

Carlos Hernández
Mayor

Jesus Tundidor
President

Monica Perez
Vice President



Council Members
Katharine Cue-Fuente
Oscar De la Rosa
Jacqueline Garcia-Roves
Paul B. Hernandez
Carl Zogby

City Council Meeting
Minutes
May 11, 2021
7:00 p.m.

1. **CALL TO ORDER**

A. **REPORT:** Council President Tundidor called the meeting to order at 7:05 p.m.

2. **ROLL CALL**

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

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

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

1. Council Member Cue-Fuente

C. **REPORT:**

1. Mayor Hernandez was present **via Zoom.**
2. Lorena Bravo, City Attorney, was present.
3. Marbelys Fatjo, City Clerk, was present.

3. **INVOCATION**

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

4. PLEDGE OF ALLEGIANCE

A. REPORT: Council Member Zogby led the Pledge of Allegiance.

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 Facebook page (@CityofHialeah).
- 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: Marbelys Fatjo, City Clerk, read the meeting guidelines for the record.

6. PRESENTATIONS

A. Juan Mullerat of Plusurbia presents regarding the East 49th Street Corridor Analysis, in relation to Item PZ 2 for property located at **665-673 East 49th Street and Folio No. 04-2132-003-1010.**

(ZONING)

PRESENTED via Zoom and shared his screen with a presentation.

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email messages from persons interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No one 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:** One person interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate in person at City Hall during the Comments and Questions portion of the meeting:
- (1) **Jose Azze**, with a home address of **788 Southeast Park Drive**, addressed the City Council regarding the hotels/motels proposed legislation.
- D. **REPORT:** No one participating in the meeting via Zoom expressed interest in making comments or posing questions on matters of public concern during this portion of the meeting.
- E. **REPORT:** One (1) individual present in the Council Chamber expressed interest in speaking during this portion of the meeting:
- (2) **Eric Johnson, Local 1102**, with a home address that is exempt from public disclosure per Florida law, addressed the City Council regarding the leadership of the elected officials and employees of the City during the pandemic, Station 9 temporary fire station, the fire department's response to COVID-19 related calls, lifescans, worker's compensation claim denied for a firefighter, Consent Item B, and the passing of Herve Thomas, firefighter of Monroe County.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- A. Consent Items T, U, V, W, X, Y, Z, AA and BB have been added to today's agenda and placed on the dais for the City Council's review.
- B. Consent Item L is withdrawn from today's agenda.
- C. The updated proposed ordinance for Administrative Item 10A has been placed on the dais for the City Council's review. The item is being considered on first reading due to material changes made to the proposed ordinance.
- D. Additional backup documentation has been added to Consent Item S and Administrative Item 10C.

- E. Administrative Item 10D has been corrected to reflect that the item is on first reading.
- F. Consent Item Y is being amended to reflect \$4,202,188.00 as the correct total of Cares Act funds.

9. CONSENT AGENDA

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

REPORT: Council President Tundidor requested separate discussion on Consent Items B and V.

REPORT: Council Member Garcia-Roves requested separate discussion on Consent Item S.

REPORT: Motion to Approve the Consent Agenda, except items B, S and V, made by Council Member De la Rosa, and seconded by Council Vice President Perez. Motion passed 6-0-1 with Council Member Cue-Fuente absent.

- A. Request permission to approve the minutes of the City Council Meeting held on April 27, 2021.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- B. Proposed resolution authorizing the Mayor or his designee to negotiate the terms and conditions of an agreement with PineTree Capitol, LLC d/b/a Emphasis Benefits, a Florida corporation, for the negotiation and placement of the Open Access Plus (OAP) Health Insurance Plan, self funded PPO Health Insurance Plans, GAP health insurance coverage, stop loss health insurance coverage, pharmacy benefits for the City's self funded PPO Health Insurance Plans, and the Medicare Advantage PPO Health Insurance Plan for calendar years 2022 and 2023; further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute an agreement in a form acceptable to the City Attorney; and providing for an effective date.
(RISK MANAGEMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-046

On April 27, 2021 the City Council tabled the item until May 11, 2021.

REPORT: Mayor Hernandez spoke regarding this item.

REPORT: Robert Lloyd-Still, Risk Manager of the City of Hialeah, spoke regarding this item.

REPORT: Pete Cabrera of PineTree Capitol spoke regarding this item.

REPORT: Motion to Approve Consent Item B made by Council Member Garcia-Roves, and seconded by Council Member Zogby. Motion passes. 6-0-1 with Council Member Cue-Fuente absent.

- C. Report of Scrivener's Error – Consent Item D of the City Council Meeting of February 16, 2021, was approved with the following incorrect revenue account number located on the agenda letter from the Chief of Police, Sergio Velazquez, to the Mayor and City Council Members: *127.1000.342110 Equitable Sharing Funds*. The item is being amended to reflect the correct revenue account number as 127.1000.369500 Appropriated Fund Balance.
(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- D. Report of Scrivener's Error – Resolution No. 2021-044, approved by the City Council on April 27, 2021, was approved with the incorrect beginning term date of *June 29, 2021*. The resolution is being amended to reflect the correct beginning term date of April 29, 2021.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- E. Report of Scrivener's Error – Ordinance No. 2019-011, approved by the City Council on February 12, 2019, was approved with an incomplete legal description on Section 1 of the Ordinance. The ordinance is being amended to reflect the correct the subject property's legal description as follows:

The West one-half (1/2) of Lot 18, and all of Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, LESS the South 15 feet of all lots, Block 95B of "AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH", according to the Plat thereof, as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County.

AND

Lots 1, 2 and 3, Block 95B, "AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH" according to the Plat thereof as recorded in Plat Book 34, Page 26, of the Public Records of Miami-Dade County, Florida.

Folio Nos: 04-3108-002-1680 and 04-3108-002-1580

(LAW DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- F. Request from ABC Promotions Unlimited Inc., 940 South Military Trail, # 94, West Palm Beach, Florida, for permission to install a seasonal tent for the sale of fireworks, with set up taking place on Tuesday, June 15, 2021 and take down on Monday, July 5, 2021, and with sales taking place from Sunday, June 20, 2021 through Sunday, July 4, 2021, to be located at 1700 West 49th Street, Hialeah, Florida (northwest corner of West 16th Avenue and Northwest 46th Street, subject to the requirements of the Fire Department.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- G. Request permission to waive competitive bidding, since it is advantageous to the City in that the City's Construction and Maintenance Department uses the services of this vendor for exterminating services at all general government buildings, and increase Purchase Order No. 2021-1304, issued to Tower Pest Control, Inc., for exterminating services at all general governmental buildings, including affordable housing units, by an additional amount of \$10,000.00, for a new total cumulative expense amount not to exceed \$18,000.00.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- H. Request permission to waive competitive bidding, since it is advantageous to the City in that the City is presently using this vendor, as approved by the City Council, but has exceeded the approved expenditure amount due to repairs required by the yearly Miami-Dade County inspections, and increase Purchase Order No. 2021-823, issued to South Shore Elevator Service Corp, for citywide elevator maintenance, yearly inspections and repairs at the City's elderly housing buildings, by an additional amount of \$75,000.00, for a new total cumulative expense amount not to exceed \$175,000.00. On October 13, 2020, the City Council approved the issuance of a purchase order to this vendor in the amount of \$100,000 for repairs and \$32,760 for monthly maintenance.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- I. Request permission to waive competitive bidding, since it is advantageous to the City in that the City's Construction and Maintenance Department uses the services of this vendor for the yearly inspections and certifications for all citywide fire extinguishers, and increase Purchase Order No. 2021-950, issued to Pye-Barker Fire & Safety, LLC, for fire extinguishers and related services citywide, by an additional amount of \$10,000.00, for a new total cumulative expense amount not to exceed \$18,000.00.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- J. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC. to provide interactive art classes to the participants of the Creative Learning and Play Summer Program, for a term commencing on March 15, 2021 and ending on May 21, 2021, in an amount not to exceed \$12,000.00; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1"; and providing for an effective date.
(EDUCATION AND COMMUNITY SERVICES)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-047

- K. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC. to provide zumbatomic classes to the participants of the Nita M. Lowey, Young Leaders with Character Summer Camp Program, for a term commencing on June 15, 2021 and ending on July 29, 2021, in an amount not to exceed \$2,520.00; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1"; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-048

- L. ~~Request permission to utilize State of Florida Department of Management Services Suncom Contract No. DMS 1011 008A — Mobile Communication Services (MCS), effective through January 10, 2022, and issue a purchase order to AT&T Mobility LLC, for the purchase of ten (10) licenses, in the total amount of \$352.10. On December 8, 2020, the City Council approved the issuance of a purchase order to this vendor to purchase subscription and support of Mobile Guard Mobile Compliance Cloud Capture at the competitively bid price of \$16,800.00.~~
(INFORMATION TECHNOLOGY DEPARTMENT)

WITHDRAWN

- M. Request permission to issue a purchase order to Florida Bullet Incorporated, sole source distributor of Speer brand law enforcement ammunition and Federal Cartridge products in the State of Florida, for the purchase of ammunition for training, officer certifications and for the SWAT Team of the Hialeah Police Department, in a total cumulative amount not to exceed \$93,940.70.
(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- N. Proposed resolution authorizing the transfer of unencumbered appropriation balance or a portion thereof between classifications of expenditures within an office or department within the General Fund and within the Special Revenue Funds, in particular, the Streets Fund, Fire Rescue Fund, Park Grant & Impact Fee Fund, Affordable Housing Fund, and Building Division Fund; and within the Capital Fund, in particular Goodlet Adult Center Fund; and within the Public Works Funds, in particular, the Solid Waste Fund and Water & Sewer Fund, all transfers as summarized and itemized in the schedule attached and made a part hereof Exhibit “A”.
(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-049

- O. Proposed resolution approving supplemental appropriations to the annual budget for fiscal year 2020-2021 and in particular, revising the budget to supplement revenues within the Special Revenue Funds, in particular, Community Development Block Grant (CDBG) Fund, Law Enforcement Trust Fund (LETF)-State, Emergency Solutions Grant Fund, Fire Prevention Fund, Home Investment Partnership Program Fund, Park Grants & Impact Fees Fund, CITT Surtax Transportation Fund, Police Grant Fund, LETF Federal Fund, Emergency Rental Assistance Fund, Community Service Fund and Building Fund; and within the Capital Funds in particular, W. 76 Street - 28 to 31 Ave Fund, NW 97 Ave Road Improvement Fund, and Hialeah Education Academy Charter School Expansion Fund all supplemental appropriations made as summarized and itemized in the schedule attached and made a part hereof as Exhibit “A”.
(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-050

- P. Request permission to waive competitive bidding, since it is advantageous to the City in that the City’s Grants and Human Services Department has worked with this vendor who has served as the City’s technical advisor for years and is familiar with the requirements of the HUD grants, including the Lead

Hazard Reduction Grant Program, the department is limited in staffing and needs assistance of this contractor as staff multiplier, and the Coronavirus pandemic has caused a substantial increase in the number of federal grant projects and the City is in need of additional assistance with the execution of the Lead program as a result, and issue a purchase order to Civitas, Inc., for Lead Hazard Reduction Grant Program management services, in a total cumulative amount not to exceed \$80,000.00.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- Q. Request permission to increase the retainer for Civitas, Inc., the City's technical advisor as approved by the City Council on September 22, 2020 (Resolution No. 2020-121), for additional compliance guidance, technical assistance, and program management services due to a significant increase in federal grant projects, by an additional amount of \$41,000.00, for a total cumulative expense amount not to exceed \$125,000.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- R. Request permission to waive competitive bidding, since it is advantageous to the City in that given the current demand for reviewing and processing construction plans, the City's Department of Public Works can no longer afford to wait for the completion of the recruitment process, and issue a purchase order to SRS Engineering, Inc., to provide one full-time in house engineer to support the department's engineering and plans review staff, for the processing of construction plans and field inspections as needed, in a new total cumulative amount not to exceed \$68,640.00.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- S. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Savage Range Systems, Inc., vendor providing the lowest quotation, to construct a customized "Shoot House" for the Hialeah Police Department with extraordinary design options and various configurations that will provide real scenario training with live fire, in a total cumulative amount not to exceed \$289,770.00, inclusive of delivery, installation and design services.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Major Hubert Ruiz of the Hialeah Police Department presented a slide show in correlation to the item.

REPORT: Mayor Hernandez spoke regarding this item.

REPORT: Chief Sergio Velazquez of the Hialeah Police Department spoke regarding this item.

REPORT: Motion to Approve Consent Item S made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes. 6-0-1 with Council Member Cue-Fuente absent.

- T. Proposed resolution approving an amendment to the City of Hialeah Local Housing Assistance Plan (LHAP) for funding years 2019-2020, 2020-2021, and 2021-2022, a copy of which is attached as Exhibit "3", to correct the maximum amount allowable under the Owner-Occupied Rehabilitation Strategy, remove any interest rates charged under the Disaster Mitigation/Repair and Special Needs Barrier Removal Strategies, eliminate the Purchase Assistance Program and establish a new Foreclosure Prevention/Mortgage Arrear Assistance

Program in the Local Housing Assistance Plan; authorizing the Mayor or his designee to execute any necessary documents and certifications needed by the state in furtherance hereof; authorizing the submission of the amendment to the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-051

- U. Proposed resolution approving an amendment to the existing Emergency Solutions Grant Subrecipient Agreement between the City of Hialeah and Citrus Health Network for homeless prevention and rapid re-housing services, extending the term of the agreement through December 30, 2021 to exhaust all contract funds; further authorizing the Mayor or his designee on behalf of the City to execute the amendment and all other necessary documents in furtherance hereof; and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-052

- V. Proposed resolution authorizing the use of State Housing Initiatives Partnership (SHIP) Program funds under the SHIP Safe Home Project in an amount not to exceed \$100,000.00 to conduct residential rehabilitation on the home of Caridad Moraima Alfonso, an approved strategy under the Local Housing Assistance Plan (LHAP) for funding years 2016-2017, 2017-2018, 2018-2019 as set forth in Exhibit "1"; authorizing the Mayor and his designee, to execute any and all agreements in furtherance of the project on behalf of the City, and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-053

REPORT: Annette Quintana, Director the Grants and Human Services Department of the City of Hialeah, spoke regarding this item.

REPORT: Mayor Hernandez spoke regarding this item.

REPORT: Motion to Approve Consent Item V made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes. 6-0-1 with Council Member Cue-Fuente absent.

- W. Proposed resolution approving a new program funded under the Community Development Block Grant ("CDBG CV 3") Program, which shall be entitled "Public Housing AED Project", and shall provide Hialeah Housing Authority with automated external defibrillators for selected public housing buildings described in Exhibit "A"; authorizing the Director of the Grants and Human Services Department and the Fire Chief to enter into an Inter-Departmental Memorandum of Understanding for the latter to procure and manage the Public Housing AED Project, and further authorizing the Director of the Grants and Human Services Department to execute all other necessary documents in furtherance thereof; and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-054

- X. Proposed resolution authorizing the City to execute an amendment to the existing Sub-Grantee Agreement between Citrus Health Network, Inc. and the City of Hialeah, Florida, for a limited re-opening of the Foreclosure Prevention/Mortgage Assistance Program to provide additional mortgage payment assistance to previously approved recipients City of Hialeah homeowners still in need of financial assistance, extending the term of agreement through December 30, 2021; and authorizing the Mayor or his designee, on behalf of the City, to execute the amendment attached hereto and made a part hereof as Exhibit “B” and all other necessary documents in furtherance thereof; and providing for an effective date.
(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-055

- Y. Proposed resolution directing the Mayor or designee to transfer, approximately \$989,165.75 of the ~~\$2,000,000.00~~ \$4,202,188.00 Cares Act funds pass through from Miami Dade County from all remaining fund to create a Second Business Rental Assistance Program; and providing for an effective date.
(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-056

- Z. Proposed resolution authorizing the Department of Grants and Human Services to apply for the Department of Economic Opportunity Community Development Block Grant (“DEO CV”) Program for \$1,361,658.00, to establish a Broadband Project at locations described in Exhibit “A”; authorizing the Director of the Grants and Human Services Department and the Information Technology Director to enter into an Inter-Departmental Memorandum of Understanding for the latter to procure and manage the Broadband Project, and further authorizing the Director of the Grants and Human Services Department to execute all other necessary documents and conduct all necessary public hearings as required by law in furtherance thereof; and providing for an effective date.
(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-057

- AA. Proposed resolution approving the Second Amendment to the Interlocal Agreement for Federally-Funded Subaward between Miami-Dade County and the City of Hialeah, Florida for the reimbursement of eligible expenses from Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”) funds incurred by the City to combat the impact of COVID-19; authorizing the Mayor or designee and the City Clerk, as attesting witness, on behalf of the City, to execute the Second Amendment to the Interlocal Federally Funded Sub-Award Agreement, a copy of which is attached hereto and made a part hereof as Exhibit “4”; and providing for an effective date.
(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-058

BB. Proposed resolution accepting a grant award from the U.S. Department of Housing and Urban Development (HUD) through the passing of the American Rescue Act ARP in the amount of \$5,388,586 of HOME Investment Partnership (HOME-ARP) funds, approving the use of Home-ARP funds for eligible activities pursuant to regulatory waivers issued by HUD in response to economic injury, as a result of the Coronavirus (COVID-19) and to submit a substantial amendment to the City’s 2020 Program Year Action Plan; further authorizing the Mayor, or his designee, Director of Grants and Human Services Annette Quintana, on behalf of the City, to execute all other necessary documents in furtherance thereof. (GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-059

10. ADMINISTRATIVE ITEMS

10 A. Second reading and public hearing of proposed ordinance amending Chapter 78 entitled "Solid Waste", of the Code of Ordinances; amending Article I. entitled “In General”, by updating and adding definitions in Section 78-1; amending Article III. entitled “Collection and Disposal”, by rescinding in its entirety Section 78-75; amending Article VI. entitled “Reserved” by adding a new Section 78-156 entitled “Collection Services by Private Collectors Permitted Through Non-Exclusive Franchise”; authorizing solid waste collection services by private collectors; providing for collection container regulations including labeling, location and maintenance obligations; providing the City with the right to remove and impound abandoned collection containers; requiring any person collecting, removing, or transporting solid waste to obtain a non-exclusive franchise upon application and payment of a fee; providing for payment of franchise fees; requiring any person procuring collection services as an intermediary (broker) to obtain a waste services permit upon application and payment of a fee; providing for payment of franchise fees; requiring any person procuring collection services as an intermediary (broker) to obtain a waste services permit upon application and payment of a fee; providing for contracts with customers and minimum service standards; providing requirements for collection service for commercial property and multi-family dwellings; providing for penalties and administrative remedies; providing for denial of applications and revocation of franchises and permits; providing for appeals; amending Article VII. entitled “Roll-Off Regulations” by providing for non-exclusive franchises for roll-off container services; providing minimum standards for roll-off containers; providing for franchise fees for roll-off container services; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for inclusion in code; providing a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

<i>On April 27, 2021, the second reading of the item was postponed until May 11, 2021.</i>
<i>On April 13, 2021, the second reading of the item was postponed until April 27, 2021, per the administration’s request.</i>
<i>On March 23, 2021, the second reading of the item was postponed until April 13, 2021, per the administration’s request.</i>
<i>The item was approved on first reading by the City Council on March 9, 2021. Second reading and public hearing was scheduled for March 23, 2021.</i>

REPORT: Motion to Approve Administrative Item 10A made by Council Member Garcia-Roves, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for May 25, 2021.

- 10 B. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. - Boards, Commissions and Committees, Division I - Generally, of the Code of Ordinances of the City of Hialeah, and in particular Section 2-583 - Removal of Board Members; imposing a penalty upon a Planning and Zoning Member following a third absence unless good cause is shown; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the Code; providing for an effective date.
(COUNCIL MEMBER HERNANDEZ)

APPROVED 4-2-1 with Council Vice President Perez and Council Member Garcia-Roves voting “NO” and Council Member Cue-Fuente absent.

ORDINANCE NO. 2021-046

<i>On April 27, 2021, the City Council tabled the item until May 11, 2021.</i>
<i>On April 13, 2021, the City Council tabled the item until April 27, 2021.</i>
<i>The item was approved on first reading by the City Council on March 23, 2021. Second reading and public hearing was scheduled for April 13, 2021.</i>

REPORT: Debora Storch, Planning Official of the City of Hialeah addressed the City Council.

REPORT: At the request of the Mayor and with no objections from any of the City Council Members, Administrative Items 10D and 10C were considered prior to Administrative Item 10C.

- 10 C. Second reading and public hearing of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, creating Article XII. – Hotels and Motels, and a new Section 18-613 entitled “Hotel and Motel Rentals” to prohibit hourly rentals, rentals to minors and require identity verification of renters; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.
(SPONSOR: COUNCIL PRESIDENT TUNDIDOR)
(CO-SPONSOR: COUNCIL MEMBER DE LA ROSA)

TABLED UNTIL JUNE 8, 2021 (FOR THIRTY DAYS) 4-2-1 with Council Member Hernandez and Council Member De la Rosa voting “NO” and Council Member Cue-Fuente absent.

<i>Registered Lobbyist: Robert H. Fernandez, Esq., RHF Law Firm, LLC on behalf of 151 East Okeechobee Road, LLC.</i>
<i>On April 27, 2021, the City Council approved the item on first reading. Second reading and public</i>

<i>hearing was scheduled for May 11, 2021.</i>
<i>Registered Lobbyist: Ben Fernandez, Bercow Radell Fernandez Larkin & Tapanes, PLLC, on behalf of 151 East Okeechobee Road, LLC.</i>
<i>Registered Lobbyist: Wolfpack Consulting and Governmental Relations (Arnaldo Alonso), on behalf of (1) Nexx Motels, LLC, doing business as Nexx Motel; and (2) Miami Motel, LLC, doing business as Unique Motel.</i>
<i>Registered Lobbyist: Melissa Tapanes Llahues, Bercow Radell Fernandez Larkin & Tapanes, on behalf of 151 East Okeechobee Road, LLC</i>

REPORT: The following members of the public addressed the City Council during the public hearing:

- (1) **Angela Caballero** with a home address of 1571 West 76 Street, addressed the City Council on behalf of Angelica Pacheco, in support of the approval of the proposed ordinance.
- (2) **Melissa Tapanes Llahues**, 200 South Biscayne Boulevard, addressed the City Council on behalf of the Del Rey family, and submitted documentation for the record which is on file in the Office of the City Clerk.
- (3) **Arnie Alonso**, 8004 Northwest 154th Street, addressed the City Council on behalf of Rafael Valdes.
- (4) **Christopher Monzon**, 640 East 27 Street, addressed the City Council in support of the approval of the proposed ordinance.
- (5) **Betty Lara**, Executive Director of the Glory House of Miami, 245 Northwest 8th Street, addressed the City Council in support of the approval of the proposed ordinance.
- (6) **Avra Jain**, 720 Northeast 69 Street, addressed the City Council in support of the approval of the proposed ordinance.

REPORT: **Council Member De la Rosa** provided the City Council with additional documentation in relation to the item, a copy of which is on file with the Office of the City Clerk.

- (7) **Mayor Hernandez** spoke on this item.
- (8) Council President Tundidor granted Melissa Tapanes Llahues' request to address the City Council for a second time.
- (9) Council President Tundidor granted Arnie Alonso's request to address the City Council for a second time.
- (10) **Lorena Bravo, City Attorney**, spoke on this item.
- (11) **Major Hubert Ruiz of the Hialeah Police Department** spoke on this item.

REPORT: Motion to Approve Administrative Item 10C as presented made by Council Member De la Rosa, and seconded by Council Member Hernandez. Before the roll for each Council Member's vote was called, Council President Tundidor requested a motion from the City Council to table the item in order to consider the following two amendments to the proposed ordinance: the addition of a regulatory

fee and CCTV requirement.

REPORT: Motion to Table the Item for 30 Days made by Council Member Garcia-Roves, and seconded by Council Member Zogby. Motion passes 4-2-1 with Council Member De la Rosa and Council Member Hernandez voting “NO” and Council Member Cue-Fuente absent.

REPORT: Lorena Bravo, City Attorney, advised that a Motion to Table takes precedence over an adoption motion.

REPORT: Council President Tundidor requested that the roll for each Council Member’s vote on the pending motion to Table the Item for 30 days be called.

- 10 D.** First reading of proposed ordinance amending Chapter 98 entitled “Zoning” Article V. “Zoning District Regulations” Division 29. Hialeah Heights, § 98-1601. MH - Industrial District, of the Code of Ordinances of the City of Hialeah eliminating automotive uses; providing for vested rights; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.
(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

<i>On April 27, 2021, the item was postponed until May 11, 2021.</i>
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<i>On April 13, 2021, the City Council approved the item as amended. Second reading and public hearing is scheduled for April 27, 2021. Due to advertisement requirements mandated by state law, this item will need to be re-advertised. After the publishing of the advertisement, first reading of the proposed ordinance will be held on May 11, 2021.</i>
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REPORT: Motion to Approve Item 10D made by Council Member Hernandez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for May 25, 2021.

- 10 E.** First reading of proposed ordinance accepting the dedication of land improved with a lift station of approximately 2,925 square feet, subject to and approving the terms of the Special Warranty Deed attached as Attachment “1”, from CCP Central LLC, a Delaware limited liability company; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Motion to Approve Item 10E made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for May 25, 2021.

11. BOARD APPOINTMENTS

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- A. **Council Member Hernandez** spoke regarding owner operators of motels/hotels.
- B. **Council Member Zogby** spoke regarding rental and utility relief, as well as regarding an inquiry from the media on Sector 6.
- C. **Jose Sanchez, Director of Streets for the City of Hialeah**, spoke regarding pending projects.

14. ZONING

PLANNING AND ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District Overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow a single use, multifamily residential building, where a vertical mix of uses is required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow all units with area of 660 square feet, where area of 850 square feet is the minimum required and where only 10% of the units may have an area of 600 square feet; allow 10.41 feet front setback, where 10 feet built-to-line are required; allow 27 parking spaces, where 48 parking spaces are required; allow 9% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a., and 98-2056(b)(1); allow an *aluminum* privacy fence on the north and west property lines adjacent to dissimilar uses, where a wall is required, contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 Paragraph (d)(6) buffers between dissimilar uses. **Properties located at 425 East 8 Street and 443 East 8 Street, Hialeah, zoned R-1 (One-Family District) with CBD (Central Business District) land use.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

ORDINANCE NO. 2021-047

<i>On April 27, 2021, the City Council approved the item on first hearing. Second reading and public hearing is scheduled for May 11, 2021.</i>
<i>On April 13, 2021, the item was tabled by the City Council until April 27, 2021, per the applicant's request.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq. and Alejandro Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i>

<i>On March 24, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: East 8 ST, LLC</i>

REPORT: Motion to Approve Item PZ 1 made by Council Member Garcia-Roves, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

PZ 2. Second reading and public hearing of proposed ordinance rezoning from R-1 (One-Family District) and RO (Residential Office) to R-3-3 (Multifamily District); granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District Overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow all residential units with an area of 660 square feet, where area of 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow 15 feet front setback for the corner portion of the building, where 10 feet built-to-line are required; allow 47 parking spaces, where 63 parking spaces are required; and allow 21.9 % pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinance §§ 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a., and 98-2056(b)(1). **Property located at 665-673 East 49th Street and Folio No. 04-2132-003-1010, Hialeah, zoned R-1 (One-Family District) and RO (Residential Office).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

ORDINANCE NO. 2021-048

<i>On April 27, 2021, the City Council approved the item on first hearing. Second reading and public hearing is scheduled for May 11, 2021.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of Carribean Cat Corp. & Jodnasi Properties, LLC.</i>
<i>On April 14, 2021, the Planning and Zoning Board recommended approval of the item subject to solving parking issues as will be recommended by corridor analysis that is underway.</i>
<i>Planner's Recommendation: Table the item.</i>
<i>Owners of the Property: Caribbean Cat Corp. & Jodnasi Properties, LLC</i>

REPORT: Hugo Arza, 701 Brickell Avenue, after being duly sworn-in addressed the City Council.

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

PZ 3. Second reading and public hearing of proposed ordinance rezoning from R-1 (One-Family District) to R-

2 (One-and-Two-Family Residential District); granting a variance permit to allow the construction of two attached duplexes, one duplex on each substandard lot; and allow the replatting of the property into two substandard lots having a frontage of 40 feet and total lot area of 5,400 square feet, where 75 feet frontage and 7,500 square feet are required; allow interior lot 0 feet west side setback, where 7.5 feet is the minimum required; on corner lot allow 0 feet east side setback, where 7.5 feet are required; and allow 13 feet street side setback, where 15 feet are required, all contra to Hialeah Code of Ordinance §§ 98-544 and 98-546. **Property located at 302 East 11th Street, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

ORDINANCE NO. 2021-049

On April 27, 2021, the City Council approved the item on first hearing. Second reading and public hearing is scheduled for May 11, 2021.

Registered Lobbyist: Juan Jose Leon, 14031 Leaning Pine Drive, Miami Lakes, Florida 33014, on behalf of Pedro Acebo, 302 East 11th Street.

On April 14, 2021, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

Owners of the Property: Angel Melians and Noema Melians, 302 East 11th Street, Hialeah, Florida, 33010

REPORT: Debora Storch, Planning Official for the City of Hialeah, spoke.

REPORT: Motion to Approve Item PZ 3 made by Council Member Perez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

PZ 4. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to C-1 (Restricted Retail Commercial District); granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances §§ 98-181 to allow a Prescribed Pediatric Extended Care (PPEC) with a maximum of 30 patients and 8 staff employees; variance permit to allow 33 parking spaces, where 98 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(7). **Property located at 700 West 29 Street, Hialeah, Florida, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

ORDINANCE NO. 2021-050

On March 10, 2020, the item was postponed until April 14, 2020. On April 14, 2020 the City Council did not consider Planning and Zoning items due to the pandemic and since the item has been on hold per the applicant.

<i>On March 9, 2021, the item was approved on first reading by the City Council. Second reading and public hearing was scheduled for March 23, 2021.</i>
<i>On March 3, 2021, the Planning and Zoning Board recommended approval with the condition that the property owner commits to restrict uses at the site, improve the site, and control outdoor work, and the commitment of the PPEC operator to transport a significant number of attendees to and from the facility.</i>
<i>Planner's Recommendation: Approval with conditions proffered in a Declaration of Restrictions.</i>
<i>Owners of the Property: Airport Commerce LLC, 696 NE 125 Street, North Miami, Florida 33161.</i>

REPORT: Motion to Approve Item PZ 4 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

PZ 5. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit pursuant to Hialeah Code of Ordinances § 98-181 to allow the expansion of an existing non-conforming church including a patronage building; and granting a variance permit to allow a 25 foot front setback for the patronage building, where 5 feet are required; allow for 3 back out parking spaces on the front setback, where parking in the front setback and back out parking is not allowed; allow a 14 foot front setback for the church, where 10 feet are required; allow 0 feet interior side setback, where 5 feet are required; allow 9 parking spaces, where 77 parking spaces are required; and allow 8.5% pervious area, where 30% pervious area is required. All contra to §§ 98-881(1)a., 98-881(1)a.2., 98-2186, 98-641(a) and (b), and 98-2189(17) and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (e), Table A. **Property located at 16-26 East 7 Street, Hialeah, Florida. Property zoned R-3-D (Multifamily District) and CR (Commercial Residential).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

ORDINANCE NO. 2021-051

<i>The item was postponed until further notice per the administration's request.</i>
<i>On March 10, 2021, the City Council postponed the item until April 14, 2020.</i>
<i>On February 11, 2020, the item was postponed until March 10, 2020</i>
<i>On January 28, 2020, the item was postponed until February 11, 2020.</i>
<i>On January 14, 2020, the item was approved on first reading by the City Council.</i>
<i>On December 11, 2019, the item was approved by the Planning and Zoning Board.</i>

Planner's Recommendation: Approval.

*Owner of the Property: Israel Suarez, 702 East 30 Street, Hialeah, Florida.
Isis D. Suarez, 650 East 62 Street, Hialeah, Florida.*

REPORT: Debora Storch, Planning Official for the City of Hialeah, spoke.

REPORT: Decon Alexay Rodriguez, 650 East 62 Street, after being duly sworn in addressed the City Council.

REPORT: Pastor Josue Gonzalez addressed the City Council with Decon Alexay Rodriguez.

REPORT: Motion to Approve Item PZ 5 made by Council Member Perez, and seconded by Council Member Hernandez. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

PZ 6. First reading of proposed ordinance rezoning property from C-1 (Restricted Retail Commercial District) to C-2 (Liberal Retail Commercial District). **Property located at 3060 West 12 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.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

On April 28, 2021, the Planning and Zoning Board recommended approval with the condition that the applicant changes the fence on the south side of the property from the existing run down chain link fence to a modern aluminum fence.

Planner's Recommendation: Approval with conditions

*Owners of the Property: Armando L. Suarez, 2510 SW 87th Avenue, Miami, Florida 33165
Maria I. Gonzalez, 14025 SW 22 Street, Miami, Florida 33175.*

REPORT: Motion to Approve Item PZ 6 made by Council Member De la Rosa, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for May 25, 2021.

15. FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, **Decision No. 2021-05** that granted an adjustment on the property located at **1310 West 35 Street, Hialeah, Florida**; and providing for an effective date.

<i>On March 3, 2021, the Planning and Zoning Board recommended approval with the condition that the 253 square feet area's use is limited to a terrace or carport open on three sides and provided that the complete legalization of the house is completed within 180 days.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Owners of the Property: Hansel Cervera De Lara and Judith Lopez Concepcion, 1310 West 35 Street, Hialeah, Florida 33012.</i>

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-060

REPORT: Motion to Approve Item FD 1 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Council President Tundidor adjourned the meeting at 11:21 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, May 25, 2021 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 25, 2021 at 6:30 p.m.

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

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

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

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