

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 Meeting Minutes April 9, 2019 7:00 P.M.

Call to Order

REPORT: Council President Casáls-Muñoz called the meeting to order at 7:12 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 Cue-Fuente
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano arrived at 7:44 p.m.
- Councilman Carl Zogby

• 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 Carl Zogby

REPORT: Councilman Zogby 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 Brigitte Leal, Administrative Aide in Spanish.

1. PRESENTATIONS

- Mayor Carlos Gimenez, Miami-Dade County, discusses the creation of the Miami Dade Transit Authority. **PRESENTED**

REPORT: Myriam Marquez, Director of Communications and Senior Advisor, Miami Dade County – Office of the Mayor, addressed the City Council.

REPORT: Mayor Gimenez arrived at 8:14 p.m. and presented his proposal to the City Council.

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Item L has been withdrawn from today's agenda.
- Consent Item M has been added to today's agenda and placed on the dais for the City Council's review.
- Administrative Item 4B is postponed until April 23, 2019.

3. CONSENT AGENDA

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

REPORT: Motion to Approve the Consent Agenda, made by Councilwoman Cue-Fuente, and seconded by Councilman Caragol. Motion passed 6-0-1 with Councilwoman Lozano absent.

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

APPROVED 6-0-1 with Councilwoman Lozano absent.

- B. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to Pembroke Motors, Inc., doing business as Autonation CDJR Pembroke Pines, to purchase two (2) 2019 Dodge Charger V8 Police Rated Sedan- RWD, Specification No. 2, in the amount of \$24,451 per vehicle, for a total expense amount of \$48,902. Further request permission to issue a purchase order to Rainbow Window Tinting Inc., for the purchase of emergency equipment and for retrofitting of the vehicles, in the amount of \$14,554.98, for a total cumulative expense amount not to exceed \$63,456.98. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- C. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to Pembroke Motors, Inc., doing business as Autonation CDJR Pembroke Pines, to purchase two (2) 2019 Dodge Charger V8 Police Rated Sedan - RWD, Specification No. 2, in the amount of \$24,451 per vehicle, for a total expense amount of \$48,902. Further request permission to issue a purchase order to Rainbow Window Tinting Inc., for the purchase of emergency equipment and retrofitting of the vehicles, in the amount of \$14,554.98, for a total cumulative expense amount not to exceed \$63,456.98. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- D. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to R.J. Behar & Company, Inc., for engineering support pertaining to the City's Municipal Separate Storm Sewer System (MS4) Program, in a total cumulative amount not to exceed \$20,000. (STREETS)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- E. Request permission for approval to pay the annual City of Hialeah membership dues to the Florida League of Cities, Inc., for providing a variety of benefits to the City, including legislative advocacy and updates, bond services, legal advice, access to the statewide newsletter, and educational webinars, in a total cumulative amount not to exceed \$29,396. (OFFICE OF THE MAYOR)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- F. Proposed resolution waiving competitive bidding, and authorizing the Mayor or his designee and the City Clerk, as attesting witness, on behalf of the City, to enter into a consulting services agreement with Civitas, LLC, to provide direct technical assistance to selected new non-profit organizations wishing to serve as a Community Housing and Development Organization ("CHDO"), including technical assistance with all programmatic matters related to the U.S. HUD-CHDO Home Grant, in an amount not to exceed \$5,625.00, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; and providing for an effective date. (DEPT. OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-039

- G. Report of Scrivener's Error – Item L of the City Council meeting of March 26, 2019 was approved with the incorrect account number of 103.8324.541634. The item is being amended to reflect the correct account number as 103.8324.541636. (STREETS & DEPT. OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- H. Report of Scrivener's Error – Item M of the City Council meeting of March 26, 2019 was approved with the incorrect account number of 103.8324.541634. The item is being amended to reflect the correct account number as 103.8324.541635. (STREETS & DEPT. OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- I. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has successfully provided these services at a number of events for the City over the past several years, and issue a purchase order to The Celebration Source Inc, for mechanical rides and kids' activity equipment on an as needed basis, in a total cumulative amount not to exceed \$30,000. (COMMUNICATION AND SPECIAL EVENT DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- J. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, to purchase the following vehicles from AN Motors of Pembroke, LLC doing business as Autonation Chevrolet Pembroke Pines, in a total cumulative amount not to exceed \$80,013.00:

- Two (2) 2019 Chevy Tahoe 1500 Commercial – CC15706, Specification No. 31, in a total amount of \$40,006.50 per vehicle.

Further request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, to purchase the following vehicle from Asbury Jax Ford, LLC, doing business as Coggin Ford, in a total cumulative amount not to exceed \$27,052:

- One (1) 2019 Ford F-150 XL (W1C) - ½ Ton Crew Cab Pickup Truck - 4X2, Specification No. 57, in a total amount of \$27,052 per vehicle.

Further request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, to purchase the following vehicle from Bozard Ford Co., in a total cumulative amount not to exceed \$42,328:

- One (1) 2019 Ford Expedition CL 4X2 (U1F/100A) - Full Size 4-Door Utility Vehicles - 4X2, Specification No. 31.

(BUILDING DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- K. Proposed resolution approving a State Housing Initiatives Partnership (SHIP) Program's Rental Assistance/Rapid Re-Housing Sub-Recipient Services Agreement between Citrus

Health Network, Inc. and the City of Hialeah, Florida, to provide financial assistance and support to homeless individuals and families in need of permanent housing, in the total amount of \$232,571.55, for a term commencing on January 2, 2019 and ending on May 31, 2020; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the State Housing Initiatives Partnership (SHIP) Program's Rental Assistance/Rapid Re-Housing Sub-Recipient Services Agreement, attached hereto in substantial form and made a part hereof as Exhibit "1"; and providing for an effective date. (DEPT. OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-040

- L. ~~Request approval to execute the Stormwater Management Covenant with Miami Dade County for the maintenance of the proposed stormwater management system along the right-of-way of NW 102 Avenue between 138th Street to NW 142ND Street. During the drainage and design review process of the above mentioned project approved by the City Council on October 11, 2017, Miami Dade County DERM determined that the project is within an established drainage basin, as a result a cut and fill permit and a stormwater management covenant are required. (STREETS DEPT) **WITHDRAWN**~~
- M. Request permission to increase Purchase Order No. 2019-929, issued to G. & R. Electric Corp., for repairs and maintenance of the Police Department's network in headquarters and sectors one through five, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$89,570. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

4. ADMINISTRATIVE ITEMS

- 4A. Second reading and public hearing of proposed ordinance repealing and rescinding the Growth Management Advisory Committee (GMAC) and any references to same from the Hialeah Code of Ordinances; Chapter 98 Zoning; in Article II Administration, Division 1 Generally, Section 98-38 Record of Quasi-Judicial Proceedings—Zoning Items; Division 2 Local Planning Agency, Section 98-73 Growth Management Advisory Committee; Division 6 Conditional Use Permits, Section 98-181(4) CUP Conditional Use Permit; in Article V Zoning District Regulations, Division 9 RO Residential Office District, Section 98-785 Improvement Plan; Division 33 NBD Neighborhood Business District, Section 98-1630.3 Development Standards, Subsection (d) Building Frontage; and in Article VI Supplementary District Regulations, Division 5 Uses, Subdivision I In General, Section 98-1736 Permitted Similar Uses; and repealing and rescinding the Growth Management Advisory Committee (GMAC) from the Hialeah Land Development Code and any references to same; in Regulation No. 1 - Land Development Procedures, Section 1-2 Procedures for Applications for Development Orders, Subsection (f)(2)(c) Growth Management Advisory Committee Review; in Regulation No. 2 - Uses of Land and Water, Section 2-3 Requirements for the Use of Land and Water, Subsection (c)(2), Conditional Use Permit (CUP) Requirements; in Regulation No. 10 - Subdivision of Land, Section 10-3 Plats and Platting Procedure, Subsection (a) Unlawful Acts; and in Section 10-5(c) Site Plan Review; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Councilwoman Lozano absent.

ORDINANCE NO. 2019-036

Item was approved on first reading by the City Council in March 26, 2019

REPORT: Motion to Approve Item 4A made by Council Vice President Garcia-Martinez, and seconded by Councilman Caragol. Motion passed 6-0-1 with Councilwoman Lozano absent.

- 4B.** ~~First reading of proposed ordinance approving an amendment to the Development Agreement by and among FDG Countyline, LLC, a Delaware Limited Liability Company, FDG BN Expansion, LLC, a Delaware Limited Liability Company, (the “Developer”) and the City of Hialeah, Florida, dated March 31, 2014 approved by Hialeah, Fla. Ordinance 2014-18 (March 25, 2014), as amended on June 19, 2018 approved by Hialeah, Fla. Ordinance No. 2018-041 (May 24, 2018); a copy of the Second Amendment in substantial form is attached hereto and made a part hereof as Exhibit “1”, providing for warehouse, retail, hotel and office uses, changes to the configuration of certain roads to be built and dedicated by developer; and approving the form of deed, manner of conveyance and restrictions upon the land. Property comprising approximately 504 acres within an area bounded on the West by NW 107 Avenue, on the north by NW 170 Street, on the east by NW 97 Avenue and on the south by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and located within the BDH Business Development Zoning District. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **ITEM TO BE HEARD ON APRIL 23,2019.**~~

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

5. BOARD APPOINTMENTS

REPORT: None.

6. UNFINISHED BUSINESS

REPORT: None.

7. NEW BUSINESS

REPORT: None.

8. COMMENTS AND QUESTIONS

- Mayor Hernandez announced the passing of Esther Fajardo.
- Rosa Chan, 445 Palm Avenue, addressed the City Council regarding the Art on Palm event.
- Angelica Pacheco, 1571 West 76th Street , addressed the City Council regarding her business located at 590 East 49 Street.

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.

REPORT: Council President Casáls Muñoz called a 15 minute recess at 7:20 p.m.

REPORT: Councilwoman Lozano arrived at 7:44 p.m.

REPORT: Councilwoman Cue-Fuente left the City Council Meeting at 7:56 p.m.

REPORT: Council President Casáls-Muñoz called the meeting to order at 7:58 p.m.

Attention Applicants:

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

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). Property zoned R-1. **Located at 545 East 49th 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 5-1-1 with Councilwoman Cue-Fuente absent and Council President Casáls-Muñoz voting "No".
ORDINANCE NO. 2019-037

<i>Item was approved on first reading by the City Council on March 26, 2019.</i>

<i>Registered Lobbyist: Octavio A. Santurio (Architect), 6262 SW 40th Street, Suite 3E, South Miami, FL 33155, on behalf of 551 East 49 Street LLC, 1200 Alton Road, Miami Beach, FL 33139.</i>
<i>Registered Lobbyist: John Diaz, 6262 SW 40th Street, Suite # 3E, South Miami, FL 33155, on behalf of 551 East 49th Street LLC, 120 Alton Road, Miami Beach, FL 33139.</i>
<i>On March 13, 2019 the item was approved by the Planning and Zoning Board with the condition that the construction of the parking lot be completed within 12 months of the approval of the ordinance, that the improvements are built in substantial conformity with the submitted site plan, and that a Declaration of Use and Unity of Title be provided in accordance with § 98-1618 of the City of Hialeah Code of Ordinances.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Owners of the Property: Rodolfo Dumenigo, 545 East 49th Street, Hialeah, Florida.</i>

REPORT: Motion to Approve Item PZ 1 made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 5-1-1 with Councilwoman Cue-Fuente absent and Council President Casáls-Muñoz voting “No”.

PZ 2. Second reading and public hearing of proposed ordinance granting a variance permit to allow one single family home on each substandard lot (lots 16 and 17) having a frontage of 40 feet, where 75 feet are required and a lot area of 4,905.6 square feet, where 7,500 square feet are required; allow a street side setback of 6.1 feet, where 15 is the minimum required for lot 16; all contra to Hialeah Code of Ordinances §§ 98-347(4), 98-348(a), and 98-501. Property zoned R-1 (One Family District). **Property located at 897 East 20 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Councilwoman Cue-Fuente absent.
ORDINANCE NO. 2019-038

<i>Item was approved on first reading by the City Council on March 26, 2019.</i>
<i>Registered Lobbyist: Anthony Escarra Esq., Alejandro Vilarello, PA, 16400 NW 59 Avenue, 2nd Floor, Miami Lakes, FL, on behalf of Horsebit Capital XIII, LLC, 16400 NW 59 Avenue, 2nd Floor, Miami Lakes, FL.</i>
<i>On March 13, 2019 the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Horsebit Capital XIII, LLC, 16400 NW 59 Avenue, Miami Lakes, FL.</i>

REPORT: Motion to Approve Item PZ 2 made by Council Vice President Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 6-0-1 with Councilwoman Cue-Fuente absent.

PZ 3. First reading of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District). Property zoned RO. Located at **710 East 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 5-1-1 with Councilwoman Cue-Fuente absent and Council President Casáls-Muñoz voting “No”.

<i>On March 27, 2019 the item was approved with conditions by the Planning and Zoning Board.</i>
<i>Planner’s Recommendation: Approve rezoning from RO to B-1, with the condition that a Declaration of Restrictions is proffered.</i>
<i>Owners of the Property: Alain Lantigua, 10021 SW 139 Street, Miami, Florida 33176.</i>

REPORT: Motion to Approve Item PZ 3 made by Councilman Hernandez, and seconded by Council Vice President Garcia-Martinez. Motion passed 5-1-1 with Councilwoman Cue-Fuente absent and Council President Casáls-Muñoz voting “No”. Second reading and public hearing is scheduled for April 23, 2019.

REPORT: Council President Casáls-Muñoz adjourned the meeting at 9:06 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, April 23, 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).