

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Isis Garcia-Martinez
Council Vice President



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

City Council Meeting Minutes September 24, 2019 7:00 P.M.

Call to Order

REPORT: Council President Casáls-Muñoz called the meeting to order at 7:09 p.m.

Roll Call

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

- Council President Vivian Casáls-Muñoz
- Council Vice President Isis Garcia-Martinez
- Councilman Jose Caragol
- Councilwoman Katharine Cue-Fuente
- Councilman Paul Hernandez
- Councilman Carl Zogby

REPORT: The following Council Members were absent:

- Councilwoman Lourdes Lozano

REPORT: Also present was:

- Lorena Bravo, City Attorney
- Mayor Carlos Hernandez

Invocation given by Marbelys Fatjo, City Clerk

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

Pledge of Allegiance to be led by Councilman Hernandez

REPORT: Councilman Hernandez led the Pledge of Allegiance.

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

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

1. PRESENTATIONS

REPORT: None.

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Items JJ and KK have been added to today's agenda and placed on the dais for the City Council's review.
- Board Appointment Item 5A has been added to today's agenda and placed on the dais for the City Council's review.
- Item PZ 4 is postponed until October 8, 2019.

3. CONSENT AGENDA

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

agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Cue-Fuente, and seconded by Councilman Caragol. Motion passed 6-0-1 with Councilwoman Lozano absent.

- A. Request permission to approve the minutes of the Council Meeting held on September 10, 2019. (OFFICE OF THE CITY CLERK)
APPROVED 6-0-1 with Councilwoman Lozano absent.
- B. Request from Home Depot Store # 6378, for a Christmas Tree Sales Permit, with set up taking place on Monday, November 18, 2019 and take down on Saturday, December 28, 2019, and with sales scheduled to take place from November 25, 2019 through December 25, 2019, to be located at the Home Depot store located at 950 Southeast 12th Street, Hialeah, FL, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)
APPROVED 6-0-1 with Councilwoman Lozano absent.
- C. Request from Home Depot Store # 202, for a Christmas Tree Sales Permit, with set up taking place on Monday, November 18, 2019, and take down on Saturday, December 28, 2019, and with sales scheduled to take place from November 25, 2019 through December 25, 2019, to be located at the Home Depot store located at 1590 West 49th Street, Hialeah, FL, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)
APPROVED 6-0-1 with Councilwoman Lozano absent.
- D. Request from Elite Tent Company, on behalf of Lowe's of Hialeah, FL, Store # 2254, for a Christmas Tree Sales Permit, with set up taking place on Monday, November 11, 2019 and take down between Friday, December 27, 2019 and Tuesday, December 31, 2019, and with sales commencing on Monday, November 18, 2019 and ending on Monday, December 30, 2019, to be located at 1650 West 37 Street, Hialeah, Florida, in accordance with recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)
APPROVED 6-0-1 with Councilwoman Lozano absent.
- E. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has been servicing the City during the past ten (10) years and has been responsive, and issue a purchase order to Jorge L Leon Car Wash Inc, for the service of washing City vehicles during fiscal year 2019-2020, in a total cumulative amount not to exceed \$45,000. (FLEET MAINTENANCE DEPT.)
APPROVED 6-0-1 with Councilwoman Lozano absent.
- F. Request permission to waive competitive bidding, since it advantageous to the City, and issue a purchase order to Trimline Graphics International, Inc., vendor providing the lowest quotation, for the purchase and installation of decals for City vehicles during fiscal year 2019-2020, in a total cumulative amount not to exceed \$35,000. (FLEET MAINTENANCE DEPT.)
APPROVED 6-0-1 with Councilwoman Lozano absent.
- G. Proposed resolution amending Hialeah Florida Resolution No. 2019-013 (February 12, 2019) that authorized the application for, and the acceptance of a grant from the Federal Universal Service Fund (e-RATE) for schools and libraries, which included a 90% discount on internet services for the City of Hialeah Public Libraries, and authorized the expenditure of \$6,420.00

for internet services, to reduce the discount rate from 90% to 80%, and increase the expenditure from \$6,420.00 to \$12,840.00; providing for an effective date. (LIBRARY)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-114

- H. Proposed resolution approving the Library's Annual Plan of Service for fiscal year 2019-2020 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 Councilwoman Lozano absent.

RESOLUTION NO. 2019-115

- I. Request permission to utilize City of Tamarac Contract No. 13-23R/618-000-11-1 – *Office Supplies for the Southeast Florida Governmental Purchasing Group Co-op*, effective through October 17, 2019, and issue a purchase order to Office Depot, Inc., to purchase office supplies during fiscal year 2019-2020, in a total cumulative amount not to exceed \$110,000, to be allocated through various City departments. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- J. Request permission to utilize U.S Communities Contract No. R-TC-17006 between this vendor and Prince William County Public Schools, effective through January 18, 2022, and issue a purchase order to Amazon Capital Services, Inc., for online marketplace purchase of products and services during fiscal year 2019-2020, in a total cumulative amount not to exceed \$100,000. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- K. Request permission to waive competitive bidding and renew Hialeah Bid # 2014-15-8500-12-008 – *Janitorial Supplies* for a final year, since it is advantageous to the City in that this vendor has agreed to maintain the same pricing, and issue a purchase order to East Continental Supplies, LLC, for the procurement of janitorial supplies during fiscal year 2019-2020, in a total cumulative amount not to exceed \$175,000 to be allocated through various city departments. On November 13, 2014 the City Council awarded Hialeah Bid No. 2014/15-8500-12-008- *Janitorial Supplies* to this vendor for a period of one year with the option to renew for one contract period. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- L. Request permission to utilize State of Florida Contract No. 14111500-15-1 - *Office, Virgin and Recycled Content*, effective through July 19, 2021, and issue a purchase order to Mac Papers Inc., for the procurement of paper supply during fiscal year 2019-2020, in a total cumulative amount not to exceed \$80,000, to be allocated through various City departments. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- M. Request permission to issue a purchase order to Toshiba American Business Solutions, Inc., d/b/a Toshiba Business Solutions, to pay for the lease cost of the citywide copier, in the amount of \$6,206.38 per month, in a total cumulative expense amount not to exceed \$74,476.56. Further request permission to issue a second purchase order for black and white impressions, in the amount of \$0.044 for black and white impressions, as well as color impression, in the amount of \$0.045, during fiscal year 2019-2020, in a total cumulative amount not to exceed \$25,000. On December 12, 2017 the City Council approved for the City to enter into a lease agreement with this vendor for a lease term of four (4) years, commencing on January 1, 2018 and ending on January 31, 2022. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- N. Request permission to issue a purchase order to Amano McGann, Inc., to cover yearly cost for parking garage pay-on-foot services and maintenance, in a total cumulative amount not to exceed \$18,568.00. On October 9, 2018, the City Council approved for the City to enter into agreement with Amano McGann, Inc., for a new NowCare Premium Support Agreement beginning on November 1, 2018 through October 31, 2021. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- O. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is FCIC/NCIC certified which gives the vendor unsupervised access to the Police secured sites, and issue a purchase order to G. & R. Electric Corp., for the installment of a new fire alarm system which will include smoke detectors, monitor modules, horn strobes, pull stations and annunciator to Police Headquarters and Police Sector 3, as well as for repairs to the fire alarm system in Police Sector 5, and installation of equipment such as fire alarm panel, devices and programs being replaced in Sector 1, in a total cumulative amount not to exceed \$94,635.00. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- P. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2019-333, issued to Florida Wood Recycling, Inc., for the disposal of the City's vegetation debris and occasional purchase of colored mulch, by an additional amount of \$2,650, for a new total cumulative amount not to exceed \$22,650. (STREETS)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- Q. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has been servicing the City for the past ten (10) years and has been responsive, and issue a purchase order to Jorge L Leon Car Wash Inc, for the service of washing City transit buses during fiscal year 2019-2020, in a total cumulative amount not to exceed \$40,000. (TRANSIT)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- R. Request permission to issue a purchase order to Axon Enterprise, Inc., sole source vendor of Taser less lethal weapon system, to lease one hundred (100) X26P Tasers and related accessories, during fiscal year 2019-2020, in a total cumulative amount not to exceed \$26,400. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- S. Proposed resolution approving the expenditure totaling an amount not to exceed \$37,400.00 from the Law Enforcement Trust Fund – *Federal*, to purchase body armor for the Hialeah Police Department, from SRT Supply, LLC, a Florida Limited Liability Company, pursuant to Hialeah Code of Ordinances § 2-818, "Piggy Back", upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-116

- T. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to United Healthcare Inc., for an additional Medicare Advantage Plan with Prescription Plan for Medicare eligible retired employees and spouses, in an estimated

total cumulative amount not to exceed \$2,500,000 annually for calendar year 2020. (RISK MANAGEMENT)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- U. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Cigna Healthcare, Inc., for an Open Access Plus (OAP) Plan/HMO Plan for eligible employees, retired employees and dependents, in an estimated total cumulative amount not to exceed \$11,000,000 annually for calendar year 2020. (RISK MANAGEMENT)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- V. Request permission to renew the agreement between the City and American Public Life Insurance Company, for gap insurance for eligible employees, retired employees and dependents for calendar year 2020, in an estimated total cumulative amount not to exceed \$1,750,000. (RISK MANAGEMENT)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- W. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Home Depot, to purchase operational supplies as needed for fiscal year 2019-2020, in a total cumulative amount not to exceed \$90,000, to be allocated through various City departments. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- X. Request permission to award Hialeah Bid No. 2018-19-8500-36-018 – *Uniforms* to the three responsive bidders, Monica Manufacturing Corp., d/b/a All Uniform Wear, Global Trading, Inc., and Royal “T” Screen Printing Corp., d/b/a Unicommerce, for the procurement of uniforms, for a total expense amount of \$100,000, for fiscal year 2019-2020, to allocated through various City Departments. (PURCHASING DIV.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- Y. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to maintain the same pricing for fiscal year 2019-2020, and issue a purchase order to VisualScape, Inc., for the landscape management at Hialeah Garden of the Arts, with services to include ground maintenance, trimming of shrubs, ground covers, trimming of trees and palms, horticultural program, pest control, fertilization and irrigation system wet check in fiscal year 2019-2020, in a total cumulative amount not to exceed \$60,000. (DEPT. OF PARKS AND RECREATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- Z. Request permission to issue a purchase order to West Publishing Corporation, vendor providing the lowest quotation, for the investigative tool called CLEAR Investigator, which saves countless man-hours in investigative legwork in locating and linking victims, witnesses and subjects, in a total cumulative amount not to exceed \$15,600. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- AA. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor continues to be the only local company that can offer all the necessities such as police uniforms and equipment all in one place, and issue a purchase order to Lou’s Police Distributors, Inc., to pay for police uniforms and related accessories for fiscal year 2019-2020, in a total cumulative amount not to exceed \$165,000. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

BB. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to VCA Animal Hospitals, Inc., for health related vaccines, necessary licensing for each animal from Metro Dade County, dental care plan, kenneling, and to maintain the physical health of the police canine dogs during fiscal year 2019-2020, in a total cumulative amount not to exceed \$24,000. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

CC. Request permission to renew Hialeah Bid No. 2015-16-3130-00-022 - *Apparel*, with the following vendors: Zipp Sporting Goods Inc, and Awards, LLC doing business as Trophy World, for an additional fiscal year from October 1, 2019 through September 30, 2020, to purchase patron uniforms, in a total cumulative amount not to exceed \$35,000. On October 25, 2016, the City Council awarded this bid to these vendors with the option to extend the period of the contract for an additional contract period with the extension of the contract only occurring for three (3) consecutive fiscal years. (DEPT. OF PARKS AND RECREATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.

DD. Proposed resolution approving the expenditure totaling an amount not to exceed forty-three thousand, thirty-six dollars (\$43,036.00) from the Law Enforcement Trust Fund – *State*, for the rental of vehicles, from Royal Rent-A-Car Systems of Florida, Inc., a Florida Corporation and ratifying the rental agreement between the parties signed by the Mayor’s designee, the Chief of Police, Vendor # 21162, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-117

EE. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to ConvergeOne, Inc., for the purchase of Avaya phone system support and maintenance for a period of one (1) year commencing on October 1, 2019 and ending on September 30, 2020, in a total cumulative amount not to exceed \$34,496.96. (INFORMATION TECHNOLOGY DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

FF. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to SHI International Corp., for the renewal of the City’s Microsoft Software Licensing Enterprise Agreement, for three years, to be paid annually in the amount of \$210,702.79, for a total expense amount not to exceed \$632,108.37. (INFORMATION TECHNOLOGY DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

GG. Request permission to renew Hialeah Bid No. 2015/16-3130-00-023 - *Athletic Equipment*, awarded to S&S Worldwide LLC, since it is advantageous to the City, for an additional year commencing on October 1, 2019 and ending on September 30, 2020, to purchase athletic equipment, in a total cumulative amount not to exceed \$6,000. On October 25, 2016, the City Council awarded this bid to this vendor with the option to extend the period of the contract for an additional contract period with the extension of the contract only occurring for three (3) consecutive years. (DEPT. OF PARKS AND RECREATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.

HH. Request permission to renew Hialeah Bid No. 2015/16-3130-00-023 - *Athletic Equipment*, awarded to BSN Sports, LLC, since it is advantageous to the City in that the vendor has

agreed to maintain the same price, for an additional fiscal year, from October 1, 2019 through September 30, 2020, to purchase athletic equipment, in a total cumulative amount not to exceed \$24,000. On October 25, 2016, the City Council awarded this bid to this vendor with the option to extend the period of the contract for an additional contract period with the extension of the contract only occurring for three (3) consecutive years. (DEPT. OF PARKS AND RECREATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- II. 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 2019-2020, in an amount based on the City Library's operating expenses for fiscal year 2017-2018 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. (LIBRARY)

APPROVED 6-0-1 with Councilwoman Lozano absent.

RESOLUTION NO. 2019-118

- JJ. Request permission to issue a purchase order to Zoll Medical Corporation., sole source vendor, for auto-pulse equipment (automatic CPR machine) repair and maintenance, in a total cumulative amount not to exceed \$44,220. (FIRE DEPT.)

APPROVED 6-0-1 with Councilwoman Lozano absent.

- KK. Request permission to issue a purchase order to Quadmed, Inc., sole source vendor for consumable radio frequency identification (RFID) tagging for medications and inventory control, including Inventory Management Software to track consumables, for a total cumulative amount not to exceed \$16,000. (FIRE DEPT)

APPROVED 6-0-1 with Councilwoman Lozano absent.

4. ADMINISTRATIVE ITEMS

- 4A. Second reading and public hearing of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled "Businesses", Article II. "Carnivals, Shows and Exhibits", retitled as "Special Events"; and amending §18-26 "Definitions"; §18-27 "Prohibited and Restricted Conduct"; §18-28 "Financial Statement"; §18-29 "Permit; Operating Standards"; and §18-30 "Additional Rules"; to provide for the permitting of organized special events and assemblies on government or private property of fifteen (15) persons or more; repealing all prior 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) **POSTPONED UNTIL OCTOBER 8, 2019.**

Item was approved on first reading by the City Council on September 10, 2019.

REPORT: David Jove, Assistant City Attorney, City of Hialeah, presented the City Council with a PowerPoint Presentation and provided copies.

REPORT: Motion to Table Item 4A until October 8, 2019 made by Council Vice President Garcia-Martinez and seconded by Councilman Zogby. Motion passed 6-0-1 with

Councilwoman Lozano absent.

- 4B. Second reading and public hearing of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 5 entitled “Benefits”, deleting §70-240 in its entirety and replacing it with a new §70-276 entitled “Optional Continuance of Group Insurance” in a new Division 8. entitled “Other Post Employment Benefits”; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties hereof; providing for inclusion in the code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

APPROVED 6-0-1 with Councilwoman Lozano absent.
ORDINANCE NO. 2019-083

Item was approved on first reading by the City Council on September 10, 2019.

REPORT: Jose Azze, 788 SE Park Drive, Hialeah, Florida 33010, addressed the City Council in opposition to the approval of this item.

REPORT: Mario Pico, 752 East 1st Avenue, addressed the City Council in opposition to this the approval of this item.

REPORT: Wayne Plum, 752 East 1st Avenue, addressed the City Council in opposition to the approval of this item.

REPORT: Motion to Approve Item 4B made by Councilwoman Cue-Fuente, and seconded by Councilman Zogby. Motion passed 5-1-1 with Council President Casals-Muñoz voting “No” and Councilwoman Lozano absent.

- 4C. Second reading and public hearing of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 4 entitled “Membership”, Division 5 entitled “Benefits” and Division 7 entitled “Deferred Retirement Option Program”; implementing the changes to the retirement plan contained in Resolution No. 2019-064, resolving the Impasse in Collective Bargaining Negotiations between the City and IAFF for firefighter members, in particular revising §70-208 entitled “Purchase of Membership Service Credit Time”; revising §70-210 entitled “Member Contributions to Retirement Plan”; revising §70-238 entitled “Service Retirement Allowance”, revising §70-260 entitled “Eligibility;” 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)
POSTPONED UNTIL OCTOBER 8, 2019.

Item was approved on first reading by the City Council on September 10, 2019.

REPORT: Mario Pico, 752 East 1st Avenue, addressed the City Council in opposition to the approval of this item.

REPORT: Eric Johnson, Hialeah Firefighter Local 1102, addressed the City Council in opposition to the approval of this item.

REPORT: Robert Ortega, Hialeah Firefighter Local 1102, addressed the City Council in opposition to the approval of this item.

REPORT: Motion to Table Item 4C until October 8, 2019 made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 6-0-1 with Councilwoman Lozano absent.

REPORT: Council President Casáls-Muñoz called a recess at 8:24 p.m.

REPORT: Councilwoman Cue-Fuente left the meeting at 8:31 p.m.

REPORT: Council President Casáls-Muñoz called the meeting to order at 8:40 p.m.

- 4D. Second reading and public hearing of proposed ordinance approving a Final Plat of Atlantico at Aquabella; 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 generally at the southeast intersection of NW 97th Avenue and NW 170th Street, Hialeah, Florida. (ZONING)**

APPROVED 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

ORDINANCE NO. 2019-084

Item was approved on first reading by the City Council on September 10, 2019.

REPORT: Motion to Approve Item 4D made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

- 4E. First reading of proposed ordinance approving a Final Plat of Axis Park; 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 725 SE 9 Court, Hialeah, Florida.**

APPROVED 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

Item was approved by the Planning and Zoning Board on August 28, 2019.

REPORT: James Storms, 5381 Nob Hill Road, Sunrise, Florida, addressed the City Council.

REPORT: Motion to Approve Item 4E made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent. Second reading and public hearing is scheduled for October 8, 2019.

5. BOARD APPOINTMENTS

- 5A. Request permission to approve the appointment of Jose Sanchez, Director of Streets, to the City of Hialeah Insurance Committee. (RISK MANAGEMENT)

APPROVED 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

REPORT: Motion to Approve Item 5A made by Councilman Hernandez, and seconded by Councilman Zogby. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

6. UNFINISHED BUSINESS

REPORT: NONE

7. NEW BUSINESS

REPORT: NONE

8. COMMENTS AND QUESTIONS

REPORT: NONE

ZONING

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

Attention Applicants:

REPORT: All were duly sworn in.

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

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow an existing lot coverage of 57% where 50% is the maximum allowed and allow a rear setback of 12.6 feet, where 20 feet is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-690 and 98-689; **Property located at 862 West 79 Street, Hialeah, Florida.** Property zoned R-4 (Townhouses). 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 Councilwoman Cue-Fuente and Councilwoman Lozano absent.

ORDINANCE NO. 2019-085

<i>On September 10, 2019 item was approved by the City Council on first reading.</i>
<i>On August 28, 2019 the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Manuel Vecin, 862 West 79th Street, Hialeah, Florida 33012.</i>

REPORT: Motion to Approve Item PZ 1 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

PZ 2. Second reading and public hearing of proposed ordinance granting a variance permit to allow lot coverage of 34.5 percent, where a maximum of 30 percent is allowed; and allow a front setback of 24.70 feet, where 25 feet is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-589 and 98-2056(b)(2); **property located at 51 West 28 Street, Hialeah, Florida.** Property zoned R-3 (Multi-Family District). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

ORDINANCE NO. 2019-086

<i>On September 10, 2019, the item was approved by the City Council on first reading.</i>
<i>On August 28, 2019, the item was approved by the Planning and Zoning Board with the condition that the proposed side door in the playroom to be legalized, is eliminated.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Owner of the Property: Ricardo Avila and Yamile Lopez, 51 West 28th Street, Hialeah, Florida.</i>

REPORT: Motion to Approve Item PZ 2 made by Council Vice President Garcia-

Martinez, and seconded by Councilman Caragol. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

PZ 3. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to CBD (Central Business District); and granting a variance permit to allow a commercial development on the west side of the property with no residential uses, where residential uses are required; allow front setbacks of 41.72 feet, 57.3 feet and a 147 feet, where a 0 foot setback is required; and allow 0% building frontage, where 100% is required; all contra to Hialeah Code of Ordinances §§ 98-972, 98-976(1), and 98-976(4). **Property located on the west side of two adjacent parcels located on the south side of East 21 Street, between East 1 Avenue and East 2 Avenue Hialeah, Florida.** Property zoned R-1 (One Family District). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 4-0-3 with Council President Casáls-Muñoz having abstained, and Councilwoman Cue-Fuente and Councilwoman Lozano absent.
ORDINANCE NO. 2019-087

<i>On September 10, 2019, the City Council approved the item on first reading.</i>
<i>On August 27, 2019, the item was postponed until September 10, 2019 per the applicant's request.</i>
<i>Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155th Street, Miami Lakes, Florida 33016.</i>
<i>On August 14, 2019, the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Hialeah 21 ST. LLC, 2200 East 4th Avenue, Hialeah, Florida 33013.</i>

REPORT: Motion to Approve Item PZ 3 made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 4-0-3 with Council President Casáls-Muñoz having abstained, and Councilwoman Cue-Fuente and Councilwoman Lozano absent.

PZ 4. First reading of proposed ordinance allowing for the site plan signed and sealed and dated March 14, 2019 by Alan D. Lerner, registered architect, and granting a variance permit to allow a rear setback of 38 feet, where 45 are required; allow a pervious area of 15.43 percent, where 20 percent is required; allow parking at the front and side of the property, where all parking is required in the rear; and allow seven occupational licenses, where no more than two occupational licenses are allowed; all contra to Hialeah Code of Ordinances §§ 98-781(2), 98-781(5), 98-782 and 98-778(2). **Property located at 135 West 49 Street, Hialeah, Florida.** Property zoned RO (Residential Office). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **POSTPONED**

Item was postponed on September 10, 2019 until September 24, 2019, per applicant's request.

<i>Item was postponed on August 27, 2019 per the applicant's request.</i>
<i>Registered Lobbyist: Brian S. Adler, Bilzin, Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL.</i>
<i>Item was postponed by the City Council on May 14, 2019, May 28, 2019, June 11, 2019, June 25, 2019 and August 13, 2019.</i>
<i>On April 24, 2019 the item was approved by the Planning and Zoning Board with the following conditions:</i>
<ol style="list-style-type: none"> <i>1. The maximum number of business tax receipts for the facility is limited to seven. Notwithstanding the seven issued business tax receipts, no more than three of the seven doctors shall be located at the facility at any given time.</i> <i>2. Should property be converted to a use other than an endoscopy/gastrointestinal center, the maximum number of business tax receipts shall revert to a maximum of two unless otherwise approved by the City of Hialeah City Commission or otherwise permitted under the City of Hialeah Code.</i> <i>3. The facility shall provide a valet parking or a parking attendant at a minimum during workdays between the hours of 7:00 a.m. to 12:00 p.m.</i> <i>4. The facility shall encourage employees to utilize public transportation, drop-off or carpooling.</i> <i>5. The facility shall maintain and/or provide patients with the name of transportation and or pickup services utilized at the property to encourage patients to use the transportation facilities rather than driving separately to the facility.</i>
<i>Planner's Recommendation: Approve rear setback, pervious area and parking location variances and allow a maximum of four occupational licenses.</i>
<i>Owners of the Property: Torres Hialeah Investment, LLC., 4791 West 4th Avenue, Hialeah, Florida 33012.</i>

PZ 5. First reading of proposed ordinance rezoning property from R-1 (One-Family District) to B-1 (Highly Restricted Retail District); **property located at 662 East 27 Street and 2620 East 7 Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
APPROVED 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

<i>On September 11, 2019, the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, FL.</i>

*Owner of the Property: Machado Investments Inc., 6625 Miami Lakes Drive E #212
Orlando M. Machado 6625 Miami Lakes Drive E #212
Jose R. Machado 6625 Miami Lakes Drive E #212
Rolando J. Machado 6625 Miami Lakes Drive E #212*

REPORT: Motion to Approve Item PZ 5 made by Council Vice President Garcia-Martinez, and seconded by Councilman Zogby. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent. Second reading and public hearing is scheduled for October 8, 2019.

FINAL DECISIONS

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

Denial of the Planning and Zoning Board Overridden 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

<i>On September 10, 2019, the item was postponed until September 24, 2019 per the applicant's request.</i>
<i>On August 27, 2019, the item was postponed until September 10, 2019 per the applicant's request.</i>
<i>On August 13, 2019, the item was tabled by the City Council until August 27, 2019.</i>
<i>On June 12, 2019, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owners of the Property: Francisco Tabares & Yanet Mora, 590 East 55th Street, Hialeah, Florida 33013.</i>

REPORT: Debora Storch, Planning and Zoning Director, addressed the City Council.

REPORT: Motion to Override the Denial of the Planning and Zoning Board and have applicant amend the application made by Councilman Hernandez, and seconded by Council Vice President Garcia-Martinez. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent. Next reading is scheduled for October 22, 2019.

FD 2. Recommendation of denial by the Planning and Zoning Board to allow side street setback of 1.5 feet, where 15 feet are required, for an existing aluminum accessory building attached to the main house; allow interior side setback of 3.5 feet, where 7.5 feet are required for an existing utility shed and allow 2.8 feet interior side setback for an existing screened porch, where 7.5 feet are required at property located at **4041 West 6th Court, Hialeah, Florida.**

Denial of the Planning and Zoning Board Overridden 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

<i>On September 10, 2019, the City Council postponed the item until September 24, 2019.</i>
<i>On August 13, 2019, the item was postponed until September 10, 2019 per the applicant's request.</i>
<i>On June 12, 2019, the Planning and Zoning Board denied the item.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Victor Delgado, 4041 West 6th Court, Hialeah, Florida 33012.</i>

REPORT: Motion to Remove Item FD 2 from Table made by Councilman Hernandez, and seconded by Council Vice President Garcia-Martinez. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

REPORT: Debora Storch, Planning and Zoning Director, addressed the City Council.

REPORT: Victor Delgado, 4041 West 6th Court, addressed the City Council.

REPORT: Alexis Riveron, 501 Palm Avenue, Building Official, addressed the City Council.

REPORT: Motion to Override the Denial of the Planning and Zoning Board made by Councilman Caragol, and seconded by Councilman Zogby. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent. First reading is scheduled for October 22, 2017.

FD 3. Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2019-18 that granted an adjustment on the property located at **202 East 36 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

RESOLUTION NO. 2019-119

<i>The Planning and Zoning Board approved item with conditions on August 28, 2019 Condition: That the accessory building is legalized as shown in the plans mentioned above and the legalization process is completed within 90 days.</i>

<i>Planner's Recommendation: Denial</i>

<i>Property Owner: Elvis Garcia and Alina Hernandez, 202 East 36 Street, Hialeah, FL.</i>

REPORT: Motion to Approve Item FD 3 made by Council Vice President Garcia-Martinez, and seconded by Councilman Caragol. Motion passed 5-0-2 with Councilwoman Cue-Fuente and Councilwoman Lozano absent.

NEXT CITY COUNCIL MEETING: Tuesday, October 8, 2019 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 12, 2019 at 6:30 p.m.

REPORT: Meeting was adjourned at 9:18 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).