

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 26, 2019
7:00 P.M.

Call to Order

REPORT: Council President Casáls-Muñoz called the meeting to order at 7:03 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
- Councilwoman Lourdes Lozano
- Councilwoman Katherine Cue-Fuente
- Councilman Carl Zogby

REPORT: Councilman Paul Hernandez arrived at 7:07 p.m.

- Also present was:

- Lorena Bravo, City Attorney

Invocation given by Marbelys Fatjo, City Clerk

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

Pledge of Allegiance to be led by Councilman Caragol

REPORT: Councilman Caragol 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

- **Council President Casáls-Muñoz recognized Willians Guerra, Interim Fire Chief.**

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Items R, S, T and U have been added to today's agenda
- Item 4A is withdrawn.
- Items 4B, PZ 2 and PZ 3 are being postponed until March 12, 2019.
- Additional backup documentation for Item 4D has been placed on the dais for the City Council's review.

3. 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: Motion to Approve the Consent Agenda made by Councilwoman Cue-Fuente, and seconded by Councilman Caragol. Motion passed 7-0.

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

APPROVED 7-0

- B. Request permission to waive competitive bidding, since it is advantageous to the City in that this engineering firm has plan review and inspection experience at a municipal building department level offering the services in building, mechanical, electrical and plumbing, and increase Purchase Order No. 2019-906, issued to M. T. Causley, LLC, for plan review and inspection services, by an additional amount of \$69,000, for a new total cumulative amount not to exceed \$84,000. (BUILDING)

APPROVED 7-0

- C. Request permission to increase Purchase Order No. 2019-786, since it is advantageous to the City in that the Miami Herald is a newspaper of general circulation in the City of Hialeah, as required by law, and for years the City of Hialeah has consistently utilized the Miami Herald to publish notices to the public, by an additional amount of \$29,866.20, to pay for the cost of legal and classified advertisements, in a total cumulative amount not to exceed \$70,756.36. (OFFICE OF THE CITY CLERK)

APPROVED 7-0

- D. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-3, issued to Ring Power Corporation, for service to heavy equipment, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$60,000. (FLEET & MAINTENANCE DEPT.)

APPROVED 7-0

- E. Request permission to utilize City of Miami Contract No. IFB 616407 – Invitation for Bid for Forklift & Other Hydraulic Lifts Maintenance & Repairs, effective through October 2, 2022, and issue a purchase order to Jobbers' Equipment Warehouse, Inc., for the purchase of three (3) Challenger 12,000 pounds capacity lifts, in a total cumulative amount not to exceed of \$16,776.63. (FLEET & MAINTENANCE DEPT.)

APPROVED 7-0

- F. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor installed the City's fuel management system and the Fleet Maintenance Department has been using the vendor's trusted services for approximately twenty-two (22) years, and increase Purchase Order No. 2019-371, issued to Robert L. Hughes Company Incorporated, for repairs, certifications and the replacement and installation of leak detectors, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$80,000. (FLEET & MAINTENANCE DEPT.)

APPROVED 7-0

- G. Request permission to pay the City's annual membership dues to the Miami-Dade League of Cities, Inc., in a total cumulative amount not to exceed \$15,000.

APPROVED 7-0

- H. Request permission to issue a purchase order to American Aluminum, LLC, manufacturer of the E/Z rider K9 insert and E/Z vault, for the retrofitting of the ten vehicles, Chevrolet Tahoe, purchased upon approval by the City Council on November 13, 2018, with the E-Z Rider K-9 insert, which provides a front sliding emergency escape door for the K9 and the E/Z-SUV Vault, which will be utilized for the storage of weapons, in a total cumulative amount not to exceed \$40,056. (POLICE DEPT.)

APPROVED 7-0

- I. Request permission to issue a purchase order to Radiotronics, Inc., manufacturer of the K9 Hot-N-Pop® Pro, for the retrofitting of the ten vehicles, Chevrolet Tahoe, purchased upon approval by the City Council on November 13, 2018, with the K9 Hot-N-Pop® Pro which monitors vital components including temperature sensors and vehicle battery voltage and under alarm conditions the unit activates an S.O.S. horn honk signal, siren, light-bar activation and dual window drop to immediately equalize the internal temperature of the vehicle, in a total cumulative amount not to exceed \$29,198. (POLICE DEPT.)

APPROVED 7-0

- J. Request permission to issue a purchase order to Rainbow Window Tinting Inc., for the outfitting of emergency equipment and supplies for recently purchased police rated vehicles, in a total cumulative amount not to exceed \$475,716.65, of which \$181,937.25 is for emergency equipment and related accessories for twenty-five vehicles assigned to the Patrol division (Dodge Charger), \$63,017.40 is for emergency equipment and related accessories for ten vehicles (Dodge Charger), \$72,976.20 is for emergency equipment and related accessories for ten vehicles assigned to the K9 unit (Chevrolet Tahoe), \$152,885.80 is for emergency equipment and related accessories for ten vehicles (Chevrolet Silverado), and \$4,900 is for the transportation system and gun volt system of ten vehicles assigned to K9 (Chevrolet Tahoe). (POLICE DEPT.)

APPROVED 7-0

- K. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-929, issued to G. & R. Electric Corp., to issue payment for invoice 10409 for electrical service call that has been completed and for any unforeseen emergency with the Police Department's network in headquarters and sectors one through five, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$69,570. (POLICE DEPT.)

APPROVED 7-0

- L. Proposed resolution approving the expenditure totaling an amount not to exceed sixteen thousand five hundred dollars (\$16,500.00) from the Law Enforcement Trust Fund - *State*, to purchase one (1) canine for the Hialeah Police Department Canine Unit from Metro-Dade K-9 Services, lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED 7-0

RESOLUTION NO. 2019-021

- M. Proposed resolution urging the Florida Legislature to pass legislation modifying the Tourist Development Tax ("Bed Tax") so as to create a more fair apportionment of related funding to municipalities in Miami-Dade County; providing for transmittal; and providing for an effective date. (ADMINISTRATION)

APPROVED 7-0
RESOLUTION NO. 2019-022

- N. Proposed resolution strongly urging the Congress of the United States to consider the Bipartisan Coalition of Business and Political Leaders who joined together to form the New American Economy (NAE) that has studied and published comprehensive papers on the positive contributions of immigrants in the United States. (ADMINISTRATION)

APPROVED 7-0
RESOLUTION NO. 2019-023

- O. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Harris Corporation, for labor and materials to replace the grounding ring, maintenance of tower sites and any future services that may be necessary to the P25 Harris Radio System. (EMERGENCY MANAGEMENT)

APPROVED 7-0

- P. Request permission to increase the amount of two grants awarded to the City of Hialeah by the Florida Department of Transportation through the County Incentive Grant Program, with the first grant being in the amount of \$1,020,000, for funding the purchase of six (6) new Hialeah Transit System buses with a matching City contribution of the same amount, totaling \$2,040,000, and the second grant being in the amount of \$1,050,000 for the funding of an additional six (6) buses, totaling \$2,100,000. Request permission to increase the first grant by an additional amount of \$148,222 since at the time of the grant application process the price of the bus to be purchased was estimated, and further request to increase the second grant by an additional amount of \$88,222. (TRANSIT)

APPROVED 7-0

- Q. Request from the Miami Dolphins Foundation for a Temporary Street Closure Permit, for the 2019 Dolphins Cancer Cycling Challenge, with riders entering the City via NW 42/37 Avenue connector and merge onto East 8th Avenue (southbound), traveling southbound on East 8th Avenue and making a right turn onto East 49th Street (westbound), at the intersection of East 4th Avenue riders making a left turn and travel southbound through the City, and riders exiting the City at S.E. 4th Avenue and Okeechobee Road, on Saturday, April 6, 2019 with the time of the entire event being from 6:00 a.m. to 3:22 p.m., subject to the recommendations of the Police Department. (OFFICE OF THE CITY CLERK)

APPROVED 7-0

- R. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to AN Motors of Pembroke, LLC d/b/a Autonation Chevrolet Pembroke Pines, to purchase two (2) 2019 Chevrolet Express LS 3500, 15 Passenger Van Low/STD Roof, Specification No. 45, in the amount of \$27,484 per vehicle, for a total cumulative amount not to exceed \$54,968. (DEPT. OF PARKS AND RECREATION)

APPROVED 7-0

- S. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to Pembroke Motors, Inc. d/b/a Autonation CDJR Pembroke Pines, to purchase two (2) 2019 Dodge Charger, V8 Police Rated Sedan - RWD, Specification No. 2, in the amount of in a total cumulative amount not to exceed \$48,902, and further request permission to issue a purchase order to

Rainbow Window Tinting Inc., for the retrofitting of two (2) 2019 Dodge Chargers, in the amount of \$14,554.98, for a total cumulative expense amount not to exceed \$63,456.98. (POLICE DEPT.)

APPROVED 7-0

- T. Request permission to issue a permit to Immaculate Conception Catholic Church, located at 4497 West 1 Avenue, Hialeah, Florida, to host ICCS Dad's Club second annual pig roast on Saturday, March 2, 2019 from 2:00 p.m. to 6:00 p.m., expecting approximately 250-300 attendees, subject to recommendations from the Police Department and Fire Department. (OFFICE OF THE CITY CLERK)

APPROVED 7-0

- U. Request from JLPR Group, LLC, located at 1549 SW 8th Street, Miami, Florida, 33135 for a street closure permit for the Leah Arts District 305 Day Block Party, to be held on Saturday, March 9, 2019, from 9:00 a.m. to 12:00 a.m., on East 15 Street from East 10th Avenue to East 11th Avenue, expecting approximately 1,000 attendees, subject to the recommendations of the Hialeah Police Department and the Hialeah Fire Department. (OFFICE OF THE CITY CLERK)

APPROVED 7-0

4. ADMINISTRATIVE ITEMS

- ~~4A. 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)~~

WITHDRAWN

- 4B. Second reading and public hearing 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) **POSTPONED UNTIL MARCH 12, 2019**

Item was approved by the City Council on first reading on February 12, 2019.

- 4C. First reading of proposed ordinance amending Chapter 2 entitled "Administration" of the

Code of Ordinances, Article V. entitled “Finance”, Division 2. entitled “Fees and Charges”, and in particular amending Section 2-873(a) to increase the violation lien research fee from \$225.00 to \$375.00; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 7-0

REPORT: Motion to Approve Item 4C made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

- 4D. First reading of proposed ordinance amending Chapter 98, entitled “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, Subdivision IX entitled “Residential Care and Treatment Facilities”, by repealing and replacing §§ 98-1986 through 98-1988, respectively entitled “Definitions”, “Limited Supervisory Residential Care and Treatment Facilities”, and “Supervisory Residential Care and Treatment Facilities” of the Code of Ordinances of the City of Hialeah, Florida, with updated regulations §§ 98-1986 through 98-1988; and by adding new Sections 98-1989 entitled “Community Residential Homes”, 98-1990 entitled “Reasonable Accommodation”, 98-1991 entitled “Emergency Power”, and 98-1992, entitled “No Use Variances”; for siting of care and treatment facilities in the City; repealing Ordinance No. 2018-023 and all prior ordinances in conflict herewith; providing for penalties; providing for severability; providing for inclusion in code; providing for an effective date. (ADMINISTRATION)

APPROVED 7-0

REPORT: Motion to Approve Item 4D made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

- 4E. First reading of proposed ordinance amending Chapter 98, “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, Subdivision VIII, entitled “Assisted Living Facilities” §§ 98-1956 and 98-1957, to require compliance with the distance separation in Section § 98-1989; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)

APPROVED 7-0

REPORT: Debora Storch, Planning and Zoning Official, addressed the City Council regarding this item.

REPORT: Motion to Approve Item 4E made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

- 4F. First reading of proposed ordinance approving the dedication of approximately 3,343

square feet of land, more or less, lying adjacent to and directly north of NW 170 Street, east of State Road 821, Homestead Extension of Florida's Turnpike to the State of Florida, Department of Transportation for Right-of-Way purposes; approving the terms of the dedication in substantial conformity with the deed attached and made a part hereof as Exhibit 1; subject to the execution of a Right-of-Way Donation Agreement between the State of Florida and the City in substantial conformity with the form agreement attached hereto and made a part hereof as Exhibit 2; subject to a grant by the Graham Companies of all necessary underground utility and access easements on property identified in parcel sketch attached as Exhibit 3, sufficient in area and scope to accommodate the relocation of the City's Reverse Osmosis Water Treatment Plant facilities, together with all rights to access, repair, replace and maintain its facilities at all times, on a form and subject to terms and conditions as approved by the Mayor and Armando Vidal, Director of Public Works; authorizing the Mayor and the City Clerk, as attesting witness, to execute the Right of Way Deed and the Right-of-Way Donation Agreement on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (DEPT. OF PUBLIC WORKS AND ADMINISTRATION)

APPROVED 7-0

REPORT: Ignacio Serralta, SRS Engineering, 18401 SW 94 Street, Miami, FL addressed the City Council regarding this item.

REPORT: Motion to Approve Item 4F made by Council Vice President Garcia-Martinez, and seconded by Councilman Caragol. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

4G. First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 12-70 (November 5, 2012), that allowed a Medical Research Laboratory on property and repealing and rescinding in its entirety the Declaration of Restrictions recorded in OR Book 228315 at Page 0166 in the Public Records of Miami Dade County, Florida, property zoned M-1, (Industrial District). **Property located at 122 West 23 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. (ZONING)

APPROVED 7-0

REPORT: Debora Storch, Planning and Zoning Official, addressed the City Council regarding this item.

REPORT: Motion to Approve Item 4G made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

5. BOARD APPOINTMENTS

5A. Proposed resolution appointing **Christiane Diaz** to the Personnel Board of the City of

Hialeah, as the International Association of Firefighters, Local 1102 and Fraternal Order of Police, Lodge 12 appointment, for the remainder of a two (2)-year term ending on June 26, 2019. (IAFF/FOP) **NO ACTION**

- 5B.** Proposed resolution appointing Angel Maestre to the Personnel Board of the City of Hialeah, as the Mayor's appointment, for the remainder of a two (2)-year term ending on June 26, 2019. (MAYOR HERNANDEZ)

APPROVED 7-0

RESOLUTION NO. 2019-024

REPORT: Motion to Approve Item 5B made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 7-0.

6. UNFINISHED BUSINESS

REPORT: NONE

7. NEW BUSINESS

REPORT: NONE

8. COMMENTS AND QUESTIONS

- Councilman Hernandez extended an invitation to the 305 Block Party, scheduled to take place on March 9, 2019 at the Leah Art's District, and commented regarding the Art on Palm event.
- Council Vice President Garcia-Martinez commended the staff of the City's Special Events Department for their efforts in organizing the Art on Palm event.
- Council President Casáls-Muñoz addressed the City's Law Department regarding the Sunshine Clause located at the end of each planning and zoning ordinance.

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.

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 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 6-1-0

ORDINANCE NO. 2019-012

<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 Lobbyist: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>
<i>Item was tabled at the City Council Meeting of January 8, 2019 until February 12, 2019.</i>
<i>Item was approved on first reading by the City Council on February 12, 2019.</i>

REPORT: Motion to Approve Item PZ 1 made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 5-2-0 with Council President Casáls-Muñoz and Councilman Hernandez voting “No”.

PZ 2. Second reading and public hearing of proposed ordinance granting a special use permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow 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. **POSTPONED UNTIL MARCH 12, 2019**

<i>Item was approved with conditions by the Planning and Zoning Board on January 23, 2019.</i>
<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>
<i>Item was approved on first reading by the City Council on February 12, 2019.</i>

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 MARCH 12, 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>Item was tabled by the City Council on January 22, 2019 until February 12, 2019.</i>
<i>On February 12, 2019 item was postponed until February 26, 2019.</i>

PZ 4. First reading of proposed ordinance rezoning property from R-3 (Multiple-Family District) to R-3-5 (Multiple Family District); and granting a variance permit for **properties 1130, 1140 and 1170 West 26 Street** to allow lot coverage of 33.2%, where 30% is required; allow 30 parking spaces, where 60 parking spaces are required; allow a rear setback of 8 feet, where 20 feet is required; and allow a front setback of 20 feet, where 25 feet is required; and for **properties 2505, 2595 West 12 Avenue** granting a variance permit to allow a rear setback of 6 feet, where 20 feet is required; and allow a street side setback of 10 feet, where 15 feet is required; all contra to Hialeah Code of Ordinances §§ 98-2056(b)(1), 98-589, 98-590 and 98-59. **Properties located at 1130, 1140 and 1170 West 26 Street, and 2505, 2595 West 12 Avenue, Hialeah, Florida**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties

for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

<i>Item was approved with conditions by the Planning and Zoning Board on February 13, 2019.</i>
<i>Planner's Recommendation: Table item until requested changes are addressed.</i>
<i>Owner of the Property: Oceanmar Apartments II, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida.</i>
<i>Registered Lobbyists: Anthony Escarra Esq., 16400 NW 59 Avenue, Miami Lakes, Florida.</i>

REPORT: Motion to Approve Item PZ 4 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

PZ 5. First reading of proposed ordinance rezoning the northern 11.29 acres of the below described property (Lot 3) from CDH to RH-CD and granting a variance permit to allow 455 parking spaces, where 495 are required pursuant to the Hialeah Code of Ordinances § 98-1607.3(l), provided that a shared parking agreement with the adjacent commercial parcel (Lot 4 and Lot 16) that includes approximately 175 extra parking spaces is recorded in the public records prior to site plan approval; allow apartments wherein ninety percent of the units shall have a minimum floor area of 700 square feet and ten percent of the units may have a minimum floor area of 500 square feet pursuant to the Hialeah Code of Ordinances § 98-1607.(3)(i); and allow an interior edge landscape buffer of 10 feet where 20 feet are required pursuant to the Hialeah Code of Ordinances §98-1607.3 (k)(2); on the remainder of the property zoned CDH (Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16) allow substituting the site development requirements provided in the Hialeah Code of Ordinances § 98-1607.2(d)(1)(a) and (c) by approving the site plan signed and sealed by Gregory D. Wilfong, P.E. dated December 26, 2018 and pattern book prepared by Kimley-Horn and Fugelberg Koch, dated December 26, 2018; **Property located at the Northwestern intersection of NW 97 Avenue and NW 138 Street, Hialeah, Florida, zoned CDH Hialeah Heights - Commercial Development District.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

<i>Item was approved with conditions by the Planning and Zoning Board on February 13, 2019.</i>
<i>Planner's Recommendation: Approval with recommendation to explore the possibility of providing the required 20 feet interior landscape buffer.</i>
<i>Owner of Property: Atlas Fam II, LLC.</i>

REPORT: Hugo Arza, 701 Brickell Avenue, addressed the City Council and provided additional backup.

REPORT: Gregory Kimmel, 445 25th Street, Vero Beach, Florida addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 5 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Lozano. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

PZ 6. First reading of proposed ordinance granting a Conditional Use Permit (CUP) and Special Use Permit (SUP) to allow a prescribed Pediatric Extended Care Facility pursuant to Hialeah Code of Ordinances §§ 98-161 and 98-181; property zoned GUD (Major Institutions Land Use); **Property located at 7100 West 20 Avenue, Suite G-126, 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 7-0

<i>Item was approved by the Planning and Zoning Board on February 13, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: HTA – AW – Palmetto LLC, 7100 West 20 Avenue, Hialeah, FL 33016</i>

REPORT: Michael Mateo, 11501 SW 20th Court, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 6 made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 7-0. Second reading and public hearing is scheduled for March 12, 2019.

REPORT: Council Vice President Garcia-Martinez left the meeting at 8:36 p.m.

PZ 7. First reading of proposed ordinance amending Ordinance No. 2016-91 (attached as Exhibit "1") to substitute the site plan and pattern book dated 10-5-16 prepared by Pascual Perez Kiliddjian & Associates with the site plan and pattern book prepared by same dated 1-29-19; and the landscape plan dated 10-5-16 prepared by Witkin Huts Design Group with the landscape plan dated 1-28-19 signed and sealed by Edgardo Perez, R.A; **Properties located on the SE corner of NW 170 Street and NW 97 Avenue, Hialeah Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; and providing for an effective date.

APPROVED 6-0-1

<i>Item was approved by the Planning and Zoning Board on February 13, 2019.</i>

<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Lennar Homes, LLC., 701 NW 107 Avenue, Miami, FL 33172</i>

REPORT: Alejandro Arias, 701 Brickell Avenue, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 7 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 6-0-1 with Council Vice President Garcia-Martinez absent. Second reading and public hearing is scheduled for March 12, 2019.

PZ 8. First reading of proposed ordinance approving an amendment to the Declaration of Restrictions dated April 10, 2018 as recorded in Official Records Book 31070, Pages 381-391, on July 23, 2018 of the Public Records of Miami-Dade County Florida, **binding upon the properties located at the SE corner of NW 170 Street and NW 97 Avenue, Hialeah, Florida** as provided in the attached amended Declaration of Restrictions Exhibit "1"; 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

<i>Item was approved by the Planning and Zoning Board on February 13, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Two Lakes Lennar, LLC</i>

REPORT: Alejandro Arias, 701 Brickell Avenue, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 8 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 6-0-1 with Council Vice President Garcia-Martinez absent. Second reading and public hearing is scheduled for March 12, 2019.

PZ 9. First reading of proposed ordinance approving a final plat of Villas Del Este; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 705 East 18 Street, Hialeah, Florida.**

APPROVED 6-0-1

<i>Item was approved by the Planning and Zoning Board on February 13, 2019.</i>
<i>Property Owner: Jorge Focarraf, 15450 NW 82 Place, Miami Lakes, Florida 33016.</i>

REPORT: Jorge Focarraf, 15450 NW 82 Place, Miami Lakes, Florida 33016, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 9 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 6-0-1 with Council Vice President Garcia-Martinez absent. Second reading and public hearing is scheduled for March 12, 2019.

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-04 that granted an adjustment on the property located at **562 West 79 Place, Hialeah, Florida**; and providing for an effective date.

APPROVED 6-0-1

RESOLUTION NO. 2019-025

<i>Item was approved as requested by the Planning and Zoning Board on January 23, 2019.</i>
<i>Planner's Recommendation: Approve only side and front setback adjustment.</i>
<i>Owner of the Property: Sonia Gutierrez Matha and Daniel Legarreta, 562 West 79 Place, Hialeah, Florida.</i>

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

FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-03 that granted an adjustment on the property located at **500 West 78 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 6-0-1

RESOLUTION NO. 2019-026

<i>Item was approved by the Planning and Zoning Board on January 23, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Cristo Vive Inc., 500 West 78th Street, Hialeah, Florida. Rene Perez, 3550 NE 169 Street, Suite 300 North Miami Beach, Miami,</i>

REPORT: Motion to Approve Item FD 2 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 6-0-1 with Council Vice President Garcia-Martinez absent.

REPORT: Council President Casáls-Muñoz adjourned Meeting at 8:47 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, March 12, 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, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

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

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than 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).