

Carlos Hernández
Mayor

Paul B. Hernández
President

Oscar De la Rosa
Vice President



Council Members
Katharine Cue-Fuente
Jacqueline Garcia-Roves
Monica Perez
Jesus Tundidor
Carl Zogby

City Council Meeting Agenda January 14, 2020 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Council Vice President De la Rosa

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.

1. PRESENTATIONS

2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Item PZ1 has been postponed until January 28, 2020 per the applicant's request.

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.

- A. Request permission to approve the minutes of the Council Meeting held on December 10, 2019.
(OFFICE OF THE CITY CLERK)
- B. Report of Scrivener's Error – Item B of the City Council Meeting of December 11, 2019, Resolution No. 2019-150, was passed and adopted with an error on the account number provided on the agenda letter addressed to the Mayor from the Risk Manager. The item was approved with account number 520.8500.519234. The item is being amended to reflect the correct account number to track the stop loss insurance as 520.8500.519233.
(RISK MANAGEMENT DEPT.)
- C. Request from Saint Benedict Catholic Church, located at 701 West 77th Street, Hialeah, Florida, for a permit to host a carnival on church grounds, from Thursday, February 20, 2020 through Sunday, February 23, 2020, subject to recommendations from the Police Department and Fire Department.
(OFFICE OF THE CITY CLERK)
- D. Request permission to utilize National Joint Power Alliance (NJPA) Contract No. 120716-NAF effective through January 17, 2021, and issue a purchase order to Alan Jay Automotive Management, Inc., for the purchase of five (5) 2020 Chevy Express Passenger - 3500 1LS 155" WB twelve (12) passenger base vans (CG33706 1LS), in a total amount of \$27,524 per vehicle, in a total cumulative expense amount not to exceed \$137,620.
(DEPT. OF PARKS AND RECREATION)
- E. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the only FCIC/NCIC certified vendor known to the Hialeah Police Department and the FCIC/NCIC certification grants this vendor unsupervised access to police secured sites, and issue a purchase order to G. & R. Electric Corp., to continue the repairs and maintenance of the police department's CCTV, burglar alarms and electronic access control that were commenced in the previous fiscal year, in a total cumulative amount not to exceed \$75,000.
(POLICE DEPT.)

- F.** Request permission to issue a purchase order to Florida Bullet Incorporated, sole source distributor of Speer brand law enforcement ammunition and Federal Cartridge products in the State of Florida, to purchase ammunition, in a total cumulative amount not to exceed \$50,000.
(POLICE DEPT.)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to maintain the same pricing as the last fiscal year for fiscal year 2019-2020, and issue a purchase order to Terra Scape Pest Control Inc, for pest control services to the homes of our police canine officers, our canine facility and police stations one through five, in a total cumulative amount not to exceed \$41,250.
(POLICE DEPT.)
- H.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to SRT Supply, LLC, vendor providing the lowest quotation, to purchase eleven (11) night vision goggles (L3 Warrior Systems) and advanced target pointer illuminator aiming laser to be used by the Hialeah Police Department's SWAT Team, in a total cumulative amount not to exceed \$134,530.
(POLICE DEPT.)
- I.** Report of Scrivener's Error – Ordinance No. 2019-090 of the City Council Meeting of October 22, 2019 was passed and adopted Division 5 Benefits, Sec. 70-238, Service retirement allowance (u) should have incorporated the following language:

by submitting a DROP extension form provided by the City within 30 days following the effective date and accordingly should be corrected as follows:

(u) Notwithstanding any other provision of the retirement plan, firefighter member who entered the DROP on or after February 28, 2016 and prior to [insert effective date of ordinance] shall have the option of extending their DROP participation period by up to two years, for a total maximum DROP participation period of five years. Firefighter members who entered the DROP on or after February 28, 2016, reached the 36 month maximum DROP participation period and separated from City employment, may apply for reemployment, and upon reemployment may reinstate their DROP participation and City employment of up to a maximum of two additional years. *Members shall submit a DROP extension form within 30 days of the effective date (November 12, 2019).* Such members may be required to repay any benefits received from the retirement plan following separation from employment. The maximum DROP participation period shall be 36 months for firefighter members who enter the DROP on or after [insert effective date of ordinance].

(LAW DEPT.)

4. ADMINISTRATIVE ITEMS

- 4A.** Second reading and public hearing of proposed ordinance approving a Master Lease-Purchase Agreement between the City of Hialeah, as lessee, and Hewlett Packard Enterprise Financial Services Company, a Delaware Corporation, as lessor, to finance the purchase of computer hardware and equipment approved by Council on October 22, 2019 (Item K Consent Agenda), in the total amount of \$180,008.25, including interest

payments totaling \$8,353.11, at an annual interest rate of 4.95% payable on a yearly basis beginning on the acceptance date, as defined in the Lease-Purchase Agreement, and every anniversary date thereafter for three years, in the yearly amount of \$60,002.75; authorizing the Mayor or the Chief Information Officer or the Finance Director, as the Mayor's designees, and the City Clerk, as attesting witness, on behalf of the City, to execute the Mater-Lease Purchase Agreement in substantial conformity with the Lease-Purchase Agreement attached hereto and made a part hereof as "Exhibit 1" and all other necessary documents in furtherance hereof; providing for penalties in violation hereof; providing for a severability clause; repealing all ordinances in conflict herewith; and providing for an effective date.

(ADMINISTRATION)

This item was approved by the City Council on first reading on December 10, 2019.

- 4B.** Second reading and public hearing of proposed ordinance authorizing the acquisition, purchase, financing and leasing of certain equipment as described herein; approving a Schedule of Property No. 2 to the Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp, as lessor, and the City, as lessee, for the lease purchase, financing of the equipment; authorizing certain other documents required in connection therewith; authorizing all other actions necessary to the consummation of the transactions contemplated by this ordinance; authorizing the Mayor and City Clerk, as attesting witness, to execute the Schedule of Property No. 2 and all other necessary documents on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; and providing for an effective date.

(FIRE DEPT.)

This item was approved by the City Council on first reading on December 10, 2019.

5. BOARD APPOINTMENTS

- 5A.** Proposed resolution appointing **Clayton Warren Angus** to the Personnel Board of the City of Hialeah, as the IAFF/FOP appointment, for a two (2)-year term ending on January 14, 2022.
(IAFF LOCAL 1102/FOP LODGE #12)
- 5B.** Proposed resolution appointing **Michael Horgan** as a member of the Planning and Zoning Board for the remainder of a two (2)-year term ending on June 28, 2020.
(COUNCILWOMAN PEREZ)
- 5C.** Proposed resolution re-appointing **Jonathan Martinez** to the Board of Trustees of the Employees Retirement System as the Management appointment, for a two (2)-year term ending on December 31, 2021.
(MANAGEMENT)
- 5D.** Proposed resolution appointing **Elizabeth Garcia** to the Cultural Affairs Council of the City of Hialeah for a (2)-year term ending on January 14, 2022.

(COUNCILWOMAN GARCIA-ROVES)

- 5E. Proposed reaffirming the appointment of **Ingrid Camino-Hernandez** as a member of the Defined Contribution Plan Committee, as the American Federation of State, County and Municipal Employees' ("AFSCME") appointment.
(AFSCME)
- 5F. Proposed resolution reaffirming the appointment of **Ricardo Fernandez** as a member of the Defined Contribution Plan Committee, as the Fraternal of Police Lodge No. 12 ("FOP") appointment.
(FOP)
- 5G. Proposed resolution reaffirming the appointment of **Robert Lloyd-Still** as a member of the Defined Contribution Plan Committee, as the Mayor's appointment.
(MAYOR HERNANDEZ)
- 5H. Proposed resolution reaffirming the appointment of **Ines Beecher** as a member of the Defined Contribution Plan Committee, as the Mayor's appointment.
(MAYOR HERNANDEZ)
- 5I. Proposed resolution appointing **Eric Johnson** as a member of the Defined Contribution Plan Committee, as the International Association of Firefighters ("IAFF") appointment.
(IAFF)

6. UNFINISHED BUSINESS

7. NEW BUSINESS

8. CITY COUNCIL'S NEW BUSINESS

9. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City

1/10/2020 7:00 PM

Council on any Zoning, Land Use or Final Decision Item.

Attention Applicants:

- 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 Conditional Use Permit (CUP) to allow the expansion of an existing 55 student, K-8 school to a 100 student K-12; variance permit to allow 33 95 parking spaces, where 327 are required and allow 9 of those 33 existing parking spaces to back out into the street. **Property located at 5800 Palm 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. **POSTPONED UNTIL JANUARY 28, 2020.**

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| <i>Item was postponed on December 10, 2019 until January 14, 2020 per the applicant’s request.</i> |
| <i>Item was postponed on November 26, 2019 until December 10, 2019 per the applicant’s request.</i> |
| <i>Item was postponed on November 12, 2019 until November 26, 2019 per the applicant’s request.</i> |
| <i>On October 22, 2019 the City Council postponed the item until November 12, 2019.</i> |
| <i>Item was approved on first reading by the City Council on October 8, 2019.</i> |
| <i>On September 25, 2019, the Planning and Zoning Board approved the item with conditions.</i> |
| <i>Planner’s Recommendation: Approval with the condition that the school remains with 60 students and 6 staff members until the proposed parking lot is completed. A Declaration of Restrictive Covenants should describe the operational plan, number of students and staff before and after the completion of the parking lot, number of high school students that will be allowed to park on premises, control method to avoid that other high school students park on the swale areas, pick-up and drop-off times and number of parking control employees to manage that process.</i> |
| <i>Owner of the Property: Daniel Ramos, 5855 West 2 Avenue, Hialeah, Florida 33012 Larry Weeks, 740 SW 61 Avenue, Plantation, Florida 33317 Maria, Elizabeth Vitale, 155 East 61 Street, Hialeah, Florida 33013</i> |

PZ 2. Second reading and public hearing 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.

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| <i>Item was approved on first reading by the City Council on December 10, 2019.</i> |
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| <i>Item was postponed on November 26, 2019 until December 10, 2019 per the applicant's request.</i> |
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| <i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, FL.</i> |
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| <i>Item was postponed on October 8, 2019 until November 26, 2019 per the applicants request.</i> |
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| <i>Item was postponed on September 10, 2019 until September 24, 2019, per applicant's request.</i> |
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| <i>Item was postponed on August 27, 2019 per the applicant's request.</i> |
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| <i>Registered Lobbyist: Brian S. Adler, Bilzin, Sumberg, 1450 Brickell Avenue, Suite 2300, Miami, FL.</i> |
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| <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> |
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| <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> |
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| <i>Planner's Recommendation: Approve rear setback, pervious area and parking location variances and allow a maximum of four occupational licenses.</i> |
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Owners of the Property: Torres Hialeah Investment, LLC., 4791 West 4th Avenue, Hialeah, Florida 33012.

PZ 3. First reading of proposed ordinance granting a Conditional Use Permit pursuant to Hialeah Code of Ordinances § 98-181 to allow the expansion of an existing non-conforming church including a patronage building; and granting a variance permit to allow a 25 foot front setback for the patronage building, where 5 feet are required; allow for 3 back out parking spaces on the front setback, where parking in the front setback and back out parking is not allowed; allow a 14 foot front setback for the church, where 10 feet are required; allow 0 feet interior side setback, where 5 feet are required; allow 9 parking spaces, where 77 parking spaces are required; and allow 8.5% pervious area, where 30% pervious area is required. All contra to §§ 98-881(1)a., 98-881(1)a.2., 98-2186, 98-641(a) and (b), and 98-2189(17) and contra to the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (e), Table A. **Property located at 16-26 East 7 Street, Hialeah, Florida.** Property zoned R-3-D (Multifamily District) and CR (Commercial Residential). 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.

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| <i>On December 11, 2019, the item was approved by the Planning and Zoning Board.</i> |
| <i>Planner's Recommendation: Approval.</i> |
| <i>Owner of the Property: Israel Suarez, 702 East 30 Street, Hialeah, Florida. Isis D. Suarez, 650 East 62 Street, Hialeah, Florida.</i> |

PZ 4. First reading of proposed ordinance rezoning R-1 (One-Family District) to R-2 (One-and Two-Family Residential District) to allow the construction of a duplex on a substandard lot; and granting a variance permit to allow a frontage of 60 feet, where 75 feet is the minimum required; and allow a 2.10 foot interior west side setback for an existing 104 square foot accessory building, where 6 feet is required; contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 851 East 14 Place, 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.

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| <i>On December 11, 2019, the item was approved by the Planning and Zoning Board.</i> |
| <i>Planner's Recommendation: Approval.</i> |
| <i>Owner of the Property: Marta Salazar, 851 East 14th Place, Hialeah, Florida 33010.</i> |

PZ 5. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to M-3 (Industrial District); and granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow the operation of a metal recycling facility; and granting a variance permit to allow a 264 square foot building, where a 1,000 square foot area is the minimum required; allow a pervious area of 6.9%, where 10% is required;

allow a waiver of the minimum landscape requirements of 8 trees and 80 shrubs, provided that the landscaping requirements are mitigated pursuant to Hialeah Code of Ordinances § 98-2233; all contra to Hialeah Code of Ordinances § 98-1373 and the latest edition of the Hialeah Landscape Manual dated July 9, 2015 Paragraph (e), Table A and Paragraphs (d)(1) and (8); **property located at 4938 East 11 Avenue and 4951 East 10 Lane, 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.

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| <i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida.</i> |
| <i>On December 11, 2019, the item was approved by the Planning and Zoning Board with the condition that the proposed improvements and proposed business operations are memorialized in a recorded document and built prior to the start of the operations to avoid further deterioration of the area's conditions.</i> |
| <i>Planner's Recommendation: Approve with conditions.</i> |
| <i>Owner of the Property: Amira Andreina Bajanchi Rodriguez, 12265 Vaquero Trails Drive, Davie, Florida 33325.</i> |

LAND USE

- LU 1.** Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to High Density Residential. **Property located at 381 East 50 Street, 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.

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| <i>Item was postponed on December 10, 2019 until January 14, 2020 by the City Council.</i> |
| <i>Item was approved on first reading by the City Council on November 26, 2019.</i> |
| <i>Registered Lobbyist: L. Michael Osman, 1474 A-West 84 Street, Hialeah, Florida 33014.</i> |
| <i>On November 12, 2019, the item was approved by the Planning and Zoning Board.</i> |
| <i>Planner's Recommendation: Approval.</i> |
| <i>Owner of the Property: Bienvenida Perez, 8144 NW 163 Terrace, Miami Lakes, Florida 33016. Jorge A. Perez, 8144 NW 163 Terrace, Miami Lakes, Florida 33016.</i> |

- LU 2.** First reading of proposed ordinance amending the Future Land Use Map from Residential Office to Medium Density Residential. **Property located at 840 and 860 SE 8 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.

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| <i>Item was postponed on December 10, 2019 until January 14, 2020 per the applicant's request.</i> |
| <i>On November 26, 2019 the recommendation of denial from the Planning and Zoning Board was overridden by the City Council.</i> |
| <i>On November 12, 2019, the item was denied by the Planning and Zoning Board.</i> |
| <i>Planner's Recommendation: Approval.</i> |
| <i>Owner of the Property: Mitchell Sabina (New Spot, LLC) 7767 NW 146 Street, Miami Lakes, Florida 33016. Michael Osman (Oakwood on Main, LLC) 147- A West 84 Street, Hialeah, Florida 33014</i> |

NEXT CITY COUNCIL MEETING: Tuesday, January 28, 2020 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 11, 2019 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).