

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martinez
Council Vice President



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

City Council Minutes
March 12, 2019
7:00 P.M.

Call to Order

REPORT: Council President Casáls-Muñoz called the meeting to order at 7:07 p.m.

Roll Call

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

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

REPORT: Councilwoman Katherine Cue-Fuente arrived at 7:09 p.m.

• Also present was:

- Lorena Bravo, City Attorney
- Mayor Carlos Hernandez

Invocation given by Marbelys Fatjo, City Clerk

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

Pledge of Allegiance to be led by Councilman Paul Hernandez

REPORT: Councilman Hernandez led the Pledge of Allegiance.

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other

similar electronic devices in the Council Chamber.

- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

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

1. PRESENTATIONS

REPORT: NONE

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Items D, E, F, and G have been added to today's agenda and a copy has been placed on the dais for the City Council's review.
- Administrative Item 4C has been amended and will be re-advertised. The item is postponed until March 26, 2019.
- Administrative Items 4B, 4D and 4F, and Planning and Zoning Items PZ 2 and 3 have been postponed until March 26, 2019.
- A Declaration of Restrictive Covenants has been added to the backup documentation of Items PZ 1, PZ 9 and PZ 10.
- A Declaration of Restrictions has been added to the backup documentation of Item PZ 5.

3. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the

Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Cue-Fuente, and seconded by Council Vice President Garcia-Martinez. Motion passed 7-0.

- A. Request permission to approve the minutes of the Council Meeting held on February 26, 2019. (OFFICE OF THE CITY CLERK)

APPROVED 7-0

- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-454, issued to Royal Electrical Supply, Inc., to purchase electrical supplies for all citywide facilities, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (CONSTRUCTION AND MAINTENANCE DEPT.)

APPROVED 7-0

- C. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-452, issued to Miami Dade Electrical Supply, Inc., to purchase electrical supplies for all citywide facilities, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (CONSTRUCTION AND MAINTENANCE DEPT.)

APPROVED 7-0

- D. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-1035, issued to G. & R. Electric Corp., for additional unforeseen work relating to the fire alarm and access control/card reader system for the City Hall gymnasium, by an additional amount of \$7,500, for a new total cumulative amount not to exceed \$21,570. (CONSTRUCTION AND MAINTENANCE DEPT.)

APPROVED 7-0

- E. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to AN Motors of Pembroke, LLC d/b/a Autonation Chevrolet Pembroke Pines, to purchase two (2) 2019 Chevrolet Silverado 2500HD Double Cab, ¾ ton extended cab pickup truck - 4X2, Specification No. 61, in the amount of \$36,663 per vehicle, for a total cumulative amount not to exceed \$73,326. (STREETS)

APPROVED 7-0

- F. Proposed resolution approving the expenditure totaling an amount not to exceed one hundred forty-three thousand three hundred dollars (\$143,300.00) from the Law Enforcement Trust Fund - *State*, to purchase 80 Lenovo Thinkpad T480 laptop computers and applicable warranties from Lenovo, Inc., an authorized distributor, utilizing Florida Naspo Valuepoint Contract No. MNWNC-117/43211500-WSCA-15-ACS, and 50 Brother RuggedJet RJ-42330BL label printers and related accessories from CDW Computer Centers, LLC (Government Division), an authorized distributor, utilizing National IPA Technology Solutions Contract No. 2018011-01, and waiving competitive bidding as it is advantageous to the City, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED 7-0
RESOLUTION NO. 2019-027

- G. Proposed resolution approving the Local Agency Program Agreement (LAP) between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1", for the design, engineering, construction and inspection of the sidewalk and guardrail improvements along West 4 Avenue from West 29 Street to West 49 Street in Hialeah, Florida, in an amount not to exceed \$905,298.00 and authorizing the expenditure of the contract sum subject to a funding and/or reimbursement schedule agreed to by the parties; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the LAP Agreement; and providing for an effective date. (STREETS)

APPROVED 7-0
RESOLUTION NO. 2019-028

4. ADMINISTRATIVE ITEMS

- 4A. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled "Administration" of the Code of Ordinances, Article V. entitled "Finance", Division 2. entitled "Fees and Charges", and in particular amending Section 2-873(a) to increase the violation lien research fee from \$225.00 to \$375.00; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 7-0
ORDINANCE NO. 2019-013

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

REPORT: Motion to Approve Item 4A made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 7-0.

- 4B. Second reading and public hearing of proposed ordinance amending Chapter 98, entitled "Zoning", Article VI, entitled "Supplementary District Regulations", Division 5 entitled "Uses", Subdivision IX entitled "Residential Care and Treatment Facilities", by repealing and replacing §§ 98-1986 through 98-1988, respectively entitled "Definitions", "Limited Supervisory Residential Care and Treatment Facilities", and "Supervisory Residential Care and Treatment Facilities" of the Code of Ordinances of the City of Hialeah, Florida, with updated regulations §§ 98-1986 through 98-1988; and by adding new Sections 98-1989 entitled "Community Residential Homes", 98-1990 entitled "Reasonable Accommodation", 98-1991 entitled "Emergency Power", and 98-1992, entitled "No Use Variances"; for siting of care and treatment facilities in the City; repealing Ordinance No. 2018-023 and all prior ordinances in conflict herewith; providing for penalties; providing for severability; providing for inclusion in code; providing for an effective date. (ADMINISTRATION) **POSTPONED UNTIL MARCH 26, 2019**

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

- 4C. Second reading and public hearing of proposed ordinance amending Chapter 98, “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, Subdivision VIII, entitled “Assisted Living Facilities” §§ 98-1956 and 98-1957; providing for a distance separation of 1,200 feet from another existing assisted living facility, not otherwise licensed under Chapter 419 of the Florida Statutes, repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION) **POSTPONED UNTIL MARCH 26, 2019**

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

- 4D. Second reading and public hearing of proposed ordinance approving the dedication of approximately 3,343 square feet of land, more or less, lying adjacent to and directly north of NW 170 Street, east of State Road 821, Homestead Extension of Florida’s Turnpike to the State of Florida, Department of Transportation for right-of-way purposes; approving the terms of the dedication in substantial conformity with the deed attached and made a part hereof as Exhibit 1; subject to the execution of a Right-of-Way Donation Agreement between the State of Florida and the City in substantial conformity with the form agreement attached and made a part hereof as Exhibit 2; subject to a grant by the Graham Companies of all necessary underground utility and access easements on property identified in Parcel Sketch attached as Exhibit 3, sufficient in area and scope to accommodate the relocation of the City’s Reverse Osmosis Water Treatment Plant facilities, together with all rights to access, repair, replace and maintain its facilities at all times, on a form and subject to terms and conditions as approved by the Mayor and Armando Vidal, Director of Public Works; authorizing the Mayor and the City Clerk, as attesting witness, to execute the Right of Way Deed and the Right-of-Way Donation Agreement on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (DEPT. OF PUBLIC WORKS AND ADMINISTRATION) **POSTPONED UNTIL MARCH 26, 2019**

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

- 4E. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 12-70 (November 5, 2012), that allowed a Medical Research Laboratory on property and repealing and rescinding in its entirety the Declaration of Restrictions recorded in Official Records Book 228315 at Page 0166 in the Public Records of Miami Dade County, Florida, property zoned M-1, (Industrial District). **Property located at 122 West 23 Street, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ZONING) **APPROVED 7-0**
ORDINANCE NO. 2019-014

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

REPORT: Motion to Approve Item 4E made by Councilman Caragol, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.

- 4F.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 26 “TOD Transit Oriented Development District” and in particular adding a new section 98-1561 entitled “Factory Town Entertainment Subdistrict Pilot Program” of the Code of Ordinances of the City of Hialeah, repealing all ordinances or parts of ordinances in conflict herewith, providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date. (ZONING) **POSTPONED UNTIL MARCH 26, 2019**

Item was postponed by the City on February 26, 2019 until March 12, 2019.

Item was approved on first reading by the City Council on February 12, 2019. Second reading and public hearing was scheduled for February 26, 2019.

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

APPROVED 7-0

ORDINANCE NO. 2019-015

Item was approved on first reading by the City Council on February 12, 2019. Second reading and public hearing was scheduled for March 12, 2019.

REPORT: Motion to Approve Item 4G made by Councilman Caragol, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.

- 4H.** First reading of proposed ordinance amending Section 98-1541 Hialeah Transfer Station Subdistrict of the Code of Ordinances of the City of Hialeah in Chapter 98 “Zoning”, Article V. entitled “Zoning District Regulations”, Division 26, “TOD Transit Oriented Development District”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; and providing for an effective date. (ZONING)

APPROVED 7-0

Item was approved by the Planning and Zoning Board on February 27, 2019.

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

REPORT: Motion to Approve Item 4H made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 7-0. Second reading and public hearing is scheduled for March 26, 2019.

5. BOARD APPOINTMENTS

REPORT: NONE

6. UNFINISHED BUSINESS

REPORT: NONE

7. NEW BUSINESS

REPORT: NONE

8. COMMENTS AND QUESTIONS

- Councilman Caragol spoke on complaints he has received regarding trash at 410 Southeast 1st Street.
- Axel Garcia, 4020 West 11 Lane and Kayla Taylor, 7030 NW 5 Place, addressed the Mayor and City Council regarding privatization of students' and teachers' contact information.
- Mayor Hernandez presented Willians Guerra as the new Acting Fire Chief, as well as provided an update on new jobs created in the City of Hialeah.

ZONING

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

REPORT: All were duly sworn in.

Attention Applicants:

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

REPORT: Council Vice President Garcia-Martinez disclosed she will abstain from voting on Item PZ 15 due to that she is the applicant for the item.

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

APPROVED 7-0
ORDINANCE NO. 2019-016

<i>On February 26, 2019 the item was postponed until the City Council Meeting of March 12, 2019.</i>
<i>Item was approved on first reading by the City Council on February 12, 2019. Second reading and public hearing was scheduled for February 26, 2019.</i>
<i>Registered Lobbyist: Ceasar Mestre, 7600 West 20 Avenue, # 220, Hialeah, FL., in representation of the principal, Direct Helpers Medical Center Inc., 425 West 51 Place.</i>
<i>Item was approved with conditions by the Planning and Zoning Board on January 23, 2019.</i>
<i>Planner’s Recommendation: Approval with Declaration of Restrictive Covenants.</i>
<i>Owner of the Property: Aileen Tablado & Direct Helpers Research Center, 425 West 51 Place, Hialeah, Florida 33012.</i>

REPORT: Motion to Approve Item PZ 1 made by Councilman Caragol, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.

PZ 2. Second reading and public hearing of proposed ordinance granting a Special Use Permit
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(SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow for a plasma collection facility; **Property located at 2750 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
POSTPONED UNTIL MARCH 26, 2019

<i>On February 26, 2019 item was postponed until the City Council Meeting of March 12, 2019.</i>
<i>On February 12, 2019 item was postponed until the City Council Meeting of February 26, 2019.</i>
<i>On January 22, 2019 item was postponed until the City Council Meeting of February 12, 2019.</i>
<i>Item was approved on first reading by the City Council on January 8, 2019. Second reading and public hearing was scheduled for January 22, 2019.</i>
<i>Item was approved by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Frank Sarria, 1001 Ponce De Leon Blvd, Suite E, Coral Gables, Florida 33134.</i>

PZ 3. Second reading and public hearing of proposed ordinance rezoning property from R-3 (Multiple-Family District) to R-3-5 (Multiple Family District); and granting a variance permit for **properties 1130, 1140 and 1170 West 26 Street** to allow lot coverage of 33.2%, where 30% is required; allow 30 parking spaces, where 60 parking spaces are required; allow a rear setback of 8 feet, where 20 feet is required; and allow a front setback of 20 feet, where 25 feet is required; and for **properties 2505, 2595 West 12 Avenue** granting a variance permit to allow a rear setback of 6 feet, where 20 feet is required; and allow a street side setback of 10 feet, where 15 feet is required; all contra to Hialeah Code of Ordinances §§ 98-2056(b)(1), 98-589, 98-590 and 98-591. **Properties located at 1130, 1140 and 1170 West 26 Street, and 2505, 2595 West 12 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0
ORDINANCE NO. 2019-017

<i>Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.</i>
<i>Item was approved with conditions by the Planning and Zoning Board on February 13, 2019.</i>
<i>Planner's Recommendation: Table item until requested changes are addressed.</i>
<i>Registered Lobbyists: Anthony Escarra Esq., 16400 NW 59 Avenue, Miami Lakes, Florida.</i>

Owner of the Property: Oceanmar Apartments II, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida.

REPORT: Anthony Escarra, 16400 NW 59 Avenue, addressed the City Council on this item.

REPORT: Motion to hear Item PZ 3 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0.

REPORT: Motion to Approve Item PZ 3 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0.

PZ 4. Second reading and public hearing of proposed ordinance rezoning the northern 11.29 acres of the below described property (Lot 3) from CDH to RH-CD and granting a variance permit to allow 455 parking spaces, where 495 are required pursuant to the Hialeah Code of Ordinances § 98-1607.3(1), provided that a Shared Parking Agreement with the adjacent commercial parcel (Lot 4 and Lot 16) that includes approximately 175 extra parking spaces is recorded in the public records prior to site plan approval; allow apartments wherein ninety percent of the units shall have a minimum floor area of 700 square feet and ten percent of the units may have a minimum floor area of 500 square feet pursuant to the Hialeah Code of Ordinances § 98.1607.3(3)(i); and allow an interior edge landscape buffer of 10 feet where 20 feet are required pursuant to the Hialeah Code of Ordinances §98-1607.3 (k)(2); on the remainder of the property zoned CDH (Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16) allow substituting the site development requirements provided in the Hialeah Code of Ordinances § 98-1607.2(d)(1)(a) and (c) by approving the site plan signed and sealed by Gregory D. Wilfong, P.E. dated December 26, 2018 and pattern book prepared by Kimley-Horn and Fugelberg Koch, dated December 26, 2018; **Property located at the northwestern intersection of NW 97 Avenue and NW 138 Street, Hialeah, Florida, zoned CDH Hialeah Heights - Commercial Development District.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

ORDINANCE NO. 2019-018

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

Item was approved with conditions by the Planning and Zoning Board on February 13, 2019.

Planner's Recommendation: Approval with recommendation to explore the possibility of providing the required 20 feet interior landscape buffer.

Registered Lobbyist: Hugo Arza, 701 Brickell Avenue, Suite 3300.

Owner of Property: Atlas Fam II, LLC

REPORT: Motion to Approve Item PZ 4 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0.

PZ 5. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) and Special Use Permit (SUP) to allow a Prescribed Pediatric Extended Care Facility pursuant to Hialeah Code of Ordinances §§ 98-161 and 98-181; property zoned GUD (Major Institutions Land Use); **Property located at 7100 West 20 Avenue, Suite G-126, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

ORDINANCE NO. 2019-019

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

Item was approved by the Planning and Zoning Board on February 13, 2019.

Planner's Recommendation: Approval.

Owner of the Property: HTA – AW – Palmetto, LLC, 7100 West 20 Avenue, Hialeah, FL 33016

REPORT: Motion to Approve Item PZ 5 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0.

PZ 6. Second reading and public hearing of proposed ordinance amending Ordinance No. 2016-91 (attached as Exhibit “1”) to substitute the site plan and pattern book dated 10-5-16 prepared by Pascual Perez Kiliddjian & Associates with the site plan and pattern book prepared by same dated 1-29-19; and the landscape plan dated 10-5-16 prepared by Witkin Huts Design Group with the landscape plan dated 1-28-19 signed and sealed by Edgardo Perez, R.A; **Properties located on the SE corner of NW 170 Street and NW 97 Avenue, Hialeah Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; and providing for an effective date.

APPROVED 7-0

ORDINANCE NO. 2019-020

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

Item was approved by the Planning and Zoning Board on February 13, 2019.

Planner's Recommendation: Approval.

Owner of the Property: Lennar Homes, LLC., 701 NW 107 Avenue, Miami, FL 33172

REPORT: Motion to Approve Item PZ 6 made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 7-0.

PZ 7. Second reading and public hearing of proposed ordinance approving an amendment to the Declaration of Restrictions dated April 10, 2018 as recorded in Official Records Book 31070, Pages 381-391, on July 23, 2018 of the Public Records of Miami-Dade County Florida, **binding upon the properties located at SE corner of NW 170 Street and NW 97 Avenue, Hialeah, Florida** as provided in the attached amended Declaration of Restrictions Exhibit “1”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

ORDINANCE NO. 2019-021

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

Item was approved by the Planning and Zoning Board on February 13, 2019.

Planner’s Recommendation: Approval.

Owner of the Property: Two Lakes Lennar, LLC

REPORT: Motion to Approve Item PZ 7 made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 7-0.

PZ 8. Second reading and public hearing of proposed ordinance approving a final plat of Villas Del Este; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 705 East 18 Street, Hialeah, Florida.**

APPROVED 7-0

ORDINANCE NO. 2019-022

Item was approved on first reading by the City Council on February 26, 2019. Second reading and public hearing was scheduled for March 12, 2019.

Item was approved by the Planning and Zoning Board on February 13, 2019.

REPORT: Motion to Approve Item PZ 8 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.

PZ 9. Second reading and public hearing of proposed ordinance to allow the construction of a
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duplex on a substandard lot, with a frontage of 40 feet and area of 5,160 square feet, where 75 feet and 7,500 square feet are required; and allow interior east side setback of 5.83 feet for a distance of 11 feet, where 7.5 feet are required; property zoned R-2 (One- and Two-Family Residential District); all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 457 East 16 Street (Lot 21), Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-1-0
ORDINANCE NO. 2019-023

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

REPORT: Motion to Approve Item PZ 9 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Cue-Fuente. Motion passed 6-1-0 with Council President Casáls-Muñoz voting “No”.

PZ 10. Second reading and public hearing of proposed ordinance to allow the construction of a duplex on a substandard lot, with a frontage of 40 feet and area of 5,160 square feet, where 75 feet and 7,500 square feet are required; and allow interior east side setback of 5.83 feet for a distance of 11 feet, where 7.5 feet are required; property zoned R-2 (One- and Two-Family Residential District); all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 457 East 16 Street (Lot 22), Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-1-0
ORDINANCE NO. 2019-024

<i>On February 12, 2019 item was postponed until the City Council Meeting of March 12, 2019.</i>
<i>On January 22, 2019 item was postponed until the City Council Meeting of February 12, 2019.</i>
<i>Item was approved on first reading by the City Council on January 8, 2019.</i>

<i>Item was approved with conditions by the Planning and Zoning Board on December 12, 2018.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Registered Lobbyist: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014.</i>
<i>Owners of the Property: Charles and Vivian Macias, 6538 Collins Avenue, #440, Miami Beach, Florida 33141.</i>

REPORT: Motion to Approve Item PZ 10 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Lozano. Motion passed 6-1-0 with Council President Casáls-Muñoz voting “No”.

PZ 11. First reading of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District). **Property located at 385 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

<i>Registered Lobbyist: Felix Lasarte, 3250 NE 1st Avenue, Suite 334, Miami, FL, on behalf of DG Prop Group, 3250 NE 1st Avenue, Suite 334, Miami, FL.</i>
<i>Item was approved by the Planning and Zoning Board on February 27, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: SE Property Group, LLC., 3250 NE 1st Avenue, Suite 334, Miami, Florida 33137.</i>

REPORT: Felix Lasarte, 3250 NE 1st Avenue, addressed the City Council on this item.

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

REPORT: Motion to Approve Item PZ 11 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0. Second reading and public hearing is scheduled for March 26, 2019.

PZ 12. First reading of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). Property zoned R-1. **Located at 385 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

<i>Registered Lobbyist: Felix Lasarte, 3250 NE 1st Avenue, Suite 334, Miami, FL, on behalf of DG Prop Group, 3250 NE 1st Avenue, Suite 334, Miami, FL.</i>
<i>Item was approved by the Planning and Zoning Board on February 27, 2019.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: SE Property Group, LLC., 325 NE 1st Avenue, Suite 334, Miami, Florida 33137.</i>

REPORT: Motion to Approve Item PZ 12 made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 7-0. Second reading and public hearing is scheduled for March 26, 2019.

PZ 13. First reading of proposed ordinance rezoning property from M-2 (Industrial District) to M-3 (Industrial District) and granting a Special Use Permit (SUP) to allow an indoor electronic recycling facility; and granting a variance permit to allow 5 parking spaces, where 13 parking spaces are required; allow a north side setback of 1.4 feet, where 5.1 feet is required; allow a pervious area of 3.98%, where 10% is required; allow a waiver of the minimum landscape requirements to permit 6 trees, where 15 trees are required; allow 0 street trees, where 9 trees are required; allow 917 square feet of landscaping area, where 2,420 square feet are required; allow no shrubs, where 80 shrubs are required; and allow no perimeter landscape buffer, where a 7 foot landscape buffer is required; provided that the landscaping requirements are mitigated pursuant to Hialeah Code of Ordinances § 98-2233; all contra to Hialeah Code of Ordinances §§ 98-2189 (7) and (15) and 98-1453 and the latest edition of the Hialeah Landscape Manual dated July 9, 2015 Table A, Paragraphs (d)(7), (8) and (g). **Property located at 5501 NW 36 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

<i>Registered Lobbyist: Ceasar Mestre, 7600 West 20 Avenue, # 220, Hialeah, Florida 33016, on behalf of 5501 LLC, 5501 NW 36 Avenue.</i>
<i>On February 27, 2019 the Planning and Zoning Board approved the item with the condition that a Declaration of Restrictive Covenants be proffered and the landscaping that will not be provided be mitigated as per Section 98-2233.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Eduardo Rodriguez, 5501 NW 36th Avenue, Miami, Florida 33142.</i>

REPORT: Motion to Approve Item PZ 13 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0. Second reading and public

hearing is scheduled for March 26, 2019.

PZ 14. First reading of proposed ordinance granting a variance permit to allow a loading area on the exterior of the block, where loading areas are required to be located in the interior blocks; allow a 10 foot high decorative concrete wall at the perimeter of the property, where a maximum height of 8 feet is permitted; allow blank walls fronting west 40 Avenue, West 108 Street and West 104 Street, where blank walls at the street level and above the ground floor of buildings are not permitted; allow 0% frontage on West 104 Street and West 108 Street, and 49.9% frontage on West 40 Avenue, where 65% is the minimum frontage required; all contra to Hialeah Code of Ordinances §§ 98-1607.1(c)(3), 98-1607.1(c)(4), 98-1607.1(f)(1) and 98-1371(a). **Property located at 3850 West 108 Street, Hialeah, Florida.** Zoned BDH (Business 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: Joseph G. Goldstein, Holland & Knight, 701 Brickell Ave, Suite 3300, Miami, FL 33131, on behalf of Victory Unlimited Construction, LLC, 6831 E. 32 Street, Indianapolis, IN.</i>
<i>Item was approved by the Planning and Zoning Board on February 27, 2019.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Chill Build Miami I, LLC, 6831 East 32 Street, Suite 300, Indianapolis, Indiana 46226.</i>

REPORT: Joseph Goldstein, 701 Brickell Avenue, addressed the City Council on this item.

REPORT: R.J. Berner, 10743 Bay Ridge Way Court, Indianapolis, addressed the City Council regarding this item, as the design builder and general contractor.

REPORT: Motion to Approve Item PZ 14 made by Council Vice President Garcia-Martinez, and seconded by Councilman Caragol. Motion passed 7-0. Second reading and public hearing is scheduled for March 26, 2019.

PZ 15. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow an elementary school pursuant to Hialeah Code of Ordinances § 98-181; property zoned C-2 (Liberal Retail Commercial District); **property located at 3100 West 76 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-2-0

<i>Registered Lobbyist: Ceasar Mestre, 7600 W 20 Avenue, # 220, on behalf of Reagan Educational Academy, 3168 West 76 Street.</i>

On February 27, 2019 item was approved by the Planning and Zoning Board subject to compliance with the submitted traffic circulation plan.

Planner's Recommendation: Approval with conditions.

*Owners of the Property: Villaverde Properties Inc., LLC., Agustin Herran,
Armando Guerra, 1390 South Dixie Hwy, STE 120, Coral Gables, Florida
33146.*

On March 12, 2019 Council Vice President Garcia-Martinez filed a Form 8B Memorandum of Voting Conflict for County Municipal and Other Local Public Officers and the form has been made part of the record and is on file at the Office of the City Clerk.

REPORT: Council Vice President Garcia-Martinez abstained from voting.

REPORT: Cesar Mestre, 7600 West 12th Avenue, addressed the City Council.

REPORT: Council President Casáls-Muñoz called a recess at 8:30 p.m. for Mr. Mestre to consult with the applicant.

REPORT: Council President Casáls-Muñoz called to the meeting to order at 8:31 p.m.

REPORT: Motion to Approve Item PZ 15 made by Councilman Hernandez, and seconded by Councilman Zogby. Motion passed 6-1-1 with Council Vice President abstaining from voting and Councilman Caragol voting "No". Second reading and public hearing is scheduled for March 26, 2019.

PZ 16. First reading of proposed ordinance approving a final plat of Horsebit Hialeah; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 3120 East 11th Avenue, Hialeah, Florida.**

APPROVED 7-0

Item was approved by the Planning and Zoning Board on February 27, 2019.

REPORT: Motion to Approve Item PZ 16 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0. Second reading and public hearing is scheduled for March 26, 2019.

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-05 that granted an adjustment on the property located at **723 East 30 Street, Hialeah Florida**; and providing for an effective date.

APPROVED 6-1-0

RESOLUTION NO. 2019-029

Item was approved with conditions by the Planning and Zoning Board on February 13, 2019.

Planner's Recommendation: Approval with the condition that no doors or windows will be installed on the east wall of the accessory building and that the legalization will be completed in 180 days.

Owner of the Property: Catalino Milo & Jacinta V. Otero, 723 East 30 Street, Hialeah, Florida 33013.

REPORT: Motion to Approve Item FD 1 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Lozano. Motion passed 6-1-0 with Council President Casáls-Muñoz voting "No".

FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-06 that granted an adjustment on the property located at **2834 West 71 Place, Hialeah, Florida**; and providing for an effective date.

APPROVED 7-0

RESOLUTION NO. 2019-030

Item was approved with conditions by the Planning and Zoning Board on February 13, 2019.

Planner's Recommendation: Approve with conditions.

Owners of the Property: Marcos Guerra and Dainerys Solaris, 2834 West 71 Place, Hialeah, Florida 33018.

REPORT: Motion to Approve Item FD 2 made by Council Vice President Garcia-Martinez, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.

FD3. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-07 that granted an adjustment on the property located at **510 East 10 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 7-0

RESOLUTION NO. 2019-031

Item was approved with conditions by the Planning and Zoning Board on February 13, 2019.

Planner's Recommendation: Approve with conditions.

Owners of the Property: Romel Reyes Castillo and Barbara Y. Sierra Astiazarain

REPORT: Motion to Approve Item FD 3 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0.

REPORT: Council President Casáls-Muñoz adjourned Meeting at 8:37 p.m.

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

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

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

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

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).