In order to meet the work program deadlines of the Florida Department of Transportation, all executed documents and full payment had to be delivered to the Florida Department of Transportation district office prior to February 12, 2021, deadline that was met.  
(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

## 10. ADMINISTRATIVE ITEMS

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- 10 A.** Second reading and public hearing of proposed ordinance accepting the dedication of land improved with a lift station of approximately 5,570 square feet, subject to and approving the terms of the Special Warranty Deed attached as Attachment “1”, from Countyline 2 LLC, a Delaware limited liability company; 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.

(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.**

### **ORDINANCE NO. 2021-013**

<i>On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.</i>
<i>On January 26, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 9, 2021.</i>

**REPORT:** The Office of the City Clerk did not receive any e-mail message from persons interested in making comments or posing questions regarding this item.

**REPORT:** No one interested in making comments or posing questions regarding this item registered with the Office of the City Clerk to participate live during the meeting using Zoom.

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

**REPORT:** Council President Tundidor opened the item for public participation to anyone present at City Hall, and no member of the public expressed interest in participating.

**REPORT: Motion to Approve Administrative Item 10 A made by Council Vice President Perez, and seconded by Council Member Hernandez. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as “Yes” after the item was approved.**

- 10 B.** Second reading and public hearing of proposed ordinance approving a Fixed Capital Outlay Certification, in substantial conformity with the form attached hereto and made a part hereof as Exhibit “A”, pursuant to F.S. §287.05805, granting a security interest to the State of Florida in the amount of \$500,000.00 for improvements to the Goodlet Adult Center located within Goodlet Park located at **900 W 44<sup>th</sup> PL, Hialeah, Florida 33012**, for a period of five (5) years from the date of completion of the facility improvements, in accordance with the requirements, terms and conditions of Contract No. XQ902 between the State of Florida, Department of Elder Affairs and the City of Hialeah, attached hereto and made a part hereof as Exhibit “B”; authorizing the Mayor and City Clerk, as attesting witness, to execute the Fixed Capital Outlay Certification and all necessary documents on behalf of the City; authorizing all other actions necessary in furtherance of the transactions contemplated by this ordinance; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

**APPROVED 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.**

**ORDINANCE NO. 2021-014**

<i>On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.</i>
<i>On January 26, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 9, 2021.</i>

**REPORT:** The Office of the City Clerk did not receive any e-mail message from persons interested in making comments or posing questions regarding this item.

**REPORT:** No one interested in making comments or posing questions regarding this item registered with the Office of the City Clerk to participate live during the meeting using Zoom.

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

**REPORT:** Council President Tundidor opened the item for public participation to anyone present at City Hall, and no member of the public expressed interest in participating.

**REPORT: Motion to Approve Administrative Item 10 B made by Council Vice President Perez, and seconded by Council Member Hernandez. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as “Yes” after the item was approved.**

- 10 C. Second reading and public hearing of proposed ordinance to allow the City of Hialeah to sell vacant unimproved property, approximately 7,250 square feet in size, located at 2540 Palm Avenue, Hialeah, Florida, identified by folio number 04-3107-004-0110; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute a Listing Agreement for the sale of the property with a real estate broker; repealing all ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.  
(ADMINISTRATION)

**APPROVED 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.**

**ORDINANCE NO. 2021-015**

<i>On February 16, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 23, 2021.</i>
<i>On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.</i>

**REPORT:** The Office of the City Clerk did not receive any e-mail message from persons interested in making comments or posing questions regarding this item.

**REPORT:** No one interested in making comments or posing questions regarding this item

registered with the Office of the City Clerk to participate live during the meeting using Zoom.

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

**REPORT:** Council President Tundidor opened the item for public participation to anyone present at City Hall, and no member of the public expressed interest in participating.

**REPORT: Motion to Approve Administrative Item 10 C made by Council Member Hernandez, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as “Yes” after the item was approved.**

## 11. BOARD APPOINTMENTS

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- 11 A. Proposed resolution re-appointing **Ferny Coipel** to the Historic Preservation Board of the City of Hialeah for a three (3)-year term beginning on February 14, 2021 and ending on February 13, 2024.  
(MAYOR HERNANDEZ)

**APPROVED 5-0-2 with Council Member Cue-Fuente absent.**

### **RESOLUTION NO. 2021-023**

**REPORT: Motion to Approve Board Appointment Item 11 A made by Council Member Hernandez, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as “Yes” after the item was approved.**

## 12. UNFINISHED BUSINESS

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**REPORT:** None.

## 13. NEW BUSINESS

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- **Council Member Hernandez** spoke regarding House Bill 1053

**REPORT: Motion to direct the Law Department to draft a resolution in opposition of House Bill 1053 made by Council Member Hernandez, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Vice President Perez not present during roll call and Council Member Cue-Fuente absent.**

## 14. ZONING

### PLANNING AND ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a Conditional Use Permit pursuant to Hialeah Code of Ordinances § 98-181 to allow the sale and consumption of alcohol within the facility located in the Alwod Artist Live/Work Overlay District, “Leah Art District”. **Property located at 901 East 10 Avenue, Bay # 24, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**POSTPONED UNTIL FURTHER NOTICE.**

*On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.*

*On January 26, 2021, the item was postponed until February 9, 2021, per the applicant’s request.*

*On January 12, 2021, the item was postponed until January 26, 2021, per the applicant’s request.*

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

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

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

*Planner’s Recommendation: Approval with conditions.*

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

- PZ 2.** 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-5 grade school with an enrollment of 40 students within a facility that also includes a daycare with an enrollment of 83 students; **property located at 1995 West 60 Street consisting of 4,400 square feet with a street addresses within the site of 1917 and 1919 West 60 Street, Hialeah, Zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**ORDINANCE NO. 2021-016**

*On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.*

*On January 26, 2021, the item was postponed until February 9, 2021, per the applicant's request.*

*On January 12, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 26, 2021.*

*Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Little Children's Learning Academy, 1917 West 60<sup>th</sup> Street, Hialeah, Florida 33012.*

*On December 9, 2020, the Planning and Zoning Board approved the item.*

*Planner's Recommendation: Approval.*

*Owners of the Property: RIC Inc, 16765 NW 80 Court, Miami Lakes, Florida 33016 and Artveo Garcin, 5431 West 8<sup>th</sup> Lane, Hialeah, Florida 33012.*

**REPORT:** Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Little Children's Learning Academy, addressed the City Council via Zoom.

**REPORT:** Debora Storch, Zoning Official of the City of Hialeah, spoke on this item via Zoom.

**REPORT:** The Office of the City Clerk did not receive any e-mail message from persons interested in making comments or posing questions regarding this item.

**REPORT:** No one interested in making comments or posing questions regarding this item registered with the Office of the City Clerk to participate live during the meeting using Zoom.

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

**REPORT:** Council President Tundidor opened the item for public participation to anyone present at City Hall, and no member of the public expressed interest in participating.

**REPORT: Motion to Approve Item PZ 2 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

**PZ 3.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a duplex on a substandard lot having a frontage of 50 feet and total lot area of 6,000 square feet, where 75 feet frontage and 7,500 square feet are required; allow north and south side setbacks of 5 feet, where 7.5 feet is the minimum required; allow rear setback of 20 feet, where 25 feet is the minimum required; and allow 41% lot coverage, where 30% is the maximum allowed, all contra

to Hialeah Code of ordinances §§ 98-544, 98-546, 98-547 and 98-2056(b)(2). **Property located at 2455 West 5 Court, Hialeah, zoned R-2 (One-and Two-Family Residential District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**ORDINANCE NO. 2021-017**

<i>On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.</i>
<i>On January 26, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 9, 2021.</i>
<i>On January 13, 2021, the Planning and Zoning Board approved the item.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Owners of the Property: Maria E. Toledo, 12001 NW 26 Street, Plantation, Florida, 33323. East 13 Street, LLC, 1474-A West 84 Street, Hialeah, Florida 33014.</i>

**REPORT:** The Office of the City Clerk did not receive any e-mail message from persons interested in making comments or posing questions regarding this item.

**REPORT:** No one interested in making comments or posing questions regarding this item registered with the Office of the City Clerk to participate live during the meeting using Zoom.

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

**REPORT:** Council President Tundidor opened the item for public participation to anyone present at City Hall, and no member of the public expressed interest in participating.

**REPORT: Motion to Approve Item PZ 3 made by Council Member De la Rosa, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

**PZ 4.** Second reading and public hearing of proposed ordinance approving a Final Plat of Beacon Logistics, 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 east of NW 107 Avenue and NW 145 Place (West 91 Place), Hialeah, Florida.**

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**ORDINANCE NO. 2021-018**

<i>On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.</i>
<i>On January 26, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 9, 2021.</i>
<i>The Planning and Zoning Board recommended approval of the item on January 13, 2021.</i>

**REPORT:** The Office of the City Clerk did not receive any e-mail message from persons interested in making comments or posing questions regarding this item.

**REPORT:** No one interested in making comments or posing questions regarding this item registered with the Office of the City Clerk to participate live during the meeting using Zoom.

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

**REPORT:** Council President Tundidor opened the item for public participation to anyone present at City Hall, and no member of the public expressed interest in participating.

**REPORT: Motion to Approve Item PZ 4 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent**

**PZ 5.** First reading of proposed ordinance rezoning from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); granting a variance permit to allow a duplex on a substandard lot having a frontage of 50 feet and total lot area of 6,700 square feet, where 75 feet frontage and 7,500 square feet are required; allow interior east side setback of 4.33 feet, where 7.5 is the minimum required; allow rear setback of 20 feet, where 25 is the minimum required; and allow lot coverage of 35.7%, 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 301 East 51 Street, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**TABLED UNTIL MARCH 9, 2021.**

<i>On February 16, 2021, the item was postponed until February 23, 2021, per the applicant's request.</i>
<i>On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.</i>
<i>On January 26, 2021, the City Council tabled the item until February 9, 2021, per the applicant's request.</i>
<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Marcos Gutierrez, 7757 NW 169 Terrace, Miami Lakes, Florida 33016.</i>
<i>On January 13, 2021, the Planning and Zoning Board approved the item.</i>



*Planner's Recommendation: Approval.*

*Owners of the Property: Marcos and Karol Gutierrez, 7757 NW 169 Terrace, Hialeah, Florida 33016.*

**REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Ceasar Mestre.**

**REPORT: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida,** on behalf of the property owner, addressed the City Council with a presentation via Zoom, and requested that the item be tabled for the benefit of a full City Council.

**REPORT: Debora Storch, Zoning Official of the City of Hialeah,** spoke on this item.

**REPORT: Motion to Table Item PZ 5 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

- PZ 6.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 13-25 (April 9, 2013) that allowed six business tax receipts (occupational licenses) and Declaration of Restrictions recorded in OR Book 28594, Pages 4438-4442 in the public records of Miami-Dade County, Florida; to allow for five licenses. Property zoned R-O (Industrial District) to allow professional and para-professional services. **Property located at 4980 Palm Avenue, Hialeah, zoned RO (Residential Office).** 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 Council Member Cue-Fuente absent.**

*On February 16, 2021, the item was postponed until February 23, 2021, per the applicant's request.*

*On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.*

*On January 26, 2021, the City Council tabled the item until February 9, 2021, per the applicant's request.*

*Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Smile Art of Miami, Inc., 4980 Palm Avenue, Hialeah, Florida 33012.*

*On January 13, 2021, the Planning and Zoning Board approved the item with the recommendations.*

*Planner's Recommendation: Amend City of Hialeah, Ordinance No. 13-25 to allow five (5) occupational licenses instead of six (6), limit the use of the second practice to a single occupational license excluding medical, dental and other uses with high parking demand, and amend the 2013 DOR accordingly.*

*Owners of the Property: Palm Ave MC, LLC, and Ryan Loro, 4980 Palm Avenue, Hialeah, Florida 33012.*

**REPORT: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Smile Art of Miami, Inc, addressed the City Council.**

**REPORT: Motion to Approve Item PZ 6 made by Council Vice President Perez, and seconded by Council Member Hernandez. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

**REPORT: Second reading and public hearing is scheduled for March 9, 2021.**

**PZ 7.** First reading of proposed ordinance rezoning property from R-1 (One-Family District) to C-1 (Restricted Retail Commercial District); and granting a variance permit to allow landscape buffer of 2.8 feet along East 36 Street for a length of 20 feet, where 7 feet landscape buffer is required; all contra to Hialeah Code of Ordinances § 98-1069(a). **Property located at 3581 East 4 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.

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

<i>On February 16, 2021, the City Council tabled the item until February 23, 2021.</i>
<i>On February 9, 2021, the item was not considered by the City Council due to a lack of quorum.</i>
<i>On January 27, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval of rezoning and landscape buffer reduction to 2.8 feet width for a length of 20 feet.</i>
<i>Owners of the Property: Kenny Niebla, 3581 East 4<sup>th</sup> Avenue, Hialeah, Florida 33013.</i>

**REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Reinaldo Ponce.**

**REPORT: Reinaldo Ponce, 9840 Atlis Circle West, on behalf of Mr. Kenny Niebla (property owner), addressed the City Council via Zoom.**

**REPORT: Debora Storch, Zoning Official of the City of Hialeah, spoke on this item via Zoom.**

**REPORT: Motion to Approve Item PZ 7 made by Council Vice President Perez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

**REPORT: Second reading and public hearing is scheduled for March 9, 2021.**

**PZ 8.** First reading of proposed ordinance rezoning property from R-1 (One Family District) to R-3-3 (Multiple Family District); and granting a variance permit to allow a frontage of 50 feet, where 75

feet are required; allow a street side setback of 12 feet, where 15 feet are required; allow lot coverage of 37%, where 30% is required; and allow 6 parking spaces, where 9 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-348(a), 98-590, 98-2056(b)(2) and 98-2189 (19)b. **Property located at 902 SE 8 Street, Hialeah, Florida.** providing penalties for violation hereof; providing for a severability clause; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date.

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

<i>On February 10, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Owners of the Property: Leonel Diaz Pairol, 782 East 31 Street, Hialeah, Florida 33013.</i>

**REPORT:** Debora Storch, Zoning Official of City of Hialeah, spoke on this item via Zoom.

**REPORT: Motion to Approve Item PZ 8 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

**REPORT: Second reading and public hearing is scheduled for March 9, 2021.**

**PZ 9.** First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a K-5 grade school with a maximum capacity of 75 students as an expansion of an existing daycare with a capacity of 118 students. **Property located at 2451 West 68 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.

**APPROVED 5-0-2 with Council Member Cue-Fuente absent and Council Member De la Rosa having abstained from voting.**

<i>Registered Lobbyist: Felix Lasarte, The Lasarte Law Firm, 3250 NE 1<sup>st</sup> Avenue, Suite 334, Miami, Florida, on behalf of Coco Plaza Inc., 8165 NW 155 Street, Miami Lakes, Florida 33016.</i>
<i>On February 10, 2021, the Planning and Zoning Board recommended approval with the condition that two (2) drop-off shifts are established and that two (2) staff members assist with the drop-off process. In addition, the applicant should be responsible for assessing the drop-off process periodically and adjusting it as necessary to ensure that the school internal traffic is not impacting the entrance at West 68<sup>th</sup> Street or the adjacent gas station</i>
<i>Planner’s Recommendation: Approval with conditions.</i>
<i>Owners of the Property: Coco Plaza Inc., 8165 NW 155 Street, Miami Lakes, Florida 33016.</i>

**REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or**

**Final Decision Item to Mr. Felix Lasarte.**

**REPORT: Felix Lasarte, The Lasarte Law Firm, 3250 NE 1st Avenue, Suite 334, Miami, Florida, on behalf of Coco Plaza Inc., addressed the City Council via Zoom.**

**REPORT: Motion to Approve Item PZ 9 made by Council Member Hernandez, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Cue-Fuente absent and Council Member De la Rosa having abstained from voting.**

**REPORT: Second reading and public hearing is scheduled for March 9, 2021.**

**REPORT: Form 8b Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers filed by Council Member De la Rosa on February 23, 2021 is on file with the Office of the City Clerk.**

**15. FINAL DECISIONS**

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**FD 1.** Proposed resolution **approving** the Final Decision of the Planning and Zoning Board, **Decision No. 2021-01** that granted an adjustment on the property located at **5970 West 12<sup>th</sup> Lane, Hialeah, Florida**; and providing for an effective date.

**APPROVED 6-0-1 with Council Member Cue-Fuente absent.**

**RESOLUTION NO. 2021-024**

*On January 27, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the accessory building is strictly used as storage and no plumbing is installed.*

*Planner's Recommendation: Approve 6 feet rear setback, where 7.5 feet are required for an accessory building with the condition that all other improvements are legalized within 180 days.*

*Owners of the Property: Yaremi Lezcano, 5970 West 12<sup>th</sup> Lane, Hialeah, Florida 33012*

**REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Denia Mesa.**

**REPORT: Denia Mesa, 92 Kalusa Drive, on behalf of the property owner, addressed the City Council.**

**REPORT: Motion to Approve Item FD 1 made by Council Member Hernandez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent.**

**REPORT: Council President Tundidor adjourned the meeting at 11:51 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, March 9, 2021 at 7:00 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 25, 2021 at 6:30 p.m.**

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