

Carlos Hernández
Mayor

Jesus Tundidor
President

Monica Perez
Vice President



Council Members
Katharine Cue-Fuente
Oscar De la Rosa
Jacqueline Garcia-Roves
Paul B. Hernandez
Carl Zogby

City Council Meeting
Minutes
September 14, 2021
7:00 p.m.

1. **CALL TO ORDER**

A. **REPORT**: Council President Tundidor called the meeting to order at 7:15 p.m.

2. **ROLL CALL**

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

1. Council President Tundidor
2. Council Vice President Perez
3. Council Member Cue-Fuente
4. Council Member De la Rosa
5. Council Member Garcia-Roves
6. Council Member Hernandez
7. Council Member Zogby

3. **INVOCATION**

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

B. **PLEDGE OF ALLEGIANCE**

A. **REPORT**: Council Member Garcia-Roves led the Pledge of Allegiance.

4. 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 Facebook page (@CityofHialeah).
- 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.

5. PRESENTATIONS

REPORT: None.

6. COMMENTS AND QUESTIONS

A. **REPORT**: The Office of the City Clerk received an email message to be read into the record from a person interested in making comments or posing questions on matters of public concern:

- **Henry Pernas**, who did not provide a home address, sent an email message at 2:29 p.m. on September 14, 2021 with the subject “To be read into the record”, in opposition to the approval of the items on this agenda related to East 10th Avenue, as well as 25th and 26th Street.

REPORT: The item was read into the record by Marbelys Fatjo, City Clerk.

B. **REPORT**: No one expressed interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the Comments and Questions portion of the meeting using Zoom.

C. **REPORT**: No one in the meeting via Zoom expressed interest in making comments or posing questions on matters of public concern during this portion of the meeting.

D. **REPORT**: The following three (3) individuals present in the Council Chambers expressed interest in speaking during this portion of the meeting:

- (1) **Jose Azze**, with a home address of 788 Southeast Park Drive, spoke regarding the budget and the City’s Parks and Recreation Department.
- (2) **Maria Torres**, with a home address of 542 East 19 Street, spoke regarding her experience in requesting a permit from the City for shutters and railing for the front porch for her parents’ home.
- (3) **Eric Johnson, Local 1102**, spoke regarding:
 - the response of the Fire Department to a fire at 542 East 19 Street
 - thanked the Mayor and the City Council for the September 11 event at the Fire Department
 - Hialeah Heights area
 - Upcoming action of support for Chris Villa’s son by the Hialeah Fire Department.

7. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Items W, X, Y, Z, AA, BB, CC and DD have been added to today’s agenda.
- The proposed resolution of Administrative Item 10 I has been updated, and additional backup documentation has been placed on the dais for the City Council’s review.
- The proposed resolution of Administrative *Item 10 F I* has been updated and placed on the dais for the City Council’s review.

- Additional backup documentation has been added to item PZ 1.
- A Declaration of Use and Unity of Title has been added to the backup documentation of Item PZ 2.
- A Declaration of Restrictions has been added as backup documentation to Items PZ 6 and PZ 7.
- Additional backup documentation has been added to item PZ 8.

8. 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: Mayor Hernandez requested separate discussion on Consent Item P.

REPORT: Council Vice President Perez requested separate discussion on Consent Item Z.

REPORT: Motion to Approve the Consent Agenda, except items P and Z, made by Council Member Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

- A. Request permission to approve the minutes of the City Council Meeting held on August 24, 2021.
(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- B. Request permission to waive competitive bidding, since it is advantageous to the City in that the Miami Herald is a newspaper of general circulation in the City of Hialeah as required by state law, and increase Purchase Order No. 2021-876, issued to the Miami Herald, for the cost of legal and classified advertisements for fiscal year 2021, by an additional amount of \$65,000.00, to pay for the cost of pending invoices and upcoming advertisements through the end of fiscal year 2021, for a total cumulative amount not to exceed \$145,000.00.
(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- C. Request permission to increase Purchase Order No. 2021-1243, issued to GRM Information Management Services, Inc., vendor under contract with the City for the service of off-premise storage of City records until July 17, 2023, by an additional amount of \$6,200.00, for a new total cumulative amount not to exceed \$33,100.00.
(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- D. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexplora, LLC. to provide a games program of selection of strategy and mind games to enhance 21st century life skills for the students of the afterschool program, for a term commencing on January 1, 2022

and ending on April 30, 2022, in an amount not to exceed \$12,000.00; 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”; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-117

- E. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexptore, LLC. to provide zumba classes to the kids participants of the City’s Summer Camp Programs, for a term commencing on June 1, 2022 and ending on July 31, 2022, in an amount not to exceed \$8,400.00; 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”; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-118

- F. 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 23, 2021 and ending on July 8, 2022; 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 DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-119

- G. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2021-572, issued to Gen Recruiting Solutions, LLC, to continue providing recruiting and staffing services to the City, by an additional amount of \$3,000.00, for a total cumulative amount not to exceed \$28,000.00. On August 27, 2019, the City entered into a contract with this vendor for a term of one year ending on August 26, 2020.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 7-0

- H. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2021-915, issued to Law Enforcement Psychological and Counseling Associates, Inc., for psychological screening services for the hiring of police recruits and certified police officers, by an additional amount of \$10,000.00, for a total cumulative amount not to exceed \$40,000.00.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 7-0

- I. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2021-783, issued to Miami-Hialeah Medical Group, Inc., *Dr. Monica Grinberg, MD (Primary Care*

Physician) for pre-employment testing services of new hires, by an additional amount of \$2,000.00, for a total cumulative amount not to exceed \$16,000.00.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 7-0

- J. Request permission to waive competitive bidding, since it is advantageous to the City in that the City has encountered additional work that will require an increase to the quoted amount, and increase Purchase Order No. 2021-2005, issued to VCS Tech Systems, LLC, by an additional amount of \$3,200.00, for the replacement of Keri Systems Access Control System for the Fire Administration Building, for a total cumulative amount not to exceed \$38,878.00. On June 8, 2021, the City Council approved awarding the replacement of the Keri Systems Access Control System for the Fire Administration Building to this vendor, vendor providing the lowest quotation from the vendors provided to the City by the Keri Systems.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

- K. Request permission to issue a purchase order to Sirsi Corporation, for year three (3) of a five (5) year ILS Subscription Agreement ending on September 30, 2024, for support and maintenance of the Library's Symphony SaaS ILS System, covering the period of October 1, 2021 through September 30, 2022, in a total cumulative amount not to exceed \$39,868.91. On August 13, 2019, the City Council approved a resolution to enter into a Software as a Service (SaaS) Master Agreement with this vendor for five years.

(LIBRARY)

APPROVED 7-0

- L. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Mystic Gardens Lawn Contractors Inc., vendor providing the lowest quotation, for the purchase and installation of twelve (12) Green Buttonwood Trees, in a total cumulative amount not to exceed \$4,680.00.

(STREETS)

APPROVED 7-0

- M. Report of Scrivener's Error – On May 25, 2021, the City Council approved Consent Item W, approving an expenditure in an amount not to exceed \$43,000.00 to be funded from account number 131.9540.533.630, to encase and protect a City twelve inch water main from damage due to proposed improvements by the Florida Department of Transportation on East 32nd Street along East 8th Avenue. The item was approved with the incorrect account number reflected on the agenda item letter from the Director of Public Works to the Mayor and City Council Members. The agenda item letter is being amended to reflect the correct account number as 450.9510.533.630.

(OFFICE OF MANAGEMENT AND BUDGET)

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

- N. Report of Scrivener's Error – On May 25, 2021, the City Council approved Consent Item Y, approving an expenditure in an amount not to exceed \$68,932.10 from account number 131.9540.533.630, to extend an eight-inch water main along East 16th Street between East 4th Avenue and East 5th Avenue. The item was approved with the incorrect account number reflected on the agenda item letter from the Director of Public Works to the Mayor and City Council Members. The agenda item letter is being amended to reflect the correct account number as 450.9510.533.630.

(OFFICE OF MANAGEMENT AND BUDGET)

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

- O. Report of Scrivener's Error – On February 11, 2020, the City Council approved Consent Item G, approving an expenditure sum of \$490,406.00 each year for the next three years in monthly installments to Sedgwick Claims Management Services, Inc., for administrative services for the City of Hialeah's Self-Insurance Program in the areas of Auto Liability, General Liability, Auto Physical Damage, Police and Fire Professional Liability, and Workers' Compensation for the City. The item was approved with the incorrect monthly payment amount of \$40,867.00 reflected on the agenda item letter from the Risk Manager to the Mayor and City Council Members. The agenda item letter is being amended to reflect the amount of the monthly payments to \$40,867.17.
(RISK MANAGEMENT)

APPROVED 7-0

- P. Request permission to issue a purchase order to Z Roofing and Waterproofing, Inc., for the re-roofing of the O'Quinn Park Recreation Building, in the amount of \$48,700.00, and further request a ten percent contingency in the amount of \$4,870.00 to cover any unforeseen issues that may arise during the scope of the work, for a total cumulative expense amount not to exceed \$53,570.00.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

REPORT: Motion to Approve the Consent Item P made by Council Member Cue-Fuente, and seconded by Council Member Zogby. Motion passes 7-0.

- Q. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to South Shore Elevator Service Corp, for the yearly elevator monthly maintenance and yearly inspections as required by Miami-Dade County, and any necessary emergency repairs that may arise during the 2022 fiscal year, in a total cumulative amount not to exceed \$135,280.00.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

- R. Request permission to increase the allowance allocated to G&R Electric Corp. for citywide fire alarm monitoring, maintenance and annual testing, by an additional amount of \$4,200.00 due to the fire alarm communication systems having been upgraded to wireless technology and therefore, the monthly cost increased from \$35.00 a month to \$50.00 a month, for a new total expense amount not to exceed \$37,830.00 for fiscal year 2022. Further request permission to increase the allowance allocated to this vendor to cover the cost of citywide emergency fire alarm repairs, by an additional amount of \$50,000.00 since the emergency repairs required to satisfy the annual fire alarm certifications and elevator inspections exceeded the original projected amount of \$25,000.00, for a new total expense amount not to exceed \$75,000.00. On September 22, 2020, the City Council awarded Hialeah Invitation to Bid No. 2019/20-8500-36-0022 – *Fire Alarm Monitoring, Maintenance and Annual Testing* to this vendor for a period ending on September 30, 2023.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 7-0

- S. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Crown Castle Fiber LLC, vendor providing the lowest quotation, to provide dedicated internet circuits with service level agreements for the Department of Public Works building for a period of sixty (60) months, for a monthly payment of \$599.00 and a total cumulative expense amount not to exceed \$35,940.00.
(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

- T. Request permission to issue a purchase order to Zoll Medical Corporation, sole source vendor, for the purchase of four (4) Zoll AED three fully automatic package with PlusRX, four (4) Standard Wall Cabinets, and four (4) four-year rescue ready advanced response package for City Hall, in a total cumulative amount not to exceed \$13,175.80.
(PURCHASING DIVISION)

APPROVED 7-0

- U. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Kronos (US), Inc., for Telestaff annual subscription software services, which provides Webstaff access to administrative staffing (Telestaff) functions through the internet for Fire Communications operations, in a total cumulative amount not to exceed \$9,120.00.
(FIRE DEPARTMENT)

APPROVED 7-0

- V. Request permission to utilize a contract between Miami-Dade County and this vendor awarded pursuant to Bid No. 9535-1/21-1 – *Tools & Accessories- Pre-Qualification*, effective through April 30, 2022, and issue a purchase order to SID Tool Co., Inc., doing business as MSC Industrial Supply Co, for the purchase of tools, parts and accessories, during 2022 fiscal year, in a total cumulative amount not to exceed \$30,000.
(FLEET & MAINTENANCE DEPARTMENT)

APPROVED 7-0

- W. Request permission to reject Hialeah Bid No. 2020/21-3130-36-025 – *Landscaping Services- Hialeah Trail Park* because there was only one bid received and the bid exceeded the approved budget, and further request permission for the Department of Parks and Recreation to re-bid the project.
(PARKS AND RECREATION DEPARTMENT)

APPROVED 7-0

- X. Request permission to waive competitive bidding, since it advantageous to the City, and increase Purchase Order No. 2021-1980, issued to Chef Raymond V. Newlands, for the service of providing patrons lunches and educational eating habits for the Healthy Foods Summer Program, by an additional amount of \$1,218.00, for a total cumulative amount not to exceed \$6,710.00.
(PARKS AND RECREATION DEPARTMENT)

APPROVED 7-0

- Y. Request permission to utilize Sourcewell Contract No. 081120-LFF – *Fitness Equipment with Related Accessories and Services*, effective through October 1, 2024, and issue a purchase order to Life Fitness, LLC, for the purchase of ten (10) pieces of gym equipment for an outdoor gym being constructed at Babcock Park for the community and surrounding areas, in a total cumulative amount not to exceed \$30,847.29.
(PARKS AND RECREATION DEPARTMENT)

APPROVED 7-0

- Z. Request permission to utilize City of Miami Contract No. 781382(29) – *Citywide Sidewalk Repair and Replacement Services*, effective through July 29, 2023, and issue a purchase order to G P E Engineering & General Contractor Corp., for the upgrade of sixty-eight (68) City bus benches which will require the pouring

of new concrete pads on thirty-two of the sites for ADA compliance, in a total cumulative amount not to exceed \$30,580.70.

(PURCHASING DIVISION)

APPROVED 7-0

REPORT: Motion to Approve the Consent Item Z made by Council Member De la Rosa, and seconded by Council Member Hernandez. Motion passes 7-0.

- AA. Proposed resolution approving the expenditure in an amount not to exceed \$19,531.63 for a one (1) year period from the Law Enforcement Trust Fund-*State* to the Miami-Dade County Association of Chiefs of Police, County Court Standby Program, upon such costs having been approved by the Chief of Police, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-120

- BB. Proposed resolution approving to increase Purchase Order #2021-1041 by an additional amount of \$13,201.00 for new cumulative amount not to exceed \$96,877.00 from the Law Enforcement Trust Fund-*State* for the rental of undercover surveillance vehicles from Royal Rent-A-Car Systems of Florida, Inc., Vendor #21162, upon such costs having been approved by the Chief of Police, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-121

- CC. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a contract with Certified Latent Examiners in the community to provide latent evaluation and comparison services as independent contractors, for a term beginning October 1, 2021 to September 30, 2023, in substantial conformity with the Form Agreement attached as Exhibit "1" and further authorizing the expenditure of a combined amount not to exceed a total of \$175,000.00 for fiscal year 2022 to fund the Latent Fingerprint Examiner Program, subject to appropriations for year two; and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-122

- DD. Proposed resolution authorizing an intergovernmental transfer in an amount not to exceed \$238,771.94 as the City's share of state funding requirements to the State of Florida Agency for Health Care Administration as part of the City's participation in the Public Emergency Medical Transportation Program for supplemental Medicaid reimbursements; approving and ratifying the execution of a Letter of Agreement between the State of Florida Agency for Health Care Administration and the City of Hialeah attached as Exhibit "1" for a period beginning July 1, 2021 and ending June 30, 2022; authorizing the Mayor or Mayor's designee to execute all required agreements or documents to participate in Intergovernmental Transfers and Supplemental Payment Program for Medicaid managed patients; and providing for an effective date.

(FIRE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2021-123

9. ADMINISTRATIVE ITEMS

- 10 A.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article III. “Plans and Plats”, Division 3. Subdivision Plats; creating Section 98-350 "Subdivision by Waiver of Plat for HPD Hialeah Park District", of the Code of Ordinances of the City of Hialeah, by adding waiver of plat requirements, procedures, and review criteria for the HPD Hialeah Park District; providing that such exception is subject to the subdivision provisions of Chapter 28 of the Miami-Dade County Code; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ZONING)

APPROVED 6-1 with Council Vice President Perez voting “No”.

ORDINANCE NO. 2021-079

<i>On August 10, 2021, the City Council postponed the item until August 24, 2021.</i>
<i>On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.</i>

REPORT: Council President Tundidor opened the item for public participation.

REPORT: Milly Herrera, with a home address of 4341 East 8th Lane, addressed the City Council in opposition to the approval of the item.

REPORT: Hugo Arza, Esq, with law offices at 701 Brickell Avenue, addressed the City Council.

REPORT: Motion to Approve Item 10 A made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-1 with Council Vice President Perez voting “No”.

- 10 B.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 34. "HPD Hialeah Park District"; amending Section 98-1630.10 - "Purpose", Section 98-1630.11 - "Geographic Area", Section 98-1630.13 - "Permitted Uses, Limitations and Prohibitions", Section 98-1630.15 - "Site Development Plan Approval; and creating Section 98-1630.16 - "Hialeah Park District - Phase I Development Standards"; hereby approving the Pattern Book entitled "The Residences at Hialeah Park", as prepared by Civica Architecture and Albert O. Gonzalez Architect, P.A., and dated July 2021, which shall be on file with the City Clerk; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ZONING)

APPROVED 5-1-1 with Council Vice President Perez voting “No” and Council Member De la Rosa away during the roll call for a vote.

ORDINANCE NO. 2021-080

On August 10, 2021, the City Council postponed the item until August 24, 2021.

On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.

REPORT: Council President Tundidor opened the item for public participation.

REPORT: Milly Herrera, with a home address of 4341 East 8th Lane, addressed the City Council in opposition to the approval of the item.

REPORT: Hugo Arza, Esq, with law offices at 701 Brickell Avenue, addressed the City Council.

REPORT: Motion to Approve Item 10 B made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 5-1-1 with Council Vice President Perez voting “No” and Council Member De la Rosa away during the roll call for a vote. Council Member De la Rosa recorded his vote as “Yes” after the Motion to Approve passed.

10 C. Second reading and public hearing of proposed ordinance amending Chapter 78 (entitled "Solid Waste") of the Code of Ordinances; amending Section 78-158 (entitled “Abandoned Collection Containers; Impoundment”) to clarify that roll-off containers do not need to have a lid or cover; amending Section 78-161 in Article VI (entitled “Collection Services by Private Collectors Authorized through Non-Exclusive Franchises”) to clarify a franchisee’s obligation to allow the copying of its financial records during an audit by the City; amending Section 78-164 in Article VI to clarify that certain restrictions on the days and hours of waste collection only apply within 300 feet of residential properties; amending Article VII (entitled “Roll-Off Container Regulations”) to clarify the requirements applicable to the collection of recovered materials and to conform with state law; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for inclusion in code; providing a severability clause; and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member De la Rosa away during the roll call for a vote.

ORDINANCE NO. 2021-081

On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item 10 C made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council Member De la Rosa away during the roll call for a vote. Council Member De la Rosa recorded his vote as “Yes” after the Motion to Approve passed.

10 D. Second reading and public hearing of proposed ordinance authorizing the sale of real property located at 2540 Palm Avenue, Hialeah, Florida, identified by folio number 04-3107-004-0110; approving the terms of the Vacant Land Contract with J & Y Investment, Corp. and the City of Hialeah, attached hereto as Exhibit “1”; accepting the offer price of \$276,596.00 and all other offer terms; authorizing the Mayor, and

the City Clerk, as attesting witness, on behalf of the City to execute the contract, Special Warranty Deed, seller's affidavits, closing statements and such other customary documents, in a form acceptable to the City Attorney, as are necessary to close the sale; approving payment for professional legal services rendered by Gardner, Bist, Bowden, Dee, Lavia, Wright, Perry & Harper, P.A. in connection with the sale in an amount not to exceed \$10,000.00 and all other closing costs as provided by the terms of the contract from the proceeds of sale; repealing all ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member De la Rosa away during the roll call for a vote.

ORDINANCE NO. 2021-082

On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item 10 D made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council Member De la Rosa away during the roll call for a vote. Council Member De la Rosa recorded his vote as "Yes" after the Motion to Approve passed.

- 10 E.** Second reading and public hearing of proposed ordinance approving a Final Plat of Excellent New Homes Hialeah; 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 located at 715 East 56 Street, Hialeah, Florida.**
(ZONING)

APPROVED 7-0

ORDINANCE NO. 2021-083

On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item 10 E made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

- 10 F.** Second reading and public hearing of proposed ordinance authorizing and providing for the issuance of a Taxable Refunding Revenue Note, Series 2021 in an amount not to exceed \$29,000,000 for the purpose of refunding certain outstanding obligations; approving the selection of Truist Bank, formerly known as Branch Banking & Trust Company (BB&T), N.A., as the responsive and responsible lender offering the lowest cost financing proposal pursuant to Request for Proposal No. 2020-2021-8500-00-005; authorizing all other actions necessary to the consummation of the transaction contemplated by this ordinance; authorizing certain City officials to execute such note and all necessary documents on behalf of the City;

repealing for a severability clause; and providing an effective date.
(ADMINISTRATION)

APPROVED 7-0

ORDINANCE NO. 2021-084

On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item 10 F made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

- 10 F 1.** Proposed resolution authorizing and providing the issuance of a Taxable Refunding Revenue Note, Series 2021 in an amount not to exceed \$29,000,000 for the purpose of refunding certain outstanding obligations; providing that the Series 2021 Note shall be a limited obligation of the City payable from non-ad valorem revenues budgeted, appropriated and deposited as provided herein; providing for the rights, securities and remedies for the owner of the Series 2021 Note; authorizing certain City officials to execute such Series 2021 Note and all necessary documents on behalf of the City and to take all actions required in connection with the sale, issuance and delivery of such Series 2021 Note; authorizing the execution and delivery of an Escrow Deposit Agreement; making certain covenants and agreements in connection therewith; repealing all resolutions in conflict herewith; providing for a severability clause; and providing for an effective date.
(ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2021-124

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item 10 F 1 made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

- 10 G.** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article II- Carnivals, Shows and Exhibits, specifically amending § 18-29 “Permit; Operating Standards” increasing the time period for carnivals within the Hialeah Park District (HPD) from thirty to sixty days and requiring City Council approval for carnivals lasting in excess of 60 days up to 120 days subject to mitigation of impacts and implementation of public safety measures; repealing all 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.
(ADMINISTRATION)

APPROVED 7-0

REPORT: Motion to Approve Item 10 G made by Council Member Cue-Fuente, and seconded by Council Member Zogby. Motion passes 7-0.

REPORT: Lorena Bravo, City Attorney, addressed the City Council on this item.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Javier Vazquez, with law offices at 1450 Brickell Avenue, spoke on behalf of the Brunetti Family.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

- 10 H.** First reading of proposed ordinance amending Chapter 94 of the Code of Ordinances of the City of Hialeah entitled “Water and Sewers”, and in particular, Hialeah Code § 94-163 entitled “Water and Wastewater Payment in Lieu of Franchise Fees” to reduce the limits of the rate scale from a minimum rate of 7.5% and a maximum rate of 10% to a new minimum rate of 3% and a new maximum rate of 6%; repealing all ordinances or parts of ordinances in conflict herewith; providing for inclusion in code; providing for severability clause and providing for an effective date.

(ADMINISTRATION)

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

REPORT: Motion to Approve Item 10 H made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 7-0.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Lorena Bravo, City Attorney, addressed the City Council on this item.

REPORT: Armando Vidal, Director of the City’s Department of Public Works, spoke via Zoom.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

- 10 I.** Proposed resolution approving an Interim Agreement with One Palm Venture, LLC pursuant to Section 255.065, Florida Statutes, related to construction and operation of affordable and workforce housing, related public parking improvements, and improvement of the City’s Triangle Park in substantial conformity with the agreement attached as Exhibit “A”; authorizing the Mayor and the City Clerk, as attesting witness, to execute the Interim Agreement on behalf of the City; authorizing City Officials to take all actions required as contemplated by the Interim Agreement and in furtherance of the project; and providing for an effective date.

(ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2021-125

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Lorena Bravo, City Attorney, addressed the City Council on this item.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Eric Liff, a financial advisor hired by the City, addressed the City Council via Zoom.

REPORT: Luis Machado (developer), 305 Alcazar Avenue, addressed the City Council.

REPORT: Evo Fernandez (architect), 4955 Southwest 75 Avenue, addressed the City Council.

REPORT: Motion to Approve Item 10 I made by Council Member Cue-Fuente, and seconded by Council Member Zogby. Motion passes 7-0.

10. BOARD APPOINTMENTS

11. UNFINISHED BUSINESS

12. NEW BUSINESS

- **Mayor Hernandez** thanked the City Council for the investments approved for the Police Department.
- **Council Vice President Monica Perez** spoke regarding the possibility of earning revenue by the usage of the shoot house and simulator at the Police Training Center by other agencies.
- **Council Member Hernandez** spoke regarding the content of billboards located throughout the City.

13. ZONING

PLANNING AND ZONING

REPORT: Item PZ 14 was considered by the City Council out of the order of the agenda.

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning properties located at 821 and 831 SE 8 Avenue from R-1 (One-Family District) to B-1 (Highly Restricted Retail District) and property located at 820 SE 8 Court from R-1 (One-Family District) to P (Parking); granting a variance permit to allow a mixed development with 100% of the units having an area of approximately 650 square feet, where only 10% of the units may have an area of less than 850 square feet; allow interior south side setback of 0 feet and 5 feet interior rear setback, where 15 feet setback is required on property lines

abutting low density residential; allow 40 parking spaces, where 70 are required and allow 15% pervious area, where 30% is required. **Properties located at 821 and 831 SE 8 Avenue and 820 SE 8 Court, Hialeah, zoned R-1 (One-Family District).**; all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(e)(2), 98-2189(16)a. and 98-2056(b)(1). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-2-0 with Council Vice President Perez and Council Member Hernandez voting “No”.

ORDINANCE NO. 2021-085

<i>On August 24, 2021, the City Council tabled the item until September 14, 2021, per the applicant’s request.</i>
<i>On August 10, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 24, 2021.</i>
<i>On July 13, 2021, the item was postponed until August 10, 2021.</i>
<i>Registered Lobbyists: Hugo P. Arza, Esq. and Alejandro J. Arias, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131 on behalf of SJM Hialeah 8th Avenue, LLC.</i>
<i>On May 12, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Property Owner: Victor & Yarelys Marquez, 821 SE 8th Avenue, 831 SE 8th Avenue & 820 SE 8th Court, Hialeah, Florida.</i>

REPORT: Council President Tundidor opened the item for public participation and five members of the public present in the Council Chambers expressed interest in speaking during this portion of the meeting:

- (1) **Jose Azze**, with a home address of 788 Southeast Park Drive, addressed the City Council in opposition to the approval of the item.
- (2) **Carlos Martinez**, with a home address of 841 Southeast 8th Court, addressed the City Council in opposition to the approval of the item.
- (3) **Ruben Calderon**, with a home address of 832 Southeast 8th Street, addressed the City Council in opposition to the approval of the item.
- (4) **Robert Gewanter**, with his business located at 794 Southeast 8th Street, addressed the City Council in favor of the project, but discussed concerns with the lack of parking.
- (5) **Candy Hersh**, with a home address of 830 Southeast 8th Court, addressed the City Council in opposition to the approval of the item.

REPORT: Hugo Arza, Esq., after being duly sworn-in, addressed the City Council, on behalf of the

applicant. Mr. Arza's presentation is on file in the Office of the City Clerk.

REPORT: Motion to Approve Item PZ 1 made by Council Member Cue-Fuente, and seconded by Council Member De la Rosa. Motion passes 5-2-0 with Council Vice President Perez and Council Member Hernandez voting "No".

PZ 2. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District); and granting a variance permit to allow 70 parking spaces, where 136 parking spaces are required for an existing church and school; allow 7% pervious area, where 30% is required; and variance permit to partially waive landscape manual requirement of providing the landscape island every 10 parking spaces; all contra to Hialeah Code of Ordinances §§ 98-2189 (4)i, 98-2056(b)(1) and City of Hialeah Landscape Manual dated July 9, 2015 ¶(D)(8) and as provided in § 98-2233. **Property located at 660 East 41 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.

APPROVED 7-0

ORDINANCE NO. 2021-086

<i>On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.</i>
<i>Registered Lobbyist: Frank De la Paz, 9361 Bird Road, Miami, Florida 33165, on behalf of Iglesia Evangelica Luterana Jesus Rey de Gloria Corp.</i>
<i>On August 11, 2021, the Planning and Zoning Board recommended approval of this item subject to a Declaration of Restrictions (DOR) and Unity of Title.</i>
<i>Planner's Recommendation: Approval subject to Declaration of Restrictions (DOR) and Unity of Title.</i>
<i>Property Owner: Remedios Cruz, 5050 NW 7th Street, Apt 104, Miami, Florida 33126 Sandra Pardo Hernandez, 1309 SW 154 Court, Miami Florida 33194 Noelia Gomez, 9947 NW 123 Street, Hialeah Gardens, Florida 33018 Sandra Lucia Mohguia Viva, 3006 SW 24 Avenue, Miami, Florida 33145.</i>

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

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

PZ 3. Second reading and public hearing of proposed ordinance granting a variance permit to allow a secondhand (merchandise) dealer and precious metal dealer located at a distance of 1,110 feet from another secondhand (merchandise) dealer and precious metal dealer, where a distance of 2,500 feet is required; allow 9 parking spaces, where 12 parking spaces are required and allow reduced landscape buffers of 3 feet, 4 feet and 5 feet, where 7 feet is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1111(21) and 98-2189(7) and City of Hialeah Landscape Manual dated July 9, 2015 ¶ (D)(7). **Property located at 3190 Palm Avenue, 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.

APPROVED 7-0

ORDINANCE NO. 2021-087

<i>On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.</i>
<i>Registered Lobbyist: Manny Reus, Architect, 18501 Pines Blvd, Pembroke Pines, Florida 33029, on behalf of Chaled XXII, LLC</i>
<i>On August 11, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Property Owner: Chaled XXII, LLC. / La Estrella De Oro Joyeria #3 Corp., 5000 West 12th Avenue, Hialeah, Florida 33012.</i>

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

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

PZ 4. Second reading and public hearing of proposed ordinance granting a variance permit to allow total lot coverage of 37.1% where 30% is the maximum allowed; contra to Hialeah Code of Ordinances §§ 98-2056(b)(2). **Property located at 2474 West 4 Court, Hialeah, zoned R-2 (One-and Two-Family Residential District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

ORDINANCE NO. 2021-088

<i>On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.</i>
<i>On August 11, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Property Owner: Fernando Rodriguez, 90 West 61 Street, Hialeah, Florida 33012.</i>

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item PZ 4 made by Council Member Cue-Fuente, and seconded by Council Member De la Rosa. Motion passes 7-0.

PZ 5. Second reading and public hearing of proposed ordinance granting a variance permit to allow a Temporary Waiver of Plat provided that the property will be platted within 18 months of the approval of this ordinance. **Property located at 11250 West 36 Avenue, Hialeah, 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 7-0

ORDINANCE NO. 2021-089

<i>On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.</i>
<i>Registered Lobbyists: Hugo P. Arza, Esq. and Alejandro J. Arias, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131 on behalf of Butters Acquisitions, LLC.</i>
<i>On August 11, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Martinez Family Investments, Limited (Jose Martinez and Alicia Martinez), 2700 SW 130 Avenue, Miami, Florida 33175.</i>

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item PZ 5 made by Council Member Cue-Fuente, and seconded by Council Member Hernandez. Motion passes 7-0.

PZ 6. 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 flight academy including 20 flight simulators with maximum capacity of 60 pilots, including instructors within a 67,654 square foot bay, and variance permit to allow 82 parking spaces, where 339 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(9). **Property located at 1125 SE 8 Street, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0

ORDINANCE NO. 2021-090

<i>On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for September 14, 2021.</i>
<i>Registered Lobbyists: Hugo P. Arza, Esq. and Alejandro J. Arias, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131 on behalf of Pam Am Flight Academy, Inc.</i>
<i>On August 11, 2021, the Planning and Zoning Board recommended approval of this item with the condition that that the variance to allow 82 parking spaces, where 339 are required is only allowed for the proposed use and will be voided automatically if the flight academy use is discontinued.</i>

Planner's Recommendation: Approval with conditions.

Property Owner: Lincoln GP Advisory Group, Inc., 1125 SE 8th Street, Hialeah, Florida.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item PZ 6 made by Council Member Cue-Fuente, and seconded by Council Member Hernandez. Motion passes 7-0.

PZ 7. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit pursuant to Hialeah Code of Ordinances § 98-181 to allow the sale and consumption of alcohol within the facility located in the Alwod Artist Live/Work Overlay District, "Leah Art District". **Property located at 901 East 10 Avenue, Bay # 24, consisting of 4,300 square feet, 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.

APPROVED 6-0-1 with Council Member De la Rosa away during the roll call for a vote.

ORDINANCE NO. 2021-091

On February 23, 2021, the item was postponed until further notice, per the applicant's request.

On February 9, 2021, the item was postponed until February 23, 2021, per the applicant's request.

On January 26, 2021, the item was postponed until February 9, 2021, per the applicant's request.

On January 12, 2021, the item was postponed until January 26, 2021, per the applicant's request.

*On December 8, 2020, the City Council approved the item on first reading, as amended (**alcohol sales until 11:00 p.m.**). Second reading and public hearing was scheduled for January 12, 2021.*

Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Isabel Restaurant Inc., 901 East 10 Avenue, Hialeah, FL.

On November 18, 2020, the Planning and Zoning Board recommended approval with the condition that alcohol for consumption on premises will only be sold with full meals and that improvements will be made to the façade of the subject bay to reflect consistency with the ALWOD district, prior to applying for the alcoholic beverages license.

Planner's Recommendation: Approval with conditions.

Owner of the Property: Flamingo East LTD, Jack Glottman, Deborah Glottman, 290 West 165 Street, PH 2, Miami, Florida 33029, Isabel Restaurant Inc., 901 East 10 Avenue, Bay 24, Hialeah, FL 33013, and Fabio Marte, 18175 SW 5 Court, Pembroke Pines, Florida 33029.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Ceasar Mestre, Esq., after being duly sworn-in, addressed the City Council via Zoom.

REPORT: Motion to Approve Item PZ 7 made by Council Member Hernandez, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council Member De la Rosa away during the roll call for a vote. Council Member De la Rosa recorded his vote as “Yes” after the Motion to Approve passed.

PZ 8. First reading of proposed ordinance amending Ordinance No. 2019-011 (February 12, 2019) replacing the proposed site plan and Declaration of Restrictive Covenants previously proffered to provide for 323 residential units, where 216 units were originally approved. **Property located at 955 East 25 Street, Hialeah, zoned TOD (Transit Oriented 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 7-0

<i>Registered Lobbyists: Jorge L. Navarro, Esq., and Carlos L. Diaz, Esq., 333 SE 2nd Avenue, 44th Floor, Miami, Florida, on behalf of Metro Parc Hialeah, LLC.</i>
<i>On August 25, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner’s Recommendation: Approval</i>
<i>Property Owner: Metro Parc Hialeah, LLC and Jenny A Ducret (Manager), 301 Almeria Avenue, Suite 330, Coral Gables, Florida 33134.</i>

REPORT: Motion to Approve Item PZ 8 made by Council Member De la Rosa, and seconded by Council Member Hernandez. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

PZ 9. First reading of proposed ordinance amending Ordinance No. 2019-113 (December 10, 2019) replacing the proposed site plan and Declaration of Restrictive Covenants previously proffered to provide for an 8-story/110 unit multifamily building, where a parking garage and ground floor with retail uses was originally approved. **Property located at 962, 972 and 980 East 26 Street, Hialeah, zoned TOD (Transit Oriented 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 7-0

<i>Registered Lobbyists: Jorge L. Navarro, Esq., and Carlos L. Diaz, Esq., 333 SE 2nd Avenue, 44th Floor, Miami, Florida, on behalf of Metro Parc Hialeah, LLC.</i>
<i>On August 25, 2021, the Planning and Zoning Board recommended approval of this item.</i>

Planner's Recommendation: Approval

Property Owner: Metro Parc Hialeah, LLC and Jenny A Ducret (Manager), 301 Almeria Avenue, Suite 330, Coral Gables, Florida 33134.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Motion to Approve Item PZ 9 made by Council Member Cue-Fuente, and seconded by Council Member De la Rosa. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

REPORT: Council President Tundidor left the Council Meeting at 10:47 p.m., and Vice President Perez conducted the meeting as Chair.

PZ 10. First reading of proposed ordinance rezoning property from R-1 (One-Family District) to B-1 (Highly Restricted Retail District); granting a variance permit to allow a total building site area of 1,430 square feet, where 1,500 square feet is the minimum required; and allow front setback of 10 feet, where 20 feet are required; all contra to Hialeah Code of Ordinances §§ 98-928 and 98-929. **Property located at 740 East 49 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.

APPROVED 5-0-2 with Council President Tundidor absent and Council Member Cue-Fuente away during the roll call for a vote.

On August 25, 2021, the Planning and Zoning Board recommended approval of this item.

Planner's Recommendation: Approval

Property Owner: Carmen Vilela and Sahilyn Reyes, 740 East 49 Street, Hialeah, Florida 33013.

REPORT: Motion to Approve Item PZ 10 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 5-0-2 with Council President Tundidor absent and Council Member Cue-Fuente away during the roll call for a vote. Council Member Cue-Fuente recorded her vote as "Yes" after the Motion to Approve passed.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

PZ 11. First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-3-3 (Multiple-Family District); granting a variance permit to allow front setback of 12 feet, where 25 feet are required; allow street side setback of 7.2 feet, where 15 feet are required; and allow total lot coverage of 32%, where 30% is the maximum allowed, all contra to Hialeah Code of Ordinances §§98-589, 98-590 and 98-2056(b)(2). **Property located at 2901 East 5 Avenue, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council President Tundidor absent.

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Juan Baroso.</i>
<i>On August 25, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approve rezoning and variances as requested.</i>
<i>Owner of the Property: Juan Baroso, 8005 NW 164 Terrace, Miami Lakes, Florida 33016.</i>

REPORT: Ceasar Mestre, Esq., addressed the City Council via Zoom.

REPORT: Debora Storch, Planning Official of the City of Hialeah, addressed the City Council via Zoom.

REPORT: Motion to Approve Item PZ 11 made by Council Member Cue-Fuente, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council President Tundidor absent.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

PZ 12. First reading of proposed ordinance granting a variance permit to allow a Temporary Waiver of Plat provided that the property will be platted within 18 months of the approval of this ordinance. **Property located at 10850 West 36 Avenue, Hialeah, 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 6-0-1 with Council President Tundidor absent.

<i>On August 25, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval of temporary waiver of plat for 18 months.</i>
<i>Owner of the Property: L. Michael Osman, Manager of Eruditional, LLC, 1474-A West 84th Street, Hialeah, Florida 33014.</i>

REPORT: Craig McDonald (applicant), 1239 East Newport Center Drive, Suite 113, addressed the City Council.

REPORT: Motion to Approve Item PZ 12 made by Council Member Hernandez, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council President Tundidor absent.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

PZ 13. First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-2 (One- and Two Family Residential District); granting a variance permit to allow the construction of a

duplex on a substandard lot with frontage of 60.02 feet, where 75 feet are required; and allow lot coverage of 31.7% where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§98-544 and 98-2056(b)(2). **Property located at 1480 West 37 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.

APPROVED 6-0-1 with Council President Tundidor absent.

<i>Registered Lobbyist: Manny Reus (architect), 18501 Pines Blvd, Suite 342, Pembroke Pines, Florida 33029, on behalf of Marcial Rodriguez.</i>
<i>On August 25, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner’s Recommendation: Approval as amended (remove the rear setback and reduce the lot coverage requests). The following is recommended for approval: Rezoning from R-1 to R-2 and variance permit to allow a duplex on a substandard lot with frontage of 60.02 feet, where 75 are required and variance to allow 31.7% pervious area, where 30% is required.</i>
<i>Owner of the Property: Marcial Rodriguez, 2750 N. 73 Street, Hialeah, Florida 33016.</i>

REPORT: Motion to Approve Item PZ 13 made by Council Member Cue-Fuente, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council President Tundidor absent.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

PZ 14. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow single use, where mixed use is required; allow 55% of the units with area of 600 square feet, where only 10% of the units may have an area of 600 square feet; waive building mass requirement and setback requirements for the tower and cap of the building; allow 196 parking spaces; where 342 parking spaces are required; and allow pervious area of less than 30%, where 30% is the minimum required. **Property located at 150 East 1 Avenue, Hialeah, zoned CBD (Central Business District);** contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(c), 98-1630.3(e)(1) and (2), 98-2189(16)a., and the City of Hialeah Landscape Manual date July 9, 2015, “Table A, Minimum Pervious Area, CBD.” 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 7-0

<i>On September 8, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner’s Recommendation: Approval.</i>
<i>Property Owner: City of Hialeah, 501 Palm Avenue, Hialeah, Florida 33010</i>

REPORT: Motion to Approve Item PZ 14 made by Council Member Cue-Fuente, and seconded

by Council Member Zogby. Motion passes 7-0.

REPORT: Second reading and public hearing is scheduled for September 28, 2021.

14. FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-11** that granted an adjustment on the property located at **741 East 6th Place, Hialeah, Florida;** and providing for an effective date.

APPROVED 6-0-1 with Council President Tundidor absent.

RESOLUTION NO. 2021-126

On August 11, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the proposed exterior east side door and wet bar are removed and that the 280 square feet terrace remains open on its east and north sides.

Planner's Recommendation: Approve with the condition that the proposed exterior east side door and wet bar are removed and that the 280 square feet terrace remains open on its east and north sides.

Owners of the Property: Francisca Steegers & Rene Steegers, 741 East 6th Place, Hialeah, Florida 33010.

REPORT: **Frank de la Paz**, 9361 Bird Road, addressed the City Council, on behalf of the applicant. The video demonstrated during the presentation is on file in the Office of the City Clerk.

REPORT: **Debora Storch**, Planning Official for the City of Hialeah, spoke via Zoom.

REPORT: Motion to Approve Item FD 1 subject to the Planner's recommendations made by Council Member De la Rosa, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council President Tundidor absent.

REPORT: Motion to Reconsider Item FD 1 made by Council Member Hernandez, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council President Tundidor absent.

REPORT: Motion to Approve Item FD 1 and allow the applicant to maintain the exterior east side door, as well as the wetbar, made by Council Member De la Rosa, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council President Tundidor absent.

FD 2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-12** that granted an adjustment on the property located at **670 East 8 Court, Hialeah, Florida;** and providing for an effective date.

APPROVED 5-0-2 with Council President Tundidor absent and Council Member De la Rosa away during the roll call for a vote.

RESOLUTION NO. 2021-127

On August 11, 2021, the Planning and Zoning Board recommended approval of the item with the condition that the terrace remains open on three sides and that a solid fence with adjacent lush landscaping is provided at the rear property line.

Planner's Recommendation: Approval with the condition that the terrace remains open on three sides and that a solid fence with adjacent lush landscaping is provided at the rear property line.

Owners of the Property: Kety Molerio, Odilio Gonzalez, Odilio Gonzalez Jr., 670 East 8th Court, Hialeah, Florida 33010.

REPORT: Debora Storch, Planning Official for the City of Hialeah, spoke via Zoom.

REPORT: Motion to Approve Item FD 2 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council President Tundidor absent and Council Member De la Rosa away during the roll call for a vote.

15. LAND USE

- LU 1.** Second reading and public hearing of proposed ordinance adopting a Text Amendment to the Industrial Land Use Classification in Future Land Use Element of the Hialeah, Fla., Comprehensive Plan allowing Multifamily Residential uses subject to Conditional Use Permit on properties with Industrial Land Use Classification that are located within a quarter mile of properties with Mixed Use Hialeah Heights Land Use Classification; 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 6-0-1 with Council President Tundidor absent.

ORDINANCE NO. 2021-092

On August 24, 2021, the City Council approved the item on first reading. Second reading and public hearing scheduled for September 14, 2021.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item LU 1 made by Council Member Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council President Tundidor absent.

REPORT: Council Vice President Perez adjourned the meeting at 11:11 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, September 28, 2021 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, September 28, 2021 at 7:00 p.m.

FIRST BUDGET HEARING: Wednesday, September 15, 2021 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).