

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martinez
Council Vice President



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

City Council Minutes/Summary Agenda
May 28, 2019
7:00 P.M.

Call to Order

REPORT: Council President Casáls-Muñoz called the meeting to order at 7:08 p.m.

Roll Call

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

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

REPORT: The following Council Members were absent:

- Councilwoman Lourdes Lozano
- Also present was:
 - Lorena Bravo, City Attorney
 - Mayor Carlos Hernandez

Invocation given by Marbelys Fatjo, City Clerk

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

Pledge of Allegiance to be led by Councilwoman Cue-Fuente

REPORT: Councilwoman Cue-Fuente led the Pledge of Allegiance.

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

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

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

1. PRESENTATIONS

- Chief Sergio Velazquez swears in the following three new police officers:
 1. Anthony Zaldivar
 2. Ailin Hernandez
 3. Juan Ceballos

(HIALEAH POLICE DEPT.)

REPORT: The new police officers were sworn in by Chief Sergio Velasquez alongside Carlos Alvarez, Principal of City of Hialeah Educational Academy.

- Presentation by Mayor Hernandez of a Certificate of Appreciation to each of the following who assisted Aurelio Cadahia in the charitable events for La Liga Contra el Cancer:
 1. George R. Garcia
 2. Jorge F. Garcia
 3. Yusmila Rodriguez
 4. Liam Del Sol
 5. Lianna Del Sol
 6. Sarah Cabrera
 7. Claudia Quintana
 8. Mirah G. Vazquez
 9. Victoria Vazquez
 10. Magalys Vazquez
 11. Meylin N. Sanchez

12. Stephanie Paz
13. Daliana Morales

REPORT: Mayor Hernandez presented the certificates and recognized Aurelio Cadahia.

- Presentation by Javier Bentancourt, Executive Director of the Miami Dade Citizens Independent Transportation Trust, regarding the People's Transportation Plan and Smart Plan.

REPORT: Javier Betancourt presented a PowerPoint presentation and provided the Council with documentation titled "Citizens' Independent Transportation Trust".

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Items W and X have been added to today's agenda and placed on the dais for the City Council's review.
- Administrative Item 4F is being postponed until August 13, 2019 as the business owner as asked for a continuance.
- Items PZ 1, 2, 3 and 7 are postponed until June 11, 2019.
- Landuse Item LU 1 will be before the City Council on June 11, 2019.

3. CONSENT AGENDA

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

REPORT: Mayor Hernandez requested separate discussion on Consent Items W and X.

REPORT: Motion to Approve the Consent Agenda, except Items W and X, made by Councilwoman Cue-Fuente, and seconded by Council Vice President Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Lozano absent.

- A. Request permission to approve the minutes of the Council Meeting held on May 14, 2019.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- B. Request from Samurai Fireworks, 7950 NW 53rd Street, Suite 337, Miami, Florida, for permission to install a seasonal tent for the sale of fireworks, with set up taking place on June 20, 2019 and take down on July 7, 2019, and with sales taking place from June 24,

2019 through July 4, 2019, to be located at 5916 West 16th Avenue, Hialeah, Florida, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- C. Request from Samurai Fireworks, 7950 NW 53rd Street, Suite 337, Miami, Florida, for permission to install a seasonal tent for the sale of fireworks, with set up taking place on June 20, 2019 and take down on July 7, 2019, and with sales taking place from June 24, 2019 through July 4, 2019, to be located at 5378 West 16th Avenue, Hialeah, Florida, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- D. Request from Samurai Fireworks, 7950 NW 53rd Street, Suite 337, Miami, Florida, for permission to install a seasonal tent for the sale of fireworks, with set up taking place on June 20, 2019 and take down on July 7, 2019, and with sales taking place from June 24, 2019 through July 4, 2019, to be located at 2122 West 62nd Street, Hialeah, Florida, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- E. Proposed resolution accepting the award of a grant from Miami-Dade County through the Neat Streets Tree Matching Grant Program administered by the County's Parks, Recreation and Open Spaces Department, in the amount of \$35,570.00 for the procurement, planting and maintenance of street trees pursuant to the City of Hialeah 2019 Tree Canopy Improvement Project; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Tree Planting Agreement with Miami-Dade County commencing upon execution of the agreement and ending on August 16, 2019, whereby the City agrees to provide matching funds in an amount not to exceed \$35,630, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; and providing for an effective date. (STREETS)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-054

- F. Request permission to waive competitive bidding, and issue and purchase order to Eureka Farms LLC, vendor providing the lowest quotation, to purchase of Green Island Ficus plants to be planted throughout the City, in a total cumulative amount not to exceed \$30,000. (STREETS)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- G. Request permission to increase Purchase Order No. 2019-1078, issued to Cunano Builders Corporation, for tile roof sealant, by an additional amount of \$7,157.20, for a new total cumulative amount not to exceed \$290,178. On January 8, 2019, the City Council awarded Hialeah Bid No. 2018/19-3230-00-001 – *300 Unit Elderly Housing Project – Painting and Waterproofing* to this vendor, but the tile roof sealant was not included in the original bid. (CONSTRUCTION AND MAINTENANCE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- H. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA18-VEL 26.0, and issue a purchase order to AN Motors of Pembroke, LLC, doing business as Autonation Chevrolet Pembroke Pines, for the purchase of:

- Two (2) 2019 Chevrolet Tahoe - Specification No. 31, in the amount of \$38,026 per vehicle
- Three (3) 2019 Chevrolet Traverse LS (1NV56) - Mid-Size 4 Door Utility Vehicles - 4WD or AWD, Specification No. 30, in the amount of \$29,563 per vehicle

for a total cumulative expense amount not to exceed \$164,741. (BUILDING DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- I. Proposed resolution approving the expenditure totaling an amount not to exceed thirty-five thousand dollars (\$35,000.00) from the Law Enforcement Trust Fund - *State*, for the rental of vehicles, from Royal Rent-A-Car Systems of Florida, Inc., vendor #21162, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-055

- J. Proposed resolution approving the expenditure totaling an amount not to exceed nine thousand nine hundred ninety-five dollars, (\$9,995.00) from the Law Enforcement Trust Fund – *Federal*, to fund the purchase and implementation of a computer voice stress analyzer and software, related warranties, maintenance plan, and training for the Hialeah Police Department, from National Institute for Truth Verification Federal Services, LLC., the sole source provider, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-056

- K. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has successfully provided these services to the City over the past several years, and increase Purchase Order No. 2019-857, issued to Xtreme FX LLC, to provide services for fireworks and special effects equipment necessary for the City’s Independence Day Celebration, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$35,000. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- L. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Performance Agreement with Holborn Music Enterprises, Inc. to engage the services of Señorita Dayana as the featured performer for the City’s Independence Day Celebration on July 4th, 2019, in an amount not to exceed \$15,000; in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; and providing for an effective date. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-057

- M. Proposed resolution accepting the grant award from the Miami-Dade County Department of Cultural Affairs under the Targeted Initiatives Grants Program, in the amount of \$30,000.00, for fiscal year 2018-2019, to support the City’s July 4th Celebration and Hispanic Heritage Month series events; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Grant Award Agreement commencing on October 1, 2018 and ending on September 30, 2019, in furtherance thereof; and providing for an effective date. (COMMUNICATIONS AND SPECIAL

EVENTS DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-058

- N. Request permission to increase Purchase Order No. 2019-1178, issued to Reflections Productions, Inc., to cover incidental production cost as required by this year's performers and sponsors, by an additional amount of \$20,000, to be utilized on an as needed basis, for a new total cumulative amount not to exceed \$101,846.73. On February 2, 2019 the City entered into a five year professional services contract with this vendor to provide the production services for the City's Independence Day Celebration. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- O. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Performance Agreement with Vid Music Group, LLC to engage the services of Jacob Forever as the featured performer for the City's Independence Day Celebration on July 4th, 2019, in an amount not to exceed \$30,000; in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; and providing for an effective date. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-059

- P. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Performance Agreement with Rottboyz, LLC to engage the services of El Micha as the featured performer for the City's Independence Day Celebration on July 4th, 2019, in an amount not to exceed \$15,000; in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; and providing for an effective date. (COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-060

- Q. Request permission to award Hialeah Bid No. 2018/19-3210-00-003 – *29 Unit Elderly Housing Project - Painting and Waterproofing*, to Sepi Painting & Waterproofing, Inc., lowest responsive bidder, in the amount of \$47,580, in addition to a ten percent contingency in the amount of \$4,758, for a total cumulative expense amount not to exceed \$52,338. (CONSTRUCTION & MAINTENANCE AND DEPT. OF GRANTS & HUMAN SERVICES)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- R. Request permission to renew the Non-Exclusive Concession Management Services Franchise Agreement between Concession Management Systems LLC and the City, for a term of one (1) year commencing on April 28, 2019 and ending on April 27, 2020, with the option to renew for two consecutive one-year terms, to provide concession management services to the City at the designated locations, excluding Bucky Dent Softball complex, Slade Park and Graham Park, for a quarterly fee of \$2,337.50. (PARKS AND RECREATION DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- S. Request permission to renew the Agreement for Disaster Debris Monitoring Services, between Thompson Consulting Services, LLC and the City of Hialeah, for a term of one (1) year commencing on September 13, 2019 and ending on September 12, 2020, subject to the same terms and pricing as the original agreement. On August 23, 2016 the City Council awarded Request for Proposal No. 2015-16-8500-36-003 – *Disaster Debris Monitoring Services* to this vendor for a term of three years, with the option to renew for two consecutive one-year terms. (EMERGENCY MANAGEMENT DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- T. Request permission to renew the Agreement for Disaster Recovery and Debris Removal Services, between Ceres Environmental Services, Inc. and the City of Hialeah, for a term of one (1) year commencing on August 18, 2019 and ending on August 17, 2020, subject to same terms and pricing as the original agreement (*cost proposal and price schedule form located in Appendix C*, with the option to renew for two consecutive one-year terms. (EMERGENCY MANAGEMENT DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- U. Request permission to renew the Agreement for Disaster Recovery and Debris Removal Services, between DRC Emergency Services, LLC and the City of Hialeah, for a term of one (1) year commencing on August 17, 2019 and ending on August 16, 2020, subject to the same terms and pricing as the original agreement, with the option to renew for two consecutive one-year terms. (EMERGENCY MANAGEMENT DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- V. Proposed resolution providing for one alternate member of the Charter Review Committee; and providing for an effective date. (ADMINISTRATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-061

- W. Proposed resolution approving the naming of West 60th Street from Palm Avenue to West 2nd Avenue as “Raymond R. Robinson Street”, with the cost of signage to be paid by the City, in his honor, as a former Councilman from 1977-1989. (ADMINISTRATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-062

REPORT: Frank De La Paz, 3920 West 12th Avenue, addressed the City Council regarding this item.

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

- X. Proposed resolution approving the naming of West 12th Avenue/NW 67th Avenue from 84th Street/NW 138th Street/State Road 916 to West 82nd Street as “Carlos Oliva Way” with the cost of signage to be paid by the City, in his honor, as a Cuban American and a resident of Hialeah who started “Los Sobrinos Del Juez”.

APPROVED 6-0-1 with Councilwoman Lozano absent.
RESOLUTION NO. 2019-063

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

4. ADMINISTRATIVE ITEMS

- 4A.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 15 entitled “C-1 Restricted Retail Commercial District” of the Code of Ordinances of the City of Hialeah, and in particular revising Section 98-1066 entitled “Permitted Uses” to remove manual carwashes as a permitted use, Section 98-1067 entitled “Prohibited Uses” to include manual carwashes as a prohibited use; and further amending Article VI. Supplementary District Regulations, Division 5., entitled “Uses”, Subdivision VI entitled “Carwashes”, and in particular, revising Section 98-1897 entitled “Manual Carwashes”, to prohibit manual carwashes to operate within the City, and allow manual carwashes lawfully established prior to adoption of this ordinance to operate in C-1 and C-2 zoning districts as a non-conforming use, provided that said manual carwashes continue to comply with the City requirements; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for a severability clause; providing for an effective date. (ADMINISTRATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.

ORDINANCE 2019-042

REPORT: Frank De La Paz, 3920 West 12th Avenue, addressed the City Council regarding this item.

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

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

- 4B.** Second reading and public hearing of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article VI. - Peddlers, Solicitors, Itinerant Vendors, § 18-308 Sale of Christmas trees by nonprofit organizations; eliminating the limit on the type of organization allowed to sell trees; repealing all 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 Councilwoman Lozano absent.

ORDINANCE 2019-043

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

4C. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled "Administration" of the Code of Ordinances, Article V. entitled "Finance", Division 2. entitled "Fees and Charges", and in particular amending Section 2-873(a) to expand the scope of the violations and liens research to include open cases for violations of the Florida Fire Prevention Code, violations of the forty-year building recertification requirement, and other debts owed to the City, to provide for a standard processing time from seven to ten business days, and provide for an expedited violations and lien research fee for an additional \$100.00 with a processing time not to exceed two business days; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.

ORDINANCE 2019-044

REPORT: Frank De La Paz, 3920 West 12th Avenue, addressed the City Council regarding this item.

REPORT: Motion to Approve Item 4C made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilwoman Lozano absent.

4D. First reading of proposed ordinance vacating the right-of-way located on East 28th Street, East of 11th Avenue, and West of the railroad tracks. **Property located adjacent to 2801 East 11 Avenue on the north and 2675 East 11 Avenue on the south, Hialeah, Florida**, and more particularly described in the location sketch attached hereto and made a part hereof as Exhibit "A"; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ZONING DEPT.)

<i>On May 15, 2019 the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: MBM Developments Group Corp., 2600 Island Blvd, Aventura, Florida 33160.</i>

APPROVED 6-0-1 with Councilwoman Lozano absent.

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

REPORT: Motion to Approve Item 4D made by Council Vice President Garcia Martinez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilwoman Lozano absent. Second reading and public hearing is scheduled for June 11, 2019.

4E. First reading of proposed ordinance amending Chapter 98 Zoning; Article V Zoning District Regulations; Division 3. R-1 One Family District; Section 98-502 Rear Yard Required; reducing the distance separation between a principal residential building and an

accessory building from twenty feet to ten feet; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ZONING DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

Item was approved by the Planning and Zoning Board on May 15, 2019.

REPORT: Motion to Approve Item 4D made by Council Vice President Garcia Martinez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilwoman Lozano absent. Second reading and public hearing is scheduled for June 11, 2019.

- 4F. License suspension/revocation hearing pursuant to Section 86-57(b) of the Hialeah Code. The City has determined that Amigos Minimarket, located at 555 East 9 Street, Hialeah, Florida, has violated Hialeah Code Sections § 86-54(a)(6), §86-54(a)(8), and § 86-54(a)(12) and engaged in conduct warranting the revocation or suspension of its business tax receipt. (LICENSE DIV.) **POSTPONED UNTIL AUGUST 13, 2019.**

5. BOARD APPOINTMENTS

- 5A. Proposed resolution appointing Jorge Gonzalez as an alternate to the City of Hialeah Charter Review Committee ("CRC") effective immediately for a term ending upon the dissolution of the Charter Review Committee; and providing for an effective date.

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-064

REPORT: Motion to Approve Item 5A made by Councilman Hernandez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilwoman Lozano absent.

6. UNFINISHED BUSINESS

REPORT: None

7. NEW BUSINESS

REPORT: None

8. COMMENTS AND QUESTIONS

REPORT: Frank De La Paz, 3920 West 12th Avenue, addressed the City Council regarding

City inspectors and the City issued vehicles the inspectors drive.

ZONING

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

Attention Applicants:

REPORT: All were duly sworn in.

REPORT: Councilwoman Cue-Fuente left the City Council Meeting at 8:47 p.m.

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

PZ 1. Second reading and public hearing of proposed ordinance rezoning R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); to allow the construction of a duplex on an irregular substandard lot, having a front width of 52.98 feet and a rear width of 48.47 feet, where 75 feet is the minimum required; having a length of 92.18 feet, where 100 feet is the minimum required; allow an interior south side setback of 6 feet, where 7.5 feet is the minimum required; allow front and rear setbacks of 20 feet, where 25 feet is the minimum required respectively; allow a lot area of 4,676 square feet, where 7,500 square feet is the minimum required; allow 38% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544, 98,545, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 2629 East 7 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL JUNE 11, 2019.**

<i>Registered Lobbyist: Fred Endara, 10829 NW 7th Street, Miami, Florida 33172.</i>
<i>On April 24, 2019 the item was approved with conditions by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approve with the condition that the properties are developed in substantial consistency with the submitted plans and the construction is completed within 24 months.</i>
<i>Owners of the Property: Clemente Pablo Mendoza & Olga Mendoza, 8781 NW 142 Street, Miami Lakes, Florida 33018.</i>

PZ 2. Second reading and public hearing of proposed ordinance rezoning R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); to allow the construction of a duplex on a substandard lot, having a frontage of 55.10 feet, where 75 feet is the minimum required; having a length of 92.11 feet, where 100 feet is the minimum required; allow an interior south side setback of 6 feet, where 7.5 feet is the minimum required; allow a lot area of 5,075 square feet, where 7,500 square feet is the minimum required; and allow 35% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544 and 98-2056(b)(2). **Property located at 2689 East 7 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL JUNE 11, 2019.**

<i>Registered Lobbyist: Fred Endara, 10829 NW 7th Street, Miami, Florida 33172.</i>
<i>On April 24, 2019 the item was approved with conditions by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approve with the condition that the properties are developed in substantial consistency with the submitted plans and the construction is completed within 24 months.</i>
<i>Owners of the Property: Clemente Pablo Mendoza & Olga Mendoza, 8781 NW 142 Street, Miami Lakes, Florida 33018.</i>

PZ 3. Second reading and public hearing of proposed ordinance granting a Special Use Permit to allow a new gas station, convenience store, a mechanical carwash, and a pylon sign in the CR (Commercial Residential Zoning District); and granting a variance permit to allow 125 feet and 34 feet front setbacks, where 5 feet is required; allow parking on the front where no parking is allowed; allow 6 feet 10 inch and 9 feet 11 inch setbacks for the pylon sign from the right-of-way line, where 10 feet is the minimum required; and allow 0% frontage, where 50% is required; all contra to the Hialeah Code of Ordinances § 74-918(1)e. and §§ 98-881(1)a., (1)a.2 and (1)a.3; property zoned CR (Commercial Residential District). **Property located at 898 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL JUNE 11, 2019.**

<i>On April 24, 2019 the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Orion Palm Avenue, 5200 NW 77th Court, Doral, Florida 33166.</i>

PZ 4. First reading of proposed ordinance allowing for the site plan signed and sealed and dated March 14, 2019 by Alan D. Lerner, registered architect, and granting a variance permit to allow a rear setback of 38 feet, where 45 are required; allow a pervious area of 15.43 percent, where 20 percent is required; allow parking at the front and side of the property, where all parking is required in the rear; and allow seven occupational licenses, where no more than two occupational licenses are allowed; all contra to Hialeah Code of

Ordinances §§ 98-781(2), 98-781(5), 98-782 and 98-778(2). **Property located at 135 West 49 Street, Hialeah, Florida.** Property zoned RO (Residential Office). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL JUNE 11, 2019.**

<i>Registered Lobbyist: Brian S. Adler, Bilzin, Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL.</i>
<i>Item was postponed by the City Council on May 14, 2019.</i>
<i>On April 24, 2019 the item was approved by the Planning and Zoning Board with the following conditions:</i>
<ol style="list-style-type: none"> <i>1. The maximum number of business tax receipts for the facility is limited to seven. Notwithstanding the seven issued business tax receipts, no more than three of the seven doctors shall be located at the facility at any given time.</i> <i>2. Should property be converted to a use other than an endoscopy/gastrointestinal center, the maximum number of business tax receipts shall revert to a maximum of two unless otherwise approved by the City of Hialeah City Commission or otherwise permitted under the City of Hialeah Code.</i> <i>3. The facility shall provide a valet parking or a parking attendant at a minimum during workdays between the hours of 7:00 a.m. to 12:00 p.m.</i> <i>4. The facility shall encourage employees to utilize public transportation, drop-off or carpooling.</i> <i>5. The facility shall maintain and/or provide patients with the name of transportation and or pickup services utilized at the property to encourage patients to use the transportation facilities rather than driving separately to the facility.</i>
<i>Planner's Recommendation: Approve rear setback, pervious area and parking location variances and allow a maximum of four occupational licenses.</i>
<i>Owners of the Property: Torres Hialeah Investment, LLC., 4791 West 4th Avenue, Hialeah, Florida 33012.</i>

REPORT: Brian Adler, Esq., 1450 Brickell Avenue, addressed the City Council on behalf of the applicant. Mr. Adler provided each Council Member with a copy of the Declaration of Restrictions Regarding Business Tax Receipts which he submitted to the City's Law Department.

REPORT: Motion to Table Item PZ 4 until June 11, 2019 made by Councilman Hernandez, and seconded by Council Vice President Garcia-Martinez. Motion passed 5-0-2 with Councilwomen Lozano and Cue-Fuente absent.

PZ 5. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow a private elementary school pursuant to Hialeah Code of Ordinances § 98-181; property zoned C-1 (Restricted Retail Commercial District); **property located at 930 East 9 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-0-2 with Councilwoman Lozano and Cue-Fuente absent.

Registered Lobbyist: Octavio A. Santurio AIA, 6262 SW 40th Street, Suite 3E, South Miami, Florida 33155.

On May 15, 2019 the item was approved with conditions by the Planning and Zoning Board.

Planner's Recommendation: Approval with the condition that the site is improved in substantial consistency with the submitted site plan and the traffic is managed in accordance to the submitted traffic circulation plan. In addition, the applicant should be required to take responsibility for the improvement and maintenance of the portion of the alley that will be used daily for egress and that is subject to the Streets Department approval.

Owners of the Property: Juditt Milian, 8310 NW 167 Terrace, Miami Lakes, Florida 33016.

REPORT: Octavio Santurio, 6226 SW 40th Street, addressed the City Council.

REPORT: Motion to Approve Item PZ 5 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Councilwomen Lozano and Cue-Fuente absent. Second reading and public hearing is scheduled for June 11, 2019.

PZ 6. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow an elementary school for a maximum of 23 students pursuant to Hialeah Code of Ordinances § 98-181; and granting a variance permit to allow 13 parking spaces, where 23 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(9); allow a 1.4% pervious area, where 18% is required; allow a 2 foot landscape buffer, where a 7 foot landscape buffer is required; and allow no trees and no shrubs, where 8 trees and 80 shrubs are required, subject to mitigation pursuant to § 98-2233; all contra to the City of Hialeah Landscape Manual, latest edition dated July 9, 2015, ¶ (E) Tree and Lawn Requirements by zoning classification, Table A, ...minimum pervious area...percent of net lot area, ¶ (D)(7), parking lot buffers, and ¶ (G) landscape legend information required to be permanently affixed to plan, subpart trees and shrubs. Property zoned C-1 (Restricted Retail Commercial District); **property located at 375 East 49 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-0-2 with Councilwoman Lozano and Cue-Fuente absent.

Registered Lobbyist: Oscar Gonzalez, 7901 West 21 Avenue, Hialeah, Florida 33016.

On May 15, 2019 the item was approved with conditions by the Planning and Zoning Board.

<p><i>Planner's Recommendation: Approval with the conditions:</i></p> <ul style="list-style-type: none"> • <i>The increase on the number of students and staff is not recommended and the CUP for the existing 23 student school could be granted with the condition that a 2 feet landscape buffer be provided at the edge of the property line to prevent improper parking encroaching into the sidewalk and that no less than 2 employees for traffic circulation control be on site at drop-off and pick-up hours daily.</i> • <i>The parking variance could be approved with the condition that 3,460 square feet of the building remain utilized by a daycare operation which requires 50% parking spaces less than other commercial uses, that the substandard spaces at the rear be exclusively used by compact cars and that a minimum of 5 parking spaces be available at the times that the existing medical clinic is in operation.</i> • <i>The pervious area variance could be approved with the condition that adequate drainage be provided through a drainage system, the 2 feet landscape buffer should be approved since there is no space to provide a wider buffer and the waiver of the landscape requirement could be approved with the condition that the 8 trees and 80 shrubs be mitigated in accordance to Sec. 98-2233.</i>
<p><i>Owners of the Property: Adriki Investments Corp., 80 Marina Avenue, Key Largo, Florida 33037 Ruben Demblans, 80 Marina Avenue, Key Largo, Florida 33037.</i></p>

REPORT: Motion to Approve Item PZ 6 made by Councilman Zogby, and seconded by Council Vice President Garcia-Martinez. Motion passed 5-0-2 with Councilwomen Lozano and Cue-Fuente absent. Second reading and public hearing is scheduled for June 25, 2019.

PZ 7. First reading of proposed ordinance rezoning C-1 (Restricted Retail Commercial District) and C-2 (Liberal Retail Commercial District) to C-3 (Extended Liberal Commercial District); and granting a variance permit to allow 11 parking spaces, where 13 are required; allow 5 feet rear setback, where 15 feet is the minimum required; and allow a pervious area of 13.46%, where an 18% minimum is required; contra to Hialeah Code of Ordinances §§ 98-2189(7), 98-1071, 98-1161; and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, ¶ (E) Tree and Lawn Requirements by Zoning Classification, Table A, ...minimum pervious area...percent of net lot area. **Property located at 975 and 995 Hialeah Drive, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL JUNE 11, 2019.**

<p><i>On May 15, 2019 the item was approved by the Planning and Zoning Board.</i></p>
<p><i>Planner's Recommendation: Approval.</i></p>
<p><i>Owners of the Property: Ignacio M. Urbietta, 9701 NW 89 Avenue, Medley, Florida 33178.</i></p>

FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-10 that granted an adjustment on the property located at **5354 West 10 Court, Hialeah,**

Florida; and providing for an effective date. **POSTPONED UNTIL JUNE 11, 2019.**

On April 10, 2019 the item was approved with conditions by the Planning and Zoning Board.

Planner's Recommendation: Approve with condition that the setback adjustment for accessory building and distance separation as requested, with the condition that the gazebo is reduced in order to eliminate the encroachment into the utility easement and the need for a setback adjustment for the gazebo.

Owners of the Property: Angel Casanueva, 5354 West 10th Court, Hialeah, Florida 33012.

REPORT: Motion to Table Item FD 1 until June 11, 2019 made by Councilman Caragol, and seconded by Council Vice President Garcia-Martinez. Motion passed 5-0-2 with Councilwomen Lozano and Cue-Fuente absent.

LAND USE AMENDMENTS

~~LU 1. Proposed resolution expressing its intent to approve and adopt a Text Amendment to the Future Land Use Element of the City of Hialeah Comprehensive Plan to eliminate Policy 2.3.5 related to the Growth Management Advisory Committee.~~

NEXT CITY COUNCIL MEETING: Tuesday, June 11, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 27 2019 at 6:30 p.m.

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

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

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than 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).

5/29/2019 4:44 PM