

**Esteban Bovo, Jr.**  
Mayor

**Monica Perez**  
President

**Jacqueline Garcia-Roves**  
Vice President



Council Members  
**Bryan Calvo**  
**Vivian Casàls-Muñoz**  
**Luis Rodriguez**  
**Jesus Tundidor**  
**Carl Zogby**

**City Council Meeting**  
**Minutes**  
**February 28, 2023**  
**7:00 p.m.**

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**1. CALL TO ORDER**

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**A. REPORT: Council President Perez called the meeting to order at 7:01 p.m.**

**2. ROLL CALL**

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**A. REPORT: Marbelys Fatjo, City Clerk, called the roll with all Council Members present. Council Member Calvo stepped out of the Council Chambers before the meeting was called to order and returned at 7:01 p.m., immediately following the roll call.**

**B. REPORT:**

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

**3. INVOCATION**

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**A. Marbelys Fatjo, City Clerk led the invocation during the Charter School Oversight Committee Meeting held at 6:30 p.m. in the Council Chambers.**

**4. PLEDGE OF ALLEGIANCE**

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- A. Council Member Rodriguez led the Pledge of Allegiance during the Charter School Oversight Committee Meeting held at 6:30 p.m. in the Council Chambers.

## **5. MEETING GUIDELINES**

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*The following guidelines have been established by the City Council:*

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

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

## **6. PRESENTATIONS**

3/2/2023 2:28 PM

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- A. The City of Hialeah Department of Parks and Recreation recognizes Michelle Fernandez, a member of the City of Hialeah Swim Team, for achieving a swim and academic scholarship to Illinois State University.

*(DEPARTMENT OF PARKS AND RECREATION)*

**PRESENTED**

**REPORT: Douglas Cordovi of the City of Hialeah Department of Parks and Recreation presented Michelle Fernandez with a Certificate of Merit.**

**REPORT: Michelle Fernandez's mother addressed the Mayor and Council.**

- B. Presentation by The Corradino Group regarding the proposed annexation report the firm has been working on.

*(PLANNING AND ZONING)*

**POSTPONED by the City Council until March 28, 2023.**

**REPORT: Motion to Table Item 6B until the City Council Meeting of March 28, 2023 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.**

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## 7. COMMENTS AND QUESTIONS

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- A. **REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No member of the public participating via Zoom expressed interest in making comments or posing questions on matters of public concern.
- C. **REPORT:** Three (3) members of the public present in the Council Chambers expressed interest in speaking during this portion of the meeting.
- (1) **Frank De la Paz, 9361 Bird Road**, spoke regarding Administrative Item 11 A and Item 11 C, thereby suggesting the creation of a transfer station in order for residents to dispose of their own trash.
  - (2) **Jacqueline Molina, 5273 West 24 Court**, with the Urban Paradise Guild organization spoke regarding Consent Item B.
  - (3) **Yolanda Guerra, 290 Easy 17 Street**, addressed the City Council on high water bills, as well as on her recent experience when visiting the Hialeah Department of Public Works.

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

### **A. Add-On Items**

The following items have been added to today's agenda:

- **9A**
- **G**
- **H**
- **I**
- **J**
- **K**
- **L**
- **11 C 1**
- **11 D**

### **B. Amended Items**

- The proposed resolution for **Consent Item B** has been updated.
- The proposed ordinance for **Item 11 C** has been updated.
- The proposed ordinance for **Item 11 B** has been updated.

### **C. Postponed Item**

- **Item LU 2** is postponed until the City Council Meeting of March 14, 2023, per the applicant's request.
- **Item LU 3** is postponed until the City Council Meeting of March 14, 2023, per the applicant's request.
- **Item LU 5** is postponed until the City Council Meeting of March 28, 2023, per the applicant's request.

### **D. Withdrawn Items**

The following items have been withdrawn from the agenda, per the applicant's request:

- **Item PZ 3**
- **Item LU 6**

## **9. BOARD APPOINTMENTS**

- 9A. RESOLUTION:** Proposed resolution appointing **Marlen Cepero** to the Historic Preservation Board of the City of Hialeah for a three (3)-year term beginning on February 28, 2023 ending

on February 27, 2026

(MAYOR BOVO)

**APPROVED 7-0**

**RESOLUTION NO. 2023-021**

**REPORT: Motion to Approve Item 9A made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 7-0.**

**REPORT: Marlen Cepero** addressed the Mayor and Council.

## **10. CONSENT AGENDA**

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

**REPORT: Council Member Calvo requested that Consent Items B, D, and J be removed from the Consent Agenda for separate discussion.**

**REPORT: Council President Perez requested that Consent Item I be removed from the Consent Agenda for separate discussion.**

**REPORT: Motion to Approve the Consent Agenda, except Items B, D, I and J, made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 7-0.**

- A. Request permission to approve the minutes of the City Council Meeting held on February 14, 2023 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

**APPROVED 7-0**

- B. **RESOLUTION:** Proposed resolution accepting a grant from the State of Florida Department of Emergency Management, funded by the Federal Emergency Management Agency (FEMA), and appropriating the grant funds in the Building Fund for the creation of a Watershed Master Plan subject to a monetary contribution by the City in the amount not to exceed 25% of the total project costs, with the balance of 75% of project cost being paid for by the grant, subject to total project costs not exceeding \$200,000.00; approving the terms of the Grant Agreement with the State of Florida as set forth in “Exhibit 1”, which is attached to and incorporated herein; approving and ratifying the Grant Application attached as “Exhibit 2”, which is attached to and incorporated herein, subject to all necessary amendments consistent with this resolution; authorizing the Mayor and the City Clerk, as attesting witness, to execute and deliver the agreement, assurances and all other necessary and customary documents in furtherance thereof on behalf of the City; and providing for an effective date.

(BUILDING)

*On February 14, 2023, the item was postponed until February 28, 2023, per the request of the Building Department.*

**APPROVED 7-0**

**RESOLUTION NO. 2023-022**

**REPORT:** Alexis Riveron, City of Hialeah Building Official, 501 Palm Avenue, Hialeah, Florida, addressed the City Council.

**REPORT:** Yan Yong, Florida Atlantic University, 777 Place Road, Boca Raton Florida, the City's consultant, spoke via Zoom.

**REPORT:** **Motion to Approve Consent Item B made by Council Member Calvo, and seconded by Council Member Rodriguez. Motion passes 7-0.**

- C. Request permission to utilize Contract No. 44102100-17-1 – *Mailing Processing Equipment*, between the State of Florida – Department of Management Services and this vendor, effective through February 19, 2027, and issue a purchase order to Pitney Bowes Inc., for the purchase of a new Pitney Bowes mailing machine and folder inserter for efficiency in the mailing process, as well as electronic certification and proper mailing cost allocation and automation, in the amount of \$16,333.67, with a five-year maintenance plan in the amount of \$19,241.05, for a total cumulative expense amount not to exceed \$35,574.72.

The funding for the mailing machine is to be charged to the General Fund - Capital Outlay - Equipment Account No. 001.8500.519.640 and the maintenance cost is to be charged to the General Fund – Contractual Services – Account No. 001.8500.519.340.

(PURCHASING DIVISION)

**APPROVED 7-0**

- D. Request permission to increase Purchase Order No. 2023-334, issued to Sunshine Communication Services, Inc., for afterhours emergency telephone (5:00 p.m. – 8:00 a.m.) answering services, by an additional amount of \$30,000.00, for a new total cumulative amount not to exceed \$55,000.00. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the services offered by this vendor have been utilized by the Department of Public Works for several years and the vendor is familiar with the department's after hours and emergency procedures.

The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Communication Services Account No. 450.9500.536.410.

(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 7-0**

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

**REPORT:** Alex Medina of the Hialeah Department of Public Works addressed the City Council.

**REPORT:** Ricardo Suarez, Chief Information Officer of the City of Hialeah, spoke on this item.

**REPORT: Motion to Approve Consent Item D made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 7-0.**

- E. Request permission to increase Purchase Order No. 2023-522, issued to W.W. Grainger Inc., for the purchase of supplies for maintenance and repairs needed throughout the City, by an additional amount of \$25,000.00, for a new total cumulative expense not to exceed \$50,000.00. On September 27, 2022, the City Council approved the usage of the pool of vendors established pursuant to University of California, CA Contract No. 2018.000207 – Maintenance, Repair, Operations (MRO) Supplies and Equipment, effective through June 30, 2023.

The funding for the expenditure in is to be withdrawn from the Water & Sewers Division Fund Account No. 450.0000.141.007.

*(DEPARTMENT OF PUBLIC WORKS)*

**APPROVED 7-0**

- F. **RESOLUTION:** Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a contract with Certified Latent Examiner Lenett Holbrook to provide Latent Evaluation and Comparison Services as an independent contractor, in a form acceptable to the City Attorney, for a four-year term, and further authorizing the expenditure of a combined amount not to exceed \$87,500.00 per year for the period from November 18, 2022 to September 30, 2023 to fund the Latent Fingerprint Examiner Program for one year, attached hereto as Exhibit “1”.

*(POLICE DEPARTMENT)*

**APPROVED 7-0**

**RESOLUTION NO. 2023-023**

- G. **ADD-ON ITEM:** Request permission to enter into a service contract and issue a purchase order to Medical Priority Consultants, Inc., sole source vendor, for the annual maintenance, service and support of the Priority Dispatch System for the period of December 22, 2022 through December 22, 2023, in a total expense amount not to exceed \$32,400.01.

The funding for this expenditure is to be withdrawn from the E-911 Wireless Fund – Licenses & Permits Account No. 124.1500.521.493.

*(FIRE DEPARTMENT)*

**APPROVED 7-0**

- H. ADD-ON ITEM:** Request permission to issue a purchase order to Florida Power Technologies, Inc., for the upgrade and replacement of the Galaxy 3000 UPS system for tower site located at Bucky Dent Park, in a total expense amount not to exceed \$265,988.00. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the services offered by this vendor have been utilized by the Hialeah Fire Department at the Fire Administration Building.

The funding for this expenditure is to be withdrawn from the General Fund – Capital Outlay - Equipment Account No. 001.1500.520.640.

*(FIRE DEPARTMENT)*

**APPROVED 7-0**

- I. ADD-ON ITEM:** Request permission to utilize Contract No. R191902 – *Educational Software Solutions and Services Executive Summary*, between the Region 4 Education Service Center (ESC) and Carahsoft, and issue a purchase order to ECivis, Inc. (a software of Carahsoft), for the purchase of ten (10) licenses to access the grant management software providing private and public grant announcements, in a total expense amount not to exceed \$27,101.20.

The funding for this expense is to be charged to the General Fund – Contractual Services Account No. 001.8500.519.340.

*(GRANTS AND HUMAN SERVICES DEPARTMENT)*

**APPROVED 7-0**

**REPORT:** Maria Ruiz with the **Hialeah Grants and Human Services Department**, addressed the City Council.

**REPORT: Motion to Approve Consent Item I made by Council Member Casáls-Muñoz and seconded by Council Vice President Garcia-Roves. Motion passes 7-0.**

- J. ADD-ON ITEM:** Request permission to utilize Contract No. 18-2237 – *Civil Engineering Services for Miscellaneous Projects*, between the City of Miami and the vendor, and issue two purchase orders to Milian, Swain & Associates, Inc., for Civil Engineering Services for miscellaneous projects and services related to engineering, economics and administrative support to the Department of Public Works, with the first purchase order being for water services in the amount of \$148,833.80, and the second purchase order for sewer services in the amount \$148,833.80, in a total cumulative expense amount not to exceed \$297,667.60.

The funding for the Water Services is to be charged to the Water & Sewer Division Fund – Professional Services Account No. 450.9510.533.310, after a transfer is made in the amount of \$178,000.00 from the Water & Sewer Division Fund – Professional Services – Engineering Account No. 450.9500.536.311. The Sewer Services is to be charged to the Water & Sewers Division Fund – Professional Services Account No. 450.9520.535.310, after a transfer is made in the amount of \$179,000.00 from the Water & Sewer Division Fund – Professional Services – Engineering Account No. 450.9500.536.311.

*(DEPARTMENT OF PUBLIC WORKS)*



**APPROVED 7-0**

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

**REPORT: Motion to Approve Consent Item J made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 7-0.**

- K. ADD-ON ITEM:** Request permission to issue a purchase order to AGI de Moya Joint Venture, LP, vendor chosen by the Florida Department of Transportation, for the adjustments of valves structures for State Road 826 – Palmetto Expressway, in a total expense amount not to exceed \$130,515.00.

The funding for this expense is to be charged as follow: \$65,257.50 is to be charged to the Water & Sewers Division Fund – Capital Outlay - Infrastructure Account No. 450.9510.533.630 and \$65,257.50 is to be charged to the Water & Sewers Division Fund Capital Outlay - Infrastructure Account No. 450.9510.535.630.

*(DEPARTMENT OF PUBLIC WORKS)*

**APPROVED 7-0**

- L. ADD-ON ITEM:** Request permission to issue a purchase order to Arthur J. Gallagher Risk Management Services, Inc., for the purchase of Property Insurance, Terrorism, Boiler, and Machinery for a total of \$990,000.00, Fiduciary Insurance for a total of \$21,508.00, Storage Tanks Insurance for a total of \$9,282.00 and Flood Insurance for a total of \$53,000.00, commencing on March 10, 2023 and ending on March 9, 2024, in a total cumulative expense amount not to exceed \$1,073,790.

The funding for this expenditure is to be charged as follows: \$990,000.00 is to be charged to the General Liability & Workers Compensation Fund – Insurance Property Account No. 510.8500.519.455; \$21,508.00 is to be charged to the General Fund – Insurance – Fiduciary Liability Account No. 001.8500.519.453; \$9,282.00 to the General Fund – Insurance Property Account No. 001.8500.519.455; and \$53,000.00 to the General Liability & Workers Compensation Fund – Insurance Property Account No. 510.8500.519.455.

*(RISK MANAGEMENT DEPARTMENT)*

**APPROVED 7-0**

**11. ADMINISTRATIVE ITEMS**

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- 11 A. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 46 entitled “Historical Preservation” of the Code of Ordinances, and in particular, revising Hialeah Code § 46-40 entitled “Powers and Duties” to prohibit the naming of City buildings, facilities, parks, rights-of-way and other city properties if any person has a felony conviction, unless waived by a 5/7 vote of the City Council; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing

for a severability clause and providing for an effective date.

(ADMINISTRATION)

**WITHDRAWN BY THE ADMINISTRATION**

<i>On February 14, 2023, the item was postponed per the request of the Mayor’s staff.</i>
<i>On January 24, 2023, the City Council postponed the item until February 14, 2023 at the Mayor’s request.</i>
<i>On January 10, 2023, the City Council tabled the item until January 24, 2023 at the Mayor’s request.</i>
<i>On December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.</i>

**11 B. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Hialeah Code of Ordinances Chapter 98, entitled “Zoning”, Article VI. “Supplementary District Regulations”, Division 5. “Uses” creating Subdivision XIV entitled “Private Schools” creating regulations that provide the safety and wellness of school aged children and require proper traffic and adequate internal circulation and ensure compatibility of uses; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(SPONSOR: COUNCIL MEMBER TUNDIDOR)

<i>On February 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 28, 2023.</i>
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**APPROVED 6-1-0 WITH COUNCIL MEMBER CALVO VOTING “NO”.**

**ORDINANCE NO. 2023-023**

**REPORT:** Each Council Member was provided with a copy of the updated proposed ordinance.

**REPORT:** Alex Magrisso, Assistant City Attorney, addressed the City Council with a PowerPoint Presentation, a copy of which is on file with the Office of the City Clerk.

**REPORT:** Debora Storch, Planning and Zoning Director for the City of Hialeah, spoke on this item.

**REPORT:** Yesenia Gruich, Occupational License Official for the City of Hialeah, spoke on this item and provided the City Council a chart titled “Elementary and Secondary Schools Ordinance 08-50 adopted on June 10, 2008, amended CUP Ordinance to include schools”, a copy of which is on file with the Office of the City Clerk.

**REPORT:** Willians Guerra, Chief of the Hialeah Fire Department, spoke on the item.

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

**REPORT:** Council President Perez opened the item for public participating and one member of the public expressed interest in speaking via Zoom.

(1) Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016.

**REPORT:** Motion to Approve Item 11 B made by Council Member Rodriguez, and seconded by Council Member Tundidor. Motion passes 6-1-0 with Council Member Calvo voting “No”.

- 11 C. **ORDINANCE:** First reading of proposed ordinance approving a certain amendment to the “Exclusive Franchise Agreement” (“Agreement”) for the Collection of Residential Municipal Solid Waste granted to Progressive Waste Solutions of FL., Inc., a Delaware Corporation, the predecessor in interest to Waste Connections of Florida, Inc., a Delaware Corporation, pursuant to Hialeah, Fla. Ordinance 2015-37 (August 11, 2015), extending the agreement for a term beginning upon execution of the “First Amendment to Exclusive Franchise Agreement” (“First Amendment”) by the parties and ending on September 30, 2027, with an automatic renewal term of five years, beginning on October 1, 2027 and ending on September 30, 2032, providing for subsequent renewals of the agreement at the option of the parties, for a term of one year each, with a cumulative duration of all subsequent renewals not exceeding a total of five years; updating the rates for residential collection services pursuant to the formula set forth in Sections 17 and 18 of the First Amendment; amending the agreement to include mandatory contract provisions required by state law; amending the agreement to be consistent with current collection services and to establish new requirements; approving the First Amendment, in substantial conformity with Exhibit “A” which is attached hereto and made a part hereof; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

*(DEPARTMENT OF PUBLIC WORKS)*

**APPROVED 5-2-0 with Council Member Calvo and Council Member Tundidor voting “No”.**

**REPORT:** Grant Smith, 401 East Las Olas Blvd, on behalf of Waste Connections Inc., addressed the City Council.

**REPORT:** Karl Hozlberg, Millian, Swain & Associates, 2025 SW 32 Avenue, addressed the City Council.

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

**REPORT:** Yasmani Diaz with the Solid Waste Division of the Hialeah Department of Public Works, addressed the City Council.

**REPORT:** Motion to Approve Item 11 C made by Council Member Zogby, and seconded by Council Member Rodriguez. Motion passes 5-2-0 with Council Member Calvo and Council Member Tundidor voting “No”.

**REPORT:** Second reading and public hearing is scheduled for March 28, 2023.

**11 C 1. FOR DISCUSSION:** Proposed resolution approving an amendment to the “Agreement for the Disposal of Class I Waste” (“Agreement”) awarded to Progressive Waste Solutions of FL, Inc., a Delaware corporation, the predecessor in interest to Waste Connections of Florida, Inc., a Delaware corporation, on July 12, 2016 as the responsive and responsible lowest bidder; extending the agreement for a term beginning upon execution of the First Amendment to Agreement for the Disposal of Class I Waste” (“First Amendment”) between the parties and ending on September 30, 2027, with an automatic renewal for a term of five years, beginning on October 1, 2027 and ending on September 30, 2032; providing for subsequent renewals of the Agreement at the option of the parties, for a term of one year each, with a cumulative duration of all subsequent renewals not exceeding a total of five years; updating the service fee and CPI adjustments to the service fee pursuant to the formula set forth in Section 7, 8, and 13 of the First Amendment; amending the Agreement to include mandatory contract provisions required by state law; approving the Amendment in substantial conformity with Exhibit “1” entitled “First Amendment to Agreement for the Disposal of Class I Waste”, which is attached hereto and made a part hereof; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment; and providing for an effective date.

*(DEPARTMENT OF PUBLIC WORKS)*

**DISCUSSED**

**REPORT:** The City Council is scheduled to consider the proposed resolution for a vote on March 28, 2023.

**11 D. ORDINANCE:** First reading of proposed ordinance approving a First Amendment to the Exclusive Franchise Agreement for the collection of residential recyclable material granted to World Waste Recycling, Inc., a Florida corporation, the predecessor in interest to Coastal Waste & Recycling of Florida, Inc., a Florida Corporation, pursuant to Hialeah, Fla. Ordinance 2018-042 (May 22, 2018); extending the agreement for a term beginning upon execution of the “First Amendment to Exclusive Franchise Agreement” (“First Amendment”) by the parties and ending on September 30, 2027; providing for subsequent renewals of the agreement at the option of the parties, for a term of one year at each renewal, with a cumulative duration of all subsequent renewals not exceeding a total of five years; updating the rates for collection services by providing a uniform rate of \$2.97 per collection as provided in Section 16 of the First Amendment, subject to Yearly Consumer Price Index and other adjustments effective October 1, 2023 and pursuant to the formula set forth in Sections 17 and 22 of the First Amendment; amending the agreement to be consistent with current collection services and to establish new requirements; approving the First Amendment, in substantial conformity with Exhibit “A,” which is attached hereto and made a part hereof; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

*(DEPARTMENT OF PUBLIC WORKS)*

**APPROVED 6-1-0 with Council Member Tundidor voting “No”.**

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

**REPORT:** Yasmani Diaz with the **Solid Waste Division** of the **Hialeah Department of Public Works**, addressed the City Council.

**REPORT:** John Casagrande with **Coastal Waste & Recycling**, addressed the City Council.

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

**REPORT:** **Motion to Approve Item 11 D made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-1-0 with Council Member Tundidor voting “No”.**

**REPORT:** **Second reading and public hearing is scheduled for March 28, 2023.**

## 12. UNFINISHED BUSINESS

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None Reported.

## 13. NEW BUSINESS

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None Reported.

## 14. ZONING

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**REPORT:** **Council President Perez called a recess at 9:58 p.m.**

**REPORT:** **Council President Perez called the meeting to order at 10:06 p.m.**

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

### **PLANNING AND ZONING**

**PZ 1. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances §98-161 to allow a mural outside the Artist Live/Work Overlay District (ALWOD) geographic area, where murals are only allowed in the Alwod District. **Property located at 1675 West 49 Street, Space 1004, Hialeah, zoned C-2 (Liberal Retail Commercial District);** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*On February 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 28, 2023.*

*Registered Lobbyist: Min Hwang Jang (Cindy), 330 West 34<sup>th</sup> Street, 3<sup>rd</sup> FL, New York, NY 10001, on behalf of Footlocker Retail, Inc*

*On January 25, 2023, the Planning and Zoning Board recommended approval with the conditions that when the retailer (Foot Locker) no longer uses the bay the murals shall be removed and that any design change will require a new SUP.*

*Planner's Recommendation: Approval with conditions*

*Property Owner: Centennial Westland Mall Partners, LLC 1675 West 49<sup>th</sup> Street, Hialeah, Florida 33012.*

**APPROVED 7-0**

**ORDINANCE NO. 2023-024**

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

**REPORT: Motion to Approve Item PZ 1 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 7-0.**

**PZ 2. ORDINANCE:** First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances §98-181 to allow a K-4 grade elementary school with a maximum capacity of 100 students in conjunction with a 43 children daycare; **Property located at 1905 West 35 Street, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Growing Treasures Private School, Corp.*

*On January 25, 2023, the Planning and Zoning Board recommended approval with the following conditions: (1) that cars on the proposed pick-up/drop-off lane need to enter through the West 20<sup>th</sup> Avenue entrance and exit through the one on West 25<sup>th</sup> Street, (2) a minimum of 2 staff members need to assist in traffic circulation and pick-up/drop-off to make sure cars enter on West 20<sup>th</sup> Avenue, exit on West 35<sup>th</sup> Street, and move quickly, (3) bollards need to be installed around the entire perimeter of the playground within 3 months of the approval of the ordinance, (4) expansion of the original daycare into an adjacent bay needs to be legalized if no proof of permit is provided and (5) school operator needs to make sure that dumpsters are within the walls built for that purpose and not interrupting the area designated for the drop-off pick-up lane.*

*Planner's Recommendation: Approval with conditions.*

<p><i>Property Owner: Growing Treasures Private School Corp., 1905 West 35<sup>th</sup> Street, Hialeah, FL 33012 Jacqueline Senra, 16801 NW 77 Place, Miami Lakes, Florida 33016. Madeline Paredes, 2950 SW 174 Way, Miramar, Florida 33029.</i></p>
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**APPROVED 7-0**

**REPORT: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016,** addressed the City Council via Zoom with a PowerPoint Presentation, a copy which is on file with the Office of the City Clerk.

**REPORT: Motion to Approve Item PZ 2 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.**

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

**PZ 3. Recommendation of Denial:** ~~Recommendation of Denial by the Planning and Zoning Board to allow a Prescribed Pediatric Extended Care (PPEC) with a maximum of four (4) patients and two (2) staff members. Property located at 1022 East 8<sup>th</sup> Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District).~~

**WITHDRAWN**

<p><i>On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.</i></p>
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<p><i>On January 24, 2023, the item was postponed until February 14, 2023, per the applicant's request.</i></p>
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<p><i>On January 10, 2023, the item was postponed until January 24, 2023, per the applicant's request.</i></p>
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<p><i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Martha Alvarez.</i></p>
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<p><i>On December 14, 2022, the Planning and Zoning Board recommended denial.</i></p>
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<p><i>Planner's Recommendation: Denial</i></p>
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<p><i>Property Owner: Martha Alvarez, 1022 East 8<sup>th</sup> Avenue, Hialeah, Florida 33010.</i></p>
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**15. LANDUSE**

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**LU 1. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future  
3/2/2023 2:28 PM

Land Use Map from Low-Density Residential to Residential Office. **Property located at 320 NE 8 Avenue, Hialeah, zoned R-1 (One-Family District)**; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On February 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 28, 2023.</i>
<i>On January 24, 2023, the City Council overturned the Recommendation of Denial of the Planning and Zoning Board. First reading is scheduled for February 14, 2023.</i>
<i>On January 10, 2023, the City Council tabled the item until January 24, 2023.</i>
<i>On December 13, 2022, the City Council tabled the item until January 10, 2023.</i>
<i>Registered Lobbyist: Frank de la Paz, 9361 Bird Road, Miami, Florida on behalf of Juan C. Carballo and Gipsy Suarez</i>
<i>On November 16, 2022, the Planning and Zoning Board recommended denial.</i>
<i>Planner's Recommendation: Denial</i>
<i>Property Owner: Juan C. Carballo and Gipsy Suarez, 320 NE 8<sup>th</sup> Avenue, Hialeah, Florida 33010.</i>

**APPROVED 7-0**

**ORDINANCE NO. 2023-025**

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

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

**REPORT: Motion to Approve Item LU 1 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 7-0.**

**LU 2. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Industrial District to Commercial District. **Property located at 7551 West 4 Avenue, Hialeah, zoned M-1 (Industrial District)**; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**ITEM IS POSTPONED UNTIL MARCH 14, 2023.**

<i>Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.</i>
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<i>On February 8, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Prestige 7551, LLC, 7551 West 4 Avenue, Hialeah, Florida 33014.</i>

**LU 3. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Medium-Density Residential District. **Property located at 1797 West 1 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.

**ITEM IS POSTPONED UNTIL MARCH 14, 2023.**

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Luis O. Lago.</i>
<i>On February 8, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Luis O. Lago 15991 SW 143 Lane, Miami, Florida 33196.</i>

**LU 4. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Residential Office District to Commercial District. **Property located at 218 East 49 Street and 226 East 49 Street, Hialeah, zoned RO (Residential Office) and R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of AA &amp; DD Investments Inc., 21.</i>
<i>On February 8, 2023, the Planning and Zoning Board recommended approval of the item with the condition that the properties are consolidated through a Unity of Title and rezoned to B-1 (Highly Restricted Retail District).</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Property Owners: AA &amp; DD Investments Inc., 218 East 49 Street, Hialeah Florida 33013, Alejandro Pla &amp; Daisy Gaston, 218 East 49 Street, Hialeah, Florida 33013.</i>

**APPROVED 7-0**

**REPORT:** Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, addressed the City Council via Zoom with a PowerPoint Presentation, a copy which is on file with the Office of the City Clerk.

**REPORT: Motion to Approve Item LU 4 made by Council Member Rodriguez, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.**

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

**LU 5. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Transit Oriented Development District. **Properties located at 901 East 26 Street, 911 East 26 Street, 921 East 26 Street, 931 East 26 Street, 941 East 26 Street, 951 East 26 Street, 961 East 26 Street, 971 East 26 Street, 983 East 26 Street, 906 East 27 Street, 910 East 27 Street, 912 East 27 Street, 922 East 27 Street, 932 East 27 Street, 950 East 27 Street, 962 East 27 Street, 980 East 27 Street, 984 East 27 Street and 990 East 27 Street, Hialeah, zoned R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**ITEM IS POSTPONED UNTIL MARCH 28, 2023.**

<i>Registered Lobbyist: Melissa Tapanes Llahues &amp; Maritza Haro Salgado, 200 Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Parc Hialeah II, LLC.</i>
<i>On February 8, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: A list detailing all the property owners is attached as Exhibit B.</i>

**LU 6. Recommendation of Denial by the Planning and Zoning Board amending the Future Land Use Map from Medium-Density Residential to Commercial. ~~Property located 445 West 11 Street, Hialeah, zoned R-1 (One-Family District);~~ repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.**

**WITHDRAWN**

<i>On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.</i>
<i>On January 24, 2023, the item was postponed until February 14, 2023, per the applicant's request.</i>
<i>On January 10, 2023, the item was postponed, per the applicant's request, until January 24, 2023.</i>
<i>On December 13, 2022, the item was postponed until January 10, 2023, per the applicant's request.</i>
<i>On November 16, 2022, the Planning and Zoning Board recommended denial.</i>

<i>Planner's Recommendation: Denial</i>
<i>Property Owner: Odalys Fernandez, 445 West 11 Street, Hialeah, Florida 33010.</i>

## 16. CITY COUNCIL DISCUSSION

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**REPORT:** Council Member Calvo spoke on long-term change to the form of government of the City of Hialeah in that the Council Members serve in districts as opposed to at large.

**REPORT:** Frank De la Paz, addressed the City Council.

## 17. ADJOURNMENT

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**REPORT:** Council President Perez adjourned the meeting at 10:39 p.m.

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING:** Tuesday, April 25, 2023 at 6:30 p.m.

**NEXT CITY COUNCIL MEETING:** Tuesday, March 14, 2023 at 7:00 p.m.

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

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

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).