

Esteban Bovo, Jr.
Mayor

Monica Perez
President

Jacqueline Garcia-Roves
Vice President



Council Members
Bryan Calvo
Vivian Casàls-Muñoz
Luis Rodriguez
Jesus Tundidor
Carl Zogby

City Council Meeting

Minutes

August 8, 2023

7:00 p.m.

1. CALL TO ORDER

A. **REPORT:** Council President Perez called the meeting to order at 7:16 p.m.

2. ROLL CALL

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

3. INVOCATION

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

4. PLEDGE OF ALLEGIANCE

A. Council Vice President Garcia-Roves 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 for the record.

6. PRESENTATIONS

- A. Presentation by Justo Espinosa, Hialeah Transit Manager, regarding the new City of Hialeah Transit App.

(TRANSIT)

REPORT: Justo Espinosa, Hialeah Transit Manager, presented a PowerPoint presentation to the City Council, a copy of which is on file with the Office of the City Clerk.

- B. The Mayor and Members of the City Council recognize the Hialeah firefighters who helped deliver a baby on June 27, 2023:

1. Captain Alex Castillo
2. Driver Engineer Timothy Knigge
3. Firefighter Luis Fuentes
4. Lieutenant Jorge Drada
5. Firefighter Jose Cabanas
6. Firefighter Darwin Irigoyen
7. Lieutenant Harold Estrada
8. Paramedic Ricardo Montalban
9. Firefighter Wilky Celestin

(MAYOR BOVO)

(COUNCIL PRESIDENT PEREZ)

PRESENTED

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 member of the public participating via Zoom expressed interest in making comments or posing questions on matters of public concern.
- C. **REPORT**: Three (3) members of the public present in the Council Chambers expressed interest in speaking during this portion of the meeting.
1. **Nector Altaban Proveyer, 1155 West 77 Street, Apt 303C**, spoke regarding property owners increasing rent.
 2. **Juan Santana, 5601 West 10 Avenue**, requested permission to host a “Book Bag” Event on Saturday, August 12, 2023, at Cotson Park.
 3. **Elias Montes de Oca, 684 West 63 Drive**, spoke on the 911 Communications Department.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

A. Withdrawn Items:

- Consent Item I is withdrawn

B. The following item are postponed until September 12, 2023:

- PZ 1
- PZ 4

9. BOARD APPOINTMENTS

- 9A. **RESOLUTION:** Proposed resolution appointing **Evan M. Gonzalez** to the Youth Advisory Committee for a two (2)-year term ending on August 8, 2025.

(COUNCIL PRESIDENT PEREZ)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-079

REPORT: Motion to Approve Item 9A made by Council Member Tundidor, and seconded by Council Member Casàls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

- 9B. **RESOLUTION:** Proposed resolution appointing **Maria Acosta** to the Youth Advisory Committee for a two (2)-year term ending on August 8, 2025.

(COUNCIL VICE PRESIDENT GARCIA-ROVES)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-080

REPORT: Motion to Approve Item 9B made by Council Vice President Garcia-Roves, and seconded by Council Member Casàls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

10. 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 Calvo requested that Items D, L, X, Y and Z be removed from the Consent Agenda for separate discussion.

REPORT: Council Member Casàls-Muñoz requested that Items C be removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda, except items C, D, L, X, Y and Z, made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 6-0-

1 with Council Member Zogby absent.

- A. Request permission to approve the minutes of the City Council Meeting held on June 27, 2023 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Zogby absent.

- B. **RESOLUTION:** ~~Proposed resolution approving a Service Agreement between the City of Hialeah and Mi-Vision, LLC to provide the City with consulting and professional services involving the City's educational, therapeutic, arts and recreational services and programming available to children and administered by the Education and Community Services and Parks and Recreation Department, for the City of Hialeah's education and for a term commencing on July 1, 2023 and ending on July 31, 2024 in an amount not to exceed \$30,000.00; 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.~~

(OFFICE OF THE MAYOR)

ITEM IS WITHDRAWN BY THE ADMINISTRATION

On June 27, 2023, the item was tabled by the City Council until August 8, 2023.

- C. **RESOLUTION:** Proposed resolution ratifying and approving the Collective Bargaining Agreement between the Hialeah Association of Fire Fighters, I.A.F.F., Local 1102 and the City of Hialeah, Florida for a period beginning on October 1, 2022 through September 30, 2025, a copy of which will be on file in the Office of the City Clerk; and providing for an effective date.

(HIALEAH ASSOCIATION OF FIRE FIREFIGHTERS, I.A.F.F, LOCAL 1102)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-081

REPORT: Eric Johnson, Local 1102 Hialeah Fire Fighters, addressed the Mayor and Council.

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

- D. **RESOLUTION:** Proposed resolution to enter into a Mutual Aid Agreement with the City of Doral as a participating municipal police department to provide for the requesting and rendering of assistance for routine and intense law enforcement situations from the effective date of the agreement through September 30, 2028, a copy of which is part hereof as Exhibit "1", and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-082

REPORT: George Fuente, Chief of the Hialeah Police Department, spoke on the item.

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

- E. **Report of Scrivener's Error** – On June 27, 2023, the City Council approved Consent Item J with an error in the account number to be used for the expenditure. The item was approved with account number 001.0201.519.340 – General Fund Contractual Services. The item is being amended to reflect the correct account number of 001.0201.519.310 – *General Fund Professional Services*.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- F. **RESOLUTION:** Proposed resolution approving the Interlocal Agreement between Miami-Dade County and the City of Hialeah for the acceptance of \$100,000.00 for the building beautification of Villa Alegria elderly housing apartment complex, located at 257 Palm Avenue, Hialeah, Florida 33010, further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Interlocal Agreement; and providing for an effective date.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-083

- G. **RESOLUTION:** Proposed resolution approving the application for the Fiscal Year 2023-2024 State Financial Assistance Identity and Fraud Grant Program, under the administration of the Florida Department of Law Enforcement Office of Criminal Justice Grants, and the City of Hialeah, a participating agency; to assist the Hialeah Police Department in the handling of fraud investigations, for the total amount of \$9,980.20; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; a copy of which is attached hereto and made a part hereof as Exhibit "1", and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-084

- H. Request permission to increase Purchase Order No. 2023-308, issued to Law Enforcement Psychological and Counseling Associates, Inc., *Dr. Mark Axelsberd, PhD*, who is the primary psychologist providing screening services for police recruits, police officers, and firefighters, as well the City's Employee Assistance Program (EAP) provider, for payment of following outstanding invoices for services that have already been rendered and to cover anticipated future

costs:

Invoice No. 13138 for \$5,340.00

Invoice No. 13199 for \$4,440.00

by an additional amount of \$25,000.00, for a new total cumulative expense amount not to exceed \$75,000.00.

The funding for this expenditure will be drawn against the General Fund - Professional Services Account No. 001.4100.513.310.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- I. ~~Request permission to increase Purchase Order No. 2023-477, issued to SRS Engineering, 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, to provide engineering services to assist the City with the ISO compliance fire hydrant maintenance program to support the City's ISO review, for the testing of approximately three hundred (300) hydrants and the Geographic Information System (GIS) to identify the location of existing fire hydrants, as well as service gaps, by an additional amount of \$85,476.26, for a new total cumulative amount not to exceed \$508,395.53.~~

~~The funding for this expenditure will be drawn against the Water & Sewer Division Fund—Capital—Outlay—Infrastructure Account No. 450.9510.533.630.~~

(DEPARTMENT OF PUBLIC WORKS)

ITEM IS WITHDRAWN

- J. Request permission to extend the Professional Services Agreement between the City of Hialeah and Tidal Basin Government Consulting, LLC, for a period of one year (second renewal), commencing on August 27, 2023, pursuant to Hialeah Request for Proposal No. 2019-19-8500-36-001 – *Emergency Management Administrative Support Services RFP*, a three (3) year agreement which allows for two (2) one (1) year renewals, under the same terms and conditions outlined in the initial agreement. On May 24, 2022, the City Council approved Consent Item D, thereby extending the Professional Services Agreement with Tidal Basin Government Consulting, LLC, for an additional year ending on August 26, 2023 (first renewal).

(EMERGENCY MANAGEMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- K. Request permission to utilize Lake County Contract No. 22-730H – *Fire Equipment, Supplies and Services*, effective through July 31, 2025, and issue a purchase order to Municipal Equipment Company, LLC, for the purchase of a new Draeger 6600 X-dock to perform bump testing and calibration on the gas monitors of all front-line fire trucks, in a total expense amount not to exceed \$9,157.30.

The funding for this expenditure will be drawn against the Fire Rescue Transportation Fund

–Capital Outlay - Equipment Account No. 109.2000.522.640.

(FIRE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- L. Request permission to increase Purchase Order No. 2023-365, issued to Action Cleaning Services AP, Inc., for janitorial services throughout the City, by an additional amount of \$2,458.27, for a new total cumulative expense amount not to exceed \$368,698.20. The approval of this item requires the waiving of competitive bidding, since it is advantageous to City in that it is necessary to continue uninterrupted services while the City’s Construction and Maintenance Department and the Purchasing Division continue working on finalizing the Invitation to Bid process.

The funding for this expenditure will be drawn against the General Fund – Contractual Services – Charge Back to Other Department Account No. 001.3230.591.341.

(CONSTRUCTION AND MAINTENACE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Jorge Martinez, 900 East 56 Street, Director of the Hialeah Construction and Maintenance Department, spoke on the item.

REPORT: Ruth Rubi, Director of Finance Management, spoke on the item.

REPORT: Motion to Approve Consent Item L made by Council Member Calvo, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Zogby absent.

- M. Request permission to increase the following two purchase orders, both purchase orders issued to South Florida Appliance, Inc.:

- (1) Purchase Order No. 2023-324, by an additional amount of \$11,038.83, for Affordable Housing
- (2) Purchase Order No. 2023-632, by an additional amount of \$18,302.52, for the Construction and Maintenance Department/General Government,

for the purchase of appliances, materials and parts, for a new total cumulative expense amount not to exceed \$89,341.38, of which \$46,038.86 is the total for Purchase Order No. 2023-324 and \$43,302.52 is the total for Purchase Order No. 2023-632. The approval of this item requires the waiving of competitive bidding, since it is advantageous to City in that the City is considering the vendor’s accessibility, competitive pricing, and proximity to the City’s facilities.

The funding for this expenditure is to be withdrawn against to the General Fund – Inventory – Construction & Maintenance Account No. 001.0000.141.150, and then charged back to the departments utilizing the equipment, materials or parts.

(CONSTRUCTION AND MAINTENACE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

N. Request permission to increase the following two purchase orders, both purchase orders issued to Miami-Dade Electric Supply and A/C Supply, LLC:

- (1) Purchase Order No. 2023-542, by an additional amount of \$3,952.96, for Affordable Housing
- (2) Purchase Order No. 2023-551, by an additional amount of \$7,978.66, for the Construction and Maintenance Department/General Government,

for the purchase of appliances, materials and parts, for a new total cumulative expense amount not to exceed \$49,431.62, of which \$16,452.96 is the total for Purchase Order No. 2023-542 and \$32,978.66 is the total for Purchase Order No. 2023-551. The approval of this item requires the waiving of competitive bidding, since it is advantageous to City in that the City is considering the vendor's accessibility, competitive pricing, and proximity to the City's facilities.

The funding for this expenditure is to be withdrawn against the General Fund – Inventory – Construction & Maintenance Account No. 001.0000.141.150, and then charged back to the departments utilizing the equipment, materials or parts.

(CONSTRUCTION AND MAINTENACE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

O. Request permission to utilize Contract No. 16154 – *Maintenance, Repair, Operating Supplies, Industrial Supplies, and Related Products and Services*, between Maricopa County, Arizona and this vendor, effective through December 31, 2026, contract which is part of Omnia Partners, and increase the following two purchase orders, both purchase orders issued to Home Depot:

- (1) Purchase Order No. 2023-540, by an additional amount of \$45,000.00, for Affordable Housing
- (2) Purchase Order No. 2023-523, by an additional amount of \$10,000.00, for the Construction and Maintenance Department/General Government,

for the payment of pending invoices and purchase of appliances, materials and parts, for a new total cumulative expense amount not to exceed \$120,000.00, of which \$45,000.00 is the total for Purchase Order No. 2023-540 and \$10,000.00 is the total for Purchase Order No. 2023-523.

The funding for this expenditure is to be withdrawn against the General Fund – Inventory – Construction & Maintenance Account No. 001.0000.141.150, and then charged back to the departments utilizing the equipment, materials or parts.

(CONSTRUCTION AND MAINTENACE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

P. Request permission to increase Purchase Order No. 2022-544, issued to Carrier Enterprise, LLC, to pay for outstanding invoices, as well as for the purchase of citywide air conditioning units and components, by an additional amount of \$20,777.55, for a total cumulative expense amount not to exceed \$32,777.55. The approval of this item requires the waiving of competitive bidding, since it is advantageous to City in that the City is considering the vendor's inventory which consists of the specific units within the City buildings, as well as large stock of air conditioning units and parts.

The funding for this expenditure is to be withdrawn against the Affordable Housing Fund – Repair & Maintenance - Building Account No. 125.8500.554.461 and then charged back to the departments utilizing the equipment, materials or parts.

(CONSTRUCTION AND MAINTENACE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- Q. Request permission to increase Purchase Order No. 2023-676, issued to Robert L. Hughes Company Incorporated, for the repair and certification of the City’s fuel stations, by an additional amount of \$14,000.00, for a new total cumulative expense amount not to exceed \$39,000.00. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that this vendor installed the City’s fuel management system and the department has been utilizing the vendor’s service for approximately twenty (20) years.

The funding for this expenditure will be drawn against the General Fund – Repair & Maint – Infrastructure Account No. 001.3220.591.467.

(FLEET MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- R. **RESOLUTION:** 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 \$2,154,375.00 to the Hialeah Housing Authority to provide elderly residents with home delivered meals and congregate meals throughout the City commencing July 1, 2023 and ending on June 30, 2024; 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.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-085

- S. **RESOLUTION:** Proposed resolution authorizing the Hialeah Public Libraries to accept a grant from the Florida Humanities for English for Families 2023-2024, for the total amount of \$8,000.00; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; a copy of which is attached hereto and made a part hereof as Exhibit “1”, and providing for an effective date.

(LIBRARY)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-086

- T. **RESOLUTION:** Proposed resolution authorizing the Hialeah Public Libraries to accept a grant award from 2023 Digital Literacy Workshop Incentive from the Public Library Association (PLA),

a division of the American Library Association (ALA), supported by AT&T, for an amount not to exceed \$6,000.00, for the City of Hialeah libraries; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; a copy of which is attached hereto and made a part hereof as Exhibit “1”, and providing for an effective date.

(LIBRARY)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-087

- U. Request permission to retain the professional services of Comerica Bank, as the custodial bank for the City’s Employees’ Retirement System, beginning on October 1, 2022 through September 30, 2023, and further request permission to issue a purchase order to the vendor for the fee based on quarterly statements, in a total expense amount not to exceed \$65,000.00.

The funding for this expenditure will be drawn against the General Fund – Custodial Adv Account No. 001.4210.513.315.

(RETIREMENT DIVISION)

APPROVED 6-0-1 with Council Member Zogby absent.

- V. Request permission to retain the professional services of Comerica Bank, as the benefit payment bank to the Employees’ Retirement System, beginning on October 1, 2022 through September 30, 2023, and further request permission to issue a purchase order to the vendor for the fee based on quarterly statements, in a total expense amount not to exceed \$26,000.00.

The funding for this expenditure will be drawn against the General Fund – Pension Benefit Costs Account No. 001.4210.513.360.

(RETIREMENT DIVISION)

APPROVED 6-0-1 with Council Member Zogby absent.

- W. Request permission to increase Purchase Order No. 2023-1240, issued to H&E Equipment Services, Inc., for the rental of a straight boom to replace field lights citywide, by an additional amount of \$15,129.26, for a new total cumulative expense amount not to exceed \$37,938.15. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the City has been utilizing the vendor’s service for many years and the vendor has been very responsive and offers competitive pricing.

The funding for this expenditure will be drawn against the General Fund – Repair & Maintenance - Building Account No. 001.3130.572.461.

(CONSTRUCTION AND MAINTENACE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- X. **RESOLUTION:** Proposed resolution approving a Relocation and Reconstruction Agreement between the City of Hialeah and Outfront Media, LLC to provide the City with construction and

operation of traditional and/or digital billboards within City boundaries and substitutes unsightly and unsafe roof-top or traditional billboards that possess legal nonconforming status 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.

(ZONING)

Registered Lobbyist: Lani Ferro, 8841 Southwest 59th Lane, Miami, Florida 33173, on behalf of Outfront Media, 8530 NW 23rd Street, Doral, Florida 33126.

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-088

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

Motion to Approve Consent Item X made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

- Y. **RESOLUTION:** Proposed resolution to approve a License Agreement between L3Harris Technologies, Inc. (L3Harris) and the City of Hialeah, to provide use of a communications tower located at 14205 W. Okeechobee Rd. in Miami, Florida managed by L3 Harris in order to provide additional coverage for geographical area within city limits where repeaters will be utilized with existing L3 Harris combiners, and approving concurrently with this resolution is the annual lease cost of \$4,800.00 to temporarily relocate the Hialeah Fire HQ Repeater from the Hialeah Bucky Dent site to the SLERS X210 Okeechobee Road site for a term of one (1) year and a total amount not to exceed \$24,480.00 for relocating the equipment, and in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute the Master Services Agreement; and providing for an effective date.

(POLICE DEPARTMENT)

(FIRE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-089

REPORT: Willians Guerra, Chief for the City of Hialeah Fire Department, spoke on the item.

REPORT: Eric Johnson, Local 1102, Hialeah Fire Fighters, spoke on the item.

Motion to Approve Consent Item Y made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

- Z. **RESOLUTION:** Proposed resolution approving an amended Interlocal Agreement with Miami-Dade County, Florida to relevel the Six-Cent Local Option Fuel Tax for a period of 30 years beginning January 1, 2024; authorizing the Mayor and the City Clerk, as attesting witness, on

behalf of the City, to execute the Interlocal Agreement on a need basis; and providing for an effective date.

(FINANCE MANAGEMENT DEPARTMENT)

APPROVED 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

RESOLUTION NO. 2023-090

REPORT: Ruth Rubi, Executive Director of Finance Management for the City of Hialeah, spoke on the item.

Motion to Approve Consent Item Z made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

11. ADMINISTRATIVE ITEMS

A. Request permission to award City of Hialeah Request for Proposal No. 2022-23-3130-36-016 – *Grounds Maintenance Services*, as follows:

- (1) Group 1, consisting of Artman Park, Bucky Dent Park, Senator Roberto Casas Park, Garden of the Arts, McDonald Park and Water Park, Police Station Sector 4, Police Station Sector 5, City of Hialeah Educational Academy, Slade Park, Fire Station No. 5, Fire Station No. 7, Fire Station No. 8, and Hialeah Trail Park, to **SFM Landscape Services, LLC**
- (2) Group 2, consisting of Don Quixote Plaza, Goodlet Park, Fire Station No. 3, Fire Station No. 6, Graham Park, O’Quinn Park, Sparks Park, Wilde Community Center, Police K-9 Training Field, Police Administration Building, Public Works Complex, and Public Works Complex – Vacant Lot, to **Visualscape, Inc.**
- (3) Group 3, consisting of Babcock Park, Blanche Morton Service Center, Bus Stop Park, Bright Park, City Hall and Fire Station No. 1, Cotson Park, Ethel Primus Park, Fire Station No. 2, Fire Station No. 4, Fire Station No. 6, Hialeah Entrance Plaza, Hialeah High Parking Garage, Ken Mattingly Park & Circle Drive, K.C. Park, Milander Park, Milander Center, Monument Park, Palm Avenue Fountain, Pergola Greenspace, Police Station Sector 1, Reid Community Pool & Cul-De-Sac, Seminola Vacant Lot, Southeast Park, Three Friends Park, UF Health Hialeah Dental Center, Veteran’s Park, Walker Community Center, Police Station Section 3, 29 Unit Building, Daisy & Rosa Gardens, Martin Luther King, Jr. Apartments, Villa Aida & Villa Aida Annex, Villa Alegria, Villa Angela, Villa Esperanza, Villa Luna, Villa Sol and Villa Teresita, to **Brightview Landscape Services, Inc.**

to supply all labor, supervision, equipment, supplies, tools, materials, and all other necessary incidentals required to perform complete landscaping of the City’s parks and facilities for an initial three (3) year term beginning on October 1, 2023, with the option to renew for one (1) additional two (2) year term.

(PURCHASING DIVISION)

APPROVED 5-1-1 with Council Member Calvo voting “No’ and Council Member Zogby absent.

REPORT: Motion to Approve Item 11A made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion fails at the pleasure of the Council with Council Member Tundidor, Council Member Casáls-Muñoz, and Council Vice President Garcia-Roves voting “Yes” and Council Member Calvo, Council President Perez, and Council Member Rodriguez voting “No”.

Motion to Table Item 11A until August 22, 2023, made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

Motion to Reconsider Item 11A made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

Motion to Approve Item 11A made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

B. BID PROTEST: Juan-Carlos Hervis, on behalf of Super Landscape & Maintenance, responsive and responsible bidder in response to Request for Proposal No. 2022-23-3130-36-016 – *Grounds Maintenance Services* has filed a written protest towards group 1 with the City Clerk challenging the following:

1. City of Hialeah improperly scored non-responsive bids
2. City of Hialeah arbitrarily scored all bids
3. The scoring method provided in the Request for Proposal is arbitrary as it allows the City of Hialeah to reject any proposal, for any reason, or no reason at all.

REJECTED 5-1-1 with Council Member Calvo voting “No’ and Council Member Zogby absent.

REPORT: The Law Department presented a binder with back up regarding the protest to the City Council, a copy of which is on file with the Office of the City Clerk.

REPORT: Juan-Carlos Hervis, 2272 West 79th Street, on behalf of Super Landscape & Maintenance, spoke on the item.

REPORT: Elsa Jaramillo-Velez, City of Hialeah Interim City Attorney, spoke on the item.

REPORT: Alexander Magrisso, City of Hialeah Assistant City Attorney, spoke on the item.

REPORT: Michael Festa, Assistant Director of the Hialeah Parks and Recreation Department, spoke on the item.

REPORT: Luis Suarez, City of Hialeah Purchasing Manager, spoke on the item.

REPORT: Mayor Esteban Bovo, Jr., addressed the City Council regarding the protest.

Motion to Reject the Protest made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion to reject the protest passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

- C. Pursuant to Section 2.01 of the City’s Charter, Mayor Esteban Bovo, Jr., appoints Kevin Lynskey, subject to civil service rules and regulations, to the position of Public Works Director.

APPROVED 5-1-1 with Council Member Calvo voting “No’ and Council Member Zogby absent.

Motion to Approve Item 11C made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion to Approve passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

(ADMINISTRATION)

This item is subject to the review of the City’s Personnel Board scheduled to meet on August 7, 2023.

12. UNFINISHED BUSINESS

REPORT: Council Member Calvo spoke regarding the 911 Communications Department.

13. NEW BUSINESS

- A. **DISCUSSION ITEM:** Proposal by the Argentinian Football Association to the City.

(OFFICE OF THE MAYOR)

REPORT: Mayor Esteban Bovo, Jr., spoke on the item.

14. ZONING

REPORT: At 10:17 p.m. Council Member Calvo left the meeting.

REPORT: All were duly sworn in.

PLANNING AND ZONING

REPORT: Item PZ 3 was considered out of the order of the agenda and heard before PZ 2, per Council President Perez’s direction, with no opposition from the rest of the City Council.

PZ 1. 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 23-student kindergarten class in conjunction with an existing 126 children daycare. **Property located at 6900 West 32 Avenue, Units 18 through 25, 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 severability clause; and providing for an effective date.

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF SEPTEMBER 12, 2023.

<i>On August 8, 2023, the second reading of proposed ordinance for this item was postponed until September 12, 2023, per the applicant’s request. Second reading and public hearing is scheduled for September 12, 2023.</i>
<i>On June 27, 2023, the second reading of the proposed ordinance for this item was postponed until August 8, 2023, per the applicant’s request. Second reading is scheduled for August 8, 2023.</i>
<i>On June 13, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for June 27, 2023.</i>
<i>Registered Lobbyist: Octavio A. Santurio, 6262 Southwest 40th Street, Suite 3E, South Miami, Florida 33155, on behalf of Yoanny Llambias (Angels Love + Care, Inc.)</i>
<i>On May 24, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Property Owner: Flamingo Plaza LLC, 8165 Northwest 155th Street, Miami Lakes, Florida 33016.</i>

PZ 2. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property from R-1 (One Family District) to RO (Residential Office); granting a Variance Permit to allow lot width of 65 feet and a total lot area of 6,890 square feet, where 7,500 square feet is the minimum required; allow rear setback of 24 feet, where 45 feet is required; allow 3 parking spaces at the front setback facing East 3 Place, where all parking shall be located at the rear of the building, and allow 5 parking spaces, where 6 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-779, 98-781(2) and 98-2189(16)(a); **property located at 320 NE 8 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 June 27, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 8, 2023.</i>
<i>On June 13, 2023, the City Council overturned the Recommendation of Denial of the Planning and Zoning Board. First reading was scheduled for June 27, 2023.</i>
<i>Registered Lobbyist: Frank De La Paz, 9361 Bird Road, Miami, Florida 33165 on behalf of Juan C. Carballo.</i>
<i>On May 24, 2023, the Planning and Zoning Board recommended denial.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Property Owner: Juan Carlos Carballo and Gipsy Suarez, 320 Northeast 8 Avenue, Hialeah, Florida 33010.</i>

APPROVED 5-0-2 with Council Member Calvo and Council Member Rodriguez absent.

ORDINANCE NO. 2023-077

REPORT: Council President Perez opened the item for public participation and no member of the public present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Frank De La Paz, 9361 Bird Road, Miami, Florida 33165, registered lobbyist addressed the City Council.

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

- PZ 3. ORDINANCE:** Second reading and **public hearing** of proposed ordinance rezoning property from RO (Residential Office District) to B-1 (Highly Restricted Retail District); and granting a Variance Permit to allow front setback of 16 feet, where 20 feet are required; all contra to Hialeah Code of Ordinances § 98-929; **property located at 291 West 49 Street, Hialeah, zoned RO (Residential Office 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 June 27, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 8, 2023.</i>
<i>On June 14, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Pablo Guala, MD., 4811 West 4th Avenue, Hialeah, Florida 33012.</i>

APPROVED 4-0-3 with Council Member Tundidor not present during the roll call, and Council Members Calvo and Zogby absent.

ORDINANCE NO. 2023-078

REPORT: Council President Perez opened the item for public participation and no member of the public present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Pablo Guala, MD, 4811 West 4th Avenue, applicant, addressed the City Council via Zoom.

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

PZ 4. 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 57-student K-5 grade school within a shopping plaza in conjunction with an existing 60–student daycare. **Property located at 6500 West 4 Avenue, Units 15 through 23, 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.

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF SEPTEMBER 12, 2023.

On August 8, 2023, the second reading of proposed ordinance for this item was postponed until September 12, 2023, per the applicant’s request. Second reading and public hearing is scheduled for September 12, 2023.

On June 13, 2023, the item was postponed until August 8, 2023, per the applicant’s request. Second reading is scheduled for August 8, 2023.

On May 9, 2023, the item was postponed until June 13, 2023, per the applicant’s request. Second reading was scheduled for June 13, 2023.

On April 11, 2023, the item was postponed until May 9, 2023, per the applicant’s request. Second reading was scheduled for May 9, 2023.

On March 28, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for April 11, 2023.

Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Kingdom Palace Daycare Inc., c/o Madelen Dib.

On March 15, 2023, the Planning and Zoning Board recommended approval with the

following conditions:

- (1) Immediate legalization of the 2,820 square feet of school space and adjacent fenced area, including the removal of an illegal shed*
- (2) Repair of asphalt along West 4th Place, striping of the parallel parking spaces, and posting of signs*
- (3) Implementation of two drop-off/pick-up shifts*
- (4) Adopt and enforce parking and drop-off/pick-up regulations for the parents and staff.*

Planner's Recommendation: Approval with conditions.

Property Owner: Mohatra INC., c/o Richard Gonzalez Esq., 1989 Northwest 88th Court, Unit 1, Doral, Florida 33172.

PZ 5. 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 20-student K-2 grade elementary school in a freestanding commercial building in conjunction with an existing 41–student daycare. **Property located at 430 West 29 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.

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF SEPTEMBER 12, 2023.

On August 8, 2023, the second reading of proposed ordinance for this item was postponed until September 12, 2023, per the applicant's request. Second reading and public hearing is scheduled for September 12, 2023.

On June 13, 2023, the item was postponed until August 8, 2023, per the applicant's request. Second reading is scheduled for August 8, 2023.

On May 9, 2023, the item was postponed until June 13, 2023, per the applicant's request. Second reading was scheduled for June 13, 2023.

On April 11, 2023, the item was postponed until May 9, 2023, per the applicant's request. Second reading was scheduled for May 9, 2023.

On March 28, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for April 11, 2023.

Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Los Pinos Nuevos Academy c/o Albenis Gill.

On March 15, 2023, the Planning and Zoning Board recommended approval with the condition that the building remain as a school/daycare stand-alone facility with a maximum capacity of 20 students in conjunction with a 41 children daycare, and that staff is assigned to expedite the school's drop-off and pick-up process.

<i>Planner's Recommendation: Approval with conditions</i>
<i>Property Owner: Inmex Investment Corp. (registered agent: Jorge Quintana).</i>

PZ 6. Recommendation of Denial: Recommendation of Denial by the Planning and Zoning Board for the issuance of a Conditional Use Permit (CUP) to allow a supervisory residential care and treatment facility with 6 beds or less, and allow distance separation of 6.9 feet, where 10 feet are required, for a shed to be legalized. **Property located at 340 West 40th Place, Hialeah, zoned R-1 (One-Family District).**

<i>On June 27, 2023, Aleimy Acosta, 320 West 39th Place, signatures of neighbors who are opposed to the applicant's proposal, a copy which is on file with the Office of the City Clerk.</i>
<i>On June 27, 2023, the item was postponed until August 8, 2023, per the applicant's request.</i>
<i>On June 14, 2023, the Planning and Zoning Board recommended denial of the item.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Property Owner: Angel Fernandez, 5530 Northwest 181st Terrace, Miami Gardens, Florida 33055.</i>

DENIAL UPHELD 5-0-2 with Council Member Calvo and Council Member Zogby absent.

REPORT: Council President Perez opened the item for public participating and two persons present in the Council Chambers expressed interest in speaking.

REPORT: Juana Fernandez, 298 West 39th Place, addressed the City Council in opposition of the approval of the item.

REPORT: Barbara Fernandez, 260 West 39th Place, addressed the City Council in opposition of the approval of the item, after the denial was upheld.

REPORT: Motion to Uphold the Recommendation Denial from the Planning and Zoning Board made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Members Calvo and Zogby absent.

15. LANDUSE

LU 1. ORDINANCE: First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential and Commercial to Major Institutions. **Properties located at 374 East 12 Street, 398 East 12 Street and 400 East 12 Street, Hialeah, zoned R-2 (One-and-Two-Family Residential District) and B-1 (Highly-Restricted Retail District);** repealing all

ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Cesar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Rincon de San Lazaro Inc.</i>
<i>On June 28, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Joaquin Gonzalez, 1823 South Bayshore Lane, Miami, Florida 33033.</i>

APPROVED 5-0-2 with Council Member Calvo and Council Member Zogby absent.

REPORT: Motion to Approve Item LU 1 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Members Calvo and Zogby absent. Second reading and public hearing is scheduled for August 22, 2023.

- LU 2. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Transit Oriented Development District. **Property located at 1092 East 21 Street, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Cesar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Miami Rental Partners, LLC.</i>
<i>On June 28, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Miami Rental Partners, LLC, Nancy Ortiz, and Monica Otero, 100 South Pointe Drive, 2702, Miami, Florida 33139.</i>

APPROVED 5-0-2 with Council Member Calvo and Council Member Zogby absent.

REPORT: Motion to Approve Item LU 2 made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 5-0-2 with Council Members Calvo and Zogby absent. Second reading and public hearing is scheduled for August 22, 2023.

- LU 3. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Transit Oriented Development District. **Property located at 3011 East 8 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.

Registered Lobbyist: Cesar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Casa Amigos 5 LLC.

On June 28, 2023, the Planning and Zoning Board recommended approval.

Planner's Recommendation: Approval.

Property Owner: Casa Amigos 5 LLC, Fountain Investments, LLC, and Nancy Ortiz, 100 South Pointe Drive, 2702, Miami, Florida 33139.

APPROVED 5-0-2 with Council Member Calvo and Council Member Zogby absent.

REPORT: Motion to Approve Item LU 3 made by Council Vice President Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Members Calvo and Zogby absent. Second reading and public hearing is scheduled for August 22, 2023.

16. CITY COUNCIL DISCUSSION

None Reported.

17. ADJOURNMENT

REPORT: The meeting was adjourned by Council President Perez at 10:33 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 22, 2023 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, August 22, 2023 at 7:00 p.m.

FIRST BUDGET HEARING FOR 2024 FISCAL YEAR: September 13, 2023 at 7:00 p.m.

SECOND BUDGET HEARING FOR 2021 FISCAL YEAR: September 27, 2023 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.

8/15/2023 3:19 PM

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).