

Esteban Bovo, Jr.
Mayor

Carl Zogby
President

Monica Perez
Vice President



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

City Council Meeting
Minutes
June 14, 2022
7:00 p.m.

1. CALL TO ORDER

A. REPORT: Council President Zogby called the meeting to order at 7:03 p.m.

2. ROLL CALL

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

1. Council President Zogby
2. Council Member Calvo (*arrived at 7:05 p.m.*)
3. Council Member Casàls-Muñoz
4. Council Member Garcia-Roves
5. Council Member Rodriguez
6. Council Member Tundidor

B. REPORT: The following Council Member was absent:

1. Council Vice President Perez

3. INVOCATION

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

4. PLEDGE OF ALLEGIANCE

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

REPORT: Marbelys Fatjo, City Clerk, read the meeting guidelines into the record.

6. PRESENTATIONS

- A. Presentation by attorneys Benjamin Widlanski and Jorge Piedra from the firm Kozyak Tropin Throckmorton discussing the potential of filing a new legal claim to recover damages resulting from

price-fixing practices by drug makers and pharmacy benefit intermediaries passed through to the City, through its self-funded health insurance plan, seeking approval to retain the firm on a contingency fee basis and approving the terms of engagement.

(LAW DEPARTMENT)

REPORT: Presentation by **Jorge Piedra** and **Benjamin Wildanki** from Kozyak Tropin Throckmorton Law via Zoom.

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

REPORT: Mayor Bovo spoke on this item.

REPORT: Motion to retain legal services from Kozyak Tropin Throckmorton Law made by Council Member Rodriguez, and seconded by Council Member Casáls-Muñoz. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Vice President Perez absent.

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No one expressed interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the Comments and Questions portion of the meeting using Zoom.
- C. **REPORT:** No one expressed interested in making comments or posing questions on matters of public concern present in the Council Chambers during this portion of the meeting.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

Amended Items:

- The expenditure amount of Consent Item L has been amended from \$16,800.00 to \$24,300.00.
- A Declaration of Restrictions has been added to Item PZ 5 as additional backup documentation.

Add-On Items:

- Consent Item U
- Consent Item V
- Administrative Item 10 E

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 Member Casáls-Muñoz requested separate discussion on Consent Items B and L.

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

REPORT: Motion to Approve the Consent Agenda, except items B, L and S, made by Council Member Garcia-Roves, and seconded by Council Member Rodriguez. Motion passes 6-1 with Council Vice President Perez absent.

- A. Request permission to approve the minutes of the City Council Meeting held on May 24, 2022 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

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

- B. Request from Party King Miami Inc, located at 3575 West 10 Avenue, Apt 207, Hialeah, Florida 33012, for permission to install a seasonal tent for the sale of sparklers, with set up taking place on Friday, June 24, 2022 and take down on Tuesday, July 5, 2022, and with sales scheduled to take place from Monday, June 27, 2022 through Monday, July 4, 2022, with the tent to be located at 741 East 9 Street, Hialeah, Florida 33010, property zoned C-2 Liberal Retail Commercial, subject to the requirements of the City's Fire Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

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

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

- C. Request permission to increase Purchase Order No. 2022-648, due to an increase in equipment rentals and labor costs as a result of inflation, issued to Reflections Productions, Inc., to cover the cost of production for the City's 2022 Independence Day Celebration, by an additional \$193,359.00, amount that includes a five percent (5%) contingency, for a new total cumulative amount not to exceed \$275,206.00. On February 12, 2019, the City entered into a Production Services Agreement with this vendor for the production of the City's yearly Fourth of July Celebration, commencing on July 4, 2019 and ending on July 4, 2021, with an option to renew for an additional two-year term. The funding for this expenditure is to be withdrawn from the General Fund - Special Events - 4th of July Account No. 001.3150.574.492.

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

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

- D. Request permission to enter into a Performance Agreement with Miami Late Night LLC, and issue a purchase order to the vendor, for a seventy-five (75) minute performance by Leonardo Torres Alvarez, professionally known as Leoni Torres, at the City's 2022 Independence Day Celebration, in a total cumulative amount not to exceed \$35,000.00. The funding for this expenditure is to be withdrawn from the General Fund - Special Events - 4th of July Account No. 001.3150.574.492.

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

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

- E. Request permission to enter into a Performance Agreement with Caribe Promotions, Inc., and issue a purchase order to this vendor, for a sixty (60) minute performance by Ramon Lavado Martinez, professionally known as El Chacal, at the City's 2022 Independence Day Celebration, in a total cumulative amount not to exceed \$22,500.00. The funding for this expenditure is to be withdrawn from the General Fund - Special Events - 4th of July Account No. 001.3150.574.492.

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

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

- F. Request permission to award City of Hialeah Invitation to Bid No. 2021-22-3210-00-019 – *Ground Cover Plants* - to Visualscape, Inc., lowest responsive and responsible bidder for the purchase of ground cover plants on an as-needed basis, in a total cumulative amount not to exceed of \$95,000.00. The funding for this expenditure is to be withdrawn from the Streets Fund - Capital Outlay - Landscaping Account No. 101.3210.541.648.

(STREETS)

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

- G. Request permission to award City of Hialeah Invitation to Bid No. 2021-22-3210-00-013 – *2022 City of Hialeah / Miami-Dade County Green Tree Planting Project* - to Reef Landscaping LLC, lowest responsive and responsible bidder, in the amount of \$44,838.75, and further request an additional \$15,161.25 to be reserved for the planting of additional trees to meet Miami-Dade County's \$45,000.00 match limit, for a new total cumulative amount not to exceed of \$60,000.00. The funding for this expenditure is to be withdrawn from the Streets Fund - Capital Outlay - Tree Planting – (MDC/CITY) Account No. 101.3210.541.630.

(STREETS)

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

- H. Proposed resolution approving a Service Agreement between the City of Hialeah and J&M Vera School Bus Service, Inc., to provide bus transportation services for the City of Hialeah's Education and Community Services Department Summer Camp Programs, for a term commencing on June 13, 2022 and ending on August 16, 2022 in an amount not to exceed \$15,510.00; and authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the Service Agreement attached hereto in substantial form and made a part hereof as Exhibit "1"; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

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

RESOLUTION NO. 2022-072

- I. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexplora LLC. to provide technology classes to the participants of the Young Leaders with Character Program funded by FLDOE Nita M. Lowey 21st Century Learning Communities Project, to teach them how to solve coding and building challenges, for a term commencing on June 13, 2022 and ending on July 29, 2022, in an amount not to exceed \$19,000.00; 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 DEPARTMENT)

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

RESOLUTION NO. 2022-073

- J. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Common Threads, Inc. to provide cooking classes to the participants of the Young Leaders with Character Program funded by FLDOE Nita M. Lowey 21st Century Learning Communities Project, for a term commencing on June 1, 2022 and ending on July 31, 2022, in an amount not to exceed \$9,210.00; 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 DEPARTMENT)

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

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

RESOLUTION NO. 2022-074

- K. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Edusource, Inc., to provide ceramic classes to the participants of the Creative Learning & Play (CL&P) Summer Camp Program funded by the Children’s Trust for year 2021-2022, for a term commencing on June 21, 2022 and ending on August 5, 2022, in an amount not to exceed \$16,830.00; 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 DEPARTMENT)

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

RESOLUTION NO. 2022-075

- L. AMENDED ITEM:** Proposed resolution approving a Service Agreement between the City of Hialeah and J&M Vera School Bus Service, Inc., to provide bus transportation services for the City of Hialeah's Education and Community Services Department Summer Camp Programs, for a term commencing on June 13, 2022 and ending on July 28, 2022 in an amount not to exceed \$24,300.00; and authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the Service Agreement attached hereto in substantial form and made a part hereof as Exhibit "1"; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

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

RESOLUTION NO. 2022-076

- M.** Request permission to issue a purchase order to J. & M. Vera School Bus Service, Inc., vendor providing the lowest quotation from the Miami-Dade County Schools pool of private bus services through Bidnet, an online purchasing portal used by the City to request quotations and post competitive solicitations, to provide summer transportation services for the Young Leaders with Character (YLC) Program, in a total cumulative amount not to exceed \$1,875.00. The funding for this expenditure is to be withdrawn from the 21st Century Grant (AA) Fund - Contractual Services Account No. 134.3120.569.340.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

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

- N.** Request permission to issue a purchase order to J. & M. Vera School Bus Service, Inc., vendor providing the lowest quotation from the Miami-Dade County Schools pool of private bus services through Bidnet, an online purchasing portal used by the City to request quotations and post competitive solicitations, to provide summer transportation services for the STEP Ahead Program, in a total cumulative amount not to exceed \$4,640.00. The funding for this expenditure is to be withdrawn from the Community Services Fund - STEP Ahead Social Enrichment Program - CDBG Account No. 138.3120.569.303.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

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

- O.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor was chosen based on their ability to respond and work within the framework of the Young Leaders with Character program, and issue a purchase order to Nexple LLC, for enrichment services that will focus on developing a healthy lifestyle, coordination, balance, improved fitness and confidence for the Young Leaders with Character Summer Camp commencing on June 13, 2022 through July 28, 2022, in a total cumulative amount not to exceed \$2,520.00. The funding for this expenditure is to be withdrawn from the 21st Century Grant (AA) Fund - Contractual Services Account No. 134.3120.569.340.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

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

- P. Request from Party King Miami Inc, located at 3575 West 10 Avenue, Apt 207, Hialeah, Florida 33012, for permission to install a seasonal tent for the sale of sparklers, with set up taking place on Friday, June 24, 2022 and take down on Tuesday, July 5, 2022, and with sales scheduled to take place from Monday, June 27, 2022 through Monday, July 4, 2022, with the tent to be located at Westland Mall 1675 West 49 Street, Hialeah, Florida 33012, property zoned C-2 Liberal Retail Commercial, subject to the requirements of the City's Fire Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

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

- Q. Proposed resolution retroactively authorizing the use of Community Development Block Grant (CDBG) Program funds in an amount not to exceed \$60,000.00 for the provision of mental health services to income-eligible residents of the City; authorizing the Mayor or his designee, to execute any and all necessary agreements in furtherance of the project; amending the City's fiscal year 2021-2022 as submitted to the U.S. Department of Housing and Urban Development (HUD); and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

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

RESOLUTION NO. 2022-077

- R. Proposed resolution accepting the recommendation of the Affordable Housing Advisory Committee (AHAC) authorizing the approval of the fiscal year 2022 through fiscal year 2025 Local Housing Assistance Plan (LHAP), attached as Composite Exhibit "1"; authorizing and adopting the City of Hialeah Local Housing Assistance Plan for State Housing Initiatives Partnership (SHIP) Program Act, Sections 420.907-420.9079, Florida Statutes; and authorizing the Mayor or his designee, and the City Clerk to execute any and all necessary certifications and to transmit the LHAP to the Housing Finance Corporation for its review and approval.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

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

RESOLUTION NO. 2022-078

- S. Proposed resolution retroactively authorizing the use of Community Development Block Grant (CDBG) Program funds in an amount not to exceed \$20,000.00 for the provision of Micro-Enterprise Business Assistance Services to previously approved businesses within the City; authorizing the Mayor or his designee, to execute any and all necessary agreements in furtherance of the project; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

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

RESOLUTION NO. 2022-079

REPORT: Maria Ruiz, City of Hialeah Grants and Human Services Department, addressed the City

Council.

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

- T. Request from ABC Promotions Unlimited Inc., located at 940 South Military Trail #94, West Palm Beach, Florida 33415, for permission to install a seasonal tent for the sale of fireworks, with set up taking place on Wednesday, June 15, 2022 and take down on Friday, July 8, 2022, and with sales scheduled to take place from Monday, June 20, 2022 through Monday, July 4, 2022, with the tent to be located at 1700 West 49th Street, Hialeah, Florida on the northwest corner of West 16th Avenue and 46th Street, property zoned C-2 Liberal Retail Commercial, subject to the requirements of the City's Fire Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

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

- U. **ADD-ON ITEM:** Request from Fly High Fireworks LLC, located at 910 West 64th Street, Hialeah, Florida 33012, for permission to install a seasonal tent for the sale of fireworks, with set up taking place on Tuesday, June 21, 2022 and take down on Tuesday, July 5, 2022, and with sales scheduled to take place from Tuesday, June 21, 2022 through Monday, July 4, 2022, with the tent to be located at 5378 West 16 Avenue, Hialeah, Florida 33012, property zoned C-2 Liberal Retail Commercial, subject to the requirements of the City's Fire Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

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

- V. **ADD-ON ITEM:** In recognition of the significance of national custom and tradition pertaining to the American Flag, proposed resolution that all American Flags purchased to be flown on City property shall be manufactured and produced in the United States of America and their size, display, and presentation shall, to the greatest extent possible, conform to the Federal Flag Code; and providing for an effective date.

(SPONSOR: COUNCIL MEMBER CASÀLS-MUÑOZ)

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

RESOLUTION NO. 2022-080

10. ADMINISTRATIVE ITEMS

- 10 A. **ORDINANCE:** Second reading and public hearing of proposed ordinance amending City of Hialeah Ordinance No. 2022-20 (March 22, 2022), to correct the last date that the Miami-Dade County Supervisor of Elections will register voters for the City of Hialeah Special Primary Election of November 8, 2022.

(OFFICE OF THE CITY CLERK)

On May 24, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 14, 2022.

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

ORDINANCE NO. 2022-050

REPORT: Motion to Approve Item 10 A made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

- 10 B.** First reading of proposed ordinance accepting the dedication of a portion of West 80 Street consisting of 35 feet in width on the south and north, 294.72 feet in length and a 25 foot radius on the north end, consisting of 10,462 square feet more or less, to the City of Hialeah for right-of-way purposes from US Holdings, Inc., a Florida corporation pursuant to the Right-of-Way Deed attached hereto and made a part hereof as Exhibit “1”, repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

(ADMINISTRATION)

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

REPORT: Motion to Approve Item 10 B made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for June 28, 2022.

- 10 C.** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 50, entitled “Housing”, Article III. “Housing Assistance Program”, Division 2. “Affordable Housing Advisory Committee”; §50-87 “Membership, Terms, Quorum, and Voting Requirements.”; adding “Elected Officials of the City of Hialeah” as one of the categories from which a representative may be selected to form the Affordable Housing Advisory Committee; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

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

REPORT: Motion to Approve Item 10 C made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for June 28, 2022.

- 10 D. PUBLIC HEARING TO RECEIVE THE PUBLIC’S COMMENTS:** The City is proposing to

provide citywide ridership service to the public through Freebee within the City limits by joining the Freebee East and Freebee West routes to provide better commute for the residents.

(ADMINISTRATION)

(TRANSIT)

REPORT: There were no public comments.

REPORT: Mayor Bovo spoke on this item.

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

REPORT: Motion to Approve Item 10 D made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Vice President Perez absent.

- 10 E. ADD-ON ITEM:** Proposed resolution repealing and rescinding Hialeah Resolution 2022-051 that authorized Roman O. Garcia, Jr. to submit grant applications on behalf of the City of Hialeah; and authorizing the Mayor or his designee, Maria L. Ruiz, to submit grant applications on behalf of the City of Hialeah, Florida, subject to ratification by City Council, upon grant approval; and providing for an effective date.

(ADMINISTRATION)

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

RESOLUTION NO. 2022-081

REPORT: Motion to Approve Item 10 D made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

11. BOARD APPOINTMENTS

- 11 A.** Proposed resolution, appointing **Celine Hutchins** to the Youth Advisory Board of the City of Hialeah for a (2)-year term ending on June 15, 2024.

(COUNCIL MEMBER TUNDIDOR)

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

RESOLUTION NO. 2022-082

REPORT: Motion to Approve Item 11 A made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Vice President Perez absent.

- 11 B.** Proposed resolution appointing **Jasmine Martinez** to the Youth Advisory Board of the City of

Hialeah for a (2)-year term ending on June 15, 2024.

(COUNCIL PRESIDENT ZOGBY)

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

RESOLUTION NO. 2022-083

REPORT: Motion to Approve Item 11 B made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

14. LANDUSE

ADMINISTRATION OF OATH OF ALL TESTIFYING ON AN ITEM

LU 1. ORDINANCE: Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low Density Residential to Transit Oriented Development District; **Property located at 922 East 26 Street, Hialeah, Florida, zoned R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On May 24, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 14, 2022.</i>
<i>Registered Lobbyists: Carlos L. Diaz, 333 Southeast 2nd Ave, 44th Floor, Miami, Florida 33131, on behalf of Metro Parc Hialeah, LLC.</i>
<i>On May 11, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Jose Campo, 580 East 26th Street, Hialeah, Florida 33013.</i>

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

ORDINANCE NO. 2022-051

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

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

15. ZONING

PLANNING AND ZONING

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

<i>On May 24, 2022, the item was deferred until the City Council Meeting of June 14, 2022, per the applicant's request.</i>
<i>On May 10, 2022, the item was deferred until the City Council Meeting of May 24, 2022, per the applicant's request.</i>
<i>On April 26, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for May 10, 2022.</i>
<i>On April 13, 2022, the Planning and Zoning Board recommended approval of the item contingent on the construction of on-street parking spaces.</i>
<i>Planner's Recommendation: Approval contingent on the construction of on-street parking spaces.</i>
<i>Property Owners: Mayra Sanabria, 20110 Northwest 59 Court, Hialeah, Florida 33015 Mayra Aristy, 501 Southeast 4th Street, Hialeah, Florida 33010.</i>

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

ORDINANCE NO. 2022-052

REPORT: Mayra Sanabria, 20110 Northwest 59 Court, Hialeah, Florida, addressed the City Council.

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

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

REPORT: Motion to Approve Item PZ 1 made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 4-2-1 with Council Member Casáls-Muñoz, Council Member Tundidor voting “No”, and Council Vice President Perez absent.

REPORT: Council President Zogby handed the gable to Council Member Garcia-Roves to chair the meeting in his absence.

PZ 2. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 10,840 square foot expansion of the existing 36,950 square foot Behavioral Health Hospital; and increase the number of beds from 72 beds to 92 beds; and allow 73 parking spaces, where 115 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(12); **Property located at 4225 West 20 Avenue, Hialeah zoned C-2 (Liberal Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

On May 24, 2022, the item was deferred until the City Council Meeting of June 14, 2022 pending the amendment of the plans.

On May 24, 2022, Council Member Bryan Calvo filed a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officer, form which is on file in the Office of the City Clerk.

On May 10, 2022, the item was approved on first reading by the City Council. Second reading and public hearing was scheduled for May 24, 2022.

On May 10, 2022, Council Member Bryan Calvo filed a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officer, form which is on file in the Office of the City Clerk.

On April 26, 2022, the item was deferred until May 10, 2022.

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

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

APPROVED 4-0-3 with Council Member Calvo having abstained from voting, Council President Zogby not present during roll call, and Council Vice President Perez absent.

ORDINANCE NO. 2022-053

REPORT: Council Member Garcia-Roves opened the item for public participating and no one present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Motion to Approve Item PZ 2 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council Member Calvo having abstained from voting, Council President Zogby not present during roll call and Council Vice President Perez absent. Council President Zogby recorded his vote as “Yes” after the item was approved.

REPORT: Council Member Calvo abstained from voting on the item and filed a Form 8B - Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, form which is on file with the Office of the City Clerk.

PZ 3. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a variance permit to allow the replatting of the property into two substandard lots: Lot 1 having a frontage of 40.01 feet and total lot area of 5,399.87 square feet, where 75 feet frontage and 7,500 square feet are required and Lot 2, having a frontage of 40.01 feet and total lot area of 5,399.91 square feet, where 75 feet frontage and 7,500 square feet are required; and once platted allow the construction of a single-family house on each platted substandard lot, all contra to Hialeah Code of Ordinances § 98-499; **Property located at 1140 West 32nd Street, Hialeah, zoned R-1 (One-Family District);** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On May 24, 2022, the item was approved on first reading by the City Council on May 24, 2022. Second reading and public hearing is scheduled for June 14, 2022.</i>
<i>On May 10, 2022, the City Council overturned the recommendation of denial of the Planning and Zoning Board. First reading is scheduled for May 24, 2022.</i>
<i>On April 26, 2022, the item was tabled by the City Council until May 10, 2022.</i>

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

APPROVED 5-0-2 with Council President Zogby not present during roll call and Council Vice President Perez absent.

ORDINANCE NO. 2022-054

REPORT: Council Member Garcia-Roves opened the item for public participating and no one present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Motion to Approve Item PZ 3 made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 5-0-2 with Council President Zogby not present during roll call, and Council Vice President Perez absent. Council President Zogby recorded his vote as “Yes” after the item was approved.

PZ 4. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the NBD (Neighborhood Business District) Overlay for the development of a 27-unit multifamily building, pursuant to Hialeah Code of Ordinances § 98-1630.8; granting a variance permit to allow only residential uses where mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level only; allow 18 residential units with an area of 595 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow 7 feet front setback on East 7 Avenue, for encroachment of balconies above the ground floor, where 10 feet built-to-line are required; allow 32 parking spaces, where 61 parking spaces are required; and allow 29.6% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a., and 98-2056(b)(1); **Property located at 40 East 10 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On May 24, 2022, the item was approved on first reading by the City Council on May 24, 2022. Second reading and public hearing is scheduled for June 14, 2022.</i>
<i>On May 10, 2022, the City Council tabled the item until May 24, 2022. The applicant was not present.</i>
<i>On April 26, 2022, the item was tabled by the City Council until May 10, 2022.</i>

<i>On April 13, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Johanna Ferrer, 7440 SW 69 Terrace, Miami, Florida 33143.</i>

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

ORDINANCE NO. 2022-055

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

REPORT: Motion to Approve Item PZ 4 made by Council Member Rodriguez, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

PZ 5. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property from R-1 (One-Family District) to TOD (Transit Oriented Development). **Property located at 922 East 26 Street, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On May 24, 2022, the item was approved on first reading by the City Council on May 24, 2022. Second reading and public hearing is scheduled for June 14, 2022.</i>
<i>Registered Lobbyists: Carlos L. Diaz, 333 Southeast 2nd Ave, 44th Floor, Miami, Florida 33131, on behalf of Metro Parc Hialeah, LLC.</i>
<i>On May 11, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Jose Campo, 580 East 26th Street, Hialeah, FL 33013</i>

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

ORDINANCE NO. 2022-056

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

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

REPORT: Council President Zogby returned to the meeting at approximately 8:27 p.m.

REPORT: Council President Zogby acknowledged the presence of State Representative Alex Rizzo.

PZ 6. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property from R-1 (One-Family District) and RO (Residential Office) to B-1 (Highly Restricted Retail District); granting a variance permit to allow front setback of 10 feet, where 20 feet are required; contra to Hialeah Code of Ordinances §98-929. **Property located at 4915 East Palm Court, 4935 East Palm Court, 4910 East 1 Avenue and 4930 East 1 Avenue, 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.

<i>On May 24, 2022, the item was approved on first reading by the City Council on May 24, 2022. Second reading and public hearing is scheduled for June 14, 2022.</i>
<i>On May 11, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: JCM Medical Services Inc., 87 East 49th Street, Hialeah, Florida 33013.</i>

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

ORDINANCE NO. 2022-057

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

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

PZ 7. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property from R-3 (Multiple- Family District) to R-3-5 (Multiple-Family District); granting a variance permit to allow a front setback of 11.4 feet, where 25 feet are required; allow east and west interior side setbacks of 7 feet, where 10 feet are required; allow a rear setback of 10.6 feet, where 20 feet are required; allow lot coverage of 34.5%, where 30% is the maximum allowed; and allow 22.3% pervious area, where 30% pervious area is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-589, 98-590, 98-591 and 98-2056(b)(1) and (b)(2). **Properties located at 61, 63, 75 and 77 West 31 Street, Hialeah, zoned R-3 (Multiple-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On May 24, 2022, the item was approved on first reading by the City Council on May 24, 2022. Second reading and public hearing is scheduled for June 14, 2022.</i>

Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Juan V. Pulles.

On May 11, 2022, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval

Property Owner: Juan V. Pulles and Dania M. Pulles, 8242 NW 164th Street, Miami Lakes, Florida 33016.

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

ORDINANCE NO. 2022-058

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

REPORT: Motion to Approve Item PZ 7 made by Council Member Casáls-Muñoz, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

- PZ 8.** First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-3-3 (Multiple-Family District); granting a variance permit to allow residential use on the ground floor, where residential use is allowed above ground floor level; allow street side setback of 13.6 feet, where 15 feet are required; allow 40 parking spaces, where 45 parking spaces are required; and allow 8 feet high prefabricated concrete wall, where 6 feet is the maximum height allowed along rear lot lines, all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(e)(2) and 98-2189(16)(a) and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (d), Subsection 6. **Properties located at 840 and 860 SE 8 Avenue, Hialeah, zoned R-1 (One-Family District) located within area of the NBD (Neighborhood Business District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

Registered Lobbyist: Manny Reus (architect), 18501 Pines Blvd #342 Pembroke Pines, FL 33029, on behalf of Michel Sabina-M.S. Investment Services

On May 25, 2022, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval

Property Owner: M.S. Investment Services, 7767 NW 146th Street, Miami Lakes, FL 33016

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

REPORT: Manny Reus, 18501 Pines Blvd #342, Pembroke Pines, Florida 33029, addressed the

City Council and provided the City Council with a copy of the renderings. A copy of the renderings is on file with the Office of the City Clerk.

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

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

REPORT: Second reading and public hearing is scheduled for June 28, 2022.

PZ 9. First reading of proposed ordinance granting a variance permit to allow 17 parking spaces, where 25 parking spaces are required; and allow a 1.64-foot landscape buffer for a distance of 90 feet facing West 19 Court, where a 7 foot landscape buffer is required for property to be developed as a fast food restaurant on an outparcel; all contra to Hialeah Code of Ordinances §98-2189(7) and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph D, Subsection 7. **Property located at 1950 West 49 Street, Hialeah, zoned C-3 (Extended Liberal Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq. and Alessandria San Roman, Esq. 701 Brickell Avenue, Suite 3300, Miami FL 33131 on behalf of Panera, LLC</i>

<i>On May 25, 2022, the Planning and Zoning Board recommended approval of the item with the condition that a safety barrier is provided between the parking lot and the sidewalk.</i>

<i>Planner's Recommendation: Approval with the condition that a safety barrier is provided between the parking lot and the sidewalk.</i>
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<i>Property Owner: Panera, LLC</i>

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

REPORT: Alejandro Arias, 701 Brickell Avenue, Suite 3300, Miami FL 33131, addressed the City Council.

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

REPORT: Motion to Approve Item PZ 9 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for June 28, 2022.

PZ 10. First reading of proposed ordinance granting a variance permit to allow the property to be developed as the corporate headquarters of La Colonia Medical Center; an interior east side

setback of 2.83 feet and an interior west side setback of 5.2 feet, where 10 feet are required; allow a front side setback of 3.66 feet for a building that is 35 feet in height and higher, where 12 feet are required along East 3 Street; and allow pervious area of 10.40%, where 20% pervious area is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-976(1) and 98-976(2)(a) and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (E), Table A. **Property located at 158 East 3 Street, Hialeah zoned CBD (Central Business District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On May 25, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Jorge Acevedo, 167 West 23 Street, Hialeah, Florida 33010.</i>

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

REPORT: Emilio Agrenot, 14636 Balgowan Road, Miami Lakes, FL 33016, addressed the City Council via Zoom.

REPORT: Motion to Approve Item PZ 10 made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for June 28, 2022.

REPORT: Council President Zogby adjourned the meeting at 8:50 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 23, 2022 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, June 28, 2022 at 7:00 p.m.

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

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

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

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