

**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  
**August 9, 2022**  
7:00 p.m.

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**1. CALL TO ORDER**

**A. REPORT: Council President Zogby called the meeting to order at 7:08 p.m.**

**2. ROLL CALL**

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

1. Council President Zogby
2. Council Vice President Perez
3. Council Member Calvo (*arrived at 7:55 p.m.*)
4. Council Member Garcia-Roves
5. Council Member Tundidor

**B. REPORT: The following Council Members were absent:**

1. Council Member Casàls-Muñoz
2. Council Member Rodriguez

**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 President Zogby led the Pledge of Allegiance.

### 5. MEETING GUIDELINES

*The following guidelines have been established by the City Council:*

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on matters of public concern or on any item on the agenda, may do so during the meeting.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.
- The public can view public meetings on the City's YouTube page ([www.youtube.com/cityofhialeahgov](http://www.youtube.com/cityofhialeahgov)).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video.

The video function of all participants appearing through video will be turned off until called upon to be heard.

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

## **6. PRESENTATIONS**

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**REPORT: None**

## **7. COMMENTS AND QUESTIONS**

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- 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:** Five (5) constituents in the Council Chambers expressed interest in speaking during this portion of the meeting.
- 1) **Juan Santana, 1745 West 37 Street**, addressed the City Council regarding persons with no housing in our community, as well as approaches on advertising programs benefiting those with no housing.
  - 2) **Leonardo Gonzalez, 6095 West 18 Avenue**, addressed the City Council on issues homeowners are experiencing with the homeowner's association of Los Sueños Condominium.
  - 3) **Juan Carlos Enriquez, 4705 East 10 Lane**, owner of Car Forever, thanked the Building Official and the Building Department for their assistance.
  - 4) **Gabriel Rodriguez, 3601 East 12 Street**, addressed the City Council to thank certain City employees for their service and acknowledged the Code Compliance Department, as well as the Construction and Maintenance Department.
  - 5) **Ernesto Borges, 715 West 22 Street**, addressed the City Council regarding necessary renovations to Cotson Park and requested that the replacement of the asphalt on 23<sup>rd</sup> Street. He also thanked the Hialeah Police Department for their work on surveillance to the area.
  - 6) **Maria Elena Rodriguez, 1650 West 55 Street**, addressed the City Council regarding the Hialeah Housing Authority not renewing her lease due to Zelle transactions appearing on her bank account.

## **8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA**

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

- Consent Item W
- Consent Item X
- Consent Item Y
- Consent Item Z

B. The following items have been **amended**:

- Consent Item S has been amended to reflect the correct expenditure amount.
- The proposed ordinance for Administrative Item 10 D has been amended.

C. **Additional backup** documentation has been added to the following items:

- Administrative Item 10E

D. The following item have been **withdrawn** from today's agenda:

- Consent Item G

## **9. CONSENT AGENDA**

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*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: Motion to Approve the Consent Agenda made by Council Member Tundidor, and seconded by Council Vice President Perez. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

A. Request permission to approve the minutes of the City Council Meeting held on June 28, 2022 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

B. 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)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-090**

*Item was approved by the City of Hialeah Historic Preservation Board on June 16, 2022 (Resolution No. 2022-003).*

- C. Report of Scrivener’s Error – On April 12, 2022, the City Council approved Consent Item C, approving the issuance of a purchase order to The Corradino Group, Inc., for \$23,500.00, for an Impact Analysis on revenue and costs for the potential annexation area of unincorporated Miami-Dade County adjacent to the northeast sector of the City. The item was approved with the incorrect expenditure amount of \$23,500.00. The item is being amended to reflect the correct expenditure amount of \$26,750.00. The expenditure is to be withdrawn from the General Fund – Professional Services Account No. 001.8500.519.310.

(ZONING)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- D. Proposed resolution accepting a grant award from the Children’s Trust in the amount of \$905,998.00, for the Creative Learning & Play (“CL&P”) Aftercare and Summer Camp Programs, for one-year commencing on August 1, 2022 through July 31, 2023; approving and ratifying a grant agreement between the Children’s Trust and the City of Hialeah for Aftercare and Summer Camp Programs, a copy of which is attached hereafter and incorporated herein as Exhibit “A”; and further authorizing the Mayor or his designee to execute any and all agreements and documents in furtherance thereof; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-091**

- E. Proposed resolution accepting a grant award from the Children’s Trust in the amount of \$375,000.00, for the Step Ahead Afterschool and Summer Camp Youth Enrichment, Employment and Support Programs, for one-year commencing on August 1, 2022 through July 31, 2023; approving and ratifying a Grant Agreement between the Children’s Trust and the City of Hialeah, a copy of which is attached hereafter and incorporated herein as Exhibit “A”; and further authorizing the Mayor or his designee to execute any and all agreements, documents and subcontracts in furtherance thereof; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-092**

- F. Request permission to waive competitive bidding, since it is advantageous to the City in that the Miami Herald is a newspaper of general circulation in the City of Hialeah as required by state law, and increase Purchase Order No. 2022-1332, issued to the Miami Herald, for the cost of legal and classified advertisements for fiscal year 2022, by an additional amount of \$156,400.00, of which \$26,400.00 has already been transferred from *General Fund - Election Expenses Account No. 001.0220.512.492* to cover the cost of advertisements published in the Miami Herald and El Nuevo Herald for the 2021 City of Hialeah Primary and General Elections. An additional \$130,000.00 is being requested to pay for the cost of pending invoices for advertisements published during the months of April, May and June, as well as for the cost of legal advertisements to be published through the end of the current fiscal year (September 30, 2022), for a total cumulative expense amount not to exceed \$300,400.00. The funding for this expenditure is to be withdrawn from the General Fund - Publicity & Advertising Account No. 001.0220.512.481.

(OFFICE OF THE CITY CLERK)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- ~~G. Request permission to issue a purchase order to Rainbow Window Tinting, Inc., sole source vendor of Federal Signal Corporation Emergency Products for the public safety market in Miami-Dade County for all equipment used by City, State or Federal Agencies, for the procurement and the installation of emergency equipment of seventeen (17) police vehicles, in a total cumulative amount not to exceed \$78,170.08. The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay - Equipment Account No. 001.1000.521.640.~~

~~(POLICE DEPARTMENT)~~

**ITEM WITHDRAWN**

- H. Request permission to utilize NASPO Value Point Contract No. 43211500-WSCA-15-ACS - *Computer Equipment, Peripherals & Services*, effective through February 28, 2023, between the State of Florida Department of Management Services and this vendor, and issue a purchase order to Dell Marketing L.P., for the purchase of fifty (50) Dell rugged laptops and related accessories for the new police recruits, in a total cumulative amount not to exceed \$125,316.00. The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay - Equipment Account No. 001.1000.521.640.

(POLICE DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- I. Request permission to utilize NASPO Value Point Contract No. 43190000-22-NASPO-ACS - *Public Safety Communication Products, Services, and Solutions*, effective through December 31, 2026, between the State of Florida Department of Management Services and this vendor, and issue a purchase order to Motorola Solutions, Inc. for the purchase of and installation of seventeen (17) APX Mobile Radios and related accessories, in a total cumulative amount not to exceed

\$120,317.33. The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay- Equipment Account No. 001.1000.521.640.

(POLICE DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- J. Request permission to utilize NASPO Value Point Contract No. 43190000-22-NASPO-ACS – *Public Safety Communication Products, Services, and Solutions*, effective through December 31, 2026, between the State of Florida Department of Management Services and this vendor, and issue a purchase order to Motorola Solutions, Inc. for the purchase of thirty-five (35) APX handled portable radios and related accessories, in a total cumulative amount not to exceed \$243,151.65. The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay - Equipment Account No. 001.1000.521.640.

(POLICE DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- K. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2022-1359, issued to Image First of SE Florida, LLC, to provide weekly pick-up and delivery of linens and laundry services for all nine (9) fire station for the remaining of fiscal year 2021-2022, by an additional amount of \$11,000.00, for a new total cumulative amount not to exceed \$61,000.00. The funding for this expenditure is to be withdrawn from the Fire Rescue Transportation Fund - Contractual Services Account No. 109.2000.522340.

(FIRE DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- L. Request permission to utilize General Services Administration Contract No. 47QTCA-19-D00MM- Information Technology, effective through September 26, 2024, and issue a purchase order to Imperium Data Networks, LLC, authorized reseller, for the purchase of a three (3) year subscription and upgrade of the City Email Protection and Gateway Defense System, in a total cumulative amount not to exceed \$96,750.00. The funding for this expenditure is to be withdrawn from the General Fund - Contractual Services Account No. 001.0201.519.340.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- M. Request permission to increase Purchase Order No. 2022-1122, issued to GRM Information Management Services, Inc., vendor currently under contract with the City for the service of off-premise storage of City records, by an additional amount of \$8,064.00, for a new total cumulative

amount not to exceed \$34,963.00. The funding for this expenditure is to be withdrawn from the General Fund - Contractual Services Account No. 001.0220.512.340.

(OFFICE OF THE CITY CLERK)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- N. Request permission to issue a purchase order to PowerDMS, Inc., vendor currently under contract with the City for a period of three (3) years, for the annual subscription of Power Digital Management Software Professional, Power Digital Management Software Training Solution and SSO5000, platform which provides the Police Department with a secure cloud-based site to create, edit, organize and distribute content, in a total cumulative amount not to exceed \$16,726.86. The funding for this expenditure is to be withdrawn from the General Fund - Capital Outlay- Software Account No. 001.1000.521.641.

(POLICE DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- O. Proposed resolution accepting the grant award from the Miami Foundation Community Grants Program inclusion of people with diverse abilities category in the amount of \$15,000.00, for fiscal year 2022-2023, for the Special Populations Therapeutic Enrichment Program; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Grant Award Agreement commencing on July 1, 2022 and ending on June 30, 2023, in furtherance thereof; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-093**

- P. Request permission to issue a purchase order to DSM Technology Consultants LLC, vendor currently under contract with the City, for the payment of Invoice No. 25-51831 dated April 1, 2022, for the disaster recovery solution services rendered during the month of April, for \$8,605.48. On April 12, 2022, City Council approved Consent Item L, entering into a contact with the vendor for fiscal years 2022, 2023, 2024 and 2025. The funding for this expenditure is to be withdrawn from the General Fund - Contractual Services Account No. 001.0201.519.340.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- Q. Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to maintain the same level of service and cost, and renew the current agreement between AT&T Corp. and the City for the point to point switched Ethernet connection between



the City's primary and backup data centers, for a five-year (5) term, to be paid monthly at a rate of \$1,800.00 plus Federal Communications Commission Taxes (FCC). The funding for this expenditure is to be charged to the General Fund - Contractual Services Account No. 001.8500.519.410.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- R. Request permission to utilize City of Mesa State of Arizona Contract No. 2018011-02 - *Information Technology Solutions and Services*, contract which expires on February 28, 2023, and issue a purchase order to SHI International Corp., for the renewal of a three-year (3) subscription for Security Awareness Training, in the total amount of \$32,000.00, to be paid annually with equal payments of \$10,666.67. The funding for this expenditure is to be charged to the General Fund - Communications Services Account No. 001.0201.519.340.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- S. Request permission to utilize City of Mesa State of Arizona Contract No. 2018011-02 - *Information Technology Solutions and Services*, contract which expires on February 28, 2023, and issue a purchase order to SHI International Corp., for the renewal of a three-year (3) subscription and renewal of the City's endpoint protection and monitoring product, in the total amount of ~~\$151,971.80~~ \$152,199.80. The funding for this expenditure is to be charged to the General Fund – Contractual Services Account No. 001.00201.519.340.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- T. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Aventura as a participating municipal police department to provide for the requesting and rendering of assistance for routine and intensive law enforcement situations from the effective date of the agreement through September 30, 2027, a copy of which is part hereof as Exhibit "1", and providing for an effective date.

(POLICE DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-094**

- U. Report of Scrivener's Error – On June 14, 2022, the City Council passed and adopted Resolution No. 2022-074 with an error. The second **WHEREAS** Clause of the Resolution should be amended as follows:

~~“WHEREAS, pursuant to Hialeah, Fla Resolution 2022-019 (February 8, 2022); Resolution 2022-020 (February 8, 2022) the City Council authorized the Mayor to accept a grant from Nita M. Lowey 21<sup>st</sup> Century Learning Communities Project to fund the Young Leaders with Character Program after-school and summer programs in the amount of \$50,000.00 for a term commencing on June 1, 2022 and ending on July 31, 2022, \$584,100.00 for a term commencing on August 1, 2021 and ending on July 31, 2022;”~~

The stricken language should have been omitted from the **WHEREAS** clause (2) of the Resolution.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)  
(LAW DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- V. Report of Scrivener’s Error – On June 14, 2022, the City Council passed and adopted Resolution No. 2022-075 with an error. The second **WHEREAS** Clause of the Resolution should be amended as follows:

~~“WHEREAS, pursuant to Hialeah, Fla Resolution 2021-108 (August 24, 2021); Resolution 2021-109 (August 24, 2021) the City Council authorized the Mayor to accept a grant from the Children’s Trust to fund the Creative Learning & Play (CL&P) summer school programs in the amount of \$375,000.00 \$905,998.00 for one year commencing on August 1, 2021 and ending on July 31, 2022;”~~

The stricken language should have been omitted from the **WHEREAS** clause (2) of the Resolution.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)  
(LAW DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- W. **ADD ON ITEM:** Proposed resolution rescinding the action taken by the Mayor and Council at its May 24, 2022 meeting in which competitive bidding was waived for the State Housing Initiatives Partnership (“SHIP”) Program-funded project at the home of Orestes and Alina Armenteros, and subsequently issuing a bid package for the approved scope of work to ensure compliance with SHIP Program guidelines; authorizing the Mayor or his designee, to execute any and all necessary agreements in furtherance of the project; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-095**

- X. **ADD ON ITEM:** Proposed resolution authorizing the issuance of a Request for Proposal (“RFP”) to solicit applications for eligible projects in compliance with the Home Investment Partnerships

("HOME") Program, in an amount not to exceed \$1,518,464.00; authorizing the Mayor or his designee, to execute any and all necessary agreements in furtherance of the project; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-096**

- Y. **ADD ON ITEM:** Proposed resolution authorizing the recapture of \$118,906.75 in State Housing Initiative Partnership Program ("SHIP") funds initially allocated to Jose Vizcaino, and reappropriating said funds to Juan and Karla Balbastro in order to fully fund the ship-funded rehabilitation of their home as approved by the Mayor and Council via Resolution 2021-065, authorizing the Mayor or his designee to execute any and all necessary agreements in furtherance of the project; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-097**

- Z. Proposed resolution approving an agreement between the City of Hialeah, Florida and Axon Enterprise, Inc. for the purchase of forty Tasers 7, cartridges, and related services including training and warranty, for the Hialeah Police Department, subject to the terms and conditions set forth in the agreement between Axon and the City dated December 22, 2020 (approved by Hialeah, Fla. Resolution 2020-189) in the amount not to exceed \$128,520.00 to be paid, bearing no interest, as set forth in the quote dated July 27, 2022 attached hereto and incorporated herein as Exhibit "A"; and providing for an effective date.

(POLICE DEPARTMENT)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-098**

## 10. ADMINISTRATIVE ITEMS

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- 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)

*On June 28, 2022, the item was postponed by the administration. Second reading and public hearing is scheduled for 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.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2022-062**

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

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

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

*On June 28, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 9, 2022.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2022-063**

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

**REPORT: Motion to Approve Item 10 B made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

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

*On June 28, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 9, 2022.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2022-064**

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

**REPORT: Motion to Approve Item 10 C made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- 10 D.** 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 *prohibiting smoke shops and schools, parks or places of worship from siting within 1,000 foot radius from each other*; 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)

*On June 28, 2022, the item was postponed by the administration until August 9, 2022.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT:** Alexander Magrisso, Assistant City Attorney, City of Hialeah, addressed the City Council with a PowerPoint Presentation. A copy of the presentation is on file with the Office of the City Clerk.

**REPORT:** A Sergeant from the Hialeah Police Department addressed the City Council via Zoom with a PowerPoint Presentation.

**REPORT: Motion to Approve Item 10 D made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for August 23, 2022.**

- 10 E.** 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)

*On June 28, 2022, the item was postponed by the administration until August 9, 2022.*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item 10 E made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for August 23, 2022.**

- 10 F.** First reading of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 4 entitled “Membership” implementing the changes to the pension plan bargained for between the Fraternal Order of Police, Lodge No. 12 and the City for police officer members, in particular revising § 70-210 entitled “Member Contributions to Retirement Plan” reducing member contribution by 1% beginning June 29, 2022 and an additional 1% beginning October 1, 2022; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties hereof; providing for inclusion in the code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

**APPROVED 4-0-3 with Council Vice President Perez not present during roll call, and Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item 10 F made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council Vice President Perez not present during roll call, and Council Member Casáls-Muñoz and Council Member Rodriguez absent. Council Vice President Perez recorded her vote as “Yes” after the item was approved.**

**REPORT: Second reading and public hearing is scheduled for August 23, 2022.**

- 10 G.** Proposed resolution reappointing **Eugene M. Steinfeld** as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code

§ 22-186(k), and serve a term commencing on June 1, 2022 and ending on May 31, 2023, at an hourly rate to be established by administrative order of the Mayor; and providing for an effective date.

(ADMINISTRATION)

**APPROVED 4-0-3 with Council Vice President Perez not present during roll call, and Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-099**

**REPORT: Motion to Approve Item 10 G made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Vice President Perez not present during roll call, and Council Member Casáls-Muñoz and Council Member Rodriguez absent. Council Vice President Perez recorded her vote as “Yes” after the item was approved.**

- 10 H.** Pursuant to Section 2.01 of the City’s Charter, Mayor Esteban Bovo, Jr., appoints William Sanchez, subject to civil service rules and regulations, to the position of Director of the Department of Parks and Recreation.

(ADMINISTRATION)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item 10 H made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

## **11. BOARD APPOINTMENTS**

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- 11 A.** Proposed resolution reappointing **Stephen C. Dielmann** to the Personnel Board of the City of Hialeah, as the American Federation of State, County and Municipal Employees (AFSCME) appointment, for a two (2)-year term ending on June 26, 2024.

(AFSCME)

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**RESOLUTION NO. 2022-100**

**REPORT: Motion to Approve Item 11 A made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

## 12. UNFINISHED BUSINESS

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- Council Member Calvo spoke on the Community Reinvestment Act (“CRA”) workshop scheduled for August 23, 2022 and requested the Council’s support on directing the Law Department to bring back a resolution at the next scheduled City Council Meeting in support of the City advancing the CRA.

**REPORT: Motion to direct the Law Department to draft a resolution for the next City Council Meeting in support of the City of Hialeah advancing the Community Reinvestment Act (“CRA”) made by Council Vice President Perez, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

## 13. NEW BUSINESS

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**REPORT: None.**

## 14. ZONING

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### **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.

<i>On June 28, 2022, the item was postponed by the administration. Second reading and public hearing is scheduled for August 9, 2022.</i>

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

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

*Planner's Recommendation: Approval*

*Property Owner: M.S. Investment Services, 7767 NW 146<sup>th</sup> Street, Miami Lakes, FL 33016*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**ORDINANCE NO. 2022-065**

**REPORT:** Council President Zogby opened the item for public participating and one (1) person present in the Council Chambers expressed interest in speaking:

- 1) **Robert Guanter of M&M Liquors, 794 Southeast 8th Street**, addressed the City Council in favor of the approval of the item.

**REPORT: Motion to Approve Item PZ 1 made by Council Member Calvo, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

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

*On June 28, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 9, 2022.*

*Registered Lobbyist: Jorge Navarro, 333 SE 2<sup>nd</sup> Avenue, 41<sup>st</sup> Floor, Miami, FL 33131 on behalf of Yudixtviana Leyva, Aracely Gonzalez and Jenny Ducret*

*On June 15, 2022, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval*

*Property Owner: Yudixtviana Leyva, Aracely Gonzalez and Jenny Ducret 932, 942 and 952 East 26<sup>th</sup> Street, Hialeah FL 33013*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez**

**absent.**

**ORDINANCE NO. 2022-066**

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

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

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

**ITEM IS POSTPONED UNTIL AUGUST 23, 2022.**

<i>On June 28, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 9, 2022.</i>
<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>

**PZ 4.** Second reading and **public hearing** 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.

*On June 28, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 9, 2022.*

*On June 15, 2022, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval*

*Property Owner: Ronal Morales 9201 SW 22<sup>nd</sup> Terr, Miami, Florida 33165  
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 Member Casáls-Muñoz and Council Member Rodriguez absent.**

#### **ORDINANCE NO. 2022-067**

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

**REPORT: Motion to Approve Item PZ 4 made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

- PZ 5.** First reading of proposed ordinance approving a Final Plat of Marcia's Monument subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; **property located at 6800 West Hialeah Gardens Boulevard, Hialeah, zoned C-1 (Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Motion to Approve Item PZ 5 made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodriguez absent.**

**REPORT: Second reading and public hearing is scheduled for August 23, 2022.**

## **15. FINAL DECISIONS**

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**FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-10** granting an adjustment on the property located at **4247 West 7<sup>th</sup> Lane, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

*On June 15, 2022, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval*

*Property Owners: Jesus D. Rivera and Mayra Alvarez Diaz, 4247 West 7 Lane Hialeah, FL 33012*

**APPROVED 5-0-2 with Council Member Casáls-Muñoz and Council Member Rodríguez absent.**

**RESOLUTION NO. 2022-101**

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

**REPORT: Council President Zogby adjourned the meeting at 9:23 p.m.**

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

**SPECIAL MEETING OF THE CITY COUNCIL – CRA PRESENTATION: August 23, 2022 at 5:00 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, August 23, 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, 3<sup>rd</sup> 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).