

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 September 12, 2023 7:00 p.m.

1. CALL TO ORDER

A. **REPORT:** Council President Perez called the meeting to order at 7:06 p.m.

2. ROLL CALL

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

B. **REPORT:**

1. Mayor Esteban Bovo, Jr. was present.
2. Marbelys Fatjo, City Clerk, was present.
3. Rafael Suarez-Rivas, City Attorney, was present.

3. INVOCATION

A. The invocation was led by Marbelys Fatjo, City Clerk.

4. PLEDGE OF ALLEGIANCE

A. The Pledge of Allegiance was led by Council Member Calvo.

5. MEETING GUIDELINES

The following guidelines have been established by the City Council:

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

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

6. PRESENTATIONS

- A. Presentation by the Andrea Believes Foundation on a City of Hialeah trash pickup project.

(OFFICE OF THE MAYOR)

PRESENTED

REPORT: Andrea Viejo, 10841 Northwest 7th Street, Apartment 12, Miami, Florida, founder of the Andrea Believes Foundation, spoke regarding the foundation's mission, as well as on the trash pickup event scheduled for Saturday, September 16, 2023 from 9:00 a.m. to 12:30 p.m.

REPORT: Javier Morejon, 1456 West 39th Place, Hialeah, Florida, member of the City's Beautification Committee addressed the Mayor and City Council Members.

7. COMMENTS AND QUESTIONS

REPORT: Juan Santana, 5601 West 10th Avenue, spoke on a community event, the Code Compliance Department, and the recreational vehicle proposed legislation.

REPORT: Jose Azze, 788 Park Drive, spoke regarding pickleball, CVS/Navarro project, and administrative item 11 A and item PZ 9.

REPORT: Nikia Johnson, 2212 West 4th Court, spoke regarding the 100th year celebration for Seminola.

REPORT: Isiah Williams, 17513 Southhill Drive, Orlando, Florida, spoke regarding the 100th year celebration for Seminola.

REPORT: Claudia Soriano, 508 West 1st Avenue, spoke regarding concerns related to Hialeah High School.

REPORT: Willians Guerra, Chief for the City of Hialeah Fire Department, addressed the City Council regarding a situation that occurred on Friday at Milander.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

A. Administrative Item 11C is postponed until September 26, 2023.

B. The following items have been amended to reflect they are items for discussion.

- 11D
- 11E

C. Administrative Item 11 A has been amended.

- 11A

9. BOARD APPOINTMENTS

- A. **RESOLUTION:** Proposed resolution appointing **William G. Perez** to the Veteran's Affairs Committee of the City of Hialeah for a (2)-year term ending on September 11, 2025

(COUNCIL VICE PRESIDENT GARCIA-ROVES)

APPROVED 7-0

RESOLUTION NO. 2023-098

REPORT: Motion to Approve Item 9A made by Council Vice President Garcia-Roves, and seconded by Council Member Casàls-Muñoz. Motion passes 7-0.

REPORT: Colonel William Perez, 7167 Ballantrae Court, Miami Lakes, Florida 33014, addressed the City Council.

10. CONSENT AGENDA

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

REPORT: Items 11 G, 11 H, 11 I were considered out of the order of the agenda prior to the Consent portion of the agenda, per Council President Perez's direction, with no opposition from the rest of the City Council.

REPORT: Motion to Approve the Consent Agenda, made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Casàls-Muñoz not present during roll call. Council Member Casàls-Muñoz recorded her vote as "Yes" after the Consent Agenda was approved.

- A. Request permission to approve the minutes of the City Council Meeting held on August 22, 2023 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

- B. **RESOLUTION:** Proposed resolution authorizing the application for, and the acceptance of, a State Aid to Libraries Operating Grant from the Florida Department of State, Division of Library and Information Services, for the fiscal year 2023-2024, in an amount based on the City Library's operating expenses for the prior fiscal year and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a State Aid to Libraries Grant Agreement, attached as Exhibit "1".

(LIBRARY)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

RESOLUTION NO. 2023-099

- C. **RESOLUTION:** Proposed resolution approving the Library’s Annual Plan of Service for fiscal year 2023-2024, attached as Exhibit “1”, for submittal to the State Library of the State of Florida in order to maintain eligibility as a recipient of state and federal funds.

(LIBRARY)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

RESOLUTION NO. 2023-100

- D. **RESOLUTION:** Proposed resolution accepting a matching grant from the State of Florida Department of Transportation of 50% of eligible project costs not to exceed \$150,000.00 for fiscal year 2024, for a term commencing upon execution of the agreement and ending on December 31, 2024, to fund on-demand ridesharing service; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Public Transportation Grant Agreement attached hereto and incorporated herein as Exhibit “1”; and authorizing the Mayor or his designee on behalf of the City to execute all other necessary documents in furtherance thereof; providing for an effective date.

(TRANSIT)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

RESOLUTION NO. 2023-101

- E. **RESOLUTION:** Proposed resolution authorizing and ratifying the use of State of Housing Initiatives Partnership (SHIP) Program Funds expended through the City’s Safe Home Program in an amount not to exceed \$125,000.00 for the rehabilitation of the single-family dwelling owned and occupied by Martha Pino and Regla Pino-Villarejo located at 201 East 37 Street, Hialeah, FL. 33013, as allowed by the City’s Local Housing Assistance Plan (LHAP); authorizing the Mayor or his designee, and the City Clerk, as attesting witness, to execute any and all agreements in furtherance of the project on behalf of the City; and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

RESOLUTION NO. 2023-102

- F. **RESOLUTION:** Proposed resolution authorizing and ratifying the use of State Housing Initiatives Partnership (SHIP) Program Funds expended through the City’s Safe Home Program in an amount not to exceed \$125,000.00 for the rehabilitation of the single-family dwelling owned and occupied by Luisa Mijares and Ramon Mijares located at 6381 East 6 Avenue, Hialeah, FL. 33013, as allowed by the City’s Local Housing Assistance Plan (LHAP); authorizing the Mayor or his designee, and the City Clerk, as attesting witness, to execute any and all agreements in furtherance of the project

on behalf of the City; and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

RESOLUTION NO. 2023-103

- G. Request permission to increase Purchase Order No. 2023-800, issued to Foster & Foster Consulting Actuaries, Inc., for consulting services involved in assessing the cost implications of different scenarios related to proposed benefit changes for City employees, by an additional amount of \$42,500.00, for a new total cumulative expense amount not to exceed \$46,000.00.

The funding for this expenditure will be drawn against the General Fund – Professional Services - Account No. 001.8500.519.310.

(FINANCE MANAGEMENT)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

- H. Request permission to increase Purchase Order No. 2023-500, issued to GRM Information Management Services, Inc., for the service of off-premise storage of City records during fiscal year 2023, by an additional amount of \$15,500.00, for a new total cumulative amount not to exceed \$40,500.00. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City to avoid interruption in service while the Office of the City Clerk finalizes with the Purchasing Division the usage of a contract awarded by another governmental agency pursuant to competitive bidding.

The funding for this expenditure is to be withdrawn from the General Fund - Contractual Services Account No. 001.0220.512.340.

(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

- I. **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 Rainbow Window Tinting to provide installation of equipment to include but not limited to emergency lights, sirens, and radios for the City’s police vehicles, in an amount not to exceed \$167,886.90, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

RESOLUTION NO. 2023-104

- J. Request permission to issue a purchase order to R.J. Behar & Company, Inc., vendor recommended by the City’s Selection Committee for Engineering and Architectural Services in response to Request for Qualifications No. 2021-22-9500-00-001 – *Engineering and Architectural Services Including City funded and American Rescue Plan Act (ARPA) Funded Projects*, to design the

roadway and drainage improvements to West 38th Place, West 39th Place and West 40th Street from West 16th Avenue to West 18th Avenue, in a total expense amount not to exceed \$292,892.54.

Funding in the amount of \$129,000.00 for this expenditure will be drawn against the Stormwater Utility Fund – Professional Services Account No. 475.3211.530.310 and \$163,892.54 will be drawn against the Streets Fund – Professional Services – Design – LAP Contract (FDOT) Account No. 101.3210.541.310.

(STREETS)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

- K. Request permission to issue a purchase order to Sirsi Corporation, for year five (5) of a five (5) year ILS Subscription Agreement, for support and maintenance of the Symphony SaaS ILS System, from October 1, 2023 through September 30, 2024, in a total cumulative amount not to exceed \$38,652.16. On August 13, 2019, the City Council passed and adopted Resolution No. 2019-091 thereby approving the entering of a Software as a Service (SaaS) Master Agreement with this vendor for five (5) years.

(LIBRARY)

APPROVED 6-0-1 with Council Member Casàls-Muñoz not present during roll call.

11. ADMINISTRATIVE ITEMS

- 11 A. **ORDINANCE:** Second reading and **public hearing** 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~~ D of the Land Exchange Agreement, for real property ~~owned~~ *to be acquired* 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 24 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~~ E 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)

<i>Registered Lobbyist: Felix Lasarte, 3250 Northeast 1st Avenue, Suite 334, Miami, Florida, on behalf of Boos Development.</i>
--

<i>On August 22, 2023, the City Council approved this item on first reading. Second reading and public hearing is scheduled for September 12, 2023.</i>

APPROVED AS AMENDED 7-0

ORDINANCE NO. 2023-082

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

REPORT: Felix Lasarte, registered lobbyist provided an updated Exhibit A, B, C, D and E for the record.

REPORT: Motion to Approve Item 11 A as Amended made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 7-0.

- 11 B. ORDINANCE:** Second reading and **public hearing** 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)

On August 22, 2023, the City Council approved this item on first reading. Second reading and public hearing is scheduled for September 12, 2023.

APPROVED 7-0

ORDINANCE NO. 2023-083

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

REPORT: Motion to Approve Item 11 B made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.

- 11 C. 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)

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF SEPTEMBER 26,

2023.

On September 6, 2023 during a legislative workshop relating to this item, the first reading of this proposed ordinance was deferred until the City Council Meeting of September 26, 2023.

On August 22, 2023, the City Council tabled the item until the City Council Meeting of September 12, 2023.

- 11 D. ITEM FOR DISCUSSION:** Proposed ordinance amending Chapter 1 entitled “General Provisions,” Section 1-11 “General Penalty; Continuing Violations,” of the Code of Ordinances of the City of Hialeah, to provide for criminal penalties for violations of the City code; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(SPONSOR: COUNCIL MEMBER TUNDIDOR)

ITEM IS TABLED UNTIL DECEMBER 12, 2023.

REPORT: Motion to Table Item 11 D until December 12, 2023 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.

- 11 E. ITEM FOR DISCUSSION:** Proposed ordinance amending Chapter 2 entitled “Administration,” Article IV “Purchasing and Competitive Bidding,” of the Code of Ordinances of the City of Hialeah, to provide for a local business preference; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(SPONSOR: COUNCIL MEMBER TUNDIDOR)

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

REPORT: First reading of proposed ordinance is scheduled for September 26, 2023, per the Mayor’s consent.

- 11 F. ORDINANCE:** First reading of proposed ordinance amending Chapter 22 entitled “Code Enforcement”, and in particular, amending Article III “Enforcement Procedures”, Division 3 “Civil Violation Enforcement Procedures”, Section 22-190 “Schedule of Civil Penalties” of the Code of Ordinances of the City of Hialeah; to provide for a civil penalty for failure to register, inspect, maintain or secure properties with mortgages in default by mortgagees; repealing all ordinances or parts of ordinances in conflict herewith; providing for inclusion in code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

APPROVED 7-0

REPORT: Elsa Jaramillo-Velez, Human Resources Director, spoke on the item.

REPORT: Rafael Suarez-Rivas, City Attorney, spoke on the item.

REPORT: Motion to Approve Item 11 F made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 7-0. Second reading and public hearing is scheduled for September 26, 2023.

- 11 G. RESOLUTION:** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Lease Agreement between the City of Hialeah, as landlord, and City of Hialeah Education Academy, Inc., a Florida Not-For-Profit Corporation, as tenant, for use of the school facility located at Slade Park consisting of approximately 44,476 square feet, more or less, located at 2590 West 76 Street, Hialeah, Florida, for one year, beginning July 1, 2023 and ending June 30, 2024, for an annual base rent amount of \$550.00 for each student enrolled, payable in equal monthly installments, and a usage fee of \$202,605.31, including \$75.00 for each student enrolled as a cost allocation for the Parks & Recreation/ECS Department for its administrative services, and use of library and park facilities, in substantial form as attached hereto and made a part hereof as Exhibit "1"; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

APPROVED 5-0-2

RESOLUTION NO. 2023-105

REPORT: Collette Papa, Academica, 6340 Sunset Drive, spoke on the item.

REPORT: Elsa Jaramillo-Velez, Human Resources Director, spoke on the item.

REPORT: Sharon Dzedzic, with the Hialeah Education and Community Services Department, spoke on the item.

REPORT: Motion to Approve Item 11 G made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 5-0-2 with Council Members Calvo and Casáls-Muñoz not present during the roll call. Council Members Calvo and Casáls-Muñoz each recorded their vote as “Yes” after the item was approved.

- 11 H. RESOLUTION:** Proposed resolution authorizing the Mayor, and the City Clerk as attesting witness, to enter into the Assignment and Consent to Assignment of Charter School Agreement, attached hereto and incorporated herein as Exhibit “1”, in substantially the attached form, and to execute any other necessary documents in furtherance therefore; providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1

RESOLUTION NO. 2023-106

REPORT: Collette Papa, Academica, 6340 Sunset Drive, spoke on the item.

REPORT: Motion to Approve Item 11 H made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Casáls-Muñoz not present during the roll call. Council Member Casáls-Muñoz recorded her vote as “Yes” after the item was approved.

- 11 I. Presentation by a representative of the City of Hialeah Educational Academy regarding new buildings to be built at Slade Park for the school.

(ADMINISTRATION)

REPORT: Rolando Llanes, 8323 Northwest 12th Street, Principal of Civica Architecture, presented.

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

12. UNFINISHED BUSINESS

REPORT: Mayor, Esteban Bovo, Jr., thanked everyone who attended the ribbon cutting for the new Dog Park and Pickle Ball Court in Goodlet Park, spoke regarding the City's Fitch Rating, the City of Hialeah 100th year anniversary celebration, and the recreational vehicle proposed legislation.

REPORT: Council Member Rodriguez thanked City staff.

REPORT: Council Member Casáls-Muñoz spoke regarding DERM.

13. NEW BUSINESS

None reported.

14. ZONING

PLANNING AND ZONING

****ITEM LU 1 MUST BE CONSIDERED IMMEDIATELY PRIOR TO ITEM PZ 1.**

****ITEM LU 2 MUST BE CONSIDERED IMMEDIATELY PRIOR TO ITEM PZ 9.**

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

On August 22, 2023, the City Council approved the item of first reading. Second reading and public hearing is scheduled for September 12, 2023.

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 7-0

ORDINANCE NO. 2023-084

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

REPORT: **Debora Storch**, the City's **Planning and Zoning Official**, spoke on the item via Zoom.

REPORT: **Rafael Suarez-Rivas**, **City Attorney**, spoke on the item.

REPORT: Motion to Approve Item PZ 1 made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.

PZ 2. ORDINANCE: Second reading and **public hearing** 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 step back is required; 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.

On August 22, 2023, the City Council approved the item of first reading. Second reading and public hearing is scheduled for September 12, 2023.

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

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

<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Miami Rental Partners LLC, Nancy Ortiz, and Monica Otero, 100 South Pointe Drive, 2702, Miami, Florida 33139.</i>

APPROVED 7-0

ORDINANCE NO. 2023-085

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

REPORT: Motion to Approve Item PZ 2 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 7-0.

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

<i>On August 22, 2023, the City Council approved the item of first reading. Second reading and public hearing is scheduled for September 12, 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 August 9, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Casa Amigos 5, LLC., Fountail Investments LLC, and Nancy Ortiz, 100 South Pointe Drive, H2702, Miami Beach, Florida.</i>

APPROVED 7-0

ORDINANCE NO. 2023-086

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

REPORT: Motion to Approve Item PZ 3 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 7-0.

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

<i>On August 22, 2023, the City Council approved the item of first reading. Second reading and public hearing is scheduled for September 12, 2023.</i>
--

<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>

<i>Planner's Recommendation: Approval with conditions.</i>
--

<i>Property Owner: Israel Pino, 175 West 58th Terrace, Hialeah, Florida 33012</i>
--

APPROVED 7-0

ORDINANCE NO. 2023-087

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

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

REPORT: Motion to Approve Item PZ 4 made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 7-0.

PZ 5. ORDINANCE: Second reading and **public hearing** 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 Avenue and on the west by West 38 Avenue and NW 99 Avenue, Hialeah, Florida.**

<i>On August 22, 2023, the City Council approved the item of first reading. Second reading and public hearing is scheduled for September 12, 2023.</i>
--

<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>
<i>On August 9, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Martinez Family Investments Limited, 12190 Southwest 93rd Avenue, Miami, Florida 33176.</i>

APPROVED 7-0

ORDINANCE NO. 2023-088

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

REPORT: Motion to Approve Item PZ 5 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 7-0.

PZ 6. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 23-student kindergarten class in conjunction with an existing 126-children daycare. **Property located at 6900 West 32 Avenue, Units 18 through 25, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; and providing for an effective date.

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

APPROVED 6-1**ORDINANCE NO. 2023-089**

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

REPORT: Debora Storch, the City’s Planning and Zoning Official, spoke on the item via zoom.

REPORT: Rafael Suarez-Rivas, City Attorney, spoke on the item.

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

REPORT: Motion to Approve Item PZ 6 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-1 with Council Member Tundidor voting “No”.

- PZ 7. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 57-student K-5 grade school within a shopping plaza in conjunction with an existing 60–student daycare. **Property located at 6500 West 4 Avenue, Units 15 through 23, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

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

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

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

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

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

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

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

(1) Immediate legalization of the 2,820 square feet of school space and adjacent fenced

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

Planner's Recommendation: Approval with conditions.

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

APPROVED 7-0

ORDINANCE NO. 2023-090

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

REPORT: Motion to Approve Item PZ 7 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 7-0.

PZ 8. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 20-student K-2 grade elementary school in a freestanding commercial building in conjunction with an existing 41–student daycare. **Property located at 430 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

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

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

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

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

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

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

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

Planner's Recommendation: Approval with conditions

Property Owner: Inmex Investment Corp. (registered agent: Jorge Quintana).

APPROVED 7-0

ORDINANCE NO. 2023-091

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

REPORT: Debora Storch, the City's **Planning and Zoning Official**, spoke on the item via Zoom.

REPORT: Motion to Approve Item PZ 8 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.

PZ 9. ORDINANCE: First reading of proposed ordinance rezoning property from R-1 (One-Family District) to C-2 (Liberal Retail Commercial District); **Property located at the NW intersection of SE 8 Court and Park Drive (a portion of Lots 6 and 8, Block 3, of 36 Street Lawns, according to Plat Book 24 at Page 38 of the Public Records of Miami-Dade County, FL), 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: Felix Lasarte, 3250 Northeast 1st Avenue, Suite 334, Miami, Florida 33137, on behalf of Boos Development Corp.

On August 23, 2023, the Planning and Zoning Board recommended approval.

Planner's Recommendation: Approval.

Property Owner: City of Hialeah, 501 Palm Avenue, Hialeah, Florida 33010.

APPROVED 7-0

REPORT: Motion to Approve Item PZ 9 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 7-0.

REPORT: Second reading and public hearing scheduled is scheduled for September 26, 2023.

PZ 10. ORDINANCE: First reading of proposed ordinance rezoning property from RO (Residential Office

District) and R-1 (Single-Family District) to B-1 (Highly Restricted Retail District); granting a Variance Permit to allow 17% pervious area, where 18% is the minimum required; in contrast to Section (E) Tree and Lawn Requirements by Zoning Classification, Table A of the latest edition of the Hialeah Landscape Manual dated ~~July 9, 2015~~ *December 13, 2022*; **properties located at 218 East 49 Street and 226 East 49 Street, Hialeah, zoned RO (Residential Office District) and R-1 (Single-Family District) legally described herein.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of AA & DD Investments Inc., 21.</i>
<i>On August 23, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: AA & DD Investments Inc., Alejandro PLA, and Daisy Gosta, 218 East 49th Street, Hialeah, Florida 33013.</i>

APPROVED 7-0

REPORT: Motion to Approve Item PZ 10 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 7-0.

REPORT: Second reading and public hearing scheduled is scheduled for September 26, 2023.

PZ 11. ORDINANCE: First reading of proposed ordinance granting a Variance Permit to allow 200 parking spaces, where 378 parking spaces are required to incorporate the use of a sports and recreational instruction facility of 11,740 square feet in an existing nonconforming industrial building; all contra to Hialeah Code of Ordinances § 98-2189(18). **Property located at 213 Southeast 10 Avenue, Hialeah zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Jordi Esteban, 7740 Southwest 104th Street, Suite 102, Pinecrest, Florida 33156, on behalf of Team Sosa Sports.</i>
<i>On August 23, 2023, the Planning and Zoning Board recommended approval with the conditions that a Declaration of Restrictive Covenants be proffered to ensure that the business hours for the baseball training facility and warehouse do not coincide, and guarantee parking availability in order to avoid cars parking on the swale areas adjacent to the property across the street fronting residential properties.</i>
<i>Planner's Recommendation: Approve subject to alternate hours of operation.</i>
<i>Property Owner: ASB Tenth Avenue Holdings, LLC., 7501 Wisconsin Avenue, Suite 1300 W Bethesda, MD 20814.</i>

APPROVED 7-0

REPORT: Jordi Esteban, Architect, 7740 Southwest 104th Street, spoke on the item.

REPORT: Motion to Approve Item PZ 11 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 7-0.

REPORT: Second reading and public hearing scheduled is scheduled for September 26, 2023.

PZ 12. ORDINANCE: First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 4 classroom seminary in an existing free-standing building with a maximum capacity of 25 students and granting a Variance Permit to allow 1 parking space, where 32 parking spaces are required, and allow 144 square feet pervious area, where 1,350 square feet are required; in contrast to Hialeah Code of Ordinances § 98-2189(4) and Section (E) Tree and Lawn Requirements by Zoning Classification, Table A of the Latest Edition of the Hialeah Landscape Manual dated July 9, 2015. **Property located at 25 East 4 Street, Hialeah, zoned CBD (Central Business District) legally described herein.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On August 23, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Mit Mozel LLC, 25 East 4th Street, Hialeah, Florida 33010.</i>

APPROVED 7-0

REPORT: Lonnie Richardson, 25 East 4th Street, addressed the City Council.

REPORT: Motion to Approve Item PZ 12 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.

REPORT: Second reading and public hearing scheduled is scheduled for September 26, 2023.

PZ 13. ORDINANCE: First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow the expansion of the Neighborhood Business District Overlay; granting a Variance Permit to allow 50% of the units with an area of 705 square feet, where 850 square feet is the minimum area required, and only 10% of the units can have an area of 600 square feet; allow a building height of 64 feet, where 55 feet is the maximum building height allowed; allow 26 parking spaces where 28 parking spaces are required and waive the building mass and building frontage development standards; in contrast to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(b) and 98-2189(16)(a). **Property located at 20 West 40 Place, Hialeah, zoned R-3-3 (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.

<i>On August 23, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: VGM Capital Holdings, LLC and Valka Rodriguez, 175 Southwest 7th Street, Suite 2309, Miami, Florida 33130.</i>

15. LANDUSE

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

<i>On August 22, 2023, the City Council approved the item of first reading. Second reading and public hearing is scheduled for September 12, 2023.</i>
<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>

LU 2. ORDINANCE: First reading of proposed ordinance amending the Future Land Use Map from Medium-Density Residential to Commercial District. Property located at the **NW intersection of SE 8 Court and Park Drive (a portion of Lots 6 And 8, Block 3, of 36 Street Lawns, according to Plat Book 24 at Page 38 of the Public Records of Miami-Dade County, Florida), Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Felix Lasarte, 3250 Northeast 1st Avenue, Miami, Florida 33137, on behalf of Boos Development Corp.</i>
--

<i>On August 23, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: City of Hialeah, 501 Palm Avenue, Hialeah, Florida 33010.</i>

16. CITY COUNCIL DISCUSSION

17. ADJOURNMENT

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

NEXT CITY COUNCIL MEETING: Tuesday, September 26, 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) 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).