

Esteban Bovo, Jr.
Mayor

Monica Perez
President

Jacqueline Garcia-Roves
Vice President



Council Members
Bryan Calvo
Vivian Casàls-Muñoz
Luis Rodriguez
Jesus Tundidor
Carl Zogby

City Council Meeting
Agenda
February 28, 2023
7:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. INVOCATION

A. The invocation to be led by Marbelys Fatjo, City Clerk.

4. PLEDGE OF ALLEGIANCE

A. The Pledge of Allegiance is to be led by Council Member Tundidor.

5. MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on matters of public concern or on any item on the agenda, may do so during the meeting.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.
- The public can view public meetings on the City's YouTube page (www.youtube.com/cityofhialeahgov).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

6. PRESENTATIONS

- A.** The City of Hialeah Department of Parks and Recreation recognizes Michelle Fernandez, a member of the City of Hialeah Swim Team, for achieving a swim and academic scholarship to Illinois State University.

(DEPARTMENT OF PUBLIC WORKS)

- B.** Presentation by The Corradino Group regarding the proposed annexation report the firm has been working on.

(PLANNING AND ZONING)

7. COMMENTS AND QUESTIONS

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

9. BOARD APPOINTMENTS

10. CONSENT AGENDA

All items listed under Consent Agenda with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City Council Meeting held on February 14, 2023 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

- B. **RESOLUTION:** Proposed resolution accepting a \$150,000.00 grant from the State of Florida Department of Emergency Management, funded by the Federal Emergency Management Agency (FEMA), and appropriating the grant funds in the Building Fund for the creation of a Watershed Master Plan in collaboration with Florida Atlantic University, subject to an in-kind contribution by the City in the amount of \$50,000.00 for a total project cost of \$200,000.00; approving the terms of the Grant Agreement with the State of Florida as set forth in “Exhibit 1”; approving and ratifying the Grant Application attached as “Exhibit 2”; authorizing the Mayor and the City Clerk, as attesting witness, to execute and deliver the agreement, assurances and all other necessary and customary documents in furtherance thereof on behalf of the City; and providing for an effective date.

(BUILDING)

<p><i>On February 14, 2023, the item was postponed until February 28, 2023 per the request of the Building Department.</i></p>
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- C. Request permission to utilize Contract No. 44102100-17-1 – *Mailing Processing Equipment*, between the State of Florida – Department of Management Services and this vendor, effective through February 19, 2027, and issue a purchase order to Pitney Bowes Inc., for the purchase of a new Pitney Bowes mailing machine and folder inserter for efficiency in the mailing process, as well as electronic certification and proper mailing cost allocation and automation, in the amount of \$16,333.67, with a five-year maintenance plan in the amount of \$19,241.05, for a total cumulative expense amount not to exceed \$35,574.72.

The funding for the mailing machine is to be charged to the General Fund - Capital Outlay - Equipment Account No. 001.8500.519.640 and the maintenance cost is to be charged to the General Fund – Contractual Services – Account No. 001.8500.519.340.

(PURCHASING DIVISION)

- D. Request permission to increase Purchase Order No. 2023-334, issued to Sunshine Communication Services, Inc., for afterhours emergency telephone services, by an additional amount of \$30,000.00, for a new total cumulative amount not to exceed \$55,000.00. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the services offered by this vendor have been utilized by the Department of Public Works for several years and the vendor is familiar with the department’s after hours and emergency procedures.

The funding for this expenditure is to be withdrawn from the Water & Sewers Division Fund – Communication Services Account No. 450.9500.536.410.

(DEPARTMENT OF PUBLIC WORKS)

- E. Request permission to increase Purchase Order No. 2023-522, issued to W.W. Grainger Inc., for the purchase of supplies for maintenance and repairs needed throughout the City, by an additional amount of \$25,000.00, for a new total cumulative expense not to exceed \$50,000.00. On September 27, 2022, the City Council approved the usage of the pool of vendors established pursuant to University of California, CA Contract No. 2018.000207 – Maintenance, Repair, Operations (MRO) Supplies and Equipment, effective through June 30, 2023.

The funding for the expenditure in is to be withdrawn from the Water & Sewers Division Fund Account No. 450.0000.141.007.

(DEPARTMENT OF PUBLIC WORKS)

- F. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a contract with Certified Latent Examiner Lenett Holbrook to provide Latent Evaluation and Comparison Services as an independent contractor, in a form acceptable to the City Attorney, for a four-year term, and further authorizing the expenditure of a combined amount not to exceed \$87,500.00 per year for the period from November 18, 2022 to September 30, 2023 to fund the Latent Fingerprint Examiner Program for one year, attached hereto as Exhibit “1”.

11. ADMINISTRATIVE ITEMS

- 11 A. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 46 entitled “Historical Preservation” of the Code of Ordinances, and in particular, revising Hialeah Code § 46-40 entitled “Powers and Duties” to prohibit the naming of City buildings, facilities, parks, rights-of-way and other city properties if any person has a felony conviction, unless waived by a 5/7 vote of the City Council; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

<i>On February 14, 2023, the item was postponed per the request of the Mayor’s staff.</i>
<i>On January 24, 2023, the City Council postponed the item until February 14, 2023 at the</i>

Mayor's request.

On January 10, 2023, the City Council tabled the item until January 24, 2023 at the Mayor's request.

On December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.

- 11 B. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Hialeah Code of Ordinances Chapter 98, entitled "Zoning", Article VI. "Supplementary District Regulations", Division 5. "Uses" creating Subdivision XIV entitled "Private Schools" creating regulations that provide the safety and wellness of school aged children and require proper traffic and adequate internal circulation and ensure compatibility of uses; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(SPONSOR: COUNCIL MEMBER TUNDIDOR)

On February 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 28, 2023.

- 11 C. ORDINANCE:** First reading of proposed ordinance approving a First Amendment to the Exclusive Franchise Agreement for the Collection of Residential Municipal Solid Waste granted to Progressive Waste Solutions of FL., Inc., a Florida Corporation, the predecessor in interest to Waste Connections of Florida, Inc., a Delaware Corporation, pursuant to Hialeah, Fla. Ordinance 2015-37 (August 11, 2015), for a term beginning upon execution of the First Amendment to Exclusive Franchise Agreement by the parties and ending on September 30, 2027, with an automatic renewal term thereafter of five years, beginning on October 1, 2027 and ending on September 30, 2032, and subsequent renewals at the option of the parties, for a term of one year each, with a cumulative duration of all subsequent renewals after the first renewal term not exceeding a total of five years; approving the terms of the First Amendment to the Exclusive Franchise Agreement in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment to the Exclusive Franchise Agreement; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

(DEPARTMENT OF PUBLIC WORKS)

12. UNFINISHED BUSINESS

13. NEW BUSINESS

14. ZONING

PLANNING AND ZONING

PZ 1. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances §98-161 to allow a mural outside the Artist Live/Work Overlay District (ALWOD) geographic area, where murals are only allowed in the Alwod District. **Property located at 1675 West 49 Street, Space 1004, 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.

PZ	<i>On February 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 28, 2023.</i>
	<i>Registered Lobbyist: Min Hwang Jang (Cindy), 330 West 34th Street, 3rd FL, New York, NY 10001, on behalf of Footlocker Retail, Inc</i>
	<i>On January 25, 2023, the Planning and Zoning Board recommended approval with the conditions that when the retailer (Foot Locker) no longer uses the bay the murals shall be removed and that any design change will require a new SUP.</i>
	<i>Planner's Recommendation: Approval with conditions</i>
	<i>Property Owner: Centennial Westland Mall Partners, LLC 1675 West 49th Street, Hialeah, Florida 33012.</i>

2. ORDINANCE: First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances §98-181 to allow a K-4 grade elementary school with a maximum capacity of 100 students in conjunction with a 43 children daycare; **Property located at 1905 West 35 Street, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

	<i>On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.</i>
	<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Growing Treasures Private School, Corp.</i>
	<i>On January 25, 2023, the Planning and Zoning Board recommended approval with the following conditions: (1) that cars on the proposed pick-up/drop-off lane need to enter through the West 20th Avenue entrance and exit through the one on West 25th Street, (2) a</i>

PZ

minimum of 2 staff members need to assist in traffic circulation and pick-up/drop-off to make sure cars enter on West 20th Avenue, exit on West 35th Street, and move quickly, (3) bollards need to be installed around the entire perimeter of the playground within 3 months of the approval of the ordinance, (4) expansion of the original daycare into an adjacent bay needs to be legalized if no proof of permit is provided and (5) school operator needs to make sure that dumpsters are within the walls built for that purpose and not interrupting the area designated for the drop-off pick-up lane.

Planner's Recommendation: Approval with conditions.

*Property Owner: Growing Treasures Private School Corp., 1905 West 35th Street, Hialeah, FL 33012
Jacqueline Senra, 16801 NW 77 Place, Miami Lakes, Florida 33016.
Madeline Paredes, 2950 SW 174 Way, Miramar, Florida 33029.*

3. Recommendation of Denial: Recommendation of Denial by the Planning and Zoning Board to allow a Prescribed Pediatric Extended Care (PPEC) with a maximum of four (4) patients and two (2) staff members. **Property located at 1022 East 8th Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District).**

On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.

On January 24, 2023, the item was postponed until February 14, 2023, per the applicant's request.

On January 10, 2023, the item was postponed until January 24, 2023, per the applicant's request.

Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Martha Alvarez.

On December 14, 2022, the Planning and Zoning Board recommended denial.

Planner's Recommendation: Denial

Property Owner: Martha Alvarez, 1022 East 8th Avenue, Hialeah, Florida 33010.

15. LANDUSE

LU 1. ORDINANCE: Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Residential Office. **Property located at 320 NE 8 Avenue, 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.

On February 14, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 28, 2023.

LU

<i>On January 24, 2023, the City Council overturned the Recommendation of Denial of the Planning and Zoning Board. First reading is scheduled for February 14, 2023.</i>
<i>On January 10, 2023, the City Council tabled the item until January 24, 2023.</i>
<i>On December 13, 2022, the City Council tabled the item until January 10, 2023.</i>
<i>Registered Lobbyist: Frank de la Paz, 9361 Bird Road, Miami, Florida on behalf of Juan C. Carballo and Gipsy Suarez</i>
<i>On November 16, 2022, the Planning and Zoning Board recommended denial.</i>
<i>Planner's Recommendation: Denial</i>
<i>Property Owner: Juan C. Carballo and Gipsy Suarez, 320 NE 8th Avenue, Hialeah, Florida 33010.</i>

2. **ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Industrial District to Commercial District. **Property located at 7551 West 4 Avenue, 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.

ITEM IS POSTPONED UNTIL MARCH 14, 2023, per the request of the applicant's representative.

<i>Registered Lobbyist: Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.</i>
<i>On February 14, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Prestige 7551, LLC, 7551 West 4 Avenue, Hialeah, Florida 33014.</i>

LU 3. **ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Medium-Density Residential District. **Property located at 1797 West 1 Avenue, 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.

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Luis O. Lago.</i>
<i>On February 14, 2023, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>

Property Owner: Luis O. Lago 15991 SW 143 Lane, Miami, Florida 33196.

- LU 4. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Residential Office District to Commercial District. **Property located at 218 East 49 Street and 226 East 49 Street, Hialeah, zoned RO (Residential Office) and 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.

Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of AA & DD Investments Inc., 21.

On February 14, 2023, the Planning and Zoning Board recommended approval of the item with the condition that the properties are consolidated through a Unity of Title and rezoned to B-1 (Highly Restricted Retail District).

Planner's Recommendation: Approval with conditions.

Property Owners: AA & DD Investments Inc., 218 East 49 Street, Hialeah Florida 33013, Alejandro Pla & Daisy Gaston, 218 East 49 Street, Hialeah, Florida 33013.

- LU 5. ORDINANCE:** First reading of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Transit Oriented Development District. **Properties located at 901 East 26 Street, 911 East 26 Street, 921 East 26 Street, 931 East 26 Street, 941 East 26 Street, 951 East 26 Street, 961 East 26 Street, 971 East 26 Street, 983 East 26 Street, 906 East 27 Street, 910 East 27 Street, 912 East 27 Street, 922 East 27 Street, 932 East 27 Street, 950 East 27 Street, 962 East 27 Street, 980 East 27 Street, 984 East 27 Street And 990 East 27 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.

Registered Lobbyist: Melissa Tapanes Llahues & Maritza Haro Salgado, 200 Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Metro Parc Hialeah II, LLC.

On February 14, 2023, the Planning and Zoning Board recommended approval of the item.

- LU** *Planner's Recommendation: Approval.*

Property Owners: A list detailing all the property owners is attached as Exhibit B.

- 6.** Recommendation of Denial by the Planning and Zoning Board amending the Future Land Use Map from Medium-Density Residential to Commercial. **Property located 445 West 11 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.

<i>On February 14, 2023, the item was postponed until February 28, 2023, per the applicant's request.</i>
<i>On January 24, 2023, the item was postponed until February 14, 2023, per the applicant's request.</i>
<i>On January 10, 2023, the item was postponed, per the applicant's request, until January 24, 2023.</i>
<i>On December 13, 2022, the item was postponed until January 10, 2023, per the applicant's request.</i>
<i>On November 16, 2022, the Planning and Zoning Board recommended denial.</i>
<i>Planner's Recommendation: Denial</i>
<i>Property Owner: Odalys Fernandez, 445 West 11 Street, Hialeah, Florida 33010.</i>

16. CITY COUNCIL DISCUSSION

17. ADJOURNMENT

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, April 25, 2023 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, March 14, 2023 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.

2/27/2023 8:40 AM

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).