

**Esteban Bovo, Jr.**  
Mayor

**Monica Perez**  
President

**Jacqueline Garcia-Roves**  
Vice President



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

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

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**1. CALL TO ORDER**

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A. **REPORT:** Council President called the meeting to order at 7:11 p.m.

**2. ROLL CALL**

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

1. Council Member Vivian Casàls-Muñoz
2. Council Member Luis Rodriguez

B. **REPORT:**

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

**3. INVOCATION**

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A. Marbelys Fatjo, City Clerk, led the invocation.

**4. PLEDGE OF ALLEGIANCE**

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A. Council President Perez led the Pledge of Allegiance.

## 5. MEETING GUIDELINES

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

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

## 6. PRESENTATIONS

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**REPORT:** Presentation Items 6B, 6C and 6D were heard by the City Council at this time, out of the order of the agenda, at Council President Perez’s direction.

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

**POSTPONED UNTIL APRIL 25, 2023.**

**REPORT: Motion to Table Item 6A until April 25, 2023 made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 5-0-2 Council Members Casáls-Muñoz and Council Member Rodriguez absent.**

*(PLANNING AND ZONING)*

*On February 28, 2023, the City Council postponed this presentation until the City Council Meeting of March 28, 2023.*

- B. Presentation by the students of St. John the Apostle Catholic School regarding Consent Item B, which proposes the approval of naming East 4<sup>th</sup> Street between East 4<sup>th</sup> Avenue and East 6<sup>th</sup> Avenue as “Eagles Way”.

**REPORT:** The following students from St. John the Apostle Catholic School addressed the City Council regarding the proposal:

- **Sophia Diaz**
- **Zuleika Gonzalez**
- **Mia Victoria Garcia**

**REPORT:** Diana Fernandez, Social Studies Teacher at St. John the Apostle Catholic School, addressed the City Council.

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

**REPORT:** Consent Item B was considered by the City Council at this time, out of the order of the agenda, at Council President Perez’s direction.

*(OFFICE OF THE MAYOR)*

- C. Mayor Bovo presents a Certificate of Merit to Emely Rodriguez, a City of Hialeah resident, in recognition of achieving the Miami-Dade Girls Basketball Player of the Year.

**PRESENTED**

*(MAYOR BOVO)*

- D. **ADD-ON ITEM:** Presentation by students of the Palm Springs Middle School regarding their project “Project Citizen”, which focuses on the Hialeah noise ordinance.

**REPORT: Michael Caseres**, student from Palm Springs Middle School, requested that the City consider setting parameters in the City's noise ordinance. Present were also students Yael Gonzalez, Aria Rodriguez and Michael Rosete, all who introduced themselves.

*(COUNCIL MEMBER CALVO)*

## **7. COMMENTS AND QUESTIONS**

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- A. **REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No member of the public participating via Zoom expressed interest in making comments or posing questions on matters of public concern.
- C. **REPORT:** Three (3) members of the public present in the Council Chambers expressed interest in speaking during this portion of the meeting:
1. **Andrew Glassmer**, a City employee with a work address of **83 East 6<sup>th</sup> Street**, spoke regarding the employment conditions of employees of the City's Communications Department.
  2. **Eddie Perez, AFSCME Union President**, with a work address of **900 East 56<sup>th</sup> Street**, addressed the City Council regarding the pension and employment conditions of employee's of the City's Communications Department.
  3. **Jorge Llanes, Police Commander**, with a work address of **83 East 5<sup>th</sup> Street**, addressed the City Council with data on the number of incoming 911 calls received by the City from January 1, 2022 through December 31, 2022.

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

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

- **Consent Item S** has been added to today's agenda.

### **B. Postponed Items**

The following items are postponed until the City Council Meeting of April 25, 2023:

- **Item PZ 1**
- **Administrative Item 11 A**
- **Administrative Item 11 A 1**
- **Administrative Item 11 B**

## 9. BOARD APPOINTMENTS

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- A. **RESOLUTION:** Proposed resolution appointing **Olga M. Fernandez** as a member of the Beautification Committee beginning on March 28, 2023 for a two (2)-year term ending on March 27, 2025 as one of the four City Council appointments.

*(NOMINATION BY COUNCIL MEMBER TUNDIDOR)  
(CITY COUNCIL'S APPOINTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

### **RESOLUTION NO. 2023-026**

**REPORT: Motion to Approve Item 9A made by Council Member Tundidor, and seconded by Council Vice-President Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- B. **RESOLUTION:** Proposed resolution appointing **Elizabeth Garcia** to the Cultural Affairs Committee for a (2)-year term beginning on March 28, 2023 and ending on March 27, 2025 as one of the four City Council appointments.

*(NOMINATION BY COUNCIL PRESIDENT PEREZ)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

### **RESOLUTION NO. 2023-027**

**REPORT: Motion to Approve Item 9B made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Mayor Bovo introduced Kevin Lynskey as the newly appointed Director of the City's Department of Public Works.**

## 10. CONSENT AGENDA

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

**REPORT: Consent Item B was considered by the City Council out of the order of the agenda in**

**conjunction with Presentation 9B, at Council President Perez’s direction.**

**REPORT: Council Member Tundidor requested that Consent Item F be removed from the Consent Agenda for separate discussion.**

**REPORT: Council Member Calvo requested that Consent Item L be removed from the Consent Agenda for separate discussion.**

**REPORT: Motion to Approve Consent Agenda, except items B, F and L, made by Council Member Zogby, and seconded by Council Member Tundidor. Motion Passes 5-0-2 Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

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

*(OFFICE OF THE CITY CLERK)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- B. **RESOLUTION:** Proposed resolution approving the naming of East 4 Street between East 4 Avenue and East 6 Avenue as “Eagles Way” with the cost of signage to be paid by the City, in honor of the fifth-grade class of St. John the Apostle School.

*(MAYOR BOVO)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2023-028**

**REPORT: Motion to Approve Consent Item B made by Council Vice President Garcia-Roves, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- C. Request permission to approve the appointment of **Jorge Blanco, Division Director of Finance and Chief Accountant**, to the City of Hialeah Insurance Committee.

*(MAYOR BOVO)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- D. Request permission to issue a special event permit to The Yards at Amelia, LLC, located at 7551 West 4<sup>th</sup> Avenue, Hialeah, Florida, to host a dance party with a disc jockey and food trucks, expecting approximately 500 attendees, from 8:00 p.m. to 2:00 a.m. on the following dates:

➤ Saturday, April 1, 2023

- Sunday, April 2, 2023
- Friday April 7, 2023
- Saturday, April 8, 2023
- Sunday, April 9, 2023
- Friday April 14, 2023
- Saturday, April 15, 2023
- Sunday, April 16, 2023
- Friday April 21, 2023
- Saturday, April 22, 2023
- Sunday, April 23, 2023
- Friday April 28, 2023
- Saturday, April 29, 2023
- Sunday, April 30, 2023

in accordance with the requirements of the Hialeah Fire Department, the Hialeah Police Department and Risk Management Department.

*(OFFICE OF THE CITY CLERK)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- E. Request permission to ratify the issuance of Purchase Order No. 2023-1657, issued to Florida League of Cities, Incorporated, to pay for the cost of the City’s annual membership dues which provides various benefits to the City, including legislative advocacy and updates, bond services, legal advice, access to the statewide newsletter, and educational webinars, in a total expense amount not to exceed \$34,112.00.

The funding for this expenditure was withdrawn from General Fund – Municipal Dues Account No. 001.8500.519.495.

*(OFFICE OF THE MAYOR)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- F. **RESOLUTION:** Proposed resolution approving an Interlocal Agreement with Miami-Dade County for a term not exceeding three (3) years for the enforcement of specified state misdemeanors as civil citations through the County’s Code Enforcement and Diversion Program, pursuant to the terms and conditions set forth in the Interlocal Agreement attached hereto and made a part hereof as Exhibit “A”; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Interlocal Agreement; and providing for an effective date.

*(POLICE DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2023-029**

**REPORT:** Barbara Govea, Assistant City Attorney – Police Legal Advisor, spoke on the item.

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

**REPORT: Motion to Approve Consent Item F made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- G. **RESOLUTION:** Proposed resolution banning Tik Tok from the City of Hialeah electronic devices; and providing for an effective date.

*(ADMINISTRATION)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2023-030**

- H. Request permission to ratify the Mayor’s decision to authorize the City’s Construction and Maintenance Department to utilize Energy Tech Solutions Corporation, and issue Purchase Order No. 2023-1662, for the emergency repair of the City Hall generator, in a total expense amount not to exceed \$30,827.00. The approval of this item required the waiving of competitive bidding, since it is advantageous to the City in that the generator required immediate repair.

The funding for this expenditure was withdrawn from General Fund – R & M – City Hall Account No. 001.8500.519.461A.

*(CONSTRUCTION AND MAINTENANCE DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- I. Request permission to ratify the Mayor’s decision to authorize the City’s Construction and Maintenance Department to utilize Altec Industries, Inc., and issue Purchase Order No. 2023-1602, for the purchase of one (1) 2022 Altec Industries Bucket Truck, in a total expense amount not to exceed \$151,084.00. The department currently has two bucket trucks that did not pass the required annual safety inspections, and due to the age and condition of the trucks the parts needed for the repairs are no longer available. The approval of this item required the waiving of competitive bidding, since it is advantageous to the City given the urgency of the purchase for the department to continue daily operations, as well as due to a backlog of repairs.

The funding for this expenditure was withdrawn from General Fund – Capital Outlay – Vehicles Account No. 001.3230.591.645.

*(CONSTRUCTION AND MAINTENANCE DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**



- J. Request permission to award City of Hialeah Invitation to Bid No. 2022/23-3230-00-031 – *JFK Library – Re-Roofing*, to Pinnacle A Roofing Company, lowest and responsible bidder, and issue a purchase order to this vendor, for the re-roofing of the John F. Kennedy Library (JFK), in the amount of \$769,800.00, and further request a ten percent (10%) contingency in the amount of \$76,980.00 to cover any unforeseen issues that may arise during the work, in a total cumulative expense amount not to exceed \$846,780.00.

The funding for the expenditure in is to be withdrawn from the CDBG Fund – Capital Outlay – Building – JFK Library Renovation Account No. 103.8325.541.625.

*(CONSTRUCTION AND MAINTENANCE DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- K. Request permission to utilize Lake County, Florida Contract No. 22-730C - *Fire Equipment, Supplies, and Services*, contract that expires on July 31, 2023, and issue a purchase order to Fisher Scientific Company L.L.C., for the purchase of Scott SCBA breathing air equipment, which includes ninety-four (94) SCBA Air Packs and one hundred and fifty-five (155) SCBA face masks, in a total expense amount not to exceed \$647,995.50.

The funding for this expenditure is to be charged to the CDBG Fund - Capital Outlay SCBA Packs – Fire Equipment Account No. 103.8329.541.640.

*(FIRE DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- L. Request permission to utilize Lake County, Florida Contract No. 22-730H - *Fire Equipment, Supplies, and Services*, contract that expires on July 31, 2023, and issue a purchase order to Municipal Equipment Company, LLC, for the purchase of one hundred and eight (108) sets of firefighting bunker gear, in a total expense amount not to exceed \$538,869.00.

The funding for this expenditure is to be charged to the CDBG Fund - Capital Outlay - Bunker Gear Replacement – Fire Equipment Account No. 103.8329.541.641.

*(FIRE DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

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

**REPORT: Motion to Approve Consent Item L made by Council Member Calvo, and seconded by Council Vice-President Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- M. **RESOLUTION:** 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 2023-2024, for discounts on internet services whereby the grant provides for a 90% discount to the City of Hialeah for internet services for the 6 library facilities or \$41,850.00 against the annual contract sum of \$46,500.00 payable to Comcast Business Communications, LLC for internet services for the library; authorizing the expenditure of \$4,650.00 or 10% of the annual cost for internet services.

*(LIBRARY)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2023-031**

- N. Request permission to increase the expense amount issued to Dell Marketing L.P., for the purchase of computers citywide, by an additional amount of \$155,000.00, for a new total cumulative expense amount not to exceed \$255,000.00. On October 25, 2022 the City Council approved the usage of NASPO Value Point Contract No. 43211500-WSCA-15-ACS - *Computer Equipment, Peripherals & Services*, effective through July 31, 2023, between the State of Florida Department of Management Services and the vendor.

The funding for this expenditure is to allocated through various City Departments.

*(INFORMATION TECHNOLOGY DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- O. Request permission to utilize State of Florida Department of Management Services, NASPO Value Point Contract No. 43220000-NASPO-19-ACS – *Data Communications Products and Services*, effective through September 30, 2024, and issue a purchase order to Acordis International Corp., for the purchase of Wi-Fi Solutions for City Hall and the Police Training Building, in a total expense amount not to exceed \$95,860.00.

The funding for this expenditure is to be withdrawn from the General Fund – Contractual Services Account No. 001.0201.519.340.

*(INFORMATION TECHNOLOGY DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- P. Request permission to utilize State of Florida Department of Management Services, NASPO Value Point Contract No. 43230000-NASPO-16-ACS – *Cloud Solutions*, effective through September 30, 2026, and issue a purchase order to CDW Government LLC, for the renewal of multifactor authentication licenses citywide, in a total expense amount not to exceed \$46,425.12.

The funding for this expenditure is to be withdrawn from the General Fund – Contractual Services Account No. 001.0201.519.340.

*(INFORMATION TECHNOLOGY DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- Q. RESOLUTION:** Proposed resolution amending City of Hialeah Resolution No. 2022-126 (October 11, 2022) to include the appropriation of \$534,874 of program year 2022 CDBG Funds for emergency generators for elderly-saving affordable residential buildings, which was inadvertently omitted; further authorizing the Mayor and the City Clerk to execute intradepartmental agreements for sub-recipients of these funds; and providing for an effective date.

*(GRANTS AND HUMAN SERVICES DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2023-032**

- R. RESOLUTION:** Proposed resolution approving the Interlocal Agreement with participating/public agencies for the use of the City of Hialeah Police Department's shoot house and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Interlocal Agreement on a need basis; and providing for an effective date.

*(POLICE DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2023-033**

- S. ADD-ON ITEM:** Request permission to increase Purchase Order No. 2023-877, issued to The Celebration Source Inc, for mechanical rides, inflatables, staff, and generators for the City's Eggstravaganza event, by an additional amount of \$15,000.00, for a new total cumulative expense amount not to exceed \$30,000.00. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that in this vendor provided the lowest quotation and has provided these services to the City for previous events to include the past Santa Snowblast and Easter Eggstravaganza.

The funding for this expenditure is to be withdrawn from the General Fund – Special Events Account No. 001.3150.573.492.

*(COMMUNICATION & SPECIAL EVENTS DEPARTMENT)*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**11. ADMINISTRATIVE ITEMS**

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**11 A. ITEM IS POSTPONED UNTIL APRIL 25, 2023.**

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

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

*(DEPARTMENT OF PUBLIC WORKS)*

**11 A 1. ITEM IS POSTPONED UNTIL APRIL 25, 2023.**

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

*(DEPARTMENT OF PUBLIC WORKS)*

*On February 28, 2023 the City Council discussed the item. The City Council is scheduled to consider the proposed resolution for a vote on March 28, 2023.*

**11 B. ITEM IS POSTPONED UNTIL APRIL 25, 2023.**

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

*(DEPARTMENT OF PUBLIC WORKS)*

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

**11 C. ORDINANCE:** First reading of proposed ordinance approving the release of a Public Utility Easement traversing land located at 4935 E. 1<sup>st</sup> Avenue, 125 E. 49<sup>th</sup> Street, and 145 E. 49<sup>th</sup> Street all in 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.

*Registered Lobbyist: Joshua Dieguez, 7950 Northwest 155<sup>th</sup> Street, Suite 207, Miami Lakes, Florida 33016, on behalf of Francisco Dieguez, J.R., M.D., P.A.*

*(ZONING)*

**APPROVED 4-1-2 with Council Member Calvo voting “No” and Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item 11C made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 4-1-2 with Council Member Calvo voting “No” and Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

**11 D. ORDINANCE:** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 2, entitled “Administration”, Article VII. “City Property”, amending §2-902 “Disposal of City Property; Waiver of Public Sale”; authorizing the gift of service firearms to qualified retired City of Hialeah law enforcement officers upon retirement and authorizing the gift of the City of Hialeah Police canine to its handler upon retirement; repealing all ordinances or parts of

ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item 11D made by Council Member Zogby, and seconded by Council Vice-President Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

## 12. UNFINISHED BUSINESS

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- A. **Council Member Tundidor** requested monthly reports on the statistics of incoming calls to the City's Department of Public Works
- B. **Council Member Calvo** requested a budgetary analysis on how the passage of Senate Bill 102 would affect the City.

## 13. NEW BUSINESS

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None reported.

## 14. ZONING

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

### **PLANNING AND ZONING**

**REPORT:** Item PZ 14 was considered by the City Council at this time, out of the order of the agenda, at Council President Perez's direction.

**PZ 1. POSTPONED UNTIL APRIL 25, 2023.**

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

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

<i>At the City Council Meeting of February 28, 2023, it was announced that the second reading and public hearing was scheduled for March 14, 2023, due to advertisement deadlines the item has been postponed until March 28, 2023.</i>
<i>On February 28, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for March 28, 2023.</i>
<i>On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Growing Treasures Private School, Corp.</i>
<i>On January 25, 2023, the Planning and Zoning Board recommended approval with the following conditions: (1) that cars on the proposed pick-up/drop-off lane need to enter through the West 20<sup>th</sup> Avenue entrance and exit through the one on West 25<sup>th</sup> Street, (2) a minimum of 2 staff members need to assist in traffic circulation and pick-up/drop-off to make sure cars enter on West 20<sup>th</sup> Avenue, exit on West 35<sup>th</sup> Street, and move quickly, (3) bollards need to be installed around the entire perimeter of the playground within 3 months of the approval of the ordinance, (4) expansion of the original daycare into an adjacent bay needs to be legalized if no proof of permit is provided and (5) school operator needs to make sure that dumpsters are within the walls built for that purpose and not interrupting the area designated for the drop-off pick-up lane.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Property Owner: Growing Treasures Private School Corp., 1905 West 35<sup>th</sup> Street, Hialeah, FL 33012 Jacqueline Senra, 16801 NW 77 Place, Miami Lakes, Florida 33016. Madeline Paredes, 2950 SW 174 Way, Miramar, Florida 33029.</i>

**PZ 2. ORDINANCE:** Second reading and **public hearing** of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District). **Property located at 3375 West 4 Avenue, Hialeah, zoned RO (Residential Office District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On March 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for March 28, 2023.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of J and Y Investments Corp.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval.</i>

<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Jorge Acevedo and Yenin Acevedo, 181 Leucadendra Drive, Coral Gables, Florida 33156.</i>

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2023-027**

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

**REPORT:** Ceasar Mestre, Esq., 8105 Northwest 155 Street, Miami Lakes, Florida 33016, addressed the City Council via Zoom.

**REPORT: Motion to Approve Item PZ 2 made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**PZ 3. ORDINANCE:** Second reading and **public hearing** of proposed ordinance rezoning property from R-1 (One-Family District) to P (Parking). **Property located at 374 West 34 Street, Hialeah, zoned R-1 (One-Family Residential District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On March 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for March 28, 2023.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of J and Y Investments Corp.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Jorge Acevedo and Yenin Acevedo, 181 Leucadendra Drive, Coral Gables, Florida 33156.</i>

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2023-028**

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

**REPORT:** Ceasar Mestre, Esq., 8105 Northwest 155 Street, Miami Lakes, Florida 33016,



addressed the City Council via Zoom.

**REPORT: Motion to Approve Item PZ 3 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**PZ 4. ORDINANCE:** Second reading and **public hearing** of proposed ordinance rezoning property from M-1 (Industrial District) to C-3 (Extended Liberal Commercial District); granting a variance permit to allow 27 parking spaces (20 off-street and 7 on-street), where 322 parking spaces are required (258 off-street and 64 on-street); allow a waiver of the minimum landscape requirements allowing 8 trees, where 58 trees are required; allow a waiver of a landscape buffer along West 74 Street, where a 7 foot landscape buffer is required; and allow 3.11% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-2189(10)(b) and 98-2056(b)(1) and to the latest edition of the Hialeah Landscape Manual dated July 9, 2015. **Property located at 7445 West 4 Avenue, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

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

*Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.*

*On February 22, 2023, the Planning and Zoning Board recommended approval with the condition that a Declaration of Restriction be proffered providing for the limitation of uses mentioned in the report, the statements represented by the applicant in the Letter of Intent, and details safeguards to ensure that the public safety, morals, and welfare of the community are protected, and establishing maximum capacities in relation to available parking spaces as it increases over time (e.g.: 200 persons for 84-parking spaces availability; 400 persons for 160-parking spaces availability and full capacity for 322 parking spaces availability).*

*Planner's Recommendation: Approval with conditions.*

*Property Owner: Feur Family 2 LLC, 7445 West 4<sup>th</sup> Avenue, Hialeah, Florida 33014.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2023-029**

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

**REPORT:** Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, addressed the City Council.

**REPORT: Motion to Approve Item PZ 4 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**PZ 5. LU 1 NEEDS TO BE CONSIDERED PRIOR TO THE CONSIDERATION OF ITEM PZ 5.**

**ORDINANCE:** Second reading and **public hearing** of proposed ordinance rezoning property from M-1 (Industrial District) to C-3 (Extended Liberal Commercial District); granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow the site to ~~operate 24 hours a day, seven days a week~~ in connection to planned entertainment events; granting a variance permit to allow rear setback of 3.6 feet, where 15 feet are required; allow 84 parking spaces, where 300 parking spaces are required; allow a waiver of the minimum landscaping requirements allowing 30 trees, where 58 trees are required; allow a reduced width landscape buffer along West 4 Avenue, where 7 feet landscape buffer is required; and allow 3% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1071, 98-2189(10)(b) and 98-2056(b)(1), and Section (D)(7) of the latest edition of the Hialeah Landscape Manual dated July 9, 2015. **Property located at 7551 West 4 Avenue, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

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

*Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.*

*On February 22, 2023, the Planning and Zoning Board recommended approval with the condition that a Declaration of Restriction be proffered providing for the limitation of uses mentioned in the report, the statements represented by the applicant in the Letter of Intent, and details safeguards to ensure that the public safety, morals, and welfare of the community are protected, and establishing maximum capacities in relation to available parking spaces as it increases over time (e.g.: 200 persons for 84-parking spaces availability; 400 persons for 160-parking spaces availability and full capacity for 322 parking spaces availability).*

*Planner's Recommendation: Approval with conditions.*

*Property Owner: Prestige 7551 LLC, 7551 West 4<sup>th</sup> Avenue, Hialeah, Florida 33014.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2023-031**

**REPORT:** Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, addressed the City Council.

**REPORT:** Before the item was approved Hugo P. Arza, Esq., stated on the record that the applicant agrees to follow the hours of operation set forth by the City’s Code, thereby amending the proposed ordinance.

**REPORT: Motion to Approve Item PZ 5 made by Council Member Calvo, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**PZ 6. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business District Overlay; and granting a variance permit to allow building height of 126 feet, where 95 feet is the maximum allowed; allow 11 stories, where 9 is the maximum allowed, and waive massing setback requirements for building tower and cap; all contra to Hialeah Code of Ordinances §§98-1630.3(b) and 98-163.3(e)(1) and (2). **Property located at 1035 SE 5 Street, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Milly Herrera, 4341 East 8<sup>th</sup> Avenue, has submitted documentation for the City Council’s review in opposition to the approval of the item.</i>
<i>On March 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for March 28, 2023.</i>
<i>Registered Lobbyist: Daniel Martinez, 65 West Flagler Street Suite 205, Miami Florida 33128, on behalf of Olivas Homes, LLC.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner’s Recommendation: Approval</i>
<i>Property Owner: Olivia’s Home Corporation, Juan C. Olivia and Rosa Fundora, 4601 Northwest 36<sup>th</sup> Street, Miami Springs, Florida 33166.</i>

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2023-032**

**REPORT:** Daniel Martinez, 65 West Flagler Street, addressed the City Council.

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

**REPORT: Motion to Approve Item PZ 6 made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**PZ 7. ORDINANCE:** First reading of proposed ordinance granting a variance permit to allow 32 parking spaces, where 65 parking spaces are required; contra to Hialeah Code of Ordinances  
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§98-2189(7); **property located at 7963 West 28 Avenue, Hialeah, zoned M-1 (Industrial District)**; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*On March 14, 2023, the item was tabled by the City Council until March 28, 2023. First reading was rescheduled for March 28, 2023.*

*On February 22, 2023, the Planning and Zoning Board recommended approval with the condition that a Declaration of Restriction be proffered setting the number of employees and single barber present at the location to be set by appointment.*

*Planner's Recommendation: Denial.*

*Property Owner: 7939 Hialeah Warehouse, LLC, 11840 Northwest 17<sup>th</sup> Place, Plantation Florida 33323.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Christopher Gutierrez, 7961 West 28<sup>th</sup> Avenue,** addressed the City Council and submitted thirteen (13) affidavits from neighbor tenants to be made part of the record, copies of which are on file in the Office of the City Clerk

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

**REPORT: Motion to Approve Item PZ 7 without restrictions made by Council Member Calvo, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

- PZ 8. LU 3 NEEDS TO BE CONSIDERED PRIOR TO THE CONSIDERATION OF ITEM PZ 8 ORDINANCE:** First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); and granting a variance permit to allow a front setback of 5 feet, where 0 feet is required along East 11 Avenue; contra to Hialeah Code of Ordinances §98-1544(3)(i); **property located at 2691 East 11 Avenue, Hialeah, zoned M-1 (Industrial District)**; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*Registered Lobbyist: Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Station, LLC.*

*Registered Lobbyist: Maritza Haro Salgado, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Station, LLC.*

*On February 22, 2023, the Planning and Zoning Board recommended approval.*

<i>Planner's Recommendation: Approval</i>
<i>Property Owners: Metro Station, LLC, Alirio Torrealba and Johnny Dao, 301 Almeria Avenue, Suite 330, Coral Gables, Florida 33134.</i>

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item PZ 8 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

**PZ 9. LU 4 NEEDS TO BE CONSIDERED PRIOR TO THE CONSIDERATION OF ITEM PZ 9**

**ORDINANCE:** First reading of proposed ordinance rezoning property from R-1 (One-Family District) to TOD (Transit-Oriented Development District); granting a variance permit to allow a single-use, multifamily residential building, where a vertical mix of uses is required; properties are located at **901 East 26 Street, 911 East 26 Street, 921 East 26 Street, 931 East 26 Street, 941 East 26 Street, 951 East 26 Street, 961 East 26 Street, 971 East 26 Street, 983 East 26 Street, 906 East 27 Street, 910 East 27 Street, 912 East 27 Street, 922 East 27 Street, 932 East 27 Street, 950 East 27 Street, 962 East 27 Street, 980 East 27 Street, 984 East 27 Street and 990 East 27 Street, Hialeah, zoned R-1 (One-Family District);** all contra to Hialeah Code of Ordinances § 98-1630.1; 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.

<i>Registered Lobbyist: Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Parc Hialeah II, LLC.</i>
<i>Registered Lobbyist: Maritza Haro Salgado, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Parc Hialeah II, LLC.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: Metro Parc Hialeah II, LLC and Jenny A. Ducret, 301 Almeria Avenue, Suite 330, Coral Gables, Florida 33134.</i>

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item PZ 9 made by Council Member Calvo, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

**REPORT: Council Member Tundidor left the City Council Meeting at the conclusion of item PZ 9, at approximately 9:40 p.m.**

**PZ 10. ORDINANCE:** 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; granting a variance permit to allow 40 residential units with an area ranging from 620 to 693 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area less than 850 square feet; and a variance to waive the building mass and frontage development standards; all contra to Hialeah Code of Ordinances §§ 98-1630.2 and 98-1630.2(c) and (d). **Property located at 3875 West 16 Avenue, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Javier L. Vazquez, 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131, on behalf of Westland Commerce PK LLC.</i>
<i>On March 15, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: Carlos A. Rodriguez, Raul Bolufe and Luis Rubal Cabal, 5727 Northwest 7<sup>th</sup> Street, Miami, Florida 33126.</i>

**APPROVED 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Javier L. Vazquez, 1450 Brickell Avenue,** addressed the City Council with a presentation, a copy which is on file with the Office of the City Clerk.

**REPORT: Motion to Approve Item PZ 10 made by Council Member Calvo, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

**PZ 11. ORDINANCE:** First reading of proposed ordinance granting a variance permit to allow 13 parking spaces, where 26 parking spaces are required to open a new tapas and wine restaurant on the second floor of an existing commercial building operating a liquor store, contra to Hialeah Code of Ordinances § 98-2189(4)(f). **Property located at 400 East 41 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On March 15, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: Barbara De La Caridad Hernandez Navarro, Barbarita's Liquor, LLC, Raul Rodriguez, 400-402 East 41<sup>st</sup> Street, Hialeah, Florida 33013.</i>

**APPROVED 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Agustin Mosquera, 400 East 41 Street,** addressed the City Council.

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

**REPORT: Motion to Approve Item PZ 11 made by Council Member Zogby, and seconded by Council Vice President Garcia-Roves. Motion passes 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

**PZ 12. ORDINANCE:** First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 57-student K-5 grade school within a shopping plaza in conjunction with an existing 60–student daycare. **Property located at 6500 West 4 Avenue, Units 15 through 23, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Kingdom Palace Daycare Inc c/o Madelen Dib.</i>
<i>On March 15, 2023, the Planning and Zoning Board recommended approval with the condition that 2,820 square feet of school space and adjacent fenced area be immediately legalized, the removal of an illegal shed, repairs of asphalt along West 4<sup>th</sup> Place, striping of the parallel parking spaces, posting of signs, and implementation of two drop-off/pick-up shifts, and adoption, as well as enforcement of parking and drop-off/pick-up regulations for the parents and staff.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Property Owner: Mohatra INC., c/o Richard Gonzalez Esq., 1989 Northwest 88<sup>th</sup> Court, Unit 1, Doral, Florida 33172.</i>

**APPROVED 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Octavio A. Santurio, 6262 Bird Road,** addressed the City Council.

**REPORT: Motion to Approve Item PZ 12 made by Council Member Zogby, and seconded**

**by Council Vice President Garcia-Roves. Motion passes 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

**PZ 13. ORDINANCE:** First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 20-student K-2 grade elementary school in a freestanding commercial building in conjunction with an existing 41–student daycare. **Property located at 430 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Los Pinos Nuevos Academy c/o Albenis Gill.</i>
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<i>On March 15, 2023, the Planning and Zoning Board recommended approval with the condition that the building stays as a school/daycare stand-alone facility with a maximum capacity of 20 students in conjunction with 41 children daycare, and that staff is assigned to expedite the school’s drop-off/pick-up process.</i>
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<i>Planner’s Recommendation: Approval with conditions</i>
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<i>Property Owner: Inmex Investment Corp., 430 West 29 Street, Hialeah, Florida 33012.</i>
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**APPROVED 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Motion to Approve Item PZ 13 made by Council Member Zogby, and seconded by Council Vice President Garcia-Roves. Motion passes 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

**PZ 14. ORDINANCE:** 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; granting a variance permit to allow 12 residential units with an area ranging from 735 to 737 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area less than 850 square feet; allow a 4.5 feet front setback, where 10 feet built-to-line are required; allow 22 parking spaces, where 41 parking spaces are required; and a variance to waive the building mass and frontage development standards; all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a. and 98-1630.2(c) and (d); **Property located at 250 East 9 Street, Folio No. 04-3118-006-0780, 04-3118-006-0790, Hialeah, zoned CR (Commercial-Residential District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Manny Reus, 18501 Pines Boulevard, #352, Pembroke Pines, Florida 33029, on behalf of 250 Development, LLC.</i>
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<i>On March 15, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: 250 Development LLC., (Orlando Cordoves), 6619 South Dixie Highway, Suite 127, Miami, Florida 33143</i>

**APPROVED 4-0-3 with Council Member Calvo not present during roll call, and Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Manny Reus, 18501 Pines Boulevard, #352, Pembroke Pines, Florida 33029,** provided the City Council with renderings, copies that are on file with the Office of the City Clerk.

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

**REPORT: Motion to Approve Item PZ 14 made by Council Member Calvo, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council Member not present during roll call and Council Member Casáls-Muñoz and Council Member Rodriguez absent. Council Member Calvo recorded his vote as “Yes” after the item was approved.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

## 15. LANDUSE

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

<i>On March 14, 2023, the item was approved by the City Council on first reading. Second reading and public hearing is scheduled for March 28, 2023.</i>
<i>On February 28, 2023, the item was postponed until March 14, 2023, per the applicant's request.</i>
<i>Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.</i>
<i>On February 8, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>

*Property Owner: Prestige 7551, LLC, 7551 West 4 Avenue, Hialeah, Florida 33014.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez.**

**ORDINANCE NO. 2023-030**

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

**REPORT:** Hugo P. Arza, Esq., 701 Brickell Avenue, addressed the City Council.

**REPORT: Motion to Approve Item LU 1 made by Council Member Zogby, and seconded by Council Vice President Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez.**

- LU 2. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Medium-Density Residential District. **Property located at 1797 West 1 Avenue, Hialeah, zoned R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

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

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

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Luis O. Lago.*

*On February 8, 2023, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval.*

*Property Owner: Luis O. Lago 15991 SW 143 Lane, Miami, Florida 33196.*

**APPROVED 4-0-3 with Council Member Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor.**

**ORDINANCE NO. 2023-033**

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

**REPORT:** Ceasar Mestre, Esq., registered lobbyist, addressed the City Council.

**REPORT: Motion to Approve Item LU 2 made by Council Member Zogby, and seconded by Council Vice President Garcia-Roves. Motion passes 4-0-3 with Council Member**

**Casáls-Muñoz, Council Member Rodriguez and Council Member Tundidor absent.**

**LU 3. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Industrial District to Transit Oriented Development District. **Property located at 2691 East 11 Avenue, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*Registered Lobbyist: Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Station, LLC.*

*Registered Lobbyist: Maritza Haro Salgado, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Station, LLC.*

*On February 22, 2023, the Planning and Zoning Board recommended approval.*

*Planner's Recommendation: Approval*

*Property Owner: Metro Station, LLC, Alirio Torrealba, Johnny Dao, 301 Almeria Avenue, Suite 330, Coral Gables, Florida 33134.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez.**

**REPORT:** Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, addressed the City Council with a PowerPoint Presentation, a copy which is on file with the Office of the City Clerk.

**REPORT:** Motion to Approve Item LU 3 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez.

**REPORT:** Second reading and public hearing is scheduled for April 11, 2023.

**LU 4. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Transit Oriented Development District. **Properties located at 901 East 26 Street, 911 East 26 Street, 921 East 26 Street, 931 East 26 Street, 941 East 26 Street, 951 East 26 Street, 961 East 26 Street, 971 East 26 Street, 983 East 26 Street, 906 East 27 Street, 910 East 27 Street, 912 East 27 Street, 922 East 27 Street, 932 East 27 Street, 950 East 27 Street, 962 East 27 Street, 980 East 27 Street, 984 East 27 Street and 990 East 27 Street, Hialeah, zoned R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*Registered Lobbyist: Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Parc Hialeah II, LLC.*

*Registered Lobbyist: Maritza Haro Salgado, 200 South Biscayne Boulevard, Suite 300,*

<i>Miami, Florida 33131, on behalf of Metro Parc Hialeah II, LLC.</i>
<i>On February 22, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Metro Parc Hialeah II, LLC, Jenny A. Ducret, 301 Almeria Avenue, Suite 330, Coral Gables, Florida 33134.</i>

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez.**

**REPORT: Melissa Tapanes Llahues, registered lobbyist,** addressed the City Council with a PowerPoint Presentation, a copy which is on file with the Office of the City Clerk.

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

**REPORT: Motion to Approve Item LU 4 made by Council Member Calvo, and seconded by Council Vice President Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez.**

**REPORT: Second reading and public hearing is scheduled for April 11, 2023.**

## 16. CITY COUNCIL DISCUSSION

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None reported.

## 17. ADJOURNMENT

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**REPORT: Council President Perez adjourned the meeting at 10:03 p.m.**

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

**NEXT CITY COUNCIL MEETING: Tuesday, April 11, 2023 at 7:00 p.m.**

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

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

3/31/2023 5:19 PM

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).