

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
February 25, 2020
7:00 p.m.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilwoman Perez

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. COMMENTS AND QUESTIONS

2. PRESENTATIONS

3. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

4. 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 February 11, 2020.
(OFFICE OF THE CITY CLERK)
- B.** Request from Miami-Dade College, located at 1780 West 49th Street, Hialeah, Florida, for a permit to host an art, music and food festival on school grounds, to be held on Saturday, March 21, 2020 beginning at 9:00 a.m. and ending at 5:00 p.m., subject to recommendations from the Police Department and the Fire Department.
(OFFICE OF THE CITY CLERK)
- C.** Request from 305 Day Holdings, located at 4770 Biscayne Boulevard, Miami, Florida, for a street closure permit for the Leah Arts District 305 Day Block Party, to be held on Saturday, March 7, 2020, from 12:00 p.m. to 11:00 p.m., on East 15 Street from East 10th Avenue to East 11th Avenue, expecting approximately 5,000 attendees, subject to the recommendations of the Hialeah Police Department and the Hialeah Fire Department.
(OFFICE OF THE CITY CLERK)
- D.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to each of the following six vendors: (1) Florida Fire & Burglary Inc. (2) Fire and Security Systems Specialists, Inc. (3) MGC Systems Corp., doing business as Mircom Engineered Systems Florida (4) Integrated Fire & Security Solutions Inc (5) Red Hawk Inc. and (6) G. & R. Electric Corp., for fire alarm services, in a total cumulative amount not to exceed \$100,000 to be distributed among all six vendors.
(CONSTRUCTION & MAINTENANCE DEPT.)
- E.** Request permission to waive competitive bidding, and issue a purchase order to D'Elite Floors of Miami, Inc., for the demolition and remodeling of the existing bathroom at Fire Station 4, in a total cumulative amount not to exceed \$22,000.

(CONSTRUCTION & MAINTENANCE DEPT.)

- F. Proposed resolution approving the expenditure in an amount not to exceed \$35,323.00 from the Law Enforcement Trust Fund for the purchase of respiratory protective equipment and related accessories pursuant to a competitive bid utilizing SRT Supply and providing for an effective date.

(POLICE DEPT.)

- G. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an Interlocal Agreement with the Hialeah Housing Authority (HHA), a copy of which is attached as “Exhibit 1”, for three years, commencing on February 29, 2020 through February 28, 2023, with an option to renew for one year, to repair motor vehicles owned and operated by the Hialeah Housing Authority at an hourly rate of \$45.00 and to allow Hialeah Housing Authority employees to fuel HHA-owned motor vehicles at Fire Station No. 1 or the main station City pumps at the same rate chargeable to the City of Hialeah; and providing for an effective date.

(ADMINISTRATION)

- H. Proposed resolution approving the partial abandonment of a water line easement located at 590 West 83 Street, Hialeah, Florida dated May 11, 1988, and recorded on May 27, 1988 in Official Record Book 13696, at Page 67 of the Public Records of Miami-Dade County, Florida; and providing for an effective date.

(DEPT. OF PUBLIC WORKS)

- I. Request permission to issue a purchase order to Ferno-Washington Inc., sole source vendor, for the purchase of three (3) ambulance cots and equipment, in a total cumulative amount not to exceed \$31,142.52.

(FIRE DEPT.)

- J. Request permission to utilize NASPO Value Point Contract No. 4322000-WSCA-14-ACS/MNWNC-108 – *Data Communications Products and Services*, effective through July 31, 2021, between the State of Utah and PC Solutions & Integration Inc., and issue a purchase order to PC Solutions & Integration, Inc., for the purchase of equipment and services for Data Communications Products and Services, in a total cumulative amount not to exceed \$50,000, to be allocated through various City Departments.

(INFORMATION TECHNOLOGY DEPT.)

- K. Request permission to increase Purchase Order No. 2020-58, issued Environmental Products Group, Inc., since it is advantageous to the City in that this is the only authorized dealer in South Florida selling Elgin parts and P.B. Loader parts for the City’s sweepers and asphalt truck, by an additional amount of \$20,000, in a total cumulative amount not to exceed \$34,833.90.

(FLEET MAINTENANCE DEPT.)

5. ADMINISTRATIVE ITEMS

- A. Second reading and public hearing of proposed ordinance amending Chapter 86 entitled “Taxation and Fees”, Article II. Local Business Tax, of the Code of Ordinances of the City of Hialeah, and in particular, revising Hialeah Code Section 86-35 entitled “Doing

Business without a Local Business Tax Receipt” subsection (a), to remove the provision for arrests and adding a new subsection (d) to provide for a civil penalty for violations of Article II in Chapter 86, including against persons operating a business or engaging in an occupation or profession without a business tax receipt, within 150 days after the initial notice of tax due is received; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

Item was approved on first reading by the City Council on February 11, 2020.

- B.** First reading of proposed ordinance repealing and rescinding Hialeah FLA., Ordinance 12-69 (October 10, 2012), that allowed an Automotive Technician School and a variance for parking for the school and repealing and rescinding in its entirety the Declaration of Restrictions recorded in OR Book 28336 at Pages 3483-3485 in the Public Records of Miami Dade County, Florida and the Declaration of Restrictions and Unity of Title recoded in OR Book 28885 at Pages 4968-4971, property zoned M-1 (Industrial District). **Property located at 7815 and 7875 West 20 Avenue, consisting of approximately 102,578.6 square feet of land abutting and adjacent thereto East of West 20 Avenue between West 76 Street and West 79 Street, 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)

6. BOARD APPOINTMENTS

- A.** Proposed resolution reappointing **Gelien Perez** as the Mayor’s representative to the Board of Trustees of the Employees’ General Retirement System for a two (2)-year term ending on December 31, 2021.
(MAYOR HERNANDEZ)
- B.** Proposed resolution reappointing **Katrina M. Rey** to the Historic Preservation Board of the City of Hialeah for a (3)-year term ending on January 28, 2023.
(MAYOR HERNANDEZ)

7. UNFINISHED BUSINESS

8. NEW BUSINESS

9. CITY COUNCIL'S NEW BUSINESS

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:

- 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 rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); and allowing 118 on-site parking spaces, and granting a variance permit to allow off-site surface parking spaces within 1,500 feet of the proposed development to be determined at each phase of the proposed development, contra to Hialeah Code of Ordinances § 98-1545(b) and (c), provided that the on-site parking spaces are identified in a parking plan, and the off-site parking spaces are identified in a covenant pursuant to Hialeah Code of Ordinances § 98-1545(c) or by payment of the off-site parking spaces into the parking improvement trust fund pursuant to Hialeah Code of Ordinances § 98-1561(m); and a conceptual site plan consisting of up to eight buildings to be developed in various phases with each building constituting a separate phase; and allow a conditional use permit pursuant to Hialeah Code of Ordinances § 98-1561(f), to allow distilleries, entertainment establishments, festivals, live music venues, nightclubs, banquet halls, dance halls, bars, special events, exhibits, and similar outdoor uses, such as retail, dining (including food trucks and food carts), and other entertainment, music and art festivals as depicted on the conceptual site plan. **Property located at 4800 NW 37 Avenue located within the Factory Town Entertainment Subdistrict Pilot Program, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved on first reading by the City Council on February 11, 2020.</i>
<i>Form 8b Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was filed by Council Vice President De la Rosa on February 11, 2020, and he abstained from voting on this item on first reading.</i>

<i>On January 28, 2020 the recommendation of denial of the Planning and Zoning Board was overridden by the City Council, and first reading was scheduled for February 11, 2020.</i>
<i>Form 8b Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers was filed by Council Vice President De la Rosa on January 28, 2020, and he abstained from voting.</i>
<i>Registered Lobbyist: Carlos Diaz, Greenberg Traurig P.A., 333 SE 2nd Avenue, 44th Floor, Miami, Florida 33134, on behalf of 4700 NW 37th Investments, LLC, 2665 S. Bayshore Drive, Suite 1020, Coconut Grove, FL 33131.</i>
<i>Registered Lobbyist: Jorge Navarro, Greenberg Traurig P.A., 333 SE 2nd Avenue, 44th Floor, Miami, Florida 33134, on behalf of 4700 NW 37th Investments, LLC, 2665 S. Bayshore Drive, Suite 1020, Coconut Grove, FL 33131.</i>
<i>Registered Lobbyist: Iris V. Escarra, 333 SE 2 Avenue, on behalf of 4700 NW 37th Investments, LLC, 2665 S. Bayshore Drive, Suite 1020, Miami, FL 33131.</i>
<i>Registered Lobbyist: Felix Lasarte, on behalf of 4700 NW 37th Investments, LLC, 2665 S. Bayshore Drive.</i>
<i>On January 15, 2020, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval of rezoning, conditional use permit and variance to allow deviation of the parking standards, so long as a complete application for site plan review for each phase of development is submitted for each phase in substantial compliance with the conceptual site plan.</i>
<i>Owner of the Property: 4700 NW 37th Investments, LLC, 2665 S. Bayshore Dr, Suite 1020, Coconut Grove, Florida 33131.</i>

- PZ2.** First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); and granting a variance permit to allow the construction of a duplex on a substandard lot with frontage of 40 feet and area of 4,000 square feet, where 75 feet frontage and 7,500 square feet are required; allow 0 feet south side interior setback, where 7.5 feet is required; allow 18 feet rear setback where 25 feet are required; and allow 39% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 851 East 43 Street (Lot 14), 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.

<i>Registered Lobbyist: Ceasar Mestre, Jr., Esq. 8105 NW 155 Street, Miami Lakes, Florida, on behalf of SOB 3011 LLC, 65000 Cowpen Road, Suite 303, Miami Lakes, FL 33014.</i>

<i>On February 12, 2020 the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: SOB, 3011 LLC, 6500 Cowpen Road, Suite 303, Miami Lakes, Florida 33014.</i>

PZ 3. First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District); and granting a variance permit to allow the construction of a duplex on a substandard lot with frontage of 40 feet and area of 4,000 square feet, where 75 feet frontage and 7,500 square feet are required; allow 0 feet north side interior setback, where 7.5 feet is required; allow 10 feet street side setback, where 15 feet are required; allow 18 feet rear setback where 25 feet is required; and allow 39% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 851 East 43 Street (Lot 15), 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.

<i>Registered Lobbyist: Ceasar Mestre, Jr., Esq., 8105 NW 155 Street, Miami Lakes, Florida, on behalf of SOB 3011 LLC, 6500 Cowpen Road, Suite 303, Miami Lakes, Florida 33014.</i>
<i>On February 12, 2020 the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: SOB, 3011 LLC, 6500 Coupen Road, Suite 303, Miami Lakes, Florida 33014.</i>

PZ 4. First reading of proposed ordinance granting a Conditional Use Permit pursuant to Hialeah Code of Ordinances § 98-181 to allow a vocational school. **Property located at 3309 East 4 Avenue, Hialeah, Florida.** Property 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.

<i>On February 12, 2020, the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Eladio Garcia, 3309 East 4th Avenue, Hialeah, Florida 33013</i>

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2020-01 that granted an adjustment on the property located at **7764 West 14 Court, Hialeah, Florida;** and providing for an effective date.

<i>On January 29, 2020, the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Javier Gonzalez and Alicia R. Gonzalez, 7764 West 14th Court, Hialeah, Florida.</i>

FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2020-02 that granted an adjustment on the property located at **911 East 32 Street, Hialeah, Florida;** and providing for an effective date.

<i>On January 29, 2020 the Planning and Zoning Board approved the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Jaime Gonzalez and Aime Cruz Gonzalez, 911 East 32 Street, Hialeah, Florida.</i>

FD 3. Proposed resolution approving the Final Decisions of the Planning and Zoning Board, Decision No. 2020-03 that granted an adjustment on the property located at **860 SE 1st Place, Hialeah, Florida;** and providing for an effective date.

<i>On January 29, 2020 the Planning and Zoning Board approved the item as recommended.</i>
<i>Planner's Recommendation: Approval of only the 16 feet rear setback and 5.4 west interior setback adjustments.</i>
<i>Owner of the Property: Manuel Quevedo and Jennifer Quevedo, 860 SE 1st Place, Hialeah, Florida.</i>

FD 4. Recommendation of denial from the Planning and Zoning Board to allow a rear setback of 5 feet, where 20 feet is the minimum, and interior west side setback of 6 feet, where 6.2 feet is the minimum required for an existing addition and conversions to be legalized. Property located at **611 SE 4th Street, Hialeah,** zoned R-1 (One- Family District).

<i>On January 29, 2020 the item was denied Planning and Zoning Board.</i>
<i>Planner's Recommendation: Denial.</i>

Owner of the Property: Sonia Ubieta, 611 SE 4th Street, Hialeah, Florida.

LAND USE AMENDMENTS

- LU 1.** Second 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. **POSTPONED UNTIL MARCH 10, 2020.**

Item was approved on first reading by the City Council on February 11, 2020.

Item was postponed by the City Council on January 28, 2020 until February 11, 2020, per the applicant's request.

On January 14, 2020, both a motion to approve the item and a motion to table the item until January 28, 2020 failed. The City Council passed a motion to adjourn the City Council Meeting of January 14, 2020 without having taken action on this item.

Item was postponed on December 10, 2019 until January 14, 2020 per the applicant's request.

On November 26, 2019, the recommendation of denial from the Planning and Zoning Board was overridden by the City Council.

On November 12, 2019, the item was denied by the Planning and Zoning Board.

Planner's Recommendation: Approval.

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

NEXT CITY COUNCIL MEETING: Tuesday, March 10, 2020 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 25, 2020 at 6:30 p.m.

BUDGET WORKSHOP: Thursday, March 12, 2020 at 7:00 p.m.

2/21/2020 1:30 PM

PENSION WORKSHOP: Wednesday, March 11, 2020 at 7:00 p.m.

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

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

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

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