

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 28, 2022
7:00 p.m.

1. CALL TO ORDER

A. REPORT: Council Member Jacqueline Garcia-Roves called the meeting to order at 7:11 p.m.

2. ROLL CALL

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

1. Council Member Calvo
2. Council Member Casàls-Muñoz
3. Council Member Garcia-Roves
4. Council Member Rodriguez
5. Council Member Tundidor

B. REPORT: The following Council Members were absent:

1. Council President Zogby
2. Council Vice President Perez

C. REPORT:

1. Mayor Esteban Bovo, Jr. was present.
2. Marbelys Fatjo, City Clerk, was present.
3. Lorena Bravo, City Attorney, was present.

3. INVOCATION

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

4. PLEDGE OF ALLEGIANCE

A. Council Member Calvo 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 ().
- 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

REPORT: None

7. COMMENTS AND QUESTIONS

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

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

A. The following items have been **added to the agenda**:

- Consent Item V
- Consent Item W
- Consent Item X
- Consent Item Y
- Consent Item Z
- Consent Item AA
- Consent Item BB
- Consent Item CC

B. **Postponed Items:**

- Administrative Items 10A, 10C and 10 D are postponed until August 9, 2022.
- Item PZ 1 is postponed until August 9, 2022, per the applicant's request.

9. CONSENT AGENDA

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

REPORT: Frank De La Paz, 9361 Bird Road, requested separate discussion on Consent Item E.

REPORT: Council Member Calvo requested separate discussion on Consent Items L, N, Z and BB.

REPORT: Motion to Approve the Consent Agenda, except items E, L, N, Z and BB made by Council Member Rodriguez, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez.

- A. Request permission to approve the minutes of the City Council Meeting held on June 14, 2022 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- B. Request permission for the City Council to recess for the month of July 2022 pursuant to §3.01 of the City Charter.

(OFFICE OF THE CITY CLERK)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- C. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is an authorized dealer for Harley Davidson parts and repairs, and increase Purchase Order No. 2022-181, issued to TMCAA, Inc., for the purchase of Harley Davidson motorcycle parts and service, by an additional amount of \$15,000.00, for a new total cumulative amount not to exceed \$30,000.00. The funding for this expenditure is to be withdrawn from the General Fund – Inventory - Auto Parts Account No. 001.0000.141.120.

(FLEET AND MAINTENANCE DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- D. Request permission to waive competitive bidding, since its advantageous to the City in that the services offered by this vendor have been utilized by the Department of Public Works for several years and the vendor is familiar with the department's after hours and emergency procedures, and increase Purchase Order No. 2022-955, issued to Sunshine Communication Services, Inc., for afterhours emergency telephone services, by an additional amount of \$10,000.00, for a new total cumulative amount not to exceed \$45,000.00. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Communication Services Account No. 450.9500.536.410.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- E. Proposed resolution re-naming Senator Roberto Casas-Veteran's Park, located at 7900 West 32 Avenue to "Senator Roberto Casas Park" in honor of the Senator's public service legacy, with the cost of signage to be paid by the City; and providing for an effective date.

(ADMINISTRATION)

(CO-SPONSOR: COUNCIL MEMBER CASÁLS-MUÑOZ)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

RESOLUTION NO. 2022-084

The City of Hialeah Historic Preservation Board recommended approval on June 16, 2022.

REPORT: Frank De La Paz, 9361 Bird Road, thanked the City Council for their consideration towards this item.

REPORT: Mayor Bovo spoke on this item.

REPORT: Motion to Approve Item E made by Council Member Casáls-Muñoz, and seconded by Council Member Calvo. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- F. Proposed resolution re-naming Triangle Park, located at 290 Palm Avenue to “Veteran’s Park” in honor of the men and women who serve or have served in the United States Armed Forces, with the cost of signage to be paid by the City; and providing for an effective date.

(ADMINISTRATION)

(CO-SPONSOR: COUNCIL MEMBER CASÁLS-MUÑOZ)

The City of Hialeah Historic Preservation Board recommended approval on June 16, 2022.

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

RESOLUTION NO. 2022-085

- G. Request permission to issue a purchase order to Tidal Basin Government Consulting, LLC, vendor under contract with the City for emergency management administrative support services, for payment of the following invoices:

- COHIALEAH-03-07
- COHIALEAH-03-08
- COHIALEAH-03-09
- COHIALEAH-03-10
- COHIALEAH-03-11
- COHIALEAH-03-12
- COHIALEAH-03-13
- COHIALEAH-03-14

for professional services designed to support the City with emergency management, response, recovery, mitigation and other support services to assist the City in its recovery from the impacts of Hurricane Irma (Irma Closeout DR4337), in a total cumulative amount not to exceed \$60,000.00. On June 25, 2019, the City Council awarded Hialeah Request for Proposal No. 2018/19-8500-36-001 – *Emergency Management Administrative Support Services* to this vendor, and on May 24, 2022 the City Council

approved the extension of the Professional Service Agreement between the City and this vendor for a period of one (1) year, commencing August of the year 2022 through August of the year 2023.

(EMERGENCY MANAGEMENT DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- H. Request permission to issue a purchase order to Tidal Basin Government Consulting, LLC, vendor under contract with the City for emergency management administrative support services, for the approval of Task Order Number COH2019-01, for professional services designed to support the City with emergency management, response, recovery, mitigation and other support services to assist the City in its recovery from the impacts of COVID-19, in a total cumulative amount not to exceed \$100,000.00. On June 25, 2019, the City Council awarded Hialeah Request for Proposal No. 2018/19-8500-36-001 – *Emergency Management Administrative Support Services* to this vendor, and on May 24, 2022 the City Council approved the extension of the Professional Service Agreement between the City and this vendor for a period of one (1) year, commencing August of the year 2022 through August of the year 2023.

(EMERGENCY MANAGEMENT DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- I. Request permission to utilize State of Florida Department of Management Services Contract No. 80111600-21-STC- *Temporary Staffing Services*, effective through July 31, 2024, and utilize the following two temporary staffing agencies approved under this contract to be utilized by City departments as needed and within established departmental budget:

- 22nd Century Technologies, Inc.
- Computer Aid, Inc.

The funding for this expenditure is to be charged to the individual department utilizing the services.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- J. Request permission to increase Purchase Order No. 2022-128, issued to Action Cleaning Services AP, Inc., for janitorial services, by an additional amount of \$26,000.00, for a new total cumulative amount not to exceed \$68,200.64. On September 10, 2019, the City Council approved the renewal of a contract between the City and this vendor for citywide janitorial services commencing on October 1, 2019 and ending on September 30, 2022. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Contractual Services Account No. 450.9500.536.340.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- K. Request permission to award City of Hialeah Invitation to Bid No. 2021-22-9500-00-010 – *Phase II Force Main Extension* - to RG Underground Engineering, Inc., lowest responsive and responsible bidder for a new 16-inch sewer force main and sewer meter connecting City Pump Stations 131, 133, 140 and 141 to the Miami-Dade County system, in a total cumulative expense amount not to exceed of \$1,396,394.00, which

includes a contingency in the amount of \$127,000.00 to cover unknown field conditions that may arise during the scope of the work. The funding for this expenditure is to be withdrawn as follows:

- \$935,000.00 from the State of Florida Grant (Florida Department of Environmental Protection #LPA-0173)
- \$461,394.00, amount that includes the \$127,000.00 contingency, from Coronavirus State and Local Fiscal Fund - Capital Outlay - Infrastructure Account No. 131.9540.536.630 (ARPA funds).

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- L. Request permission to issue a purchase order to SRS Engineering, vendor approved by the City Council on March 8, 2022 in accordance with the recommendations of the City's Selection Committee for engineering services in response to Request for Qualifications No. 2021/22-9500-00-001 – General Consultants for Engineering and Architectural Services, for the Miami-Dade County Environmental Resources Management (DERM) mandated ten year cycle smoke testing of the City's sewer system city-wide south of West 49th Street, in a total cumulative amount not to exceed \$497,887.05. The funding for this expenditure is to be withdrawn from the Coronavirus State and Local Fiscal Fund - Capital Outlay - Infrastructure Account No. 131.9540.536.630 (ARPA funds).

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Armando Vidal, Director of the City's Department of Public Works, 3700 West 4th Avenue, addressed the City Council on this item.

REPORT: Motion to Approve Item L made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- M. Request permission to waive competitive bidding, since it is advantageous to the City in that quotations were solicited for this project in an effort to expedite this construction which conflicts with the completion of West 76th Street improvements and this vendor provided the lowest quotation, and issue a purchase order to Stonehenge Construction, LLC, to provide all materials and labor needed for the the installation of a new six inch (6") sewer lateral to serve property located at 2225 West 76 Street, in a total cumulative amount not to exceed \$18,530.00. The total project cost is \$47,400.00, of which Mystic Gardens, the property owner, contributed \$28,870.00. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Capital Outlay - Infrastructure Account No. 450.9520.535.630.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- N. Request permission to issue a purchase order to R.J. Behar & Company, Inc., vendor approved by the City Council on March 8, 2022 in accordance with the recommendations of the City's Selection Committee for engineering services in response to Request for Qualifications No. 2021/22-9500-00-001 – General Consultants for Engineering and Architectural Services, for the Miami-Dade County Environmental Resources Management (DERM) mandated ten year cycle smoke testing of the City's sewer system city-wide north of West 49th Street, in a total cumulative amount not to exceed \$436,128.04. The funding for

this expenditure is to be withdrawn from the Coronavirus State and Local Fiscal Fund - Capital Outlay - Infrastructure Account No. 131.9540.536.630 (ARPA funds).

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Motion to Approve Item N made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- O. Request permission to increase the following purchase orders, all issued to Milian, Swain & Associates, Inc., for accounting and engineering services for the City's Department of Public Works, as follows:
- *Purchase Order No. 2022-1783* by an additional amount of \$16,857.12 for a new total amount of \$54,357.12 for Water
 - *Purchase Order No. 2022-1784* by an additional amount of \$16,857.12 for a new total amount of \$54,357.12 for Sewers
 - *Purchase Order No. 2022-1785* by an additional amount of \$27,452.52 for a new total amount of \$102,452.52 for Solid Waste

for a new total cumulative expense amount not to exceed \$211,166.76. The funding for this expenditure is to be withdrawn as follows:

- \$16,857.12 from the Water & Sewers Division Fund – Professional Services Account No. 450.9510.533.310, after a transfer in the amount of \$4,000.00 from the Water & Sewers Division Fund – Professional Services Account No. 450.9500.536.310. (Water)
- \$16,857.12 from the Water & Sewers Division Fund – Professional Services Account No. 450.9510.533.310, after a transfer in the amount of \$4,000.00 from the Water & Sewers Division Fund – Professional Services Account No. 450.9500.536.310. (Sewers)
- \$27,452.52 from the Solid Waste Division Fund – Professional Services Account No. 401.3240.534.310.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- P. Request permission to ratify the decision of the Mayor and the Executive Director of Finance Management to utilize Florida Sheriffs Association Bids FSA20 - VEL28.0 - *Pursuit, Administrative, and Other Vehicles* and FSA20-VEH18.0 - *Heavy Trucks*, both effective through September 30, 2022, and issue Purchase Order No. 2022-1762, to Alan Jay Import Center, Inc., on April 29, 2022, for the emergency purchase of seven (7) police rated vehicles for the Uniform Patrol Division, in a total cumulative amount not to exceed \$247,037.00. The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay - Vehicles Account No. 001.1000.521.645.

(POLICE DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- Q. Request permission to ratify the decision of the Mayor and the Executive Director of Finance Management to utilize Florida Sheriffs Association Bids FSA20-VEL28.0 - *Pursuit, Administrative, and Other Vehicles*, and FSA20-VEH18.0 - *Heavy Trucks*, both effective through September 30, 2022, and issue Purchase Order No. 2022-1761, to Duval Ford, LLC, on April 29, 2022, for the emergency purchase of ten (10) police vehicles for the Uniform Patrol Division, in a total cumulative amount not to exceed \$375,110.00. The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay - Vehicles Account No. 001.1000.521.645.

(POLICE DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- R. Report of Scrivener's Error – On June 22, 2021, the City Council passed and adopted Resolution No. 2021-087 authorizing a Sub-Recipient Services Agreement between Hialeah Housing Authority and the City of Hialeah to operate the City's Hot Lunch Program for elderly residents and provide other related services and activities commencing July 1, 2021 and ending on June 30, 2022. Although the approved resolution provides the correct expenditure amount of \$1,900,000.00, the backup documentation provided to the City Council with the resolution was approved with the incorrect expenditure amount of \$1,819,250.00. The backup documentation is hereby amended to reflect the State of Florida appropriated funding as follows:

- Recurring LSP Funds = \$250,000.00
- Non-Recurring LSP Funds = \$1,650,000.00
- City of Hialeah Administrative Cost = \$80,750.00

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- S. Request permission to issue a purchase order to Wolfberg/Alvarez and Partners, Inc., vendor approved by the City Council on March 8, 2022 in accordance with the recommendations of the City's Selection Committee for engineering services in response to Request for Qualifications No. 2021/22-9500-00-001 – General Consultants for Engineering and Architectural Services, for the re-roofing of the City's Department of Public Works Building No. 1 located at 3700 West 4th Avenue and the re-painting of Building No. 1A located at 465A West 37 Street, in a total cumulative amount not to exceed \$44,000.00. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Professional Services Account No. 450.9500.536.310.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- T. Request permission to reject Hialeah Invitation to Bid No. 2021-22-3210-00-023 – *French Drain Installation Project* because only one bid was received and it nearly doubled the project cost estimated by the City's Streets Department, and further request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Metro Express, Inc., vendor providing the lowest quotation of the four (4) vendors contacted by the Streets Department all of whom have performed this nature of work for the City in the past, for the installation of French Drains throughout various locations in the City and restoration work associated with the installation of the drains, in a total cumulative amount not to exceed \$195,440.00. The

funding for this expenditure is to be withdrawn from the Stormwater Utility Fund – Drainage/Const. Repair Account No. 475.3211.530643.

(STREETS DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- U. Request permission to reject Hialeah Bid No. 2021-22-3230-00-022 – *Mayor’s Office Exterior Rooftop Terrace Waterproofing* because only two bids were received and there was a large disparity in the project cost between the lowest bidder and the second bidder, and further request permission for the City’s Construction and Maintenance Department to re-bid the project.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- V. **ADD-ON ITEM:** Request permission to utilize Florida Sheriffs Association Contract N FSA20-VEF14.0 - *Fire Rescue Vehicles & Other Equipment*, effective through March 31, 2023, and issue a purchase order to Ten-8 Fire & Safety, LLC, for the purchase of a 2022 Pierce Saber Fire Truck for the Hialeah Fire Department to replace the spare apparatus that sustained fire damage while parked at the Fleet Maintenance Department, in a total cumulative amount not to exceed \$630,000.00. The funding for this expenditure is to be withdrawn from the Fire Rescue Transportation Fund - Capital Outlay - Vehicles Account No. 109.2000.522.645.

(FIRE DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- W. **ADD-ON ITEM:** Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2022-127, issued to Rainbow Transmission & Auto Center, Inc., vendor providing the lowest quotation, for the rebuilding of Allison Transmissions for city trucks and buses, by an additional amount of \$15,000.00, for a new total cumulative amount not to exceed \$30,000.00.

(FLEET DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- X. **ADD-ON ITEM:** Request permission to issue a purchase order to REV RTC, Inc., doing business as Hall-Mark RTC, the only E-One authorized repairs and service dealer in the State of Florida, for the repairs needed for Fire Engine No. 2 due to fire damages sustained while parked at the Fleet and Maintenance Department, in a total amount of \$70,435.46, and further request a contingency in the amount of \$2,500.00 to cover any unforeseen expenses that may arise, for a total cumulative amount not to exceed \$72,935.46. The funding for this expenditure is to be charged to the Fire Rescue Transportation Fund – Repair & Maintenance - Vehicles Account No. 109.2000.522.463.

(FIRE DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- Y. **ADD-ON ITEM:** Proposed resolution accepting a grant award from the State of Florida Department of Elders Affairs, in the amount of \$2,250,000.00 and further allowing the subsequent award of \$2,148,750.00 to the Hialeah Housing Authority to provide elderly residents with home delivered meals

and congregate meals throughout the City commencing July 1, 2022 and ending on June 30, 2023; and authorizing the Mayor or his designee, and the City Clerk, as attesting witness on behalf of the City, to execute any and all necessary agreements and documents in furtherance thereof; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

RESOLUTION NO. 2022-086

- Z. ADD-ON ITEM:** Proposed resolution adopting the City's One-Year Action Plan for federal funds for Fiscal Year 2022, which includes the administrative budgets for the Community Development Block Grant Program in the amount of \$2,650,569.00; the Home Investment Partnerships Program in the amount of \$1,687,182.00; the Emergency Solutions Grant in the amount of \$232,266.00; authorizing the use of Fiscal Year 2021 Emergency Solutions Grant funds for the creation of homeless outreach services; and further authorizing: (1) the execution of all applicable documents related to the appropriation and allocation of these program funds; (2) submission of the One-Year Action Plan to Housing and Urban Development; (3) amend the consolidated plan to reflect the activities within the action plan; and further authorizing the Mayor and the City Clerk to execute intradepartmental agreements for sub-recipients of Emergency Services Grant and Community Development Block Grant funds.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

RESOLUTION NO. 2022-087

REPORT: Maria Ruiz, Interim Director of the City of Hialeah Grants and Human Services Department, addressed the City Council on this item.

REPORT: Lorena Bravo, City Attorney, spoke on this item, and following the approval of the resolution reported a scrivener's error. Ms. Bravo advised the City Council that the approved resolution is being amended to include a copy of the Action Plan.

REPORT: Motion to Approve Item Z made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- AA. ADD-ON ITEM:** Request permission to increase Purchase Order No. 2022-1892, issued to Biocollections Worldwide, Inc., as an exception to competitive bidding per Section 2-817 of the City's Code of Ordinances on the basis of an emergency based on objective facts in that on March 16, 2020 Mayor Hernandez signed a Declaration of a state of emergency due to the COVID-19 pandemic and the services of this vendor were used on an as needed basis for the testing of City employees for the COVID-19 virus, for the payment of three (3) invoices:

- Invoice No. MI-38496, dated February 24, 2022, in the amount of \$44,175.00, for five hundred eighty-nine (589) COVID-19 tests at a cost of \$75.00 per test
- Invoice No. MI-38697, dated April 10, 2022, in the amount of \$600.00 for eight (8) COVID-19

tests at a cost of \$75.00 per test

- Invoice number INV-PO67, dated June 14, 2022, in the amount of \$3,885.00 for forty-one (41) COVID-19 tests at a cost of \$75.00 per test and eighteen (18) COVID-19 antigen tests at a cost of \$45.00 per test, by an additional amount of \$66,000.00, for a new total cumulative expense amount to exceed \$70,000.00.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- BB. ADD-ON ITEM:** Request permission to issue a purchase order to Springbrook Holding Company, LLC, developer of billing system used by the City's Department of Public Works and vendor with which the City is presently under a three-year subscription agreement approved by the City Council on August 10, 2021, for the annual subscription renewal of Accounts Receivable, CivicPay Online, Utility Billing, Finance Suite, CivicPay IVR and CivicPay IVR Inbound Blind Transfer, in a total cumulative amount not to exceed \$175,898.25. The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund - Repair & Maintenance Equipment Account No. 450.9500.536.462.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Armando Vidal, Director of the City's Department of Public Works, 3700 West 4th Avenue, addressed the City Council on this item and provided each Council Member with a printed copy of the presentation titled "Provide the Best Experience for your Citizens with Springbrook's CivicPay, Municipal Pay, & IVR. A copy of the presentation is on file with the Office of the City Clerk.

REPORT: Ricardo Suarez, City of Hialeah Chief Information Officer, 501 Palm Avenue, spoke on this item and played a video regarding the software.

REPORT: Mayor Bovo spoke on this item.

REPORT: Motion to Approve Item BB made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- CC. ADD-ON ITEM:** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor is uniquely qualified to complete the proposed scope of service due to their experience working with schools in the City of Hialeah and the cultivated relationships with school administrators and staff, and issue a purchase order to Mi Vision LLC, to perform consulting and professional services for the City involving the City's educational, therapeutic, arts and recreational services and programming available to children and administered by the Education and Community Service and Parks and Recreation Department, in a total cumulative amount not to exceed \$25,000.00. The funding for this expenditure is to be withdrawn from the General Fund - Professional Services Account No. 001.8500.519.310.

(OFFICE OF THE MAYOR)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

10. ADMINISTRATIVE ITEMS

- 10 A.** Second reading and **public hearing** 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)

ITEM IS POSTPONED UNTIL AUGUST 9, 2022.

On June 14, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 28, 2022.

- 10 B.** Second reading and **public hearing** 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)

On June 14, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 28, 2022.

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

ORDINANCE NO. 2022-059

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 10 B made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

- 10 C.** First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 16. “C-2 Liberal Retail Commercial District”, Section 98-1111 entitled “Permitted Uses” of the Code of Ordinances of the City of Hialeah; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; providing for inclusion in the code; and providing for an effective date.

(ZONING)

(CO-SPONSOR: COUNCIL VICE PRESIDENT PEREZ)

ITEM IS POSTPONED UNTIL AUGUST 9, 2022.

- 10 D.** First reading of proposed ordinance amending Chapter 18 entitled “Businesses” Article V. “Establishments Offering Alcoholic Beverages and/or Entertainment”, Division 1. “Generally” Section 18-206 entitled “Definitions”, Section 18-207 entitled “Zoning Requirements”, and Section 18-208 entitled “Inspection by Police”, and adding Section 18-211 entitled “Smoke Shop Regulations” to the Code of Ordinances of the City of Hialeah; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ZONING)

(CO-SPONSOR: COUNCIL VICE PRESIDENT PEREZ)

ITEM IS POSTPONED UNTIL AUGUST 9, 2022.

- 10 E.** First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 22. “M-1 Industrial District”, Section 98-1371 entitled “Permitted Uses” of the Code of Ordinances of the City of Hialeah; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; providing penalties for violation hereof; providing for inclusion in the code; and providing for an effective date.

(ZONING)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

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

REPORT: Motion to Approve Item 10 E made by Council Member Rodriguez, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez and Council President Zogby absent.

REPORT: Second reading and public hearing is scheduled for August 9, 2022.

- 10 F.** First reading of proposed ordinance amending Chapter 6 entitled “Alcoholic Beverages”; amending Article III entitled “Regulations”; Section 6-66 entitled “Distance Separation Requirements; Restrictions” Sub-section (a) to allow restaurants within the Neighborhood Business District (NBD) to serve alcoholic beverages; 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.

(ZONING)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

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

REPORT: Motion to Approve Item 10 F made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for August 9, 2022.

- 10 G.** Proposed resolution ratifying and approving the Collective Bargaining Agreement between the Fraternal Order of Police Lodge No. 12 and the City of Hialeah, Florida for a period beginning on the effective date of this Resolution through September 30, 2023, a copy of which will be on file in the Office of the City Clerk; and providing for an effective date.

(ADMINISTRATION)

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

RESOLUTION NO. 2022-088

REPORT: Marlon Espinosa, Fraternal Order of Police, 5555 East 8th Avenue, addressed the City Council.

REPORT: Mayor Bovo spoke on this item.

REPORT: Motion to Approve Item 10 G made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

11. BOARD APPOINTMENTS

REPORT: None.

12. UNFINISHED BUSINESS

REPORT: Council Member Calvo requested a special meeting of the City Council on August 23, 2022 from 5:00 p.m. to 6:30 p.m. for the purpose of officials of the City of West Palm Beach to make a presentation regarding the CRA. All Council Members present agreed to the calling of the special meeting of the City Council.

REPORT: Motion to call a Special Meeting of the City Council (Workshop) for a CRA presentation by the City of West Palm Beach made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

13. NEW BUSINESS

REPORT: None.

14. ZONING

PLANNING AND ZONING

ADMINISTRATION OF OATH OF ALL TESTIFYING ON AN ITEM

PZ 1. Second reading and **public hearing** 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.

ITEM IS POSTPONED UNTIL AUGUST 9, 2022.

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| <i>On June 14, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 28, 2022.</i> |
| <i>Registered Lobbyist: Manny Reus (architect), 18501 Pines Blvd #342 Pembroke Pines, Florida 33029, on behalf of Michel Sabina-M.S. Investment Services</i> |
| <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: M.S. Investment Services, 7767 NW 146th Street, Miami Lakes, FL 33016</i> |

PZ 2. Second reading and **public hearing** 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.

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| <i>On June 14, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 28, 2022.</i> |
| <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> |
| <i>Property Owner: Panera, LLC</i> |

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

ORDINANCE NO. 2022-060

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 Calvo. Motion passes 5-0-2 with Council Vice President Perez and Council President Zogby absent.

PZ 3. Second reading and **public hearing** 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.

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| <i>On June 14, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 28, 2022.</i> |
| <i>On May 25, 2022, the Planning and Zoning Board recommended approval of the item.</i> |
| <i>Planner's Recommendation: Approval</i> |

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| <i>Property Owner: Jorge Acevedo, 167 West 23 Street, Hialeah, Florida 33010.</i> |
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APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

ORDINANCE NO. 2022-061

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 and Council Vice President Perez absent.

- PZ 4.** First reading of proposed ordinance vacating and abandoning for public use a portion of the **12 foot alley located in the block bounded by East 9 Avenue, East 10 Avenue, East 25 Street and East 26 Street, extending for approximately 506.37’ from East 9 Avenue to East 10 Avenue and containing approximately 6,076 square feet**, and more particularly described in the legal description and 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.

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| <i>Registered Lobbyist: Jorge Navarro, 333 SE 2nd Avenue, 41st Floor, Miami, FL 33131 on behalf of Yudixtviana Leyva, Aracely Gonzalez and Jenny Ducret</i> |
| <i>On June 15, 2022, the Planning and Zoning Board recommended approval of the item.</i> |
| <i>Planner’s Recommendation: Approval</i> |
| <i>Property Owner: Yudixtviana Leyva, Aracely Gonzalez and Jenny Ducret 932, 942 and 952 East 26th Street, Hialeah FL 33013</i> |

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Motion to Approve Item PZ 4 made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 5-0-2 with Council President Zogby and Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for August 9, 2022.

- PZ 5.** First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); and granting a variance permit to allow a 1-foot setback on SE 9 Terrace, for a building’s corner staircase and allow front setbacks ranging from 12.5 feet to 13.5 feet along SE 10 Street, SE 9 Terrace and SE 11 Terrace, where 10 feet built-to-line are required, contra to Hialeah Code of Ordinances § 98-1553(d)(3)(iii). **Property located at 1001 SE 11 Street, Hialeah, 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.

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| <i>Registered Lobbyist: Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131 on behalf Marchelli Enterprise, Inc.</i> |
| <i>On June 15, 2022, the Planning and Zoning Board recommended approval with the condition that the proposal needs to be reviewed and approved by the Design Review Committee prior to submittal for concurrency and site plan review.</i> |
| <i>Planner's Recommendation: Approval of rezoning to Transit Oriented Development (TOD) and variances with the condition that the proposal needs to be reviewed and approved by the Design Review Committee prior to submittal for concurrency and site plan review</i> |
| <i>Property Owner: Rosana Marchelli (Marchelli Enterprise, Inc.)</i> |

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: **Alejandro Arias**, 701 Brickell Avenue, Suite 3300, Miami FL 33131, addressed the City Council with a PowerPoint presentation. A copy of the presentation is on file with the Office of the City Clerk.

REPORT: **Debora Storch**, Planning Official of the City of Hialeah, spoke on this item

APPROVED 5-0-2 with Council Vice President Perez and Council President Zogby absent.

REPORT: Motion to Approve Item PZ 5 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for August 9, 2022.

- PZ 6.** First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the expansion of the NBD (Neighborhood Business District) overlay for the retrofit of an existing commercial building with a proposed addition of eight residential units on the second floor; granting a variance permit to allow 30.39 front side setback, where 10 feet built-to-line are required; allow surface parking facing East 41 Street, where surface parking may not be located at the front of the building; and allow 41 parking spaces (39 on-site and 2 off-site) where 50 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-1630.3(e)(1), 98-1630.3(4) and 98-2189(16)a. **Property located at 819 East 41 Street, 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.

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| <i>On June 15, 2022, the Planning and Zoning Board recommended approval of the item.</i> |
| <i>Planner's Recommendation: Approval</i> |
| <i>Property Owner: Ronal Morales 9201 SW 22nd Terr, Miami, Florida 33165</i> |

*Rigoberto Morales, 42 NW 75 Ave, Miami, Florida, 33126
Anays Lago, 7721 SW 122 Ave, Miami, Florida 33183
Zaida Lago 7741 SW 122 Ave, Miami, Florida 33183.*

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Albert Lago, 7780 SW 79th Street, Miami FL 33143, addressed the City Council.

REPORT: Motion to Approve Item PZ 6 made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Second reading and public hearing is scheduled for August 9, 2022.

15. FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-09** granting an adjustment on the **property located at 675 East 8 Court, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

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

Planner's Recommendation: Approval with conditions that the accessory building is used exclusively for storage and it is legalization gets completed within 180 days

Property Owner: Ercilio Del Rio Jr. 675 East 8th Court Hialeah, FL 33010

APPROVED 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Jennifer Barihm on behalf of her husband (property owner listed), 675 East 8th Court, Hialeah FL 33010, addressed the City Council.

RESOLUTION NO. 2022-089

REPORT: Motion to Approve Item FD 1 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council President Zogby and Council Vice President Perez absent.

REPORT: Council Member Garcia-Roves adjourned the meeting at 8:48 p.m.

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

NEXT CITY COUNCIL MEETING: Tuesday, August 9, 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).