

**Carlos Hernández**  
Mayor

**Paul B. Hernández**  
President

**Oscar De la Rosa**  
Vice President



Council Members  
**Katharine Cue-Fuente**  
**Jacqueline Garcia-Roves**  
**Monica Perez**  
**Jesus Tundidor**  
**Carl Zogby**

Special Meeting of the City Council  
(VIRTUAL)  
**Minutes**  
August 25, 2020  
7:00 p.m.

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**1. CALL TO ORDER**

A. **REPORT:** Council President Hernandez called the meeting to order at 7:09 p.m.

**2. ROLL CALL**

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

1. Council President Hernandez
2. Councilwoman Katharine Cue-Fuente
3. Councilwoman Jacqueline Garcia-Roves
4. Councilman Jesus Tundidor

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

1. Council Vice President De la Rosa
2. Council Member Monica Perez
3. Council Member Carl Zogby

C. **REPORT:** Also present were Mayor Carlos Hernandez and Lorena Bravo, City Attorney.

**3. INVOCATION**

A. **REPORT:** Marbelys Fatjo, City Clerk led the invocation.

#### **4. PLEDGE OF ALLEGIANCE**

A. **REPORT:** Council Member Cue-Fuente led the Pledge of Allegiance.

#### **5. MEETING GUIDELINES**

*The following guidelines, which apply to today's City's Council Meeting, have been set by Mayor Carlos Hernandez through the execution of an Order on Emergency Public Meeting Guidelines and Procedures Using Communications Media Technology In Response To COVID-19:*

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 on March 20, 2020, suspending the "Florida's Government in Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and the meeting be held at a physical location accessible to the public for the duration of the State's Declaration of Emergency issued on March 9, 2020 as a result of the COVID-19 pandemic affecting the State of Florida. Executive Order 20-69 allows local governments to use communications media technology to hold public meetings during the public health emergency as a result of COVID-19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.
- The following Procedures for Virtual Public Meetings of the City Council using Communications Media Technology in Response to COVID-19 have been adopted as minimum procedures for all emergency public meetings of the City Council, boards and committees of the City of Hialeah effective the execution of **Order on Emergency Public Meeting Guidelines and Procedures using Communications Media Technology in Response to COVID19**, signed by Mayor Carlos Hernandez on April 8, 2020.
  - A. The virtual public meeting shall be broadcast live for members of the public to view on the City's Facebook page. A Facebook account is not required in order to view this virtual public meeting. In addition, members of the public may hear the meeting live through telephonic conferencing. You can join the meeting via 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.
  - B. Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by email to [virtualmeeting@hialeahfl.gov](mailto:virtualmeeting@hialeahfl.gov) by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. Email comments and questions shall not exceed three (3) minutes when read. Only the first three minutes of e-mail comments and

questions received by the deadline will be read into and form part of the public record.

- C. Any person 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 by joining the meeting using Zoom or any other similar web-based meeting platform being used as identified in the notice. The person interested in joining the meeting to participate for this purpose must register with the City Clerk by completing a registration form, providing the information required and submitting the completed form to the City Clerk no later than 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. All registered participants 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.
- D. Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.
- E. All existing laws or rules of procedure applicable to public meetings (i.e. three minute limit on speaking, three in favor and three in opposition on any item on the agenda, lobbyist registration requirements), that are not in conflict with these procedures and can be observed under the circumstances remain in effect and to the greatest extent practicable should be observed.
- F. Public comments and questions, whether on general matters of public concern or on a matter on the agenda, will be heard at the beginning of the meeting and once heard no other public participation will be permitted.
- G. Persons making public comments must identify themselves by first and last name and provide their address for the record, prior to speaking.
- H. If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

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

## **6. COMMENTS AND QUESTIONS**

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- A. **REPORT:** The Office of the City Clerk did not receive e-mail messages from persons interested in making comments or posing questions on matters of public concern.

- B. REPORT:** No one 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 meeting using Zoom:
- C. REPORT:** Council President Hernandez asked anyone watching or listening to the meeting who would like to speak, to use the raising of the hand feature on Zoom. Two members of the public expressed interest in participating.

(1) **Eric Johnson**, with a home address exempt from public disclosure per Florida law, thanked the Fire Administration for providing employees with the supplies needed to work. Mr. Johnson also spoke regarding LifeScans and employees in the Fire Department battling Cancer, and commended Mayor Hernandez on the press conference held on August 25, 2020.

(2) **Jose Azze**, with a home address of **788 SE Park Place**, addressed the City Council on police related matters within the community.

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

- Items PZ 6, PZ 7 and PZ 8 are postponed until September 8, 2020, per the applicant's request.
- Consent Item J has been withdrawn from today's agenda.

## **8. CONSENT AGENDA**

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

**REPORT: Council President Hernandez requested separate discussion on Consent Items K and L.**

**REPORT: Motion to Approve the Consent Agenda, except Items K and L, made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- A.** Request permission to approve the minutes of the Virtual Special Meeting of the City Council held on August 11, 2020.  
(OFFICE OF THE CITY CLERK)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- B. Request permission to pay the City's annual membership dues for fiscal year 2020-2021 to the Miami-Dade League of Cities, Inc., for the benefits provided to the City, including legislative advocacy and updates, legal advice, access to the countywide newsletter and educational webinars, in a total cumulative amount not to exceed \$15,000.  
(OFFICE OF THE MAYOR)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- C. Request permission for approval to pay the annual City of Hialeah membership dues for fiscal year 2019-2020 to the Florida League of Cities, Inc., for providing a variety of benefits to the City, including legislative advocacy and updates, bond services, legal advice, access to the statewide newsletter, and educational webinars, in a total cumulative amount not to exceed \$31,226.  
(OFFICE OF THE MAYOR)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- D. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2020-047, issued to Peterson's Harley-Davidson of Miami, L.L.C., for the purchase of motorcycle parts and services, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000.  
(FLEET AND MAINTENANCE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- E. 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 Florida City 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 June 30, 2025, a copy of which is part hereof as Exhibit "1", and providing for an effective date.  
(POLICE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**RESOLUTION NO. 2020-112**

- F. 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 Miami Springs 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 June 30, 2025, a copy of which is part hereof as Exhibit "1", and providing for an effective date.  
(POLICE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council**

**Member Zogby absent.**

**RESOLUTION NO. 2020-113**

- G. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with Virginia Gardens 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 June 30, 2025, a copy of which is part hereof as Exhibit “1”, and providing for an effective date.  
(POLICE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**RESOLUTION NO. 2020-114**

- H. 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 Homestead 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 June 30, 2025, a copy of which is part hereof as Exhibit “1”, and providing for an effective date.  
(POLICE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**RESOLUTION NO. 2020-115**

- I. Report of Scrivener’s Error – On July 14, 2020 the City Council passed and adopted Resolution No. 2020-088 with an error on the expenditure amount, \$35,963.35. The item is being amended to reflect the correct expenditure amount as *not to exceed \$36,345.60*.  
(LAW DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- ~~J. Request permission to increase Purchase Order No. 2020 2058, issued to Amtec Less Lethal Systems, Inc., sole source vendor, to include in the expenditure the cost of shipping and packaging of the crowd control equipment purchase approved by the City Council on July 14, 2020 (Resolution No. 2020 088), by an additional amount of \$532.25, for a total cumulative amount not to exceed \$36,345.60.  
(POLICE DEPTARMENT)~~

**WITHDRAWN**

- K. Request permission to increase the expenditure amount issued to Lenovo Inc., for the purchase of computer equipment, by an additional amount of \$60,000, for a new total cumulative expense amount not to exceed \$160,000, to be allocated through various City departments.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**REPORT: Ricardo Suarez, Chief Information Office, City of Hialeah Information Technology Department, addressed the City Council.**

**REPORT: Motion to Approve Consent Item K made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- L. Request permission to increase the expenditure amount issued to Dell Marketing LP, for the purchase of computer equipment, by an additional amount of \$30,000, for a new total cumulative expense amount not to exceed \$130,000 to be allocated through various City departments.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**REPORT: Ricardo Suarez, Chief Information Officer, City of Hialeah Information Technology Department, addressed the City Council.**

**REPORT: Motion to Approve Consent Item L made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- M. Request permission to utilize Lake County Florida Contract No. 17-0606L - *Fire Equipment Parts – Supplies – Service*, effective through June 30, 2021, and issue a purchase order to Ten-8 Fire Equipment, Inc., for purchase of four (4) battery-powered ventilator fans, in a total cumulative amount not to exceed \$18,280.

(FIRE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- N. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2020-1761, issued to SFM Janitorial Services, LLC, for the cleaning and disinfecting of all Hialeah Fire Stations and the Fire Administration Building due to COVID-19, by an additional amount of \$18,240, for a new total cumulative amount not to exceed \$36,480.

(FIRE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- O. Request permission to issue a purchase order to Rescue Systems Unlimited LLC, sole source vendor, for the purchase of three (3) sets of battery-powered (Jaws of Life) hydraulic extrication

tools such as cutters, spreaders and rams, to replace the outdated hydraulic tools on the ladder trucks of the Hialeah Fire Department, in a total cumulative amount not to exceed \$96,220.  
(FIRE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- P. Request permission to award Hialeah Invitation to Bid No. 2019/20-3230-00-019 – *Goodlet Adult Center, Renovation-Impact Windows and Doors (900 West 44 Place)*, to C.D.M Windows & Door, Inc., lowest responsive and responsible bidder, in the amount of \$36,645.50, and further request a ten percent (10%) contingency allowance to cover any unforeseen issues that may arise during the project in the amount of \$3,655, for a total cumulative expense amount not to exceed \$40,310.50.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

- Q. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2020-048, issued to Lauderhill Auto Investors I, LLC, for the purchase of Chevrolet parts and accessories, by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$20,000.

(FLEET AND MAINTENANCE DEPARTMENT)

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

## 9. ADMINISTRATIVE ITEMS

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**REPORT: None.**

## 10. UNFINISHED BUSINESS

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- **Armando Vidal, Director of Public Works**, spoke on the purchase, approved by the City Council on August 11, 2020, of new vehicles approved for the Department of Public Works (Division of Solid Waste and Water and Sewers), as well as the disposition of the old vehicles.

## 11. NEW BUSINESS

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- 11A. Report to the City Council of financial disclosure submittals for the year ending in 2019, pursuant to Section 26-36(d) of the Hialeah City Code.

(OFFICE OF THE CITY CLERK)



## 12. CITY COUNCIL'S NEW BUSINESS

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- **Council Member Tundidor spoke on the following:**
  - (1) *Collaboration with the University of Miami to provide COVID-19 testing for kids.*
  - (2) *City event that is going to be held in Goodlet Park at 9:00 a.m., to include a food drive, hurricane and back to school giveaway.*
  - (3) *Recognized Taipei Economic and Cultural Office for the donation of facemasks.*
- **Council President Hernandez spoke on the following:**
  - (1) *Hosting another sunshine Budget Workshop for the City Council to submit input for the budget to the Mayor.*
  - (2) *Street naming of East 1<sup>st</sup> Avenue from 8<sup>th</sup> Street to 9<sup>th</sup> Street as “Modesto Perez Way”.*

## 13. ZONING

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**PZ 1.** Second reading and public hearing of proposed ordinance rezoning from R-1 (One-Family District) to R-3-5 (Multiple-Family District); granting a variance permit to allow 23 feet front setback for staircase, where 25 feet are required; interior east side setback of 5.16 feet for building corridor on the second floor and interior west side setback of 6 feet for staircase, where 10 feet interior side setback is required and allow 39.7% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-589, 98-590 and 98-2056(b)(2). **Property located at 381 East 50 Street, Hialeah, Florida, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

### **ORDINANCE NO. 2020-040**

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| <i>Item was approved on first reading by the City Council on August 11, 2020.</i>  |
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| <i>Registered Lobbyist: Michael Osman, 1474-A West 84 Street, Hialeah, Florida 33014, on behalf of Alaim Apts., LLC, 8144 NW 163 Terrace, Miami Lakes, FL 33016.</i> |
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| <i>On July 29, 2020, the Planning and Zoning Board recommended approval of this item.</i>  |
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| <i>Planner's Recommendation: Approve rezoning and variances as requested.</i>                          |
| <i>Owner of the Property: Alaim Apartments, LLC, 8144 N.W. 163 Terrace, Miami Lakes, Florida 33016</i> |

**REPORT: Council President Hernandez opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.**

**REPORT: Motion to Approve Item PZ 1 made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**PZ 2.** Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla. Ordinance No. 88-04 (January 12, 1988); and granting a variance permit to allow the conversion of a residential unit on the second floor of the rear portion of an existing building into 2 units with approximate area of 733 square feet each, where 750 square feet is the minimum required; allow the addition of a two-story building at the rear of the back portion of an existing building including one residential unit of 530 square feet on each floor, where 750 square feet is the minimum required; allow 71.67 feet front setback, where 10 feet are required; allow interior east side setback of 2.14 feet for the staircase of the proposed addition and 4.49 feet for the existing building, where 5 feet are required; allow 5.62 rear setback, where 10 feet are required; allow 14.4% pervious area, where 30% is the minimum required; and allow parking on the front setback, where no parking in front setbacks is allowed; all contra to Hialeah Code of Ordinances §§ 98-637(3)a., 98-641(a), 98-641(b), 98-641(d), 98-641(g) and the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (E), Table A. **Property located at 225 East 6 Street, Hialeah, Florida; property zoned R-3-D (Multifamily District).** Providing penalties for violation hereof; providing for a severability clause; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date.

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**ORDINANCE NO. 2020-041**

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| <i>Item was approved on first reading by the City Council on August 11, 2020.</i>  |
| <i>On July 29, 2020, the Planning and Zoning Board recommended approval subject to the condition as recommended by the Planner.</i>  |
| <i>Planner's Recommendation: Approval with the condition that that proposed bedrooms and living room windows on the north side wall get relocated to the east and west sides of the building.</i>  |
| <i>Owner of the Property: Rafael Molina, 670 East 37 Street, Hialeah, Florida, 33013.<br/>Ulyses Molina, 670 East 37 Street, Hialeah, Florida, 33013.<br/>Nelson Molina, 670 East 37 Street, Hialeah, Florida, 33013.<br/>Norma Martinez, 670 East 37 Street, Hialeah, Florida, 33013.</i> |

**REPORT: Council President Hernandez opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.**

**REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council on this item.**

**REPORT: Motion to Approve Item PZ 2 made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**PZ 3.** Second reading and public hearing of proposed ordinance repealing and rescinding City of Hialeah, Fla., Ordinance 92-26 (March 24, 1992) and Declaration of Restrictions recorded in Book 15484, Pages 2652-2657 recorded in the Miami Dade Public Records; rezoning property located at 11 East 12 Street to R-3-3; and granting a special use permit (SUP) to allow the expansion of the NBD (Neighborhood Business District) overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 27 units with area of 625 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 6 feet front setback for balconies above the ground floor encroaching into the Palm Avenue front setback, where 10 feet built-to-line are required; allow 6 feet for balconies above the ground floor encroaching into the East 12 Street front setback and allow 7.66 feet front setback for building wall facing East 12 Street, where 10 feet built-to-line are required; allow north side setback of 10 feet, where 15 feet are required; allow 30 parking spaces, where 68 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-1630.3(e)(2) and 98-2189(16)a.; and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to § 98-2233. **Properties located at 1201 Palm Avenue and 11 East 12 Street, Hialeah, zoned CR (Commercial-Residential District) and R-3-2 (Multiple-Family District);** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**ORDINANCE NO. 2020-042**

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| <i>Item was approved on first reading by the City Council on August 11, 2020.</i>  |
| <i>Registered Lobbyist: Hugo Arza, Esq., 701 Brickell Avenue, STE 3300, Miami, Florida 33131, on behalf of 1105 Palm Avenue, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.</i> |
| <i>On July 29, 2020, the Planning and Zoning Board recommended approval of this item.</i>  |
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| <i>Planner's Recommendation: Postpone the item.</i>                 |
| <i>Owner of the Property: 1105 Palm Ave &amp; 11 East 12 Street</i> |

**REPORT: Council President Hernandez opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.**

**REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Hugo Arza.**

**REPORT: Hugo Arza, 701 Brickell Avenue, addressed the City Council on this item.**

**REPORT: Motion to Approve Item PZ 3 made by Council Member Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**PZ 4.** Second reading and public hearing of proposed ordinance granting a variance permit to allow proposed lot coverage of 34.7%, where 30% lot coverage is the maximum allowed; allow a distance separation between proposed terrace and the front unit of 5 feet, where 25 feet is the minimum required; allow front setback of 24.3 feet and rear setback of 24.5 feet, where 25 feet are required; all contra to Hialeah Code of Ordinances §§ 98-547(a) and 98-2056(b)(2). **Property located at 318-320 East 38 Street, Hialeah, zoned R-2 (One- and Two-Family Residential 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 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**ORDINANCE NO. 2020-043**

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| <i>Item was approved on first reading by the City Council on August 11, 2020.</i>  |
| <i>On July 29, 2020, the Planning and Zoning Board recommended approval with the condition that the new terrace remains open on three sides and that the unit at the rear is kept as a single living unit.</i> |
| <i>Planner's Recommendation: Approval with conditions.</i>   |
| <i>Owner of the Property: Julio R. Perez de Prado, 320 East 38 Street, Hialeah, Florida 33013.</i>   |

**REPORT: Council President Hernandez opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.**

**REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item in Spanish to Mr. Julio Perez de Prado.**

**REPORT: Julio R. Perez de Prado, 320 East 38 Street, Hialeah, addressed the City Council on this item.**

**REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council.**

**REPORT: Motion to Approve Item PZ 4 made by Council Member Cue-Fuente, and seconded by Council Member Tundidor. Motion 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**PZ 5.** Second reading and public hearing of proposed ordinance granting a variance permit to allow 85% lot coverage, where 80% is the maximum allowed, provided that public open space greater than 1,300 square feet will be developed as required; allow 10 feet front setback to be developed as a widened sidewalk along the storefront area and landscape area along the parking garage frontage, where 0 feet built to line is required; allow height of 12 stories, where 8 stories is the maximum allowed, provided that art work will be incorporated into the building; allow 16 parking stalls to be provided off-site within the 36.66 feet wide portion of the railroad easement adjacent to the rear of the property and currently leased by the applicant; all contra to Hialeah Code of Ordinances §§ 98-1544(b)(1) and (b)(2)ii, 98-1544(b)(3)i, 98-1544(c)(2) and (d), and 98-1545(c). **Property located at 2701 East 11 Avenue and 2765 East 11 Avenue, Hialeah, zoned TOD (Transit Oriented Development District).** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**ORDINANCE NO. 2020-044**

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| <i>Item was approved on first reading by the City Council on August 11, 2020.</i>  |
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| <i>On July 29, 2020, the Planning and Zoning Board recommended approval of this item.</i>                                    |
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| <i>Planner's Recommendation: Approval.</i>   |
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| <i>Owner of the Property: MBM Developments Group Corp., Marcelo O'Shea, 2600 Island Blvd, #704, Aventura, Florida 33160.</i> |

**REPORT: Council President Hernandez opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.**

**REPORT: One individual 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 meeting using Zoom:**

- (1) Milly Herrera, 4341 East 8<sup>th</sup> Lane.

**REPORT: City Clerk, Marbelys Fatjo, administered oath which is administered to all applicants**

**and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Milly Herrera.**

(1) **Milly Herrera**, with a home address of **4341 East 8<sup>th</sup> Lane, Hialeah, Florida 33013**, addressed the City Council in opposition to this item.

**REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council.**

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

**REPORT: Motion to Approve Item PZ 5 made by Council Member Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**PZ 6.** Recommendation of denial from the Planning and Zoning Board of the adoption of a ordinance expressing intent to repeal and rescind City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One Family District) to R-2 (One- and Two Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,644 square feet, where 75 feet frontage and 7,500 square feet are required. **Property located at 586 East 28 Street, Lot 13, Hialeah, zoned R-1 (One Family District).** **POSTPONED UNTIL SEPTEMBER 8, 2020.**

*On August 11, 2020, the item was postponed until August 25, 2020 per the applicant's request.*

*Registered Lobbyist: Andre Vazquez, 488 NE 18 Street, Unit 4701, Miami, Florida 33132, on behalf of H-586, LLC, 2396 Christopher LN, Clewiston, FL 33440.*

*On July 29, 2020, the Planning and Zoning Board recommended denial of this item.*

*Planner's Recommendation: Approval of the rezoning and lot variance subject to parking area redesign.*

*Owner of the Property: Juan Pulles and Dania Pulles, 8242 NW 164 Street, Miami Lakes, Florida 33016.*

**PZ 7.** Recommendation of denial from the Planning and Zoning Board of the adoption of a ordinance expressing intent to repeal and rescind City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One Family District) to R-2 (One- and Two Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,638 square feet, where 75 feet frontage and 7,500 square feet are required. **Property located at 586 East 28 Street, Lot 14, Hialeah, zoned R-1 (One Family District).** **POSTPONED UNTIL SEPTEMBER 8, 2020.**

*On August 11, 2020, the item was postponed until August 25, 2020 per the applicant's request.*

*Registered Lobbyist: Andre Vazquez, 488 NE 18 Street, Unit 4701, Miami, Florida 33132.*

*On July 29, 2020, the Planning and Zoning Board recommended denial of this item.*

*Planner's Recommendation: Approval of the rezoning and lot variance subject to parking area redesign.*

*Owner of the Property: Juan Pulles and Dania Pulles, 8242 NW 164 Street, Miami Lakes, Florida 33016.*

- PZ 8.** Recommendation of denial from the Planning and Zoning Board of the adoption of a ordinance expressing intent to repeal and rescind City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One Family District) to R-2 (One- and Two Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,634 square feet, where 75 feet frontage and 7,500 square feet are required; allow street side setback of 5.5 feet, where 7.5 feet is the minimum required. **Property located at 586 East 28 Street, Lot 15, Hialeah, zoned R-1 (One Family District). POSTPONED UNTIL SEPTEMBER 8, 2020.**

*On August 11, 2020, the item was postponed until August 25, 2020 per the applicants request.*

*Registered Lobbyist: Andre Vazquez, 488 NE 18 Street, Unit 4701, Miami, Florida 33132, on behalf of H-586, LLC, 2396 Christopher LN, Clewiston, FL 33440.*

*On July 29, 2020, the Planning and Zoning Board recommended denial of this item.*

*Planner's Recommendation: Approval of the rezoning and lot variance subject to parking area redesign.*

*Owner of the Property: Juan Pulles and Dania Pulles, 8242 NW 164 Street, Miami Lakes, Florida 33016.*

### **FINAL DECISIONS**

- FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2020-08 that granted an adjustment on the property located at **440 East 27 Street, Hialeah, Florida;** and providing for an effective date.

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

### **RESOLUTION NO. 2020-116**

*Registered Lobbyist: Anthony Escarra, Esq of Alejandro Vilarello, PA, 16400 NW 59 Avenue, 2<sup>nd</sup> Floor, Miami Lakes, Florida 33014, on behalf of : 440 East, LLC.*

*On July 29, 2020, the Planning and Zoning Board recommended the approval of this item.*

*Planner's Recommendation: Approval.*

*Owner of the Property: 440 East, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014*

**REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Alejandro Vilarello**

**REPORT: Alejandro Vilarello, 16400 NW 69 Avenue, Miami Lakes, Florida, addressed the City Council on this item.**

**REPORT: Motion to Approve Item FD 1 made by Council Member Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**FD 2.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2020-09 that granted an adjustment on the property located at **4561 East 8 Court, Hialeah, Florida**; and providing for an effective date.

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**RESOLUTION NO. 2020-117**

*On July 29, 2020, the Planning and Zoning Board recommended the approval with the condition that the terrace remains open on 3 sides, accessory building cannot exceed 103.5 square feet, lush landscaping will be provided along the rear (east) property line and remove south side exterior door.*

*Planner's Recommendation: Approve with conditions (terrace to remain open on 3 sides, accessory building cannot exceed 103.5 square feet, lush landscaping will be provided along the rear (east) property line, remove south side exterior door.*

*Owner of the Property: Jose Chico and Adelaida Chico, 4561 East 8 Court, Hialeah, Florida.*

**REPORT: Motion to Approve Item FD 2 made by Council Member Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**FD 3.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2020-10 that granted an adjustment on the property located at **841 East 15 Place, Hialeah, Florida**; and providing for an effective date.

**APPROVED 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**



**RESOLUTION NO. 2020-118**

*On July 29, 2020, the Planning and Zoning Board recommended the approval with the condition that the 3 sides of the terrace remain open, that the master bedroom will not be utilized as an independent living unit and that the legalization is completed within 180 days.*

*Planner's Recommendation: Approve rear setback of 10 feet, where 20 feet are required with the condition that 3 sides of the terrace remain open, that the master bedroom will not be utilized as an independent living unit and that the legalization is completed within 180 days.*

*Owner of the Property: Roberto Caseres and Lazaro Roberto Gonzalez Perez, 841 East 15 Place, Hialeah, Florida 33012.*

**REPORT: Motion to Approve Item FD 3 made by Council Member Cue-Fuente, and seconded by Council Member Tundidor. Motion 4-0-3 with Council Vice President De la Rosa, Council Member Perez and Council Member Zogby absent.**

**REPORT: The meeting was adjourned by Council President Hernandez at 8:36 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, September 8, 2020 at 7:00 p.m. (Virtual)**

**FIRST BUDGET HEARING: Monday, September 14, 2020 at 7:00 p.m. (Virtual)**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 24, 2020 at 6:30 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).

8/27/2020 3:37 PM