

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martinez
Council Vice President



Council Members
Katharine Cue-Fuente
Jose F. Caragol
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Meeting Minutes
August 27, 2019
7:00 P.M.

Call to Order

REPORT: Councilman Caragol called the meeting to order at 7:22 p.m. and nominated Councilwoman Cue-Fuente to chair the meeting.

Roll Call

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

- Councilman Caragol
- Councilwoman Katharine Cue-Fuente
- Councilman Hernandez
- Councilwoman Lourdes Lozano
- Councilman Carl Zogby

REPORT: The following Council Members were absent:

- Council President Vivian Casáls-Muñoz
- Council Vice President Isis Garcia-Martinez

REPORT: Also present was:

- Lorena Bravo, City Attorney
- Mayor Carlos Hernandez

Invocation given by Marbelys Fatjo, City Clerk

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

Pledge of Allegiance to be led by Council President Casáls-Muñoz

REPORT: Councilwoman Cue-Fuente led the Pledge of Allegiance.

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.
- 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.

REPORT: The meeting guidelines were read into the record by Marbelys Fatjo, City Clerk, in English and by Brigette Leal, Administrative Aide, in Spanish.

1. PRESENTATIONS

- Presentation by Miami-Dade County Commissioner Esteban Bovo Jr. regarding the 2020 Census. **PRESENTED**

REPORT: Miami-Dade County Commissioner Esteban Bovo addressed the Mayor and City Council, and provided them with the 2020 Census Complete Count Committee Training Manual.

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Items PZ 3, PZ 4 and FD 1 have been postponed until September 10, 2019.
- Consent Items M, N, O, P and Q have been added to today's agenda and placed on the dais for the City Councils review.

REPORT: Councilwoman Cue-Fuente called a five minute recess at 7:32 p.m.

REPORT: Councilwoman Cue-Fuente called the meeting to order at 7:38 p.m.

3. 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: Mayor Hernandez asked for a separate discussion on Consent Items L, P and Q.

REPORT: Councilman Hernandez asked for a separate discussion on Consent Item O.

REPORT: Motion to Approve the Consent Agenda except Items L, O, P and Q made by Councilman Hernandez, and seconded by Councilman Caragol. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

A. Request permission to approve the minutes of the Council Meeting held on August 13, 2019. (OFFICE OF THE CITY CLERK)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-1279, issued to Berstein Ryan, LLC, doing business as ImageFirst Healthcare Laundry Specialists, for laundry/linen services to fire stations, by an additional amount of \$12,500, for a new total cumulative amount not to exceed \$27,500. (FIRE DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

C. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-686, issued to Liquid O2 Transfills, Inc., for the pickup and delivery of medical oxygen cylinders and commercial gases to eight (8) fire stations, by an additional amount of \$3,500, for a new total cumulative amount not to exceed \$18,500. (FIRE DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

D. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC. to provide interactive art classes to the participants of the Creative Learning and Play Summer Program, for a term commencing on June 1, 2020 and ending on July 31, 2020, in an amount not to exceed \$10,560.00; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1". (EDUCATION AND COMMUNITY SERVICES DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-100

- E. Proposed resolution approving a Service Agreement between the City of Hialeah and J&M Vera, Inc. to provide bus transportation services to the City's Step Ahead Program, for a term commencing on August 1, 2019 and ending on July 31, 2020; and authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the Service Agreement attached hereto in substantial form and made a part hereof as Exhibit "1"; and providing for an effective date. (EDUCATION AND COMMUNITY SERVICES DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-101

- F. Proposed resolution accepting a grant award from The Children's Trust in the amount of \$375,000.00, for youth enrichment, employment and support programs, for one-year commencing on August 1, 2019 through July 31, 2020; 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 and designee to execute any and all agreements, and documents in furtherance thereof. (EDUCATION AND COMMUNITY SERVICES DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-102

- G. Proposed resolution accepting a grant award from The Children's Trust in the amount of \$905,998.00, for aftercare and summer camp programs for one-year commencing on August 1, 2019 through July 31, 2020; 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. (EDUCATION AND COMMUNITY SERVICES DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-103

- H. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has successfully provided these services at a number of events for the City over the past several years including all food services during the City of Hialeah Independence Day Celebration, and increase Purchase Order No. 2019-745, issued to Cudello's Personal Chef Services, LLC, to pay for contracted event personnel on an as needed basis for events held at Milander Center, by an additional amount of \$4,500, for a new total cumulative amount not to exceed \$49,500. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- I. Request permission to waive competitive bidding, since it is advantageous to the City in that this purchase is for an emergency repair as a result of a lightning that struck at Hialeah Police Station 5 causing extensive damage to the Information Technology room panel and the network room, and ratify the purchase made from G. & R. Electric Corp., for the service of adding new wiring and feeders, as well as nine (9) Keri Systems controllers for eighteen (18) doors that were replaced and installed, in a total cumulative amount not to exceed \$39,230. (POLICE DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- J. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has successfully provided these services at a number of events for the City over the past several years including all food services during the City of Hialeah Independence Day Celebration, and increase Purchase Order No. 2019-744, issued to Cudello's Personal Chef Services, LLC, to pay for chef services on an as needed basis for events held at Milander Center, by an additional amount of \$4,000, for a new total cumulative amount not to exceed \$34,000. (COMMUNICATIONS & SPECIAL EVENTS DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- K. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-440, issued to VCA Animal Hospitals, Inc., for health related vaccines, necessary licensing for each animal from Metro Dade County, dental care plan, kenneling, and to maintain the physical health of each police canine dog, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$35,500. (POLICE DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- L. Proposed resolution urging the United States Citizenship and Immigration Services ("USCIS") to reevaluate and grant Ramon Saul Sanchez's application for permanent resident status; further directing the City Clerk to transmit a copy of this resolution to the officials named herein. (ADMINISTRATION)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-104

REPORT: Mayor Hernandez addressed the City Council on this item.

REPORT: Ramon Saul Sanchez addressed the Mayor and City Council.

Luis Gonzalez, 146 West 51 Street, addressed the Mayor and City Council regarding this item.

REPORT: Motion to Approve Consent Item L made by Councilman Hernandez, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- M. Request permission to waive competitive bidding, since it is advantageous to the City in that Bid No. 2018-19-3230-00-006 - *Villa Aida 57 Unit-Porcelain Tile* was awarded to this vendor and after reviewing the renovation costs for the entire project it was determined that we were under budget and able to expand the original scope of work, and increase Purchase Order No. 2019-1120, issued to D' Elite Floors of Miami, Inc., for the replacement of the existing vinyl tile flooring and rubber base with new porcelain tile and wood base on the interior ground floor of the adult center, the installation of new porcelain tiles on the ground floor exterior hallways, by an additional amount of \$121,000, and further request a ten percent contingency in the amount of \$12,100 to cover any unforeseen site conditions that may arise during the renovation work, for a new total cumulative amount not to exceed \$193,596. (CONSTRUCTION & MAINTENANCE DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- N. 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 GEN Recruiting Solutions, LLC to provide recruiting services, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; and providing for an effective date. (HUMAN RESOURCES DEPT.)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-105

- O. Request from Cotson Day Planning Committee, Geryl Dennis and Jamie Laster, 690 West 23 Street, Hialeah, Florida, for permission to host Cotson Day, to be held at Cotson Park, located at 574 West 23rd Street, Hialeah, Florida, on Saturday, November 9, 2019, from 12:00 p.m. to 8:00 p.m., expecting approximately 500 attendees, subject to the recommendations of the Hialeah Police Department and the Hialeah Fire Department. (OFFICE OF THE CITY CLERK)

APPROVED 5-0-2 with Council President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

REPORT: Councilman Hernandez spoke regarding this item.

REPORT: Geryl Dennis, 690 West 23 Street, addressed the Mayor and City Council regarding this item, and requested that the date of the event be amended from August 31, 2019 to November 9, 2019.

REPORT: Daryl Marshall addressed the Mayor and the City Council regarding this item.

REPORT: Motion to Approve Consent Item O as Amended made by Councilman Hernandez, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council

President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- P. Proposed resolution repealing and rescinding Resolution No. 2015-22 (February 17, 2015) that supported the Town of Miami Lakes in its efforts to convert the 154 Street overpass as a passive park; and directing the City Attorney to research the validity of the Interlocal Agreement between the City of Hialeah and the Town of Miami Lakes dated July 11, 2007. (ADMINISTRATION/COUNCILMAN PAUL HERNANDEZ)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-106

REPORT: Mayor Hernandez addressed the City Council regarding this item and directed the City Clerk to read the entire proposed Resolution into the record.

REPORT: Councilman Hernandez spoke regarding the item.

REPORT: Motion to Approve Consent Item P made by Councilman Hernandez, and seconded by Councilman Caragol. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

- Q. Proposed resolution requesting Miami-Dade County to close the bridge located at West 28 Avenue/N.W. 87th Avenue at the northern-most right-of-way line of N.W. 138 Street to prevent vehicular traffic from the Town of Miami Lakes from exacerbating traffic in the City of Hialeah. (ADMINISTRATION/COUNCILMAN PAUL HERNANDEZ)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-107

REPORT Mayor Hernandez addressed the City Council on this item.

REPORT: Councilman Hernandez spoke regarding this item.

REPORT: Motion to Approve Consent Item Q made by Councilman Hernandez, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

4. ADMINISTRATIVE ITEMS

- 4A. Second reading and public hearing of proposed ordinance approving a second amendment to the Development Agreement by and among FDG Countyline, LLC, a Delaware limited liability company, FDG BN Expansion, LLC, a Delaware limited

liability company, and the City of Hialeah, Florida, dated March 31, 2014 approved by Hialeah, Fla. Ordinance 2014-18 (March 25, 2014), as amended on June 19, 2018 (Hialeah, Fla. Ordinance 2018-41, May 22, 2018), a copy of the Second Amendment in substantial form is attached hereto and made a part hereof as Exhibit “1”, incorporating additional vacant land to be developed pursuant to the project program and providing for roadways to be built and dedicated by developer. **Property comprising approximately 515 acres, more or less, within an area bounded on the west by NW 107 Avenue, on the north by NW 170 Street, on the east by NW 97 Avenue and on the south by NW 154 Street; all located in Hialeah, Florida. Property having a land use classification of industrial and located within the BDH Business Development Zoning 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. (PLANNING & ZONING DIVISION)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

<i>On August 13, 2019 the item was postponed until August 27, 2019.</i>
<i>On June 25, 2019 the item was approved on first reading by the City Council.</i>
<i>On April 23, 2019 the item was postponed until further notice.</i>

REPORT: Motion to Approve Item 4A made by Councilman Zogby, and seconded by Councilman Caragol. Motion passed 5-0-2 with Council President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-059

4B. Second reading and public hearing of proposed ordinance submitting to the electorate at a Special Election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES TO ARTICLE IV OF THE HIALEAH CHARTER ENTITLED “ADMINISTRATIVE”

SHALL THE CITY AMEND THE HIALEAH CHARTER TO HEAR ZONING AND LAND USE MATTERS AT THE FIRST AVAILABLE REGULAR CITY COUNCIL MEETING AFTER NOTICE OF THE HEARING IS PROVIDED ACCORDING TO STATE LAW; AND TO CHANGE THE RESIDENCY ELECTOR REQUIREMENT FOR BOARD MEMBERS TO ALLOW NON-RESIDENT TRUSTEES OF THE EMPLOYEE RETIREMENT SYSTEM; AND TO ALLOW NON-RESIDENT MEMBERS OF THE OVERSIGHT COMMITTEE FOR THE ELECTED OFFICIALS RETIREMENT SYSTEM?

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability

clause and providing for an effective date. (ADMINISTRATION)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

On August 13, 2019, the item was approved on first reading by the City Council.

REPORT: Motion to Approve Item 4B made by Councilman Zogby, and seconded by Councilman Caragol. Motion passed 5-0-2 with Council President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-060

- 4C. Second reading and public hearing of proposed ordinance submitting to the electorate at a Special Election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES TO ARTICLE III OF THE HIALEAH CHARTER ENTITLED “LEGISLATIVE”

SHALL THE CITY AMEND THE HIALEAH CHARTER TO INCLUDE THE ADOPTION OF ZONING AND LAND USE DECISIONS BY ORDINANCE AND NONUSE ADJUSTMENTS AND LAND USE TRANSMITTALS TO THE STATE OF FLORIDA FOR COMMENT BY RESOLUTION; AND TO APPROVE ALL TYPES OF BUDGET TRANSFERS BY RESOLUTION DURING THE FISCAL YEAR AND APPROVE APPROPRIATION AMENDMENTS TO THE BUDGET AFTER THE CLOSE OF THE FISCAL YEAR BY ORDINANCE?

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

On August 13, 2019, the item was approved on first reading by the City Council.

REPORT: Motion to Approve Item 4C made by Councilman Zogby, and seconded by Councilman Caragol. Motion passed 5-0-2 with Council President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-061

- 4D. Second reading and public hearing of proposed ordinance submitting to the electorate at a Special Election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES AUTHORIZING MAYOR TO DECLARE AN EMERGENCY AND TEMPORARY SUSPENSION OF SPENDING LIMITS

SHALL THE CITY AMEND THE HIALEAH CHARTER TO AUTHORIZE THE MAYOR TO DECLARE A STATE OF EMERGENCY AND UNDERTAKE ALL EMERGENCY MANAGEMENT POWERS IN TIME OF PUBLIC DANGER OR EMERGENCY; AND TO SUSPEND SPENDING LIMITS DURING THE EMERGENCY THAT WOULD NORMALLY REQUIRE CITY COUNCIL APPROVAL FOR NO MORE THAN 90 DAYS, UNLESS EXTENDED FOR GOOD CAUSE BY THE CITY COUNCIL?

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

On August 13, 2019, the item was approved on first reading by the City Council.

REPORT: Motion to Approve Item 4D made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed 5-0-2 with Council President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-062

- 4E. Second reading and public hearing of proposed ordinance submitting to the electorate at a Special Election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHARTER CHANGES TO ARTICLE I ENTITLED "CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWER"

SHALL THE CITY AMEND THE HIALEAH CHARTER TO INCLUDE JOINT USE AGREEMENTS, JOINT PARTICIPATION AGREEMENTS, INTERGOVERNMENTAL AGREEMENTS, LEASE AGREEMENTS SUPPORTED BY RENT, MANAGEMENT OR OPERATIONAL AGREEMENTS, FRANCHISE AGREEMENTS AND LICENSE AGREEMENTS INVOLVING THE SPENDING OF CITY FUNDS TO EXCEED 5 YEARS UPON APPROVAL BY A SUPER MAJORITY VOTE (5/7TH) OF THE CITY COUNCIL?

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice

President Garcia-Martinez absent.

On August 13, 2019, the item was approved on first reading by the City Council.

REPORT: Motion to Approve Item 4E made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-063

4F. Second reading and public hearing of proposed ordinance submitting to the electorate at a Special Election conducted during the Primary Election of the City of Hialeah occurring in the City of Hialeah, Florida on Tuesday, November 5, 2019, wherein the electors of the City of Hialeah, Florida shall be privileged to vote on the following question:

TITLE: CHANGES TO ARTICLE V OF THE HIALEAH CHARTER ENTITLED “ELECTIONS”

SHALL THE CITY AMEND THE HIALEAH CHARTER TO EXTEND THE GENERAL ELECTION DATE TO THE THIRD TUESDAY AFTER NOVEMBER 1, TWO WEEKS FROM THE PRIMARY ELECTION; PROVIDING ONE SWEARING-IN DATE FOR EACH ELECTION CYCLE; PROVIDING THAT CANDIDATES FOR ELECTIVE OFFICE PAY FILING FEES AND ASSESSMENTS CONSISTENT WITH STATE LAW; AND TO CLARIFY THAT SUCH CANDIDATES MUST BE A RESIDENT ELECTOR FOR MINIMUM OF ONE YEAR IMMEDIATELY PRECEDING THE PRIMARY OR SPECIAL ELECTION?

Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in charter; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

On August 13, 2019 the item was approved on first reading by the City Council.

REPORT: Motion to Approve Item 4F made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-064

4G. Second reading and public hearing of proposed ordinance accepting the dedication of 30 acres of improved land, more or less, from Countyline I, LLC, a Delaware Limited Liability Company, for park purposes, as more particularly described in the Special Warranty Deed, a copy of which is attached hereto and made a part hereof as “Exhibit 1”; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

APPROVED 5-0-2 with Council President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

On August 13, 2019 the item was approved on first reading by the City Council.

REPORT: Motion to Approve Item 4G made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-065

5. BOARD APPOINTMENTS

5A. Proposed resolution reappointing **Diego Perez** as a member of the Planning and Zoning Board for a two (2) year term ending on June 28, 2021. (COUNCILWOMAN CUE-FUENTE)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

REPORT: Motion to Approve Item 5A made by Councilman Hernandez, and seconded by Councilman Caragol. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-108

5B. Proposed resolution reappointing **Javier Casanova** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2021. (COUNCILMAN CARAGOL)

APPROVED 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

REPORT: Motion to Approve Item 5B made by Councilman Zogby, and seconded by Councilman Caragol. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

RESOLUTION NO. 2019-109

6. UNFINISHED BUSINESS

REPORT: NONE

7. NEW BUSINESS

- 7A. Report to the City Council of financial disclosure submittals for the year ending in 2018, pursuant to Section 26-36(d) of the Hialeah City Code. (OFFICE OF THE CITY CLERK) **SO NOTED**

REPORT: Mayor Hernandez announced the Budget Hearing dates as well as the grand opening of the 30 acres in Hialeah Heights on September 7, 2019.

8. COMMENTS AND QUESTIONS

REPORT: NONE

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

REPORT: All were duly sworn in.

- a. Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow a rear setback of 11.3 feet, where 20 feet are required; allow an interior east side setback of 6.6 feet and an interior west side setback of 5 feet, where 10 feet are required respectively, and allow a side setback of 1.7 feet, where 10 feet are required for an existing carport and allow lot coverage of 34 percent, where a maximum of 30 percent is allowed; all contra to Hialeah Code of Ordinances §§ 98-590, 98-591, and 98-2056(b)(2); **Property located at 75 West 14 Street, Hialeah, Florida.** Property zoned R-3 (Multi-Family District). Repealing all 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 President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

On August 13, 2019, the item was approved with conditions on first reading by the City Council.

Registered Lobbyist: Francisco De La Paz, 3920 West 12th Avenue, Hialeah, Florida 33012.

On June 26, 2019, the item was approved by the Planning and Zoning Board with the condition that the addition is legalized within 180 days. The applicant should be aware that the building permit plans for such legalization shall also include the demolition of concrete pavement to provide the required 30% pervious area and the legalization of the existing shed located between the buildings.

Planner's Recommendation: Approval with conditions

Owner of the Property: Maritza I. Galvan, 75 West 14th Street, Hialeah, Florida 33010.

REPORT: Motion to Approve Item PZ 1 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-066

PZ 2. Second reading and public hearing of proposed ordinance granting a variance permit to allow 13 off-street parking spaces, where 17 parking spaces are required; allow a side setback of 2 feet 4 inches, where 2 feet 7 inches is the minimum required; and allow a waiver of the minimum landscape requirements to allow 7.16% pervious area, where 10% is the minimum required and allow 4 trees and 100 shrubs provided that 18 trees and 120 shrubs are mitigated to protect and maintain tree canopy and landscape cover of the City pursuant to Hialeah Code of Ordinances § 98-2233. Property zoned M-1 (Industrial District) all contra to Hialeah Code of Ordinances §§ 98-2189(22) and § 98-1372; and the latest edition of the Hialeah Landscape Manual dated July 9, 2015, Paragraph (E) Table A Tree and Lawn Requirements by zoning classification and Paragraph (G) Landscape Legend Information...Shrubs. **Property located at 340 West 78 Road, Hialeah, Florida.** Repealing all 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 President Casáls-Muñoz, and Council Vice President Garcia-Martinez absent.

REPORT: Anthony Escarra provided the City Council with additional backup documentation for the item.

On August 13, 2019, the item was approved on first reading by the City Council.

Registered Lobbyist: Anthony Escarra Esq., 16400 NW 59th Avenue, Miami Lakes, Florida 33014

On June 26, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

Owner of the Property: Amelia Storage, LLC., 340 West 78th Road, Hialeah, Florida 33014.

REPORT: Motion to Approve Item PZ 2 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

ORDINANCE NO. 2019-067

PZ 3. First reading of proposed ordinance allowing for the site plan signed and sealed and dated March 14, 2019 by Alan D. Lerner, registered architect, and granting a variance permit to allow a rear setback of 38 feet, where 45 are required; allow a pervious area of 15.43 percent, where 20 percent is required; allow parking at the front and side of the property, where all parking is required in the rear; and allow seven occupational licenses, where no more than two occupational licenses are allowed; all contra to Hialeah Code of Ordinances §§ 98-781(2), 98-781(5), 98-782 and 98-778(2). **Property located at 135 West 49 Street, Hialeah, Florida.** Property zoned RO (Residential Office). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL SEPTEMBER 10, 2019.**

Registered Lobbyist: Brian S. Adler, Bilzin, Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL.

Item was postponed by the City Council on May 14, 2019, May 28, 2019, June 11, 2019, June 25, 2019 and August 13, 2019.

On April 24, 2019 the item was approved by the Planning and Zoning Board with the following conditions:

- 1. The maximum number of business tax receipts for the facility is limited to seven. Notwithstanding the seven issued business tax receipts, no more than three of the seven doctors shall be located at the facility at any given time.*
- 2. Should property be converted to a use other than an endoscopy/gastrointestinal center, the maximum number of business tax receipts shall revert to a maximum of two unless otherwise approved by the City of Hialeah City Commission or otherwise permitted under the City of Hialeah Code.*
- 3. The facility shall provide a valet parking or a parking attendant at a minimum during workdays between the hours of 7:00 a.m. to 12:00 p.m.*
- 4. The facility shall encourage employees to utilize public transportation, drop-off or carpooling.*
- 5. The facility shall maintain and/or provide patients with the name of transportation and or pickup services utilized at the property to encourage patients to use the transportation facilities rather than driving separately to the facility.*

Planner's Recommendation: Approve rear setback, pervious area and parking location variances and allow a maximum of four occupational licenses.

Owners of the Property: Torres Hialeah Investment, LLC., 4791 West 4th Avenue, Hialeah, Florida 33012.

PZ 4. First reading of proposed ordinance rezoning property from R-1 (One Family District) to CBD (Central Business District); and granting a variance permit to allow a commercial development on the west side of the property with no residential uses, where residential uses are required; allow front setbacks of 41.72 feet, 57.3 feet and a 147 feet, where a 0 foot setback is required; and allow 0% building frontage, where 100% is required; all contra to Hialeah Code of Ordinances §§ 98-972, 98-976(1), and 98-976(4). **Property located on the west side of two adjacent parcels located on the south side of East 21 Street, between East 1 Avenue and East 2 Avenue Hialeah, Florida.** Property zoned R-1 (One Family District). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED UNTIL SEPTEMBER 10, 2019.**

Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155th Street, Miami Lakes, Florida 33016.

On August 14, 2019 the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

Owner of the Property: Hialeah 21 ST. LLC, 2200 East 4th Avenue, Hialeah, Florida 33013.

PZ 5. First reading of proposed ordinance granting a variance permit to allow a duplex on each substandard lots (Lots 6 and 7) having a frontage of 40 feet and lot area of 5,160 square feet, where 75 feet and 7,500 square feet are required respectively; on Lot 6 allow an interior west side setback of 0 feet and an interior east side setback of 5 feet, where 7.5 feet is the minimum required; and allow a rear setback of 13 feet, where 25 feet is the minimum required; and on Lot 7 allow an interior east side setback of 0 feet and an interior west side setback of 5 feet, where 7.5 feet is the minimum required; and allow a rear setback of 13.58 feet, where 25 feet is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-544, 98-546 and 98-547(a), **Property located at 436 East 16 Street, Hialeah, Florida.** Property 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 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent.

Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155th Street, Miami Lakes, Florida 33016.

On August 14, 2019 the Planning and Zoning Board approved the item with the condition that a 6 feet CBS wall is provided on the east and west property lines.

Planner's Recommendation: Approve with the condition that a 6 feet CBS wall is provided on the east and west property lines.

Owners of the Property: Juan Barroso, 2100 Coral Way, Suite 502, Miami, Florida 33145.

REPORT: Motion to Approve Item PZ 5 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Council President Casáls-Muñoz and Council Vice President Garcia-Martinez absent. Second reading and public hearing is scheduled for September 10, 2019.

REPORT: Councilwoman Cue-Fuente called a recess at 8:40 p.m.

REPORT: Councilwoman Cue-Fuente called the meeting to order at 8:43 p.m.

REPORT: Councilwoman Lozano left the City Council Meeting at 8:43 p.m.

PZ 6. First reading of proposed granting a variance permit to allow loading area and surface parking on the exterior of the block, where loading areas are required to be located in the interior blocks; allow blank walls fronting West 40 Avenue, West 108 Street and West 104 Street and NW 107 Avenue, where blank walls at the street level and above the ground floor of buildings are not permitted; allow 0% building frontage, where 65% is the minimum frontage required; and allow 459 parking spaces, where 615 are required; all contra to Hialeah Code of Ordinances §§ 98-1607.1(c)(3), 98-1607.1(c)(4), 98-1607.1(f)(1), and § 98-2189(24). **Property located at West 40 Avenue and NW 107 Avenue, and between West 104 Street and West 108 Street, Hialeah, Florida.** Zoned BDH (Business Development 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 President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent.

Registered Lobbyist: Felix Lasarte, 3250 NE 1 Avenue, Suite 334, Miami, Florida.

On August 14, 2019, the item was approved by the Planning and Zoning Board.

Planner's Recommendation: Approval.

Owner of the Property: CCP Central LLC, 700 NW 1st Avenue , Suite 1620, Miami, Florida 33136

REPORT: Motion to Approve Item PZ 6 made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed 4-0-3 with Council President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent. Second reading and public hearing is scheduled for September 10, 2019.

PZ 7. First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2018-25 (March 19 2018), as the property was sold and the approvals pursuant to the ordinance should be rescinded; and granting a variance permit to allow for no residential uses (a wellness center), where residential uses are required; allow parking in the front setback, where parking in the front setback is not allowed; allow a 10 foot parking setback, where 65 feet is the minimum required; allow a 10 foot setback wall to screen front surface parking lot, where 5 feet is required; and allow 28% building frontage, where 50% is required along the front; all contra to Hialeah Code of Ordinances §§ 98-877, 98-881(1)a.2., 98-881(1)(a) and 98-881(1)a.3. Property zoned CR, (Commercial Residential District). **Property located at 800 Palm Avenue, Hialeah, Florida;** 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 President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent.

<i>Registered Lobbyist: Osvaldo Marrero, 13925 E Palomino Drive, Southwest Ranches, Florida 33330.</i>
<i>On August 14, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: J & Y Investments, 167 West 23 Street, Hialeah, Florida 33010 Jorge and Yenin Acevedo, 4901 SW 87 Avenue, Miami, Florida 33165</i>

REPORT: Motion to Approve Item PZ 7 made by Councilman Zogby, and seconded by Councilman Hernandez. Motion passed 4-0-3 with Council President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent. Second reading and public hearing is scheduled for September 10, 2019.

FINAL DECISIONS

FD 1. Recommendation of denial by the Planning and Zoning Board to allow 3.11 interior side setback for an addition to the main house, where 5.9 feet is the minimum required; allow 2.5 feet interior west side setback and 2.5 feet rear setback for a terrace, where 5.9 feet and 7.5 feet respectively are the minimum required and allow 4.70 street side setback, where 15 feet is the minimum required for property located at **590 East 55th Street, Hialeah, Florida.** **POSTPONED UNTIL SEPTEMBER 10, 2019.**

<i>On August 13, 2019, the item was tabled by the City Council until August 27, 2019.</i>
<i>On June 12, 2019, the item was denied by the Planning and Zoning Board.</i>

Planner's Recommendation: Denial.

Owners of the Property: Francisco Tabares & Yanet Mora, 590 East 55th Street, Hialeah, Florida 33013.

LANDUSE AMENDMENTS

LU 1. First reading of proposed ordinance adopting a text amendment to Future Land Use Element of the City of Hialeah Comprehensive Plan to eliminate Policy 2.3.5 related to the Growth Management Advisory Committee (GMAC); 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 President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent.

Resolution was approved by the City Council on June, 25, 2019.

REPORT: Motion to Approve Item LU 1 made by Councilman Hernandez, and seconded by Councilman Caragol. Motion passed 4-0-3 with Council President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent. Second reading and public hearing is scheduled for September 10, 2019.

LU 2. First reading of proposed ordinance amending the Future Land Use Map from Industrial and Office to Industrial. **Property located at the northeast corner of NW 102 Avenue and West 108 Street, Hialeah, Florida.** Zoned BDH (Business Development 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 President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent.

Resolution was approved by the City Council on June, 25, 2019.

REPORT: Motion to Approve Item LU 2 made by Councilman Hernandez, and seconded by Councilman Caragol. Motion passed 4-0-3 with Council President Casáls-Muñoz, Council Vice President Garcia-Martinez and Councilwoman Lozano absent. Second reading and public hearing is scheduled for September 10, 2019.

REPORT: The meeting was adjourned by Councilwoman Cue-Fuente at 8:48 p.m.

FIRST BUDGET HEARING: Monday, September 9, 2019 at 7:00 p.m.

8/28/2019 3:48 PM

NEXT CITY COUNCIL MEETING: Tuesday, September 10, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 12, 2019 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, 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).