

Esteban Bovo, Jr.
Mayor

Carl Zogby
President

Monica Perez
Vice President



Council Members
Bryan Calvo
Vivian Casàls-Muñoz
Jacqueline Garcia-Roves
Luis Rodriguez
Jesus Tundidor

City Council Meeting
Minutes
April 26, 2022
7:00 p.m.

1. CALL TO ORDER

A. **REPORT:** Council President Zogby called the meeting to order at 7:06 p.m.

2. ROLL CALL

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

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

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

4. PLEDGE OF ALLEGIANCE

A. The Pledge of Allegiance is to be led by Council Member Casàls-Muñoz.

5. 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.
- 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).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

REPORT: The meeting guidelines were read into the record by Sylvana Soler-Gonzalez, Records Clerk of the Office of the City Clerk.

6. PRESENTATIONS

REPORT: None.

7. COMMENTS AND QUESTIONS

- 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 one expressed interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the Comments and Questions portion of the meeting using Zoom.

C. **REPORT:** The following persons present in the Council Chambers expressed interest in speaking during this portion of the meeting.

- Dagmar Arcibia, 19320 Northwest 45th Avenue, Miami, Florida 33055, spoke regarding the traffic in Hialeah.
 - Mayor Bovo responded.
- Gustavo Rodriguez, 3800 East 4 Avenue, Apartment 10, Hialeah, Florida, commended Hialeah Police Officers Francisco Alvarez and Jimmy Caraballo. Mr. Rodriguez submitted a letter addressed to Chief George Fuente regarding the commendation for the record, a copy of which is on file in the Office of the City Clerk. Mr. Rodriguez requested that food distribution events be held in the City and encouraged for a street to be named after Julio Martinez.
- Christopher Monzon, 7540 West 20th Avenue, Apartment 106, Hialeah, Florida, commended Mayor Bovo and encouraged for a street to be named after Julio Martinez.
- Jesus Francisco Lopez Martinez, 7171 West 3rd Court, spoke regarding an accident that caused physical injuries to his dog, and requested speed bumps, as well as a three way stop on his street.
 - Jose Sanchez, Director of the City's Streets Department, spoke on the matter.
 - Mayor Bovo spoke on the matter.
 - Chief Fuente of the Hialeah Police Department spoke on the mater.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

Deferred Items:

- Administrative Item 10 I is deferred until May 10, 2022.
- Item PZ 4 is deferred until May 10, 2022, per the applicant's request.

Add-On Items:

- Consent Item H
- Consent Item I
- Consent Item J
- Consent Item K
- Consent Item L

- Consent Item M
- Item PZ 8

Amended Items:

- Consent Item L is amended to reflect that alcoholic beverages will be sold throughout the entire duration of the event.

9. CONSENT AGENDA

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

REPORT: Frank De la Paz, member of the public, requested a separate discussion on Consent Item J.

REPORT: Council Member Tundidor requested a separate discussion on Consent Item K.

REPORT: Council Member Casáls-Muñoz requested a separate discussion on Consent Item M.

REPORT: Council Member Calvo requested separate discussion on Consent Items B, C, D, E, F, G, H and I.

REPORT: Motion to Approve the Consent Agenda, except items B, C, D, E, F, G, H, I, J, K and M made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

- A. Request permission to approve the minutes of the City Council Meeting held on April 12, 2022 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- B. Request permission to waive competitive bidding, since it is advantageous to the City in that the expenditure is to cover the cost of emergency repairs that the Department of Public Works had to undertake and that were authorized by the Mayor, and issue a purchase order to Miller Pipeline LLC, for two (2) emergency repairs to the sewer collection system located at West 49th Street and West 10th Avenue due to damages caused by underground telecommunications companies, in a total cumulative amount not to exceed \$304,103.68. The funding for this expenditure is to be withdrawn from the Water & Sewer Division Fund - Repair & Maintenance - Infrastructure Account No. 450.9520.535.467 after the following two (2) transfers: *Transfer No. 1*- in the amount of \$150,000.00 from the Water & Sewer Division Fund - Repair & Maintenance - Infrastructure Account No. 450.9510.533.467 and *Transfer No. 2* in the amount of \$154,103.68 from the Water & Sewer Division Fund - Capital Outlay - Infrastructure Account No. 450.9520.535.630.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

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

- C. Request permission to utilize City of Boynton Beach Bid No. 084-1412-21/MFD - *Annual Supply of Pipe Fittings and Accessories*, effective through October 4, 2022, and increase Purchase Order No. 2022-951, issued to FortiLine, Inc., supplier which the City's Department of Public Works is presently purchasing from, for the purchase of pipes and accessories, by an additional amount of \$100,000.00, for a new total cumulative amount not to exceed \$300,000.00. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Inventory-Pipes, Valves & Fittings Account No. 450.0000.141.001.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-1

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

REPORT: Motion to Approve Consent Item C made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 6-1 with Council Member Calvo voting "No".

- D. Request permission to utilize Collier County Solicitation No. 17-7176 – *Underground Utility Parts Supplier*, effective through April 1, 2024, and issue a purchase order to Ferguson Enterprises, LLC, for the purchase of inventory parts and materials, in a total cumulative amount not to exceed \$100,000. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Inventory-Pipes, Valves & Fittings Account No. 450.0000.141.001.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

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

- E. Request permission to increase Purchase Order 2022-927, issued on November 9, 2021, to Core & Main LP, sole source vendor of Sensus water meters, for the purchase of three hundred (300) 5/8-inch Sensus water meters, by an additional amount of \$27,000.00, for a new total cumulative expense amount not to exceed \$164,000.00. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Inventory-Meters & Meter Boxes Account No. 450.0000.141.004.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-0-1 with Council Member Rodriguez not present during the roll call.

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

REPORT: Motion to Approve Consent Item E made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Rodriguez not present during the roll call. Council Member Rodriguez recorded his vote as “Yes” after the motion to approve passed.

- F. Request permission to utilize St. Johns County Master Contract No. 18-MCC-STA-08937 – SCADA System Services, effective through January 16, 2024, and issue a purchase order to Star Controls, Inc., for a RTU and SCADA software and optimization for the improvement of communications between pump stations and base, in a total cumulative amount not to exceed \$42,960.00. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Capital Outlay - Infrastructure Account No. 450.9520.535.630.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

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

- G. Request to utilize City of Miami Contract No. 18-2237, effective through September 3, 2022, and issue three (3) purchase orders to Milian, Swain & Associates, Inc., for Civil Engineering Services for miscellaneous projects and services related to engineering and administrative support to the Department of Public Works in the areas of water and sewers, as well as solid waste as follows:

- *Purchase Order No. 1* in the amount of \$37,500.00 for Water
- *Purchase Order No. 2* in the amount of \$37,500.00 for Sewers
- *Purchase Order No. 3* in the amount of \$75,000.00 for Solid Waste

in a total cumulative expense amount not to exceed \$150,000.00. The funding for this expenditure is to be withdrawn as follows:

- \$37,500.00 from the Water & Sewers Division Fund – Professional Services Account No. 450.9510.533.310
- \$37,500.00 from the Water & Sewers Division Fund – Professional Services Account No. 450.9520.535.310
- \$75,000.00 from the Solid Waste Division Fund – Professional Services Account No. 401.3240.534.310.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-0-1

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

REPORT: Motion to Approve Consent Item G made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Calvo voting “No”.

- H. Request permission to issue two (2) purchase orders to the Florida Department of Transportation (FDOT) for utilities adjustment at State Road 953/Lejeune Road from north of Northwest 79th Street to south of Northwest 103rd Street pursuant to a Joint Participation Agreement, with purchase number order one for water in the amount of \$14,300.00, and purchase order number two in the amount of \$25,025.00, in a total cumulative expenditure amount not to exceed \$39, 325.00.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

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

- I. Request permission to increase Purchase Order No. 2022-952 issued to R & C Management, Inc., vendor current providing printing services to the Department of Public Works as approved by the City Council on November 9, 2021, to cover additional printing expenses including the Water Quality Report for this year, by an additional amount of \$25,000.00, for a new total cumulative expense amount not to exceed \$125,000.00.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

REPORT: Armando Vidal, Director of the Department of Public Works of the City of Hialeah, spoke on this item.

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

- J. Proposed resolution in support of the Mayor’s acknowledgement of the National Day of Prayer during the first Thursday in the month of May of each calendar year, and as “Hialeah’s Day of Prayer”, on which the people of Hialeah may turn to prayer, mediation, reflection or otherwise give thanks in accordance with their own faiths and consciences should they choose to do so; and providing for an effective date.

(OFFICE OF THE MAYOR)

APPROVED 7-0

RESOLUTION NO. 2022-064

REPORT: Frank De la Paz, 9361 Bird Road, spoke in support of the approval of this item.

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

- K. Proposed resolution approving the terms of a Memorandum of Understanding (the “MOU”) between the City of Hialeah, Miami-Dade County, and the Town of Miami Lakes (the “Parties”), in substantial conformity with the proposed MOU attached as Exhibit “A”, to settle the dispute between the parties concerning the opening of two East-West bridges located at N.W. 170 Street and N.W. 154 Street; resolving the lawsuit between the parties in the Circuit Court of Miami-Dade County, Florida under Case No. 2019-29261; authorizing the Mayor to negotiate any additional concessions consistent with the spirit of the proposed MOU to achieve a settlement and to take any required action in furtherance of this resolution; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute the MOU upon agreement between the parties, and all other necessary documents to achieve finality of the dispute between the parties; and providing for an effective date.

(ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2022-065

REPORT: Mayor Bovo spoke on this item.

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

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

- L. Request from Factory Town Holdings, LLC, located at 4800 Northwest 37th Avenue, for a special events permit to host a one-day music event to include simple stage decking, as well as one or two food trucks, from 3:00 p.m. on Saturday, April 30, 2022 to 2:00 a.m. on Sunday, May 1, 2022, with an expected estimate of a maximum of 2,500 attendees, with the sale of alcoholic beverages throughout the duration of the entire event, to be held at 4800 Northwest 37th Avenue, subject to compliance with the requirements of the Hialeah Police Department, the Hialeah Fire Department and Risk Management.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- M. Request from Fireworks Lady and Co., LLC, located at 8600 Northwest South River Drive, Suite 75, Miami, Florida 33166, for a special events permit to host an Annual Fireworks Lady Demo Shoot, to include music played by a disc jockey, as well as to have a maximum of two food trucks to serve food and non-alcoholic beverages, on Saturday, May 28, 2022 from 6:00 p.m. until 10:30 p.m., to be held at the Milander Park Field, with an expected estimate of 100 attendees, subject to compliance with the requirements of the Hialeah Police Department, the Hialeah Fire Department and Risk Management.

(OFFICE OF THE CITY CLERK)

TABLED BY THE CITY COUNCIL UNTIL MAY 10, 2022

REPORT: Motion to Deny made by Council Member Casáls-Muñoz. Motion fails for a lack of a second to the motion.

REPORT” Motion to Table until May 10, 2022 made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 7-0.

10. ADMINISTRATIVE ITEMS

10 A. ORDINANCE: Second reading and **public hearing** of proposed ordinance submitting to the electorate at a Special Election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 8, 2022, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

Title: Charter Amendment to Article V entitled “Elections”, providing for transfer of administration between succeeding mayors.

Ballot Question: “Shall the City amend the Charter, which provides that the term of any elected official commence at noon on the third day after election, to provide instead that, beginning with the election held in November 2025, the term of office for Mayor commence at noon on the second Monday in January following election, and if amended, then the incumbent Mayor’s term be extended to January 12, 2026, when the successor’s 4-year term shall begin?”

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.

APPROVED 7-0

ORDINANCE NO. 2022-030

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

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

10 B. ORDINANCE: Second reading and **public hearing** of proposed ordinance amending the organizational structure of the City creating a new “Finance Management Department”; subordinating the Finance Department and Office of Management and Budget as divisions of the new Finance Management Department; placing the Purchasing Division under the supervision of the new Finance Management Department; providing for duties and responsibilities for the new Finance Management Department and three subordinate divisions; and amending Chapter 2 of the Code of Ordinances of the City of Hialeah entitled “Administration”, Article II “Departments, Offices and Divisions,” to conform; repealing all ordinances in conflict herewith; providing for a severability clause; providing for inclusion in the code;

and providing for an effective date.

(ADMINISTRATION)

On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.

APPROVED 7-0

ORDINANCE NO. 2022-031

REPORT: Council President Zogby opened the item for public participating and one person present in the Council Chambers expressed interest in speaking:

- (1) **Eric Johnson**, Local 1102, home address exempt from public disclosure per Florida law, spoke in support of the item and encouraged the City to meet in an effort to reach a settlement in the lawsuit pending against the city by the Fire Department regarding health insurance.

REPORT: Motion to Approve Item 10 B made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

- 10 C. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance approving a Drainage Easement and Indemnity Agreement by and between the City of Hialeah, Florida and RELP Beacon Logistics, LLC, a Delaware Limited Liability Company, in connection with the dedication of N.W. 145 Place, from N.W. 102 Avenue to N.W. 107 Avenue, as a public road, in substantial conformity with the copy attached as “Exhibit 1”; authorizing the execution of the agreement and all other necessary and customary documents by the Mayor and City Clerk, 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.

(ADMINISTRATION)

On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.

APPROVED 7-0

ORDINANCE NO. 2022-032

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

REPORT: Motion to Approve Item 10 C made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

10 D. ORDINANCE: Second reading and **public hearing** of proposed ordinance amending Chapter 98, entitled “Zoning”, Article V, Zoning District Regulations, Division 20, entitled “ASD Automotive Sales District”, creating a new section, 98-1294, entitled “Exceptions”, establishing an exception allowing automobile rental satellite facilities to operate outside the Automobile Sales District (“ASD”), and amending Chapter 98, Zoning, Article V, Zoning District Regulations, Division 16, C-2 Liberal Retail Commercial District, Section 98-1111, of the City of Hialeah Code of Ordinances entitled “Permitted Uses” to include automobile rental satellite facilities which would provide a convenient alternative to vehicle ownership; 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.

(ZONING)

<i>On March 23, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.</i>

APPROVED 7-0

ORDINANCE NO. 2022-033

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

REPORT: Motion to Approve Item 10 D made by Council Member Rodriguez, and seconded by Council Member Tundidor. Motion passes 7-0.

10 E. ORDINANCE: First reading of proposed ordinance amending Ordinance No 2022-003 (February 8, 2022), of the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article II, “Special Events”; amending § 18-29 “Permit; Hialeah Park District (HPD)” by allowing The Factory Town Entertainment Subdistrict to site special events of 60 days or less; amending § 18-31 “Permit Requirements for Special Events; to add cost recovery if needed for review of applications; creating § 18-32 “Modification, Suspension or Revocation of Permit”; 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)

<i>On March 8, 2022 the item was postponed by the administration until further notice.</i>
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APPROVED 7-0

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

REPORT: Motion to Approve Item 10 E made by Council Member Rodriguez, and seconded by Council Member Tundidor. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for May 10, 2022.

10 F. ORDINANCE: First reading of proposed ordinance amending Ordinance No. 2013-83 (November 26, 2013) amending Chapter 46 entitled “Historical Preservation” of the Code of Ordinances, and in particular, revising Hialeah Code § 46-40 entitled “Powers and Duties” to allow the naming of City buildings, facilities, parks, rights-of-way and other City properties after elected federal officials or relatives of elected federal officials during the lifetime of the elected federal officials; 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 7-0

REPORT: Mayor Bovo spoke on this item.

REPORT: Motion to Approve Item 10 F made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for May 10, 2022.

10 G. ORDINANCE: First reading of proposed ordinance supplementing Resolution No. 2021-124 adopted on September 14, 2021; authorizing the exchange of Series 2022 Note for the Series 2021 Note in the amount of \$28,400,000.00; providing for the rights, securities and remedies for the owner of the Series 2022 Note; authorizing certain City officials to execute such Series 2022 Note and all necessary documents on behalf of the City and to take all actions required in connection with the delivery of such Series 2022 Note; making certain covenants and agreements in connection therewith; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; and providing for an effective date.

(ADMINISTRATION)

APPROVED 7-0

REPORT: Mayor Bovo spoke on this item.

REPORT: Sergio Masvidal, 2222 Ponce De Leon Boulevard, financial advisor for the City, spoke on this item.

REPORT: Motion to Approve Item 10 G made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for May 10, 2022.

10 H. ORDINANCE: First reading of proposed ordinance supplementing Ordinance No. 10-40 enacted by the City Council on June 22, 2010; authorizing not to exceed \$41,500,000.00 Utility System Revenue Refunding Bonds, Series 2022; providing for the issuance of such Series 2022 Bonds to refinance certain debt obligations; delegating the award of the sale of the Series 2022 Bonds to the Mayor; appointing a registrar and paying agent approving the form of the Escrow Deposit Agreement; approving the execution

and delivery of a Bond Purchase Agreement; approving the execution and delivery of a Disclosure Dissemination Agent Agreement; appointing a Dissemination Agent; amending Ordinance No. 10-40 to change the definition of Finance Director; providing certain covenants and agreement in connection with the issuance thereof; and providing an effective date.

(ADMINISTRATION)

APPROVED 7-0

REPORT: Mayor Bovo spoke on this item.

REPORT: Sergio Masvidal, 2222 Ponce De Leon Boulevard, financial advisor for the City, spoke on this item.

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

REPORT: Motion to Approve Item 10 H made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for May 10, 2022.

- 10 I. **ORDINANCE:** First reading of proposed ordinance amending Ordinance No. 2022-015 (March 8, 2022) amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article VI. “Peddlers, Solicitors, Itinerant Vendors”, Division 2. “Peddlers, Itinerant Vendors”, §18-311 “Retail Sales from Tents”; allowing retail tent sales other than the sales of Christmas trees and fireworks as a special event; allowing additional time for retail sales as a special event; allowing for a farmer’s market; 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)

ITEM IS DEFERRED UNTIL MAY 10, 2022.

11. BOARD APPOINTMENTS

- A. Proposed resolution appointing **Alexander Gordillo** to the Youth Advisory Board of the City of Hialeah for a (2)-year term ending on April 26, 2024.
(COUNCIL MEMBER GARCIA-ROVES)

APPROVED 7-0

RESOLUTION NO. 2022-066

REPORT: Motion to Approve Item 11 A made by Council Member Garcia-Roves, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.

12. UNFINISHED BUSINESS

- **Council Member Calvo** invited the Mayor and the City Council to see the West Palm Beach CRA on May 17, 2022 at 10:30 a.m.

13. NEW BUSINESS

- **Council Member Calvo** spoke regarding the celebration of Earth Day event held at the Leah Arts District where 500 pounds of trash was picked up.

REPORT: Council President Zogby called for a break at 9:39 a.m.

REPORT: Council Vice President Perez left the meeting during the break.

REPORT: Council President Zogby called the meeting to order at 9:47 p.m.

14. ZONING

PLANNING AND ZONING

PZ 1. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District); and granting a variance permit to allow 19 parking spaces, where 22 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(7); **Property located at 301 East 49 Street, Hialeah, zoned RO (Residential Office)**; Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.</i>
<i>Registered Lobbyist: Manny Reus (architect), 18501 Pines Blvd, Suite 342, Pembroke Pines, Florida, on behalf of Magnum Medical Mgt- LLC.</i>
<i>On March 23, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Roberto Carralero, 5750 Collins Avenue, Suite 14-G, Miami Beach,</i>

APPROVED 6-0-1 with Council Vice President Perez absent.

ORDINANCE NO. 2022-034

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

REPORT: Motion to Approve Item PZ 1 made by Council Member Rodriguez, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Vice President Perez absent.

PZ 2. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning from R-1 (One-Family District) to R-3-3 (Multiple-Family District); granting a variance permit to allow front setback of 10 feet, where 25 feet is the minimum required; allow interior east and west side setback of 5 feet, where 10 feet is the minimum required; allow lot coverage of 51%, where 30% is the maximum allowed; and allow pervious area of 24.2%, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-589, 98-590, 98-2056(b)(2) and 98-2056(b)(1); **Property located at 541 East 22 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.

On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.

On March 23, 2022, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

Property Owners: Ricardo J. Hernandez and Maria Hernandez, 14431 Harris Place, Miami Lakes, Florida 33014.

APPROVED 6-0-1 with Council Vice President Perez absent.

ORDINANCE NO. 2022-035

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

REPORT: Motion to Approve Item PZ 2 made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

PZ 3. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a variance permit to allow 20 parking spaces, where 32 parking spaces are required; allow 15.8% pervious area where 18% pervious area is the minimum required; partially waive a 7 foot landscape

buffer adjacent to the parking spaces fronting Palm Avenue; and allow a 3 foot front setback for a dumpster enclosure, where 10 feet is the minimum required; all contra to Hialeah Code of Ordinances § 98-2189(7) and § 78.108(c)(1); and contra to the City of Hialeah Landscape Manual, Latest Edition dated July 9, 2015; **Property located at 4526 and 4546 Palm Avenue, Hialeah, zoned C-1 (Restricted Retail Commercial District)**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.</i>
<i>Registered Lobbyist: Frank De la Paz, 9361 Bird Rd, Miami, Florida 33165.</i>
<i>On March 23, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Erick Castro, 10725 West Flagler Street, Miami, FL 33174 Ivan A. Herrera and Luis Castro, 528 NW 7 Avenue, Miami, Florida 33136.</i>

APPROVED 6-0-1 with Council Vice President Perez absent.

ORDINANCE NO. 2022-036

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

REPORT: Motion to Approve Item PZ 3 made by Council Member Rodriguez, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Vice President Perez absent.

PZ 4. ORDINANCE: First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 10,840 square foot expansion of the existing 36,950 square foot Behavioral Health Hospital; and increase the number of beds from 72 beds to 92 beds; and allow 73 parking spaces, where 115 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(12); **Property located at 4225 West 20 Avenue, Hialeah zoned C-2 (Liberal 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.

ITEM IS POSTPONED UNTIL MAY 10, 2022

<i>On April 25, 2022, Mr. Javier Vazquez, registered lobbyist, requested that the item be deferred until May 10, 2022.</i>

<i>Registered Lobbyist: Javier Vazquez, 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131, on behalf of, 4225 LLC C/O Millennium Mgmt LLC.</i>
<i>On March 23, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: 4225 LLC c/o Millennium Mgmt LLC, 10800 Biscayne Blvd, Suite 600, Miami, Florida 33161.</i>

PZ 5. ORDINANCE: First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the NBD (Neighborhood Business District) Overlay for the development of a 27-unit multifamily building, pursuant to Hialeah Code of Ordinances § 98-1630.8; granting a variance permit to allow only residential uses where mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level only; allow 18 residential units with an area of 595 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow 7 feet front setback on East 7 Avenue, for encroachment of balconies above the ground floor, where 10 feet built-to-line are required; allow 32 parking spaces, where 61 parking spaces are required; and allow 29.6% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a., and 98-2056(b)(1); **Property located at 40 East 10 Avenue, 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 April 13, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: Johanna Ferrer, 7440 SW 69 Terrace, Miami, Florida 33143.</i>

TABLED BY THE CITY COUNCIL UNTIL MAY 10, 2022 - 6-0-1 with Council Vice President Perez absent.

REPORT: Debora Storch, City's Planning Official, spoke on the item.

REPORT: Motion to Table Item PZ 5 until May 10, 2022 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Vice President Perez absent.

PZ 6. ORDINANCE: First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow an adult day training and care center for young people with disabilities ancillary to an existing church and school; **Property located at 5800 Palm Avenue, Hialeah, zoned R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On April 13, 2022, the Planning and Zoning Board recommended approval of the item contingent to the construction of on-street parking spaces.</i>
<i>Planner's Recommendation: Approval contingent on the construction of on-street parking spaces.</i>
<i>Property Owners: Mayra Sanabria, 20110 Northwest 59 Court, Hialeah, Florida 33015 Mayra Aristy, 501 Southeast 4th Street, Hialeah, Florida 33010.</i>

APPROVED 6-0-1 with Council Vice President Perez absent.

REPORT: Debora Storch, City's Planning Official, spoke on the item.

REPORT: Motion to Approve Item PZ 6 made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Vice President Perez absent.

PZ 7. RECOMMENDATION OF DENIAL: Recommendation of Denial by the Planning and Zoning Board to allow the re-platting of the property into two substandard lots, Lot 1 having a frontage of 40.01 feet and total lot area of 5,399.91 square feet, where 75 feet and 7,500 square feet are required and Lot 2, having a frontage of 40.01 feet and total lot area of 5,399.91 square feet, where 75 feet and 7,500 square are required, and once platted, allow the construction of a single-family house on each district for property located at **1140 West 32nd Street, Hialeah**, zoned R-1 (One-Family District).

<i>Registered Lobbyist: Frank De la Paz, 9361 Bird Rd, Miami, Florida 33165, on behalf of Suneil Arzola.</i>
<i>On April 13, 2022, the Planning and Zoning Board recommended denial of the item.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Property Owners: Suniel Arzola, 1140 West 32 Street, Hialeah, Florida 33012</i>

TABLED BY THE CITY COUNCIL UNTIL MAY 10, 2022 - 6-0-1 with Council Vice President Perez absent.

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

REPORT: Debora Storch, the City's Planning Official, spoke on the item.

REPORT: Motion to Table Item PZ 7 until May 10, 2022 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Vice President Perez absent.

PZ 8. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) to allow a K-2 Grade School with a maximum enrollment of 20 students, pursuant to Hialeah Code of Ordinances § 98-181. **Property located at 4975 West 6 Avenue, 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 October 12, 2021 the second reading of the item was postponed until further notice.</i>
<i>On September 28, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for October 12, 2021.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of PLA Fine Arts Center #2, LLC.</i>
<i>On September 8, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: Leslie Piciollo and Lazaro Piciollo, 12785 SW 22 Street, Miramar, FL 33027 Palm Springs Mile Assoc. LTD., 419 West 49 Street, #300, Hialeah, Florida 33012</i>

APPROVED 6-0-1 with Council Vice President Perez absent.

ORDINANCE NO. 2022-037

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

REPORT: Motion to Approve Item PZ 8 made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

15. LAND USE

LU 1. ORDINANCE: Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low Density Residential to Commercial; **Property located at 4526 and 4546 Palm Avenue, Hialeah, zoned C-1 (Restricted Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.</i>

<i>Registered Lobbyist: Frank De la Paz, 9361 Bird Rd, Miami, Florida 33165.</i>
<i>On March 23, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Erick Castro (4526 Property Holding LLC), 528 NW 7 Avenue, Miami, Florida 33136.</i>

APPROVED 6-0-1 with Council Vice President Perez absent.

ORDINANCE NO. 2022-038

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

REPORT: Motion to Approve Item LU 1 made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

- LU 2. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low Density Residential to Transit Oriented Development District; **Property located at 991 East 26 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.

<i>On April 12, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 26, 2022.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida, on behalf of, Miami Rental Partners LLC.</i>
<i>On March 23, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Miami Rental Partners LLC., Nancy Ortiz, Monica Otero, 100 South Pointe Drive, Suite 2702, Miami Beach, Florida 33139.</i>

APPROVED 6-0-1 with Council Vice President Perez absent.

ORDINANCE NO. 2022-039

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

REPORT: Motion to Approve Item LU 2 made by Council Member Tundidor, and seconded

by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

REPORT: Council President Zogby adjourned the meeting at 10:30 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 24, 2022 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, May 10, 2022 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, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

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

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

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