

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

City Council Meeting
Minutes
March 9, 2021
7:00 p.m.

1. **CALL TO ORDER**

A. **REPORT:** Council President Tundidor called the meeting to order at 7:03 p.m.

2. **ROLL CALL**

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

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

B. **REPORT:**

1. Mayor Hernandez was present **via Zoom**.
2. Lorena Bravo, City Attorney, was present.
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 Member Cue-Fuente 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

- A. Council President Tundidor wished Councilman Zogby and Mayor Hernandez a happy birthday.
- B. The honorable **Alex Rizo, State of Florida Representative, District 110**, provides a

legislative update.

REPORT: Presented via Zoom.

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email messages from persons interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** One person 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.
1. **Anthony Tassone**, Chicago, Illinois, addressed the Mayor and City Council via Zoom regarding improving policing by analyzing police body camera data.
- 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:** Two (2) individuals present at City Hall expressed interest in speaking during this portion of the meeting.
- (1) **Jose Azze, 788 Southeast Park Drive, Hialeah, Florida**, spoke regarding the closure of City programs of the Parks and Recreation Department.
 - (2) **Eric Johnson, Local 1102**, with a home address exempt from public disclosure per Florida law, spoke regarding life scans and cancer affecting one in every six fire fighters.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Item AA has been added to today's agenda.
- Additional backup documentation has been added to Consent Item J.
- The proposed ordinance for Administrative Item 10 B has been updated.
- The proposed resolution for Administrative Item 10 B 1 has been updated.
- A Declaration of Restrictions has been added to the backup documentation of Item PZ 4.

9. CONSENT AGENDA

All items listed under Consent Agenda with letter designations are considered routine and will be

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

REPORT: Council Member Hernandez requested a separate discussion on Consent Items I and R.

REPORT: Motion to Approve the Consent Agenda, except Items I and R, made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

- A. Request permission to approve the minutes of the City Council Meeting held on February 23, 2021.
(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- B. Request permission to issue a purchase order to Motorola Solutions, Inc., vendor currently under contract with the City for the purchase of hardware and software, as well as installation services for Vigilant License Plate Readers, as well as for service and maintenance for fiscal years 2021, 2022, 2023 and 2024, as approved by City of Hialeah Resolution No. 2020-052, for the purchase and installation of poles and the running of power at six (6) License Plate Reader fixed sites, as well as the integration to the Aware system which provides real-time alerting in the command center, in a total cumulative amount not to exceed \$127,484.00.
(EMERGENCY MANAGEMENT DEPARTMENT)

APPROVED 7-0

- C. Proposed resolution accepting a grant award from the Nita M. Lowey Twenty-First (21st) Century Community Learning Centers Grant in the amount of \$584,100.00 for a term commencing on August 1st, 2020 and ending on July 31st, 2021, to fund the Young Leaders with Character Afterschool and Summer Programs operating out of three 21st Century Community Learning Centers sites within the City of Hialeah, for students from grades 6 through 8; and further authorizing the Mayor or his designee to execute any and all agreements, documents and subcontracts in furtherance thereof; and providing for an effective date.
(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-026

- D. Request permission to issue a purchase order to Image Trend, Inc., sole source vendor, for a Software Licensing Agreement for Electronic Patient Care Reporting, from January 7, 2020 to January 6, 2022, in a total cumulative amount not exceed \$84,056.00. On December 9, 2014, the City Council approved a three-year contract with this vendor with an option to renew for two succeeding terms of one year each.
(FIRE DEPARTMENT)

APPROVED 7-0

- E. Request permission to utilize Florida Sheriffs Association Contract No. FSA20-VEF14.02 - *Fire Rescue Vehicles & Other Equipment (Specification: Medium Duty Rescue Apparatus)*, effective

through March 31, 2023, and issue a purchase order to Hall-Mark Fire Apparatus, LLC, for the purchase and installation of two (2) REV RTC Rapid Respond Rescue Body per the specifications of the Fire Department to serve as District Chief response vehicles body, in a total cumulative amount not to exceed \$146,042.00.
(FIRE DEPARTMENT)

APPROVED 7-0

- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue two (2) purchase orders to Weathertrol Maintenance Corp; the first purchase order for emergency repairs, parts and labor for two (2) rooftop air-conditioner chillers that supply air conditioning to the Fire Administration Building and Fire Station No. 1, in the amount of \$20,000, and the second purchase order for a Preventative Maintenance Program for air-conditioner chillers, in the amount of \$1,440.00, for a total cumulative expense amount not to exceed \$21,440.00.
(FIRE DEPARTMENT)

APPROVED 7-0

- G. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2021-1003, issued to Berstein-Ryan, LLC, doing business as ImageFirst Healthcare Laundry Specialists, for laundry and linen services to all eight (8) fire stations, by an additional amount of \$28,000.00, for a new total cumulative amount not to exceed \$43,000.00.
(FIRE DEPARTMENT)

APPROVED 7-0

- H. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2021-1103 issued to Anro Enterprises, Inc., doing business as Diago Dry Cleaners, to cover the cost of dry cleaning services for the remainder of fiscal year 2020-2021, by an additional amount of \$16,000, for a new total cumulative expense amount not to exceed \$31,000.
(FIRE DEPARTMENT)

APPROVED 7-0

- I. Proposed resolution authorizing the application for, and the acceptance of, a grant from the Federal Universal Service Fund (e-Rate) for schools and libraries, for state fiscal year 2021-2022, for discounts on internet services whereby the grant provides for an 80% discount to the City of Hialeah's Public Libraries for internet services; and authorizing the expenditure of \$12,840.00 for internet services; providing for an effective date.
(LIBRARY)

APPROVED 7-0

RESOLUTION NO. 2021-027

REPORT: Grisel Torralbas, Library Administrator of the City of Hialeah, addressed the City Council via Zoom.

REPORT: Motion to Approve Consent Item I made by Council Member Hernandez, and seconded by Council Member De la Rosa. Motion passes 7-0.

- J. Report of Scrivener's Error – On February 16, 2021, the City Council approved Consent Item O, approving an expenditure in an amount not to exceed \$40,000 from account number 602.8500.519311, for the services of Burgess Chamber and Associates, Inc. as the investment advisor for the Oversight Committee of the Elected Officers' Retirement Trust. The item was approved with the incorrect account number reflected on the agenda item letter from the Director of the City's Retirement Department to the Mayor and City Council Members. The agenda item letter is being amended to reflect the correct account number as 602.8500.513311.
(OFFICE OF MANAGEMENT AND BUDGET)
(RETIREMENT DEPARTMENT)

APPROVED 7-0

- K. Request permission to utilize National Joint Powers Alliance Contract No. 030117-LTS, effective through April 14, 2021, and issue a purchase order to Miracle Recreation Equipment Company, for the purchase and installation of three (3) shade structures for the bleachers located at Sparks Park, as well as two (2) three row bleachers for the basketball court located in Sparks Park, in a total cumulative amount not to exceed \$80,721.50, price which includes labor, materials, installation and freight.
(DEPARTMENT OF PARKS AND RECREATION)

APPROVED 7-0

- L. Request permission to utilize National Joint Powers Alliance Contract No. 030117-LTS, effective through April 14, 2021, and issue a purchase order to Miracle Recreation Equipment Company, for the purchase and installation of two (2) shade structures for the bleachers located at the Milander Park basketball court, in a total cumulative amount not to exceed \$33,456.00, price which includes labor, materials, installation and freight.
(DEPARTMENT OF PARKS AND RECREATION)

APPROVED 7-0

- M. Request permission to utilize City of Miami Contract No. 781382(29) - *City Sidewalk Repair and Replacement Services*, effective through July 29, 2023, and issue a purchase order to G P E Engineering & General Contractor Corp., for concrete flooring installation at Bucky Dent Skate Park, in a total cumulative amount not to exceed \$49,838.26, cost which does not include permits, utilities or inspections.
(DEPARTMENT OF PARKS AND RECREATION)

APPROVED 7-0

- N. Request permission to waive the competitive bidding, since it is advantageous to the City, and issue a purchase order to SRS Engineering, Inc., vendor approved by the City Council as a member of the City's consultant pool in 2010 for three (3) years with the option to extend annually for a total of no more than five (5) years, for the design and engineering of the new West 92nd Street park, in a total amount of \$115,203.14, and further request a contingency in the amount of \$10,000, to cover the cost of permitting, bidding/negotiations and construction administrative fees, for a total cumulative expense amount not to exceed \$125,203.14.
(DEPARTMENT OF PARKS AND RECREATION).

APPROVED 7-0

- O. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to VMI, Inc., vendor providing the lowest quotation, for the purchase of equipment to replace the Leightronix and Encoder currently used for Channel 77, in a total cumulative amount not to exceed \$15,324.00.
(PURCHASING DIVISION)

APPROVED 7-0

- P. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Eureka Farms LLC, vendor providing the lowest quotation per unit, to purchase Green Island Ficus plants to be planted throughout the City, in a total cumulative amount not to exceed \$100,000.00.
(STREETS)

APPROVED 7-0

- Q. Request permission to waive competitive bidding, since it is advantageous to the City, and increase two purchase orders, one issued to the Streets Department and the other to the Department of Parks and Recreation (Purchase Order No. 2021-1307 and Purchase Order No. 2021-909), both issued to Ojito Waste Systems Inc., vendor providing the lowest quotation per cubic yard, on an as needed basis, for hauling and disposal of vegetative debris from public right-of-ways and public spaces, up to a total cumulative expense amount not to exceed \$42,260.00 to be allocated amongst both purchase orders.
(STREETS)

APPROVED 7-0

- R. Proposed resolution vehemently opposing Florida House Bill 1053 and its companion Senate Bill 102 usurping a most fundamental right to access courts, right to selection of counsel and all concomitant rights in attorney-client relationships held by local governments as representative of the interests of its constituency; providing for transmittal; and providing for an effective date.
(SPONSOR: COUNCIL MEMBER HERNANDEZ)
(CO-SPONSER: COUNCIL PRESIDENT TUNDIDOR)

APPROVED 7-0

RESOLUTION NO. 2021-028

REPORT: Motion to Approve Consent Item R made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

- S. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Tolfar, Inc., vendor providing the lowest quotation, for the purchase of kitchen appliances for the Goodlet Adult Center, in a total cumulative amount not to exceed \$24,575.00.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

T. Request permission to utilize Florida Sheriffs Association Bid No. FSA20-VEL 28.0, and issue a purchase order to Bozard Ford Co., in the total cumulative expense amount not to exceed \$167,183.00, for the purchase of the following vehicles :

- One (1) 2021 Ford F-150 Super Crew (W1C)- Specification No. 138, in the amount of \$31,538.00
- Five (5) 2021 F-150 XL 4X2 Super Cab (X1C) – Specification No. 138, for a total of \$27,129.00 per vehicle.

Further request permission to issue a purchase order to, Duval Fleet Services, Inc., in a total cumulative expense amount not to exceed \$138,999.00, for the purchase of the following vehicles:

- One (1) Ford Explorer XLT- RWD- Specification No. 294-K7D, in the amount of \$30,159.00.
- Five (5) Chevy Colorado Double Cab-2WT, Specification No. 121-12M53, in the amount of \$21,768.00 per vehicle.

(BUILDING DIVISION)

APPROVED 7-0

U. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Sir Speedy, Inc., for mailing services of 57,000 flyers, including the estimated cost of postage, to be mailed to the community, in compliance with the requirement of the Community Rating System Program, in a total cumulative amount not to exceed \$26,487.00. Under the Community Rating System Program – Activity No. 330, credit is provided for flood informational outreach projects that are disseminated annually within the City and maintain the City's current rating.

(BUILDING DIVISION)

APPROVED 7-0

V. Request permission to award City of Hialeah Invitation to Bid No. 2019-20-3230-00-010 – *City Hall Elevator Modernization* - to Mowrey Elevator Co., Inc., lowest responsive and responsible bidder, in the amount of \$78,380.00, and further request a ten percent (10%) contingency in the amount of \$7,838.00 to cover any unforeseen issues that may arise during the project, as well as for the reimbursement of permitting and inspection fees, in a total cumulative amount not to exceed \$86,218.00.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

W. Request permission to waive competitive bidding, since it is advantageous to the City, and increase four (4) purchase orders: (1) Purchase Order No. 2021-150 issued to Royal Electrical Supply, Inc., by an additional \$15,000.00, (2) Purchase Order No. 2021-151 issued to Miami-Dade Electric and A/C Supply, LLC, by an additional \$15,000, (3) Purchase Order No. 2021-155, issued to Miami Dade Electrical Supply, Inc., by an additional \$15,000 and (4) Purchase Order No. 2021-154, issued to Manhattan Electric & Hardware Corporation, by an additional \$10,000, to purchase electrical equipment, components and supplies to be used citywide, with all four

vendors being used on a rotating basis, or in case of an emergency, based on the proximity to the site where the work needs to be performed, for a new total cumulative expense amount not to exceed \$95,000.

Vendor	Purchase Order	Current Amount	Increase Requested	Total (if approved)
Royal Electrical Supply, Inc	2021-150	\$15,000	\$15,000	\$30,000
Miami-Dade Electric and A/C Supply, LLC	2021-151	\$10,000	\$15,000	\$25,000
Miami Dade Electrical Supply, Inc	2021-155	\$10,000	\$15,000	\$25,000
Manhattan Electric & Hardware Corporation	2021-154	\$5,000	\$10,000	\$15,000

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

- X. Request permission to award City of Hialeah Invitation to Bid No. 2020-21-3230-00-007 – *Fire Alarm Replacement at City Hall* to G. & R. Electric Corp., sole source responsive and responsible bidder, in a total cumulative amount not to exceed \$125,00.00, and further request a ten percent (10%) contingency in the amount of \$12,500.00 to cover any unforeseen issues that may arise during the project, as well as for the reimbursement of permit fees, for a total cumulative amount not to exceed \$137,500.00.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

- Y. Request permission to waive competitive bidding, since it is advantageous to the City, in that this vendor is currently being used by the City’s Human Resources Department for polygraph tests for pre-employment purposes for the Hialeah Police Department, and issue a purchase order to Murray Lenchner (examiner) doing business as Precision Polygraph Service, for pre-employment polygraph testing for the Hialeah Fire Department, in a total cumulative amount not to exceed \$10,000.00.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 7-0

- Z. Proposed resolution urging the Florida Legislature to enact legislation to prohibit the smoking of tobacco products and vaping products on public beaches and public parks, and provide counties and municipalities authority to issue civil penalties and citations; directing the City Clerk to transmit a copy of this resolution; and providing for an effective date.

(SPONSOR: MAYOR HERNANDEZ)

(COSPONSOR: COUNCILWOMAN GARCIA-ROVES)

APPROVED 7-0

RESOLUTION NO. 2021-029

- AA. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2021-942, issued to All Uniform Wear Corp., to purchase masks for all City employees in order to prevent the transmission of COVID-19, by an additional amount of \$17,500.00, for a new total cumulative amount not to exceed \$35,750.00.

APPROVED 7-0

10. ADMINISTRATIVE ITEMS

- 10 A.** First reading of proposed ordinance amending Chapter 78 entitled "Solid Waste", of the Code of Ordinances, Article I. entitled "In General", in particular Section 78-1 to update defined terms; amending Article III. entitled "Collection and Disposal", to rescind in its entirety Section 78-75; amending Article VI. entitled "Collection Services by Private Collectors Non-Exclusive Franchise", to authorize solid waste collection services by private collectors, to provide for collection container regulations including labeling, location and maintenance obligations; providing the City with the right to remove and impound abandoned collection containers; requiring any person collecting, removing, transporting or procuring collection services contracts as an intermediary to obtain a non-exclusive franchise upon application and payment of a fee; providing for minimum service standards; providing for administrative remedies; amending Article VII. entitled "Roll-Off Regulations", updating the application process; providing an authorization fee of \$150.00 per roll-off container; providing for minimum standards for roll-off containers; 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: Mayor Hernandez, spoke on this item.

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

REPORT: Lorena Bravo, City Attorney of the City of Hialeah, addressed the City Council.

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

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

- 10 B.** First reading of proposed ordinance amending Chapter 30 entitled "Elected Officials", Article II.- Public Meetings, of the Code of Ordinances of the City of Hialeah, creating a new Section 30-32 entitled "Attendance and Absenteeism" to provide for attendance at regularly scheduled City Council Meetings and during a declared emergency; to provide for the forfeiture of a Council Member's compensation following a third absence unless good cause is shown; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the Code; providing for an effective date.

(SPONSOR: COUNCIL MEMBER DE LA ROSA)

(CO-SPONSER: COUNCIL PRESIDENT TUNDIDOR)

APPROVED AS AMENDED 4-3-0 with Council Vice President Perez, Council Member Garcia-Roves and Council Member Zogby voting "No".

REPORT: Council President Tundidor, requested an amendment to the proposed ordinance to change the effective date of the ordinance, if approved, to October 1, 2021.

REPORT: Motion to Approve Administrative Item 10B as Amended made by Council Member De la Rosa, and seconded by Council Member Hernandez. Motion passes 4-3-0 with Council Vice President Perez, Council Member Garcia-Roves and Council Member Zogby voting “No”.

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

10 B 1. Proposed resolution regarding “Attendance and Absenteeism” during a Declared Emergency to provide for attendance on a rotational basis and providing for an effective date.

(SPONSOR: COUNCIL MEMBER DE LA ROSA)

(CO-SPONSER: COUNCIL PRESIDENT TUNDIDOR)

WITHDRAWN

REPORT: Lorena Bravo, City Attorney for the City of Hialeah, withdrew the resolution in spite of the City Council’s feedback.

11. BOARD APPOINTMENTS

REPORT: None.

12. UNFINISHED BUSINESS

REPORT: None.

13. NEW BUSINESS

- **Mayor Hernandez:**
 - *Congratulated the City Council on their handling of Administrative Item 10B.*
 - *Spoke regarding COVID-19 vaccines.*
 - *Potential monies the City may be receiving from the federal government.*
- **Council Member Hernandez** spoke regarding COVID-19 vaccines.
- **Council Vice President Perez spoke on the following:**
 - *COVID-19 vaccines program at Milander*
 - *Collaboration with the Hialeah Housing Authority for a food pantry “Community Refrigerator” at to be held at Holland Hall and Ruth Tinsman, two public housing buildings in Hialeah.*
 - *Freebee program update*

- *Recycling program update.*
- *Drive-In Movie Night at Milander Park on Saturday, March 13, 2021*

14. ZONING

PLANNING AND ZONING

PZ 1. Second reading and public hearing 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 7-0

ORDINANCE NO. 2021-019

On February 23, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 9, 2021.

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: 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 1 made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

PZ 2. Second reading and public hearing 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 7-0

ORDINANCE NO. 2021-020

On February 23, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 9, 2021.

On February 16, 2021, the City Council tabled the item until February 23, 2021.

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

On January 27, 2021, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval of rezoning and landscape buffer reduction to 2.8 feet width for a length of 20 feet.

Owners of the Property: Kenny Niebla, 3581 East 4th Avenue, Hialeah, Florida 33013.

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 Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

PZ 3. Second reading and public hearing 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 7-0

ORDINANCE NO. 2021-021

<i>On February 23, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 9, 2021.</i>
<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: 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 Garcia-Roves, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

PZ 4. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit
3/12/2021 11:07 AM

(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 6-0-1 with Council Member De la Rosa abstaining from voting.

ORDINANCE NO. 2021-022

<i>On February 23, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 9, 2021.</i>
<i>Registered Lobbyist: Felix Lasarte, The Lasarte Law Firm, 3250 NE 1st 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 68th 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: 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 Hernandez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member De la Rosa having abstained from voting.

REPORT: Form 8b Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers filed by Council Member De la Rosa on March 9, 2021 is on file with the Office of the City Clerk.

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.

APPROVED 4-3-0 with Council President Tundidor, Council Vice President Perez and Council Member Hernandez voting “No”.

On February 23, 2021, the item was postponed until March 9, 2021, per the applicant’s request for the benefit of the presence of a full City Council.

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 Marcos Gutierrez, 7757 NW 169 Terrace, Miami Lakes, Florida 33016.

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

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.

REPORT: Motion to Remove Item PZ 4 from Table made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member De la Rosa not present during roll call.

REPORT: Motion to Approve Item PZ 5 made by Council Member Cue-Fuente, and seconded by Council Member De la Rosa. Motion passes 4-3-0 with Council President

Tundidor, Council Vice President Perez and Council Member Hernandez voting “No”.

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

- PZ 6.** First reading of proposed ordinance rezoning property from M-1 (Industrial District) to C-1 (Restricted Retail Commercial District); granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances §§ 98-181 to allow a Prescribed Pediatric Extended Care (PPEC) with a maximum of 30 patients and 8 staff employees; variance permit to allow 33 parking spaces, where 98 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(7). **Property located at 700 West 29 Street, Hialeah, Florida, 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.

APPROVED 7-0

On March 3, 2021, the Planning and Zoning Board recommended approval with the condition that the property owner commits to restrict uses at the site, improve the site, and control outdoor work, and the commitment of the PPEC operator to transport a significant number of attendees to and from the facility.

Planner’s Recommendation: Approval with conditions proffered in a Declaration of Restrictions.

Owners of the Property: Airport Commerce LLC, 696 NE 125 Street, North Miami, Florida 33161.

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 Ms. Danelis Novas.

REPORT: Danelis Novas, 10701 SW 47 Terrace, applicant, addressed the City Council.

REPORT: Motion to Approve Item PZ 6 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

- PZ 7.** First reading of proposed ordinance granting a variance permit to allow the re-platting of two properties into three substandard lots and to allow the construction of a single-family home on each substandard lot having approximately a frontage of 40 feet and total lot area of 5,475 square feet, where 75 feet and 7,500 square feet are required respectively; and allow interior side setbacks of 5 feet, where 5 feet 1 inch are required; all contra to Hialeah Code of Ordinances §§ 98-499 and 98-501. **Properties located at 728 East 23 Street, 736 East 23 Street and 7XX East 23 Street, Hialeah, Florida, 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.

APPROVED 7-0

Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of Marcos Gutierrez, 7757 NW 169 Terrace, Miami Lakes, Florida 33016.

On March 3, 2021, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

Owners of the Property: Rada 3 LLC., Ahmed Riesgo, Aldo Riesgo, Mirta Riesgo, 3 Grove Isle Drive, #906, Miami, Florida 33133.

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.

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

REPORT: Lorena Bravo, City Attorney of the City of Hialeah, spoke on this item.

REPORT: Motion to Approve Item PZ 7 made by Council Member Hernandez, and seconded by Council Member De la Rosa. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

- PZ 8.** First reading of proposed ordinance granting a variance permit to allow the expansion of a legal nonconforming use and to allow a rear setback of 1.08 feet, where 20 feet are required for a proposed storage addition; allow interior west side setback of 9.79 feet, where 10 feet are required for an existing storage building; contra to Hialeah Code of Ordinances §§ 98-501 and 98-502. **Property located at 815 West 75 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.

APPROVED 7-0

On March 3, 2021, the Planning and Zoning Board approved the item.

Planner's Recommendation: Approval.

Owners of the Property: Hialeah Housing Authority, 75 East 6 Street, Hialeah, Florida 33010.

REPORT: Motion to Approve Item PZ 8 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

- PZ 9.** First reading of proposed ordinance granting a variance permit to allow for the temporary waiver of plat provided that the property will be platted within 18 months of the approval of this ordinance; contra to Hialeah Land Development § 10-4(c). **Property located at 9715 NW 138 Street, Hialeah, zoned RH-CD (Mixed Use Multiple Family District) and CDH (Commercial**

Development 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 7-0

<i>Registered Lobbyist: Hugo P. Arza, Esq., and Alejandro Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i>
<i>On March 3, 2021, the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Atlas Fam II, LLC, 9715 NW 138th Street, Hialeah, Florida.</i>

REPORT: Motion to Approve Item PZ 9 made by Council Member De la Rosa, and seconded by Council Member Hernandez. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

PZ 10. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the neighborhood business district overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow a single use, multifamily residential building, where a vertical mix of uses is required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow all units with area of 600 square feet, where area of 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow 15 feet front setback, where 10 feet built-to-line are required; allow rear setback of 10 feet and interior east side setback of 7 feet, where 15 feet are required; allow surface parking on the front setback, where surface parking is not allowed on front setback; allow 19 parking spaces, where 34 parking spaces are required; and allow 23.9% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-1630.3(e)(4), 98-2189(16)a., and 98-2056(b)(1). **Property located at 241 East 6 Street, Hialeah, Florida; zoned R-3-D (Multifamily 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 7-0

<i>Registered Lobbyist: Hugo P. Arza, Esq., and Alejandro Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i>
<i>On March 3, 2021, the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: John & Olinda Perez, 241 East 6th Street, Hialeah, Florida.</i>

REPORT: Motion to Approve Item PZ 10 made by Council Member Cue-Fuente, and seconded by Council Member De la Rosa. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for March 23, 2021.

15. FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-02** that granted an adjustment on the property located at **550 East 47 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 7-0

RESOLUTION NO. 2021-030

On February 10, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the wet bar and exterior side door be removed to avoid the possibility of the conversion of the space into an additional living unit.

Planner's Recommendation: Approve subject to removal of exterior side door and wet bar.

Owners of the Property: Armando Rafael Gonzalez Diaz, 550 East 47 Street, Hialeah, Florida 33013.

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

REPORT: Motion to Approve Item FD 1 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

FD 2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-03** that granted an adjustment on the property located at **670 S.E. 2 Place, Hialeah, Florida**; and providing for an effective date.

APPROVED 7-0

RESOLUTION NO. 2021-031

On February 10, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the outside door of the proposed west addition is removed.

Planner's Recommendation: Approval with conditions.

Owners of the Property: Faustino Leon, 670 SE 2nd Place, Hialeah, Florida 33010.

REPORT: Motion to Approve Item FD 2 made by Council Member Zogby, and seconded by Council Vice President Perez. Motion passes 7-0.

REPORT: Council President Tundidor adjourned the meeting at 9:48 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, March 23, 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, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

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

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

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