

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
November 10, 2020
7:00 p.m.

1. **CALL TO ORDER**

A. **REPORT:** Council President Hernandez called the meeting to order at 7:29 p.m.

2. **ROLL CALL**

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

1. Council President Hernandez
2. Council Vice President Oscar De la Rosa
3. Councilwoman Katharine Cue-Fuente
4. Councilwoman Jacqueline Garcia-Roves
5. Councilwoman Monica Perez
6. Councilman Jesus Tundidor
7. Councilman Carl Zogby

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

3. **INVOCATION**

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

4. **PLEDGE OF ALLEGIANCE**

A. **REPORT: Councilwoman Perez led the Pledge of Allegiance.**

5. MEETING GUIDELINES

The following guidelines apply to today's City Council Meeting:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 (March 20, 2020), suspending the "Florida's Government in the Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and that the meeting be held at a physical location accessible to the public for the duration of the State's Declaration of Emergency issued on March 9, 2020 (EO20-52) as a result of the COVID-19 pandemic affecting the State of Florida. The nation and the State of Florida remain in a state of emergency. The Governor has extended the declaration every 60 days, as required by law, since the execution of Executive Order 20-52. The latest extension made through the execution of Executive Order 20-276 (November 3, 2020).
- Notwithstanding the continuing statewide threat of COVID-19 to the health, safety and welfare of our citizens, Executive Order 20-69, issued specifically to allow local governments to use communications media technology to hold public meetings during the public health emergency, has expired as of 12:01 a.m. November 1, 2020 (EO 20-246). As such, all public meetings in this City of any deliberative body must comply with the in-person quorum requirement of the Sunshine Law. This means, at a minimum, there must be present, in-person, the minimum number of board members required to meet quorum based on the composition of the deliberative body at the location of the meeting. All other members of the deliberative body exceeding quorum may choose, in coordination with the secretary of the respective board conducting the public meeting, to appear using communication media technology.
- Except for the requirement to meet physical quorum and as otherwise amended by this document, all other minimum guidelines and procedures adopted by City of Hialeah Emergency Order dated April 8, 2020 and Hialeah, Fla. Resolution 2020-048 (April 14, 2020) shall continue to govern the conduct of public meetings of the City Council of the City of Hialeah, Florida and the public meetings of all other boards or committees for the City of Hialeah, Florida using communications media technology, held during the duration of the public health emergency as a result of COVID19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.
- A limited number of members of the public will be allowed to be present at the location of the meeting considering the physical spacing limitations of the location to observe social distancing. As such, only 15 members of the public will be allowed to attend in person any scheduled meeting of the Council held in Chambers on a first-come-first serve basis. Based upon anticipated in-person attendance of any meeting, the City will provide additional space at City Hall to accommodate the public and provide both viewing and participation capabilities. In addition, all public meetings continue to be broadcast live for members of the public to view on the City's Facebook page. As an additional alternative, members of the public may hear the meeting live through telephonic conferencing.
- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by email to virtualmeeting@hialeahfl.gov by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. Email comments and questions shall not exceed three (3) minutes

when read. Only the first three minutes of e-mail comments and questions received by the deadline will be read into and form part of the public record.

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

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

6. PRESENTATIONS

REPORT: None reported.

7. COMMENTS AND QUESTIONS

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

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

C. **REPORT:** Council Member Hernandez if anyone present at City Hall would like to speak. One member of the public expressed interest in making comments or posing questions on matters of public concern.

(1) **Eric Johnson**, with a home address exempt from public disclosure per Florida law, Local 1102, provided the Mayor and the City Council with an update on fire fighter Mike Miller. He thanked the City Council for the Council's approval of the LifeScans, and spoke regarding an expenditure item for vehicles for personnel of the Fire Department, recently before the City Council for consideration.

REPORT: Mayor Hernandez provided an update on the fire trailer, and thanked the following department for their efforts with the recent tropical storm: Public Works, Parks and Recreation, Streets, Police Department and the Fire Department.

8. ELECTION OF COUNCIL PRESIDENT AND COUNCIL VICE PRESIDENT

A. Election of Council President pursuant to §3.01 (c) of the Hialeah Charter.

REPORT: Motion to Nominate Jesus Tundidor as Council President made by Council Member Cue-Fuente, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Hernandez voting "No".

REPORT: Council Member Hernandez turned the gable over to newly elect Council President Tundidor to chair the meeting.

B. Election of Council Vice President pursuant to §3.01 (c) of the Hialeah Charter.

REPORT: Motion to Nominate Monica Perez as Council Vice President made by Council Member De la Rosa, and seconded by Council Member Cue-Fuente. Motion passes 7-0.

9. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Items Q and R, and Administrative Item 11G have been added to the agenda.
- Item PZ 1 is postponed until November 24, 2020.
- The backup documentation to Items PZ 3 and PZ 4 has been updated.

10. 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 Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 7-0.

- A. Request permission to approve the minutes of the Virtual City Council Meeting held on October 27, 2020.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- B. Request permission to approve a contribution to the Hialeah Housing Authority to defray the costs of transportation services to the elderly residents of the City and the Hialeah Housing Authority, in a total cumulative amount not to exceed \$44,000. The City has collaborated with the Hialeah Housing Authority to provide transportation services to these residents, which includes transportation to social functions, events and fieldtrips throughout the City and the County.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 7-0

On October 27, 2020, the City Council tabled this item until November 10, 2020.

- C. Request permission to award City of Hialeah Bid No. 2019-20-3230-00-023 – *City of Hialeah Educational Academy – New Classroom Addition – General Contractor* to State Contracting & Engineering Corporation, lowest responsive and responsible bidder, in the amount of \$712,712, and further request a five percent (5%) contingency in the amount of \$35,635.60 to cover any unforeseen issues that may arise during the work, as well as to reimburse the contractor for permitting and testing fees, for a total cumulative expense amount not to exceed \$748,347.60.

(CONSTRUCTION AND MAINTENACE DEPARTMENT)

APPROVED 7-0

- D. Proposed resolution authorizing the application for, and if awarded, the acceptance of, a grant from the United States Department of Justice, Bureau of Justice Assistance Grant – County-wide (JAGC) Program, for the total amount of \$19,860.00 to be utilized to maintain officer safety and wellness; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; and authorizing the establishment of a separate interest bearing trust account designated for this program, a copy of which is attached hereto and made a part hereof as Exhibit “1”.

(POLICE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2020-152

- E. Proposed resolution approving the expenditure in an amount not to exceed \$45,765.00 from the Law Enforcement Trust Fund – *State* for the purchase of twenty (20) Armis tactical vests and forty (40) torso shooter cut rifle plates from SRT Supply and requesting an exemption from competitive bidding for the purchase of the equipment by utilizing the Value Point NASPO Master Agreement 2016-181 upon such costs having been approved by the Chief of Police, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2020-153

- F. Proposed resolution approving the expenditure in an amount not to exceed \$17,083.84 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. 2020-154

- G. Proposed resolution approving the expenditure in an amount not to exceed \$53,291.24 from L.E.T.F. State Capital Outlay – Equipment Grant Account #105.1000.521640 for the purchase of investigative tools which includes two (2) CORE Flex Camera Heads, two (2) CORE Pole Camera Kits and two (2) CORE Under the Door Camera Kits from Strack, Inc., the lowest quoted vendor, upon such costs having been approved by the Chief of Police, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2020-155

- H. Request permission to utilize Florida Sheriff's Association Contract FSA20-VEL28.0 – *Pursuit, Administrative, and Other Vehicles*, effective until September 30, 2022, and issue a purchase order to AN Motors of Pembroke, LLC, doing business as AutoNation Chevrolet Pembroke Pines, to purchase two (2) 2021 Chevy Silverado Double Cab 1500, in an amount of \$24,712 per vehicle, for a total cumulative expense amount not to exceed \$49,424.

(POLICE DEPARTMENT)

APPROVED 7-0

- I. Request permission to issue two (2) purchase orders, one purchase order to REV RTC, Inc., doing business as Hall-Mark RTC, sole source vendor, for repairs of out of service apparatus, and the second purchase order to TEN-8 Fire Equipment, Inc., for repairs of out of service apparatus, in a total cumulative amount not to exceed \$30,000 to be allocated amongst these two vendors.

(FIRE DEPARTMENT)

APPROVED 7-0

- J. Request permission to increase Purchase Order No. 2020-1570, issued to GRM Information Management Services, Inc., for the service of off-premise storage of City records, by an additional amount of \$8,535.19, of which \$2,192.45 will be paid by the Building Department for all expedited services they requested during the fiscal year, for a new total cumulative amount not to exceed \$35,435.19.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- K. Report of Scrivener's Error – Item WWW of the City Council Meeting of October 27, 2020, was approved by the City Council with an error on the vendor name. The item was approved issuing a purchase order to "Gen Recruiting Solutions". The item is being amended to reflect the correct vendor name as FoxHire LLC.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 7-0

- L. Request from ABC Promotions Unlimited, Inc., located at 940 South Military Trail, West Palm Beach, Florida 33415, for a Christmas Tree and Fireworks Sales Permit, to benefit Best Buddies of South Florida, with set-up taking place on Sunday, November 15, 2020 and take down on Saturday, January 2, 2021, with the Christmas Tree sales commencing on Friday, November 20, 2020 and ending on Saturday, December 19, 2020 and with Firework sales commencing on Sunday, December 20, 2020 and ending on Thursday, December 31, 2020, to be located at 1700 West 49th Street, Hialeah, Florida in the parking lot directly south of Fresco y Mas on the northwest corner of West 16th Avenue and NW 46th Street, in accordance with recommendations from the Fire Department.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- M. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC., to provide finance classes to the participants of the Step Ahead Social Enrichment Program, for a term commencing on October 21, 2020 and ending on February 10, 2021, in an amount not to exceed \$4,800.00; 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 SERVICE)

APPROVED 7-0

RESOLUTION NO. 2020-156

- N. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC., to provide zumba classes to the participants of the Step Ahead Social Enrichment Program, for a term commencing on October 1, 2020 and ending on September 30, 2021, in an amount not to exceed \$5,760.00; 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 SERVICE)

APPROVED 7-0

RESOLUTION NO. 2020-157

- O. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC., to provide zumba classes to the participants of the Senior Enrichment Program, for a term commencing on October 1, 2020 and ending on September 30, 2021, in an amount not to exceed \$3,600.00; 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 SERVICE)

APPROVED 7-0

RESOLUTION NO. 2020-158

- P. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Nexlore, LLC., to provide zumba classes to the participants of the Special Populations

Therapeutics Enrichment Program, for a term commencing on October 1, 2020 and ending on September 30, 2021, in an amount not to exceed \$4,320.00; 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 SERVICE)

APPROVED 7-0

RESOLUTION NO. 2020-159

- Q. Proposed resolution, ratifying and adopting the Mayor’s order amending Public Meeting Guidelines and Procedures Using Communications Media Technology in response to Coronavirus (COVID19) reinstating the in-person attendance requirement to meet quorum for the transaction of public business at public meetings of the City Council, City Boards and Committees; and providing for an effective date.

(ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2020-160

- R. Proposed resolution approving the naming of East 1st Avenue from East 8th Street to East 9th Street/Northwest 62nd Street as “Modesto Perez Way”, with the cost of signage to be paid by the City, in his honor, as a community leader, advocate, and owner of a long-established small business in the City of Hialeah.

(COUNCIL PRESIDENT HERNANDEZ)

(ADMINISTRATION)

APPROVED 7-0

RESOLUTION NO. 2020-161

11. ADMINISTRATIVE ITEMS

- 11A. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2019-98 (September 23, 2019) adopting the Operating Budget for fiscal year 2019-2020 to approve and ratify a reduction in appropriations in the amount of \$5,869,089 and to approve and ratify all unencumbered appropriation balances within an office or department or from one office or department to another for a new year-end Operating Budget in the total amount of \$151,764,911; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 11A made by Council Member Cue-Fuente, and seconded by Council Member Zogby. Motion passes 7-0. Second reading and public hearing is scheduled for November 24, 2020.

- 11B. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2019-99 (September 23, 2019) adopting the Public Works Funds Budget for fiscal year 2019-2020 to approve and ratify a

reduction in appropriations in the amount of \$13,678,040 and to approve and ratify all unencumbered appropriation balances within an office or department or from one office or department to another for a new year-end Public Works Funds Budget in the total amount of \$102,266,995; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 11B made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0. Second reading and public hearing is scheduled for November 24, 2020.

- 11C. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2019-100 (September 23, 2019) adopting the Street Transportation Funds Budget for fiscal year 2019-2020 to approve and ratify a reduction in appropriations in the amount of \$3,628,465 and to approve and ratify all unencumbered appropriation balances within an office or department or from one office or department to another for a new year-end Street Transportation Funds Budget in the total amount of \$6,594,066; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 11C made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0. Second reading and public hearing is scheduled for November 24, 2020.

- 11D. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2019-101 (September 23, 2019) adopting the Stormwater Fund Budget for fiscal year 2019-2020 to approve and ratify a reduction in appropriations in the amount of \$356,623 and to approve and ratify all unencumbered appropriation balances within an office or department or from one office or department to another for a new year-end Stormwater Fund Budget in the total amount of \$3,243,377; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 11D made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0. Second reading and public hearing is scheduled for November 24, 2020.

- 11E. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2019-102 (September 23, 2019) adopting the Special Revenue Funds Budget for fiscal year 2019-2020 to approve and ratify supplemental appropriations in the amount of \$8,013,361 and to approve and ratify all unencumbered appropriation balances within an office or department or from one office or department to another for a new year-end Special Revenues Fund in the total amount of \$32,839,394; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 11E made by Council Member Zogby,

and seconded by Council Member Cue-Fuente. Motion passes 7-0. Second reading and public hearing is scheduled for November 24, 2020.

- 11F.** First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2019-103 (September 23, 2019) adopting the Capital Projects Funds Budget for fiscal year 2019-2020 to approve and ratify a reduction in appropriations in the amount of \$4,449,559 and to approve and ratify all unencumbered appropriation balances within an office or department or from one office or department to another for a new year-end Capital Projects Funds Budget in the total amount of \$5,026,295; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 7-0

REPORT: Motion to Approve Administrative Item 11F made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 7-0. Second reading and public hearing is scheduled for November 24, 2020.

- 11G.** First reading of proposed ordinance approving an amendment to Declaration of Restrictive Covenants recorded in Official Records Book 30440, Pages 2995-2959 on March 1, 2017 providing for conditions regarding the approval of the Maverick Brewing Real Estate LLC a/k/a Unbranded Brewing Company to operate at 1395 East 11 Avenue, Hialeah Florida. **Property located at 1395 East 11 Avenue Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

(ZONING)

APPROVED 7-0

REPORT: Zachary Swanson, 1395 East 11th Avenue, addressed the City Council.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Lorena Bravo, City Attorney, spoke on the item.

REPORT: Motion to Approve Administrative Item 11G as amended made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 7-0. Second reading and public hearing is scheduled for December 8, 2020.

REPORT: Mayor Hernandez announced he was logging off at 8:20 p.m.

12. UNFINISHED BUSINESS

REPORT: None reported.

13. NEW BUSINESS

REPORT: None reported.

14. CITY COUNCIL'S NEW BUSINESS

- **Council President Hernandez** congratulated the newly elected Council President and Vice President, and spoke regarding signage for the Leah Arts District.
- **Jose Sanchez, Director of Streets, City of Hialeah**, spoke regarding signage for the Leah Arts District.

15. ZONING

PLANNING AND ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a conditional use permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow an existing k-6 grade school with an enrollment of 105 students within a facility that also includes a daycare with an enrollment of 59 students; and granting a variance permit to allow 6 on-site parking spaces, where 19 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(8). **Property located at 891 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
POSTPONED UNTIL NOVEMBER 24, 2020.

On October 27, 2020 the item was postponed until November 10, 2020, per the applicant's request.

Item was postponed on October 13, 2020 until October 27, 2020 per the applicant's request.

Item was approved on first reading by the City Council on September 22, 2020. Second reading and public hearing was scheduled for October 13, 2020.

Registered Lobbyist: Ceasar Mestre Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Chanty Learning Center, Inc., (owner of the property) 891 West 29 Street, Hialeah, Florida.

On September 9, 2020, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Denial

Owner of the Property: Chanty Inc and Julio Torrecilla, 891 West 29 Street, Hialeah, Florida 33012.

REPORT: Council Member Cue-Fuente left the meeting at 8:26 p.m.

PZ 2. Second reading and public hearing of proposed ordinance rezoning from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); and granting a variance permit to allow a duplex on a substandard lot having a frontage of 67.48 feet and total lot area of 6,789 square feet, where 75 feet and 7,500 square feet are required; allow lot coverage of 31%, where 30% is the maximum allowed; allow street side setback of 13.1 feet, where 15 feet is the minimum required; allow interior east side setback of 6.5 feet, where 7.5 is the minimum required; and allow rear setback of 19.1 feet, where 25 feet is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 383 West 35 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 Member Cue-Fuente absent.

ORDINANCE NO. 2020-068

<i>On October 27, 2020, the City Council approved the item on first reading. Second reading and public hearing is scheduled for November 10, 2020.</i>
<i>On October 14, 2020, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: CD Duplexes, LLC, 7480 SW 40 Street, #700, Miami, Florida 33155.</i>

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

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

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

REPORT: Motion to Approve Item PZ 2 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

PZ 3. Second reading and public hearing of proposed ordinance rezoning property from K (Kennel District) to R-3-3 (Multiple-Family District); **property located at 7218 West 4 Avenue, Hialeah, zoned K (Kennel 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 Cue-Fuente absent.

ORDINANCE NO. 2020-069

On October 27, 2020, the City Council approved the item on first reading. Second reading and public hearing is scheduled for November 10, 2020.

Registered Lobbyist: Monika Entin, Bercow Radell Fernandez & Larkin, PLLC, 200 S. Biscayne Boulevard, Suite 850, Miami, Florida 33131, on behalf of Florida Kennels, Inc., 7218 West 4th Avenue, Hialeah, FL 33014.

Registered Lobbyist: Maritza Haro, Bercow Radell Fernandez & Larkin, 200 S. Biscayne Boulevard, Suite 850, Miami, Florida 33131, on behalf of Florida Kennels, Inc., 7218 West 4th Avenue, Hialeah, Florida 33014.

Registered Lobbyist: Melissa Tapanes Llahues, Esq., Bercow Radell Fernandez & Larkin, PLLC, 200 S. Biscayne Boulevard, Suite 850, Miami Florida 33131, on behalf of Florida Kennels, Inc., 7218 West 4th Avenue, Hialeah, FL 33014.

On October 14, 2020, the Planning and Zoning Board recommended approval of the item.

Planner's Recommendation: Approval.

*Owner of the Property: Florida Kennels, Inc., 7218 West 4th Avenue, Hialeah, Florida 33014.
The 2012 Gift Trust for Descendants of Jeffrey M. Soffer
Robert S. Kaiser Revocable Trust U/A September 24, 1992
Jeffrey Soffer
Brooke Soffer
Dan Adkins*

REPORT: One individual interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

(1) Julio Beltran, 7063 West 5 Court, addressed the City Council and requested that the item be postponed.

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

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to speak, to please use the raising of the hand feature on Zoom, and Two (2) members of the public expressed interest in participating.

(1) Yvette Acebo, 7007 West 5 Court, addressed the City Council with her concerns regarding this project.

REPORT: City Clerk, Marbelys Fatjo, administered oath which is administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final

Decision Item to Ms. Yvette Acebo.

(2) Maida Puig, 620 West 73 Place, addressed the City Council in favor of the approval of this item.

REPORT: City Clerk, Marbelys Fatjo, administered oath which is administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Ms. Maida Puig.

(3) Isis Antelo, 650 West 77th Street, addressed the City Council with questions regarding the item.

REPORT: City Clerk, Marbelys Fatjo, administered oath which is administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Ms. Isis Antelo.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

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

REPORT: Melissa Tapanes, 200 South Biscayne Boulevard, Suite 850, Miami, Florida addressed the City Council on behalf of the applicant.

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

REPORT: Motion to Approve Item PZ 3 made by Council Member De la Rosa, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

PZ 4. Second reading and public hearing of proposed ordinance repealing and rescinding City of Hialeah, Fla., Ordinance 87-39 (May 12, 1987); granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a pet grooming school; granting a variance permit to allow 18 parking spaces, where 36 parking spaces are required; allow 7.8% pervious area, where 18% pervious area is the minimum required; and allow a 3 foot landscape buffer in the front for a distance of 30 feet, where 7 feet is the minimum required; all contra to Hialeah Code of Ordinances § 98-2189(7), and the latest edition of the Hialeah Landscape Manual dated July 9, 2015 Paragraph (D)(7) parking lot buffers and Paragraph (E) Tree and Lawn Requirements by Zoning Classification, Table A. **Property located at 1415 West 49 Street, Hialeah**, zoned C-2 (Liberal Retail Commercial District). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.

ORDINANCE NO. 2020-070

<i>On October 27, 2020, the City Council approved the item on first reading. Second reading and public hearing is scheduled for November 10, 2020.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of PGSA LLC (property owner), 1415 West 49 Street, Hialeah, FL 33012.</i>
<i>On October 14, 2020, the Planning and Zoning Board recommended approval with the conditions proffered in a Declaration of Restrictive Covenants.</i>
<i>Planner's Recommendation: Approve Conditional Use Permit to allow a pet grooming school in conjunction with a storage area for online sales of pet food with a total maximum of 5 staff members and 10 students per shift, parking variance to allow 18 parking spaces, where 36 are required, 7.8% pervious area and 3 feet landscape buffer.</i>
<i>Owner of the Property: Eduardo Hernando, 6815 Biscayne Blvd, #376, Miami, Florida 33138.</i>

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

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

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

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

REPORT: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, Florida addressed the City Council on behalf of the applicant.

REPORT: Motion to Approve Item PZ 4 made by Council Member Zogby, and seconded by Council Vice President Perez. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as "Yes" after the item was approved.

PZ 5. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) and Conditional Use Permit (CUP) to allow a child daycare pursuant to Ordinances §§ 98-161 and 98-181 and granting a variance permit to allow interior West side setback of 5 feet, where 7.5 feet is the minimum required and allow rear setback of 5 feet, where 20 feet is the minimum required for the proposed child daycare building; contra to Hialeah Code of Ordinances §§ 98-501 and 98-502. **Property located at 871 East 9 Street, Hialeah, and 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 Member De la Rosa not present during roll call and Council Member Cue-Fuente absent.

ORDINANCE NO. 2020-071

On October 27, 2020 the City Council approved the item on first reading. Second reading and public hearing is scheduled for November 10, 2020.

Registered Lobbyist: Juditt Milian, 930 East 9th Street, Hialeah, Florida 33010, on behalf of Elisa Diaz.

On October 14, 2020, the Planning and Zoning Board recommended approval with the conditions proffered in a Declaration of Restrictive Covenants.

Planner's Recommendation: Approval subject to a Declaration of Restrictions.

Owner of the Property: Elisa Diaz, 445 SW 84th Avenue, Miami, Florida 33144.

REPORT: The Office of the City Clerk did not receive e-mail message from a person interested in making comments or posing questions on matters of public concern.

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

REPORT: Council President Tundidor asked anyone watching or listening to the meeting who would like to participate in the second reading of this item by speaking, to use the raising of the hand feature on Zoom. No member of the public expressed interest in participating.

REPORT: Council President Tundidor asked anyone present at City Hall would like to speak. No member of the public expressed interest in participating.

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

REPORT: Octavio Santereo, 6262 West 40th Street, Suite 3, addressed the City Council on behalf of the applicant.

REPORT: Motion to Approve Item PZ 5 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member De la Rosa not present during roll call and Council Member Cue-Fuente absent. Council Member De la Rosa recorded his vote as "Yes" after the item was approved.

LAND USE

- LU 1.** First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential. **Property located at 410 East 47 Street and 4655 East 4 Avenue, Hialeah, Florida**, zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
APPROVED 6-0-1 with Council Member Cue-Fuente absent.

<i>Registered Lobbyist: Ceasar Mestre, Jr., 8105 NW 155 Street, Miami Lakes, FL 33016, on behalf of Garcia Garcia Associates/Edward Garcia, 4655 East 4 Avenue.</i>
<i>On October 28, 2020, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owners of the Property: Garcia Garcia Associates, Inc. Edward Garcia, 6163 Miami Lakes Drive East, Miami Lakes, FL 33014</i>

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

REPORT: **Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, Florida** addressed the City Council on behalf of the applicant.

REPORT: **Motion to Approve Item LU 1 made by Council Member Hernandez, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for November 24, 2020.**

- LU 2.** First reading of proposed ordinance amending the Future Land Use Map from Residential Office to Commercial. **Property located at 1410 West 68 Street, Hialeah, Florida**, zoned RO (Residential Office); 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 Cue-Fuente absent.

<i>Registered Lobbyist: Frank De la Paz, 9361 SW 40th Street, Miami, Florida 33165.</i>
<i>On October 28, 2020, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owners of Property: Jose and Odalys Mendigutia, 16140 E Troon Circle, Miami Lakes, FL 33014</i>

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

REPORT: **Frank De la Paz, 9361 SW 40th Street,** addressed the City Council on behalf of the applicant.

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

REPORT: Motion to Approve Item LU 2 made by Council Member Zogby, and seconded by Council Vice President Perez. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for November 24, 2020.

LU 3. First reading of proposed ordinance amending the Future Land Use Map from Residential Office to Commercial. **Property located at 3581 East 4 Avenue, Hialeah, Florida**, zoned R-1 (One Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

<i>On October 28, 2020, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Kenny Niebla, 141 East 60 Street, Hialeah, Florida</i>

REPORT: Deborah Storc, Planning and Zoning Director, City of Hialeah, addressed the City Council.

REPORT: Motion to Approve Item LU 3 made by Council Member Zogby, and seconded by Council Member De la Rosa. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for November 24, 2020.

LU 4. First reading of proposed ordinance amending the Future Land Use Map from Transit Oriented Development District to Industrial. **Property located at 1101 East 33 Street, Hialeah, Florida**, 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 Cue-Fuente absent.

<i>Registered Lobbyist: Carlos L. Diaz, 333 SE 2nd Avenue, 44th Floor, Miami, FL 33131, on behalf of GFP CL Hialeah 1101, LLC, 1099 18 Street, Suite 2900, Denver, CO 80202.</i>
<i>Registered Lobbyist: Jorge L. Navarro, 333 SE 2nd Avenue, 44th Floor, Miami, FL 33131, on behalf of GFP CL Hialeah 1101, LLC, 1099 18 Street, Suite 2900, Denver, CO 80202.</i>
<i>On October 28, 2020, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: 1101 E 33 Holdings LLC</i>

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

REPORT: Carlos L. Diaz, 333 SE 2nd Avenue, 44th Floor, Miami, Florida, addressed the City Council on behalf of the applicant.

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

REPORT: Motion to Approve Item LU 4 made by Council Vice President Perez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for November 24, 2020.

LU 5. First reading of proposed ordinance amending the Future Land Use Map from Transit Oriented Development District to Industrial. **Property located at 4800 NW 37 Avenue, Hialeah, Florida**, 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 5-0-2 with De la Rosa abstaining from voting and Council Member Cue-Fuente absent.

<i>Registered Lobbyist: Felix M. Lasarte, 3250 NE 1st Avenue, #334, Miami, FL 33137, on behalf of 4700 NW 37th Investments, LLC, 2665 S. Bayshore Drive, Suite 1020</i>
<i>On October 28, 2020, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: 4700 NW 37th Investments, LLC</i>

REPORT: Council Vice President De la Rosa abstained from voting on this item.

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

REPORT: Felix Lasarte, 3250 NE 1 Avenue, Miami, Florida 33137, addressed the City Council on this item.

REPORT: Motion to Approve Item LU 5 made by Council Member Hernandez, and seconded by Council Member Zogby. Motion passes 5-0-2 with De la Rosa abstaining from voting and Council Member Cue-Fuente absent. Second reading and public hearing is scheduled for November 24, 2020.

REPORT: Council President Tundidor adjourned the meeting at 10:00 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, November 24, 2020 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 23, 2020 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at 11/13/2020 12:25 PM

(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).