

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 22, 2023

7:00 p.m.

1. CALL TO ORDER

- A. **REPORT:** Council Vice President Garcia-Roves called the meeting to order at 7:13 p.m.

2. ROLL CALL

- A. **REPORT:** Marbelys Fatjo, City Clerk, called the roll with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

3. INVOCATION

- A. The invocation was led by Marbelys Fatjo, City Clerk, during the Charter School Oversight Committee Meeting held in the Council Chambers immediately preceding the Council Meeting.

4. PLEDGE OF ALLEGIANCE

- A. Council Member Zogby led the Pledge of Allegiance during the Charter School Oversight Committee Meeting held in the Council Chambers immediately preceding the Council Meeting.

5. MEETING GUIDELINES

The following guidelines have been established by the City Council:

8/24/2023 5:26 PM

- **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. Mayor Bovo and the Hialeah City Council present a proclamation to David Anasagasti, artist known as Ahol Sniffs Glue, for his accomplishments with the Geographies of Trash Art Project.

(MAYOR BOVO)

PRESENTED

REPORT: Council Vice President Garcia-Roves removed Administrative Item 11D out of order of the agenda for consideration at this time with no opposition from the City Council.

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. **Jose Azze, 788 Southeast Park Drive,** spoke regarding Administrative Item 11A and community outreach through County Commissioners for the monthly meetings held at the Blanche Morton Community Center.
 2. **Sebastian Ortado, 795 West 68 Street,** spoke regarding drainage issues throughout the City.
 3. **Ernest Chong,** spoke regarding light poles that need repairs throughout the City.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

A. **Add-On Items**

The following items have been added to today's agenda:

- **Consent Item T**
- **Consent Item U**
- **Administrative Item 11D**

9. BOARD APPOINTMENTS

- A. Proposed resolution appointing **Roberto Carmona** to the Youth Advisory Committee for a two (2)-year term ending on August 21, 2025.

(COUNCIL MEMBER CALVO)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-091

REPORT: Roberto Carmona, addressed the City Council.

REPORT: Motion to Approve Item 9A made by Council Member Casàls-Muñoz, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

CONSENT AGENDA

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

REPORT: Frank De la Paz, 9361 Bird Road, Miami, requested that Item U be removed from the Consent Agenda for separate discussion.

REPORT: Council Member Tundidor requested that Item F be removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda, except items F and U, made by Council Member Zogby, and seconded by Council Member Tundidor. 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- A. Request permission to approve the minutes of the City Council Meeting held on August 8, 2023 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- B. Request permission to increase Purchase Order No. 2023-522, issued to W.W. Grainger Inc., for the purchase of supplies for maintenance and repairs needed throughout the City, by an additional amount of \$30,000.00, for a new total expense amount not to exceed \$80,000.00. On September 27, 2022 (Consent Item CC), the City Council approved the usage of the pool of vendors established pursuant to University of California, CA Contract No. 2018.000207 – *Maintenance, Repair, Operations (MRO) Supplies and Equipment* through June 30, 2023 with the option to renew for two consecutive one-year periods through June 30, 2025.

The funding for the expenditure is to be withdrawn against the Water & Sewers Division Fund – Inven Small Tools Account No. 450.0000.141.007.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- C. Request permission to increase Purchase Order No. 2023-1373, issued to Lou’s Police Distributors, Inc., for the purchase of uniforms for new hires, promotions, and to replace uniforms damaged in the line of duty, as well as for the payment of invoices received during the months of March and July of 2023, by an additional amount of \$24,336.46, for a new total expense amount not to exceed \$147,447.10. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the Hialeah Police Department is currently working with the Purchasing Division on finalizing an Invitation to Bid for the procurement of police uniforms.

The funding for the expenditure is to be withdrawn against the General Fund – Uniforms & Clothing Allowance Account No. 001.1000.521.525.

(POLICE DEPARTMENT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- D. **RESOLUTION:** 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 Sweetwater 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, 2028, a copy of which is part hereof as Exhibit “1”, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-092

- E. **RESOLUTION:** Proposed resolution waiving competitive bidding; and authorizing the Mayor or his designee and the City Clerk, as attesting witness, on behalf of the City to enter into a Professional Services Agreement with Jorge Leon Car Wash, Inc., to provide wash and detail services for the City’s fleet of vehicles, for a term of one year, in an amount not to exceed \$69,160.00 in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; and providing for an effective date.

(TRANSIT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-093

- F. Request permission to increase Purchase Order No. 2023-240, issued to MV Contract Transportation, Inc., to provide transportation services for the operation of buses for the City of Hialeah through the end of fiscal year 2023, by an additional amount of \$316,681.26, for a new total expense amount not to exceed \$1,519,719.26. On June 13, 2023, the City Council approved Resolution No. 2023-062 thereby authorizing the City to enter into a Third Amendment to Municipal Services Agreement between the City of Hialeah and MV Contract Transportation, Inc., effective through September 30, 2024.

The funding for the expenditure is to be withdrawn against the CITT Surtax – Hialeah Circulator Fund – Contractual Services Account No. 130.3220.544.340.

(TRANSIT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Justo Espinosa, the City’s Transit Manager, spoke on the item.

Motion to Approve Consent Item F made by Council Member Tundidor, and seconded by Council Member Casàls-Muñoz. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- G. **RESOLUTION:** Proposed resolution to approve a Purchase Agreement between L3Harris Technologies, Inc. (L3Harris) and the City of Hialeah, to build an additional radio communication site to provide coverage in the annex area of the City and provide maintenance and technical support to the emergency radio communications system designed and installed by L3Harris pursuant to the agreement, in a total amount not to exceed \$2.629 million, for an initial term of two (2) years, with option to extend, 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 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-094

- H. Request permission to utilize City of Boynton Beach Bid No. WH22-048 – *Annual Supply of Pipe Fittings and Accessories*, effective through October 4, 2023, and increase Purchase Order No. 2023-1537, issued to Fortiline, Inc., for the purchase of the pipes, materials, and accessories, by an additional amount of \$75,000.00, for a new total expense amount not to exceed \$275,000.00.

The funding for the expenditure is to be withdrawn against the Water & Sewers Division Fund – Inventory – Pipes, Valves & Fittings - Account No. 450.0000.141.001.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- I. Request permission to utilize Florida Sheriffs Association Bid No. FSA20-EQU18.0 – *Heavy Equipment*, effective through September 30, 2023, and issue a purchase order to Kelly Tractor Co, for the purchase of one (1) Caterpillar 416 – 4X4 Backhoe Loader with canopy, that will be utilized to dig out holes in the City trenches to repair water leaks and sewer laterals, in a total expense amount not to exceed \$111,164.00.

The funding for the expenditure is to be withdrawn against the Coronavirus State and Local Fiscal Fund – Capital Outlay - Infrastructure - Account No. 131.9540.536.630.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- J. Request permission to utilize Florida Sheriffs Association Bid No. FSA20-EQU18.0 - *Heavy Equipment*, effective through September 30, 2023, and issue a purchase order to Pat’s Pump & Blower, L.L.C., for the purchase of a 15 cubic yard Aquatech Sewer / Catch Basin Cleaner Vacuum Truck, for to replace the City’s vacuum truck, in a total expense amount not to exceed \$583,000.00.

The funding for the expenditure is to be withdrawn against the Coronavirus State and Local Fiscal Fund – Capital Outlay - Infrastructure - Account No. 131.9540.536.630.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- K. Request permission to ratify the utilization of Florida Sheriffs Association Bid No. FSA22-VEL30.0 – *Pursuit, Administrative, and Other Vehicles*, and the issuance of Purchase Order No. 2023-2502, issued to AN Motors of Pembroke, LLC, for the purchase of five (5) 2023 Chevy Silverado 2500 – Regular Cab 2WD, to replace five service trucks, in a total expense amount not to exceed \$238,898.00

The funding for the expenditure is to be withdrawn against the Water & Sewers Division Fund – Capital Outlay - Vehicles - Account No. 450.9510.533.645.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- L. **RESOLUTION:** Proposed resolution to approve the fiscal year 23-24 Florida’s High Visibility Enforcement (HVE) Pedestrian & Bicycle Safety contract in the amount not to exceed \$44,323.51, and accept the terms of use of the grant funds provided by the Florida Department of Transportation to the City of Hialeah as set forth in the Letter of Agreement and Contract attached as Exhibit “A”, authorizing the Mayor, or the Police Chief, as the Mayor’s designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the Letter of Agreement and any other customary and necessary document in furtherance of this resolution; and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-095

- M. **RESOLUTION:** Proposed resolution approving the Byrne Justice Assistance Grant application, under the administration of the U.S. Department of Justice, Bureau of Justice Assistance, and the City of Hialeah, as participating agency; to assist the Hialeah Police Department to purchase a handheld narcotic identifier device as well as overtime pay for the Special Investigations Sections Narcotics Division, in the total amount of \$45,638, through September 30, 2026; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof and accept any awarded grant, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-096

- N. **RESOLUTION:** Proposed resolution waiving competitive bidding; and authorizing the Mayor or his designee and the City Clerk, as attesting witness, on behalf of the City to enter into an agreement with Biscayne Engineering Company, Inc. to provide boundary and topographic survey services, in an amount not to exceed \$59,950.00 in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; and providing for an effective date.

(ZONING)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-097

- O. Request permission to increase Purchase Order No. 2023-1077, issued to Super Landscape & Maintenance, Inc., for landscaping services of all citywide park facilities through September 30, 2023, by an additional amount of \$165,000.00, for a new total cumulative expense amount not to exceed \$550,000.00. The approval of the item requires the waiving of competitive bidding, since it is advantageous to City to continue uninterrupted service while the Request for Qualifications procurement process was finalized.

The funding for the expenditure will be drawn against the General Fund – Contractual Services - Landscape Account No. 001.3130.572.342.

(DEPARTMENT OF PARKS AND RECREATION)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- P. Request permission to utilize Region XIV Education Service Center Contract 01-97 – *Advanced Technology Solutions Aggregator*, effective through July 31, 2024, contract that is part of the National Cooperative Purchasing Alliance (NCPA), and issue a purchase order to MRA International, Inc., for the purchase of citywide critical core system backups, with the first payment to be issued in September of 2023 for \$238,936.28 and the second payment to be issued in October 2023 for \$292,000.00, for a total cumulative expense amount not to exceed \$530,936.28.

The funding for the expenditure will be drawn against the General Fund – Capital Outlay - Equipment Account No. 001.0201.519.640.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- Q. Request permission to utilize Government Services Administration Federal Acquisition Service Contract No. GS-35F-573GA, contract that expires on July 26, 2027, and increase Purchase Order No. 2023-1506, issued to VENDOR, name which is confidential and exempt from public disclosure pursuant to Section 119.0725 of the Florida Statutes, for the purchase of additional storage due to data growth, by an additional amount of \$53,804.31, for a new total cumulative amount not to exceed \$126,302.31.

The funding for this expenditure will be drawn against the General Fund - Contractual Services Account No. 001.0201.519340.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- R. Request permission to utilize State of Florida Department of Management Services, NASPO Value Point Contract No. 43230000-NASPO-16-ACS – *Cloud Solutions*, effective through September 30, 2026, and issue a purchase order to DigitalEra Group, L.L.C., for endpoint protection services, to be utilized for a period of three (3) years, for a total expense amount not to exceed \$233,146.48, to be paid over a three-year period as follows:

1. first payment to be made in October 2023, subject to the final budget approval, for 81,178.16,
2. second payment to be made in October of 2024 for \$75,984.16
3. third payment to be made in October of 2025 for \$75,984.16.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- S. Request permission to ratify the issuance of Purchase Order No. 2023-2462, issued to Robert L. Hughes Company Incorporated, for the emergency replacement of the existing Bennet Dispensers located at Hialeah Fire Station No. 6, in a total expense amount not to exceed \$23,450.00. 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.

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 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- T. **ADD ON ITEM:** Request permission to issue a special event permit to The Yards at Amelia, LLC, located at 7551 West 4th Avenue, Hialeah, Florida, to host a dance party with a disc jockey and food trucks, expecting approximately 500 attendees, from 10:00 p.m. to 5:00 a.m. on every Friday, Saturday and Sunday beginning on August 25, 2023 through December 31, 2023, in accordance with the requirements of the Hialeah Fire Department, the Hialeah Police Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- U. **ADD ON ITEM:** Request permission to issue a special event permit to Santa Barbara Catholic Church, located at 6801 West 30th Avenue, Hialeah, Florida 33018, to host a church carnival with rides, concessions, sales, and bingo, expecting approximately 1,000 attendees, from 5:00 p.m. to 11:00 p.m. on Thursday, October 19, 2023 and Friday, October 20, 2023, from 2:00 p.m. to 11:00 p.m. on Saturday, October 21, 2023, and from ~~8:00 p.m.~~ 8:00 a.m. to 11:00 p.m. on Sunday, October 22, 2023, in accordance with the requirements of the Hialeah Fire Department, the Hialeah Police Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Frank De la Paz, 6801 West 30 Avenue, thanked the Office of the City Clerk for the assistance throughout the recommendation process and amended the time of the event.

Motion to Approve Consent Item U as amended made by Council Member Casàls-Muñoz, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

10. ADMINISTRATIVE ITEMS

- 11 A. **ORDINANCE:** First reading of proposed ordinance authorizing the exchange of City real property pursuant to Section 1.04(b)(1) of the City Charter, described as a portion of Lots 6 and 8, Block 3, of the 36th Street Lawns, according to Plat Book 24 at Page 36 of the public records of Miami-Dade County, Florida, containing approximately 3,222 square feet in size, as more particularly described in Exhibit B of the Land Exchange Agreement, for real property owned by Boos Development Group, Inc., described as Lot 4 and the west 15 feet of Lot 3, Block 3, 36th

Street Lawns, according to Plat Book at Page 38 of the public records of Miami-Dade County, Florida, containing approximately 5,810 square feet in size, as more particularly described in Exhibit A of the Land Exchange Agreement; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute a Land Exchange Agreement, in substantial conformity with the agreement attached hereto and made a part hereof as Attachment 1, and to execute all other necessary documents for the exchange of the property; providing for a severability clause; and providing for an effective date.

(ADMINISTRATION)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Mayor Bovo spoke on the item.

Motion to Approve Administrative Item 11A made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

- 11 B. **ORDINANCE:** First reading of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 2 entitled “Board of Trustees”, Division 3 entitled “Disability in Line of Duty Benefits”, and Division 5 entitled “Benefits”; implementing the changes to the retirement system and disability benefits contained in the 2022-2025 Collective Bargaining Agreement between the City and IAFF for firefighter members, in particular creating a new § 70-70, entitled “Disability Benefits for Firefighter Members and Members Not Included In Any Bargaining Unit On and After [effective date of this ordinance]”; revising § 70-131 entitled “Appointment and Terms”; and § 70-238 entitled “Service Retirement Allowance”; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties hereof; providing for inclusion in the code; providing for an interpretation and savings clause; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Mayor Bovo spoke on the item.

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

Motion to Approve Administrative Item 11B made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

- 11C. **ORDINANCE:** First reading of proposed ordinance amending the Hialeah Code of Ordinances

Chapter 98, entitled “Zoning”, amending § 98-2200 “Parking Commercial Vehicles, Recreational Vehicles, Boats or Vessels on Property Zoned Residential” regulating the placement and number of recreational vehicles, vessels and boats permitted on property zoned residential; 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)

TABLED UNTIL THE CITY COUNCIL MEETING OF SEPTEMBER 12, 2023.

REPORT: Mayor Bovo spoke on the item.

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

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

Motion to Table Administrative Item 11C until September 12, 2023, made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- 11 D.** Pursuant to Section 4.03 of the City’s Charter, Mayor Esteban Bovo, Jr., appoints Rafael E. Suarez-Rivas, to the position of City Attorney.

(ADMINISTRATION)

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Mayor Bovo spoke on the item.

REPORT: Rafael E. Suarez-Rivas addressed the City Council.

Motion to Approve Administrative Item 11D made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

11. UNFINISHED BUSINESS

None reported.

12. NEW BUSINESS

- A.** Report to the City Council of financial disclosure submittals for the year ending in 2022, pursuant to Section 26-36(d) of the Hialeah City Code.

REPORTED

- B. Mayor Bovo** spoke on beautification of the City, and invited all to the ribbon cutting for the first City of Hialeah Dog Park located at Goodlet Park and the new pickleball courts on September 9, 2023 at 10:00 a.m.

13. ZONING

PLANNING AND ZONING

REPORT: All were duly sworn in by Marbelys Fatjo, City Clerk.

PZ 1. ORDINANCE: First reading of proposed ordinance rezoning property from R-1 (One-Family District) TOD (Transit-Oriented Development District). **Properties located at 901 East 28 Street, 915 East 28 Street, 923 East 28 Street, 929 East 28 Street, 941 East 28 Street, 961 East 28 Street, 971 East 28 Street, 981 East 28 Street, 991 East 28 Street, 910 East 29 Street, 920 East 29 Street, 930 East 29 Street, 940 East 29 Street, 950 East 29 Street, 960 East 29 Street, 976 East 29 Street, 990 East 29 Street, 998 East 29 Street, and 2861 East 9 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.

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| <i>Registered Lobbyist: Jorge L. Navarro, 333 Southeast 2nd Avenue, 44th Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.</i> |
| <i>Registered Lobbyist: Carlos L. Diaz, 333 Southeast 2nd Avenue, 44th Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.</i> |
| <i>On August 9, 2023, the Planning and Zoning Board recommended approval.</i> |
| <i>Planner's Recommendation: Approval.</i> |
| <i>Property Owner: Please refer to Exhibit B to the City of Hialeah Application for Rezoning/Variance Hearing, for a list of the owner(s) of each property.</i> |

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Carlos L. Diaz, 333 Southeast 2nd Avenue, registered lobbyist, addressed the City Council.

REPORT: Jorge L. Navarro, 333 Southeast 2nd Avenue, registered lobbyist, addressed the City Council.

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

Motion to Approve Item PZ 1 made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

PZ 2. ORDINANCE: First reading of proposed ordinance rezoning property from R-1 (One-Family District) to TOD (Transit-Oriented Development District); and granting a variance permit to allow a 0-foot setback required above ground floor for buildings fronting East 11 Avenue, where a 10-foot setback step back is required; all contra to Hialeah Code Of Ordinance § 98- 1544 (c)(3); **property located at 1092 East 21st Street, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

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| <i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Miami Rental Partners, LLC.</i> |
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| <i>On August 9, 2023, the Planning and Zoning Board recommended approval.</i> |
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| <i>Planner's Recommendation: Approval.</i> |
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| <i>Property Owners: Miami Rental Partners LLC, Nancy Ortiz, and Monica Otero, 100 South Pointe Drive, 2702, Miami, Florida 33139.</i> |
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APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

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

Motion to Approve Item PZ 2 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

PZ 3. ORDINANCE: First reading of proposed ordinance rezoning property from R-1 (One-Family District) to TOD (Transit-Oriented Development District); and granting a variance permit to allow a 13-foot front setback on East 30 Street, where a 17-foot built-to-line setback is required; all contra to Hialeah Code of Ordinance § 98-1544 (3)(iii); **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.

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| <i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Casa Amigos 5 LLC.</i> |
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| <i>On August 9, 2023, the Planning and Zoning Board recommended approval.</i> |
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| <i>Planner's Recommendation: Approval.</i> |
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| <i>Property Owners: Casa Amigos 5, LLC., Fountail Investments LLC, and Nancy Ortiz, 100 South Pointe Drive, H2702, Miami Beach, Florida.</i> |

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

Motion to Approve Item PZ 3 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

- PZ 4. ORDINANCE:** First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-2 (One- and Two- Family Residential District); and granting a variance permit to allow a duplex on a substandard lot with a frontage of 40 feet, where 75 feet are required and an area of 4,000 square feet, where 7,500 square feet are required; allowing a 5 foot side setback, where 7.5 feet are required and allowing a 22.92 foot front setback, where 30 feet are required; all contra to Hialeah Code of Ordinance §§ 98-544, 98-546; **Property located at 4448 East 10th Avenue (Lot 28), 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.

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| <i>On August 9, 2023, the Planning and Zoning Board recommended approval with the condition that the applicant proffer in his lease agreement a clause stating that no commercial vehicles will be allowed to park on the property's parking spaces and that tandem parking and obstruction of the sidewalk are prohibited.</i> |
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| <i>Planner's Recommendation: Approval with conditions.</i> |
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| <i>Property Owner: Israel Pino, 175 West 58th Terrace, Hialeah, Florida 33012</i> |

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Melissa Rosen, 5762 West 2 Avenue, applicant's daughter, addressed the City Council.

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

REPORT: Israel Pino, 175 West 58th Terrace, Hialeah, addressed the City Council via Zoom.

Motion to Approve Item PZ 4 made by Council Member Tundidor, and seconded by Council

Member Casáls-Muñoz. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

- PZ 5. ORDINANCE:** First reading of proposed ordinance approving a Final Plat of Midpoint Logistics; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; 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. **Property bounded on the north by West 112 Place, on the south by West 108 Street, on the east by NW 97 Street and on the west by West 38 Avenue and NW 99 Avenue, Hialeah, Florida.**

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| <i>Registered Lobbyist: Hugo P. Arza, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of Butters Acquisitions, LLC.</i> |
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| <i>On August 9, 2023, the Planning and Zoning Board recommended approval.</i> |
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| <i>Planner's Recommendation: Approval.</i> |
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| <i>Property Owner: Martinez Family Investments Limited, 12190 Southwest 93rd Avenue, Miami, Florida 33176.</i> |

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

Motion to Approve Item PZ 5 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

14. LANDUSE

- LU 1. ORDINANCE:** Second reading and **public hearing** 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.

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| <i>On August 8, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 22, 2023.</i> |
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Registered Lobbyist: Ceasar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Rincon de San Lazaro Inc.

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

Planner's Recommendation: Approval.

Property Owner: Joaquin Gonzalez, 1823 South Bayshore Lane, Miami, Florida 33033.

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

ORDINANCE NO. 2023-079

REPORT: Council Vice President Garcia-Roves 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.

Motion to Approve Item LU 1 made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- LU 2. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Transit Oriented Development District. **Property located at 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.

On August 8, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 22, 2023.

Registered Lobbyist: Ceasar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Miami Rental Partners, LLC.

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

Planner's Recommendation: Approval.

Property Owners: Miami Rental Partners, LLC, Nancy Ortiz, and Monica Otero, 100 South Pointe Drive, 2702, Miami, Florida 33139.

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Council Vice President Garcia-Roves 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.

ORDINANCE NO. 2023-080

Motion to Approve Item LU 2 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- LU 3. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Transit Oriented Development District. **Property located at 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.

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| <i>On August 8, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 22, 2023.</i> |
| <i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Casa Amigos 5 LLC.</i> |
| <i>On June 28, 2023, the Planning and Zoning Board recommended approval.</i> |
| <i>Planner's Recommendation: Approval.</i> |
| <i>Property Owner: Casa Amigos 5 LLC, Fountain Investments, LLC, and Nancy Ortiz, 100 South Pointe Drive, 2702, Miami, Florida 33139.</i> |

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Council Vice President Garcia-Roves 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.

ORDINANCE NO. 2023-081

Motion to Approve Item LU 3 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

- LU 4. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Transit Oriented Development District. **Properties located at 901 East 28 Street, 915 East 28 Street, 923 East 28 Street, 929 East 28 Street, 941 East 28 Street, 961 East 28 Street, 971 East 28 Street, 981 East 28 Street, 991 East 28 Street, 910 East 29 Street, 920 East 29 Street, 930 East 29 Street, 940 East 29 Street, 950 East 29 Street, 960 East 29 Street, 976 East 29 Street, 990 East 29 Street, 998 East 29 Street, and 2861 East 9 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: Jorge L. Navarro, 333 Southeast 2nd Avenue, 44th Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.

Registered Lobbyist: Carlos L. Diaz, 333 Southeast 2nd Avenue, 44th Floor, Miami, Florida 33131, on behalf of Taves Capital Group, LLC.

On August 9, 2023, the Planning and Zoning Board recommended approval.

Planner's Recommendation: Approval.

Property Owner: Please refer to Exhibit B to the City of Hialeah Application for Rezoning/Variance Hearing, for a list of the owner(s) of each property.

APPROVED 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

Motion to Approve Item LU 4 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council President Perez, Council Member Calvo and Council Member Rodriguez absent.

REPORT: Second reading and public hearing is scheduled for September 12, 2023.

16. CITY COUNCIL DISCUSSION

None Reported.

17. ADJOURNMENT

REPORT: The meeting was adjourned by Council Vice President Garcia-Roves at 9:25 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 28, 2023 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, September 12, 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 2024 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)

8/24/2023 5:26 PM

883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

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

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

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