

**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 Minutes**  
**February 11, 2020**  
**7:00 p.m.**

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**Call to Order**

**REPORT: Council President Hernandez called the meeting to order at 7:14 p.m.**

**Roll Call**

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

- Council President Hernandez
- Council Vice President Oscar De la Rosa
- Councilwoman Katharine Cue-Fuente
- Councilwoman Jacqueline Garcia-Roves
- Councilwoman Monica Perez
- Councilman Jesus Tundidor
- Councilman Carl Zogby

**REPORT: Also present were:**

- Lorena Bravo, City Attorney
- Mayor Carlos Hernandez

**Invocation given by Marbelys Fatjo, City Clerk**

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

**Pledge of Allegiance to be led by Councilwoman Garcia-Roves**

**REPORT: Councilwoman Garcia-Roves led the Pledge of Allegiance.**

## **MEETING GUIDELINES**

*The following guidelines have been established by the City Council:*

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

**REPORT: The meeting guidelines were read into the record by Marbelys Fatjo, City Clerk, in English and by Brigitte Leal, Office Coordinator, Office of the City Clerk, in Spanish.**

### **1. COMMENTS AND QUESTIONS**

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- A. Juan Santana, 5601 West 10<sup>th</sup> Avenue, addressed the City Council regarding the need to provide police officers with training.**
- B. Maria Insista, 3800 West 12<sup>th</sup> Avenue, Suite 1, addressed the City Council regarding the review of the plans she submitted to the Building Department.**

### **2. PRESENTATIONS**

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- Mayor Hernandez presents a proclamation and a key to the City to Raymond Robinson, who served as Council Member for the City of Hialeah for over 12 years.  
(MAYOR HERNANDEZ) **PRESENTED**
- Mayor Hernandez proclaims February 11, 2020 Armando Sosa Fortuny Day, in remembrance of the late Armando Sosa Fortuny, a hero in the fight for the freedom of Cuba.  
(MAYOR HERNANDEZ) **PRESENTED**
- Walter Keller of Walter H. Keller, Inc., Consultant Engineers and Planners, presents his 2018 police impact fees rate study.  
(ADMINISTRATION) **PRESENTED**

### **3. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA**

- Consent Items L, M and N and Board Appointment Items 6B and 6C have been added to today's agenda, and a copy of each has been placed on the dais for the City Council's review.
- Items PZ 1 and PZ 2 are postponed until March 11, 2020 per the applicant's request.
- Additional backup to Item LU 1 has been added to today's agenda and placed on the dais for the City Council's review.

### **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.

**REPORT: Council Vice President De la Rosa requested a separate discussion on Consent Item B.**

**REPORT: Council President Hernandez requested a separate discussion on Consent Items D, J and N.**

**REPORT: Councilwoman Perez requested a separate discussion on Consent Item K.**

**REPORT: Motion to Approve the Consent Agenda except items B, D, J, K and N made by Councilman Tundidor, and seconded by Councilwoman Perez. Motion passed 7-0.**

- A. Request permission to approve the minutes of the Council Meeting held on January 28, 2020.

(OFFICE OF THE CITY CLERK)

**APPROVED 7-0**

- B. Proposed resolution directing the City Attorney to report to the City Council on the progress of the obligations assumed by the City specifically to address unauthorized municipal approvals in the Consent Agreement between the City and Miami-Dade County DERM on a quarterly basis beginning in May 2020 and every three months thereafter, at regularly scheduled meetings of the Council, until the term of the Consent Agreement ends or all obligations are met; and providing for an effective date.

(ADMINISTRATION)

**APPROVED 7-0**

**RESOLUTION NO. 2020-021**

**REPORT: Motion to Approve Consent Item B made by Councilman Zogby, and seconded by Council Vice President Perez. Motion passed 7-0.**

- C. Proposed resolution approving a Professional Services Agreement between the City of Hialeah and Education Adventures, LLC, to provide interactive science enrichment services to the participants of the City's Creative Learning and Play Program, for a term commencing on September 1, 2019 and ending on May 31, 2020, in an amount not to exceed \$15,500.00; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Service Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1"; and providing for an effective date.  
(EDUCATION AND COMMUNITY SERVICE DEPT.)

**APPROVED 7-0**

**RESOLUTION NO. 2020-022**

- D. Request from the City of Hialeah Communications and Special Events Department, for a Temporary Street Closure permit, for the City's Art on Palm Festival, beginning on Palm Avenue from East 9<sup>th</sup> Street to East 3<sup>rd</sup> Street, and between West 1<sup>st</sup> Avenue and East 1<sup>st</sup> Avenue along 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Streets, from Friday, February 21, 2020 starting at 6:00 p.m. through Sunday February 23, 2020 at 7:00 a.m., with the event taking place on Saturday, February 22, 2020 from 5:00 p.m. to 12:00 a.m.  
(COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

**APPROVED 7-0**

**REPORT: Motion to Approve Consent Item D made by Councilman Zogby, and seconded by Councilwoman Garcia-Roves. Motion passed 7-0.**

- E. Request from La Familia Multiservices, located at 2750 West 68<sup>th</sup> Street, Suite 113, Hialeah, Florida, for a permit to host a family festival in the complex parking lot, to be held on Saturday, February 15, 2020, beginning at 12:00 p.m. and ending at 4:00 p.m., subject to recommendations from the Police Department and the Fire Department.  
(OFFICE OF THE CITY CLERK)

**APPROVED 7-0**

- F. Proposed resolution authorizing the placement of property insurance through the services of Arthur J. Gallagher Risk Management Services, Inc., an Illinois Corporation, to insure City property, including, but not limited to, buildings, contents, property, equipment, and vehicles through Layered Insurance Coverage for a combined and total maximum loss limit of \$25 million against damages caused by natural disasters and by all other perils, and a 5% deductible for a named windstorm and hail storm, subject to a \$500,000.00 deductible, placement of Cyber Insurance with limits of \$5 million, Fiduciary Liability Insurance with limits of \$2 million, and excess Workers Compensation Insurance for a total premium of \$982,437 commencing on March 10, 2020 and expiring on March 9, 2021; and placement of City's required Fuel Tank Insurance at an amount not to exceed \$15,000.00 and required Flood Coverage at an amount not to exceed \$30,000.00 at appropriate renewal periods.  
(RISK MANAGEMENT)

**APPROVED 7-0**

**RESOLUTION NO. 2020-023**

- G. Proposed resolution authorizing the Mayor and City Clerk, on behalf of the City to enter into a three-year agreement, commencing December 1, 2020 and ending on November 30, 2023, with Sedgwick Claims Management Services, Inc., to provide administrative services for the

City of Hialeah's Self-Insurance Program in the areas of Auto Liability, General Liability, Auto Physical Damage, Police and Fire Professional Liability, and Workers' Compensation for the City of Hialeah, Florida and further authorizing the expenditure of the sum of \$490,406 each year for the next three years in monthly installments, for services rendered under the agreement.

(RISK MANAGEMENT)

**APPROVED 7-0**

**RESOLUTION NO. 2020-024**

H. Request permission to waive competitive bidding, and issue a purchase order to Eaton Corporation, for the annual maintenance for the Data Center UPS' located throughout the City, in a total cumulative amount not to exceed \$16,328.66.

(INFORMATION TECHNOLOGY DEPT.)

**APPROVED 7-0**

I. Request permission to waive competitive bidding since it is advantageous to the City, and issue a purchase order to each of the following three vendors: (1) Royal Electrical Supply, Inc., (2) Miami-Dade Electric and A/C Supply, LLC, and (3) Manhattan Electric & Hardware Corporation, doing business as Manhattan Electric & Lighting Supply, for the purchase of electrical equipment, components and supplies, in a total cumulative amount not to exceed \$100,000 for all three vendors.

(CONSTRUCTION & MAINTENANCE DEPT.)

**APPROVED 7-0**

J. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order number 2020-779, issued to Culmin Staffing Group, Inc, for clerical staffing services for the Office of Management and Budget until a vacant Budget Analyst Assistant position is filled, by an additional \$25,000, for a new total cumulative amount not to exceed \$35,000.

(OFFICE OF MANAGEMENT AND BUDGET)

**APPROVED 6-0-1 with Councilman Tundidor not present during roll call.**

**REPORT: Ines Beecher, Director of the Office of Management and Budget for the City of Hialeah, 501 Palm Avenue, addressed the City Council.**

**REPORT: Motion to Approve Consent Item J made by Councilman Zogby, and seconded by Councilwoman Cue-Fuente. Motion passed 6-0-1 with Councilman Tundidor not present during roll call and having recorded his vote as "Yes" after the motion to approve passed.**

K. Request permission to issue a purchase order to Ashbritt, Inc., to issue payment for disaster debris removal services rendered due to Hurricane Irma during five separate periods ranging from September of 2017 through October of 2017, in a total cumulative amount not to exceed \$817,695.43, amount which will be reimbursed to the City by Federal Emergency Management Agency (FEMA).

(EMERGENCY MANAGEMENT DEPT.)

**APPROVED 7-0**

**REPORT: Armando Rojas, Director of Emergency Management for the City of Hialeah, 5555 East 8<sup>th</sup> Avenue, addressed the City Council.**

**REPORT: Motion to Approve Consent Item K made by Councilwoman Perez, and**

2/12/2020 4:58 PM

**seconded by Councilman Tundidor. Motion passed 7-0.**

L. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has met all the specifications to provide the subject services and has successfully provided these services at a number of events for the City over the past several years, including all production services during the City of Hialeah Independence Day Celebration, and increase Purchase Order No. 2020-588, issued to Reflections Productions, Inc., to pay staging décor services for the following additional events: Art on Palm, Women’s History Concert, Hialeah Glow Nights – Summer Pool Parties, by an additional amount of \$70,000, for a new total cumulative amount not to exceed \$120,000. On December 10, 2019 the City Council approved a purchase order in the amount of \$50,000 for this vendor to provide staging, lighting, audio and video services for events other than the City’s Independence Day celebration.

(COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

**APPROVED 7-0**

M. Proposed resolution approving a Services Agreement between the City of Hialeah and Xtreme FX, LLC, to provide customized visual, audio and pyrotechnic special effects for the City’s yearly fourth of July celebration, for a term of three years commencing on July 4th, 2020 and ending on July 4th, 2022, with the option to renew for an additional two-year term, in an amount not to exceed \$45,000.00 per year; and authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the Services Agreement attached hereto in substantial form and made a part hereof as Exhibit “1”; and providing for an effective date.

(COMMUNICATIONS AND SPECIAL EVENTS DEPT.)

**APPROVED 7-0**

**RESOLUTION NO. 2020-025**

N. Request from Unbranded Brewing Co., located at 1395 East 11<sup>th</sup> Avenue, for a Temporary Street Closure permit, for a block party to celebrate the grand opening of Unbranded Brewing Co., on East 11<sup>th</sup> Avenue from 13<sup>th</sup> to 14<sup>th</sup> Street, on Sunday, February 23, 2020, commencing at 12:00 p.m. to midnight, subject to recommendations from the Fire Department and the Police Department.

(OFFICE OF THE CITY CLERK)

**APPROVED 7-0**

**REPORT: Zachary Swanson, 1395 East 11<sup>th</sup> Avenue, addressed the City Council.**

**REPORT: Motion to Approve Consent Item N made by Councilman Tundidor, and seconded by Councilwoman Perez. Motion passed 7-0.**

**5. ADMINISTRATIVE ITEMS**

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5A. Proposed resolution approving the reimbursement of taxes paid for temporary business tax receipts to each of the business operators identified in the list attached as Exhibit “1” and in the amount provided for each, all totaling \$255,050.13; and providing for an effective date.  
(ADMINISTRATION)

**APPROVED 7-0**  
**RESOLUTION NO. 2020-026**

**REPORT: Juan Santana, 5601 West 10 Avenue, addressed the City Council in opposition to the approval of this item.**

**REPORT: Sergeant Yoshua Garfinkle, provided the City Council with a presentation regarding the audit that was done by the City of Hialeah.**

**REPORT: Armando Vidal, Director of Public Works for the City of Hialeah, addressed the City Council.**

**REPORT: Motion to Approve Item 5A made by Councilman Zogby, and seconded by Council Vice President De la Rosa. Motion passed 7-0.**

- 5B. 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 86-34 entitled “Business Tax Receipt Required”, to rescind subsection (c) Temporary Business Tax Receipt; 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.

(LICENSE)

**APPROVED 7-0**  
**ORDINANCE NO. 2020-007**

*Item was approved on first reading by the City Council on January 28, 2020.*

**REPORT: Motion to Approve Item 5B made by Councilman Zogby, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.**

- 5C. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 26 “TOD Transit Oriented Development District”, Section 98-1561 entitled “Factory Town Entertainment Subdistrict Pilot Program”, subsection 98-1561(a) of the Code of Ordinances of the City of Hialeah to provide for an extension for another six months to the Factory Town Entertainment Subdistrict Pilot Program following approval of this ordinance; repealing all ordinances or parts of ordinances in conflict herewith, providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date.

(ZONING)

**APPROVED 6-0-1 with Council Vice President De la Rosa having abstained from voting.**  
**ORDINANCE NO. 2020-008**

*Item was approved on first reading by the City Council on January 28, 2020.*

*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 on this item on first reading.*

**REPORT: Council Vice President De la Rosa filed Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers with the Office of the City Clerk, and the form has been filed with the backup documentation to this item.**

**REPORT: Motion to Approve Item 5C made by Councilman Zogby, and seconded by Councilwoman Cue-Fuente. Motion passed 6-0-1 with Council Vice President De la Rosa having abstained from voting.**

- 5D. First reading 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)

**APPROVED 7-0**

**REPORT: Motion to Approve Item 5D made by Councilman Zogby, and seconded by Council Vice President De la Rosa. Motion passed 7-0. Second reading and public hearing is scheduled for February 25, 2020.**

## **6. BOARD APPOINTMENTS**

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- 6A. Proposed resolution removing Luis Rodriguez from the Planning and Zoning Board and appointing **Bryan Calvo** as a member of the Planning and Zoning Board for the remainder of a two (2)-year term ending on June 28, 2020.

(COUNCILWOMAN GARCIA-ROVES)

**ITEM**

**REPORT: Motion to Approve Item 6A made by Councilwoman Garcia-Roves, and seconded by Councilman Zogby. Motion fails 3-4-0 at the pleasure of the Council.**

- 6B. Proposed resolution re-appointing **Carolina Naveiras** to the Cultural Affairs Council of the City of Hialeah for a (2)-year term ending on November 27, 2021.

(COUNCILMAN TUNDIDOR)

**APPROVED 7-0**

**RESOLUTION NO. 2020-027**

**REPORT: Motion to Approve Item 6B made by Councilman Zogby, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.**

- 6C.** Proposed resolution appointing **Deborah Luna** to the Cultural Affairs Council of the City of Hialeah for a (2)-year term ending on February 11, 2022.  
(COUNCIL AFFAIRS COUNCIL)

**APPROVED 7-0**

**RESOLUTION NO. 2020-028**

**REPORT: Motion to Approve Item 6C made by Council Vice President De la Rosa, and seconded by Councilman Zogby. Motion passed 7-0.**

**7. UNFINISHED BUSINESS**

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- A. Armando Vidal, Director of Public Works, made a presentation to the City Council regarding recycling.**

**8. NEW BUSINESS**

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- A. Frank De la Paz, 3920 West 12 Avenue, addressed the City Council regarding annexing the area of Opa Locka.**
- B. Jose Azze, 1788 SE Park Drive, addressed the City Council regarding the Cultural Affairs Council, landuse amendment procedure, and opening first reading of an item for public comment.**
- C. Eric Johnson, address exempt per state law, spoke regarding a charter amendment to change the form of government of the City.**

**9. CITY COUNCIL'S NEW BUSINESS**

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- A. Councilman Tundidor spoke about recognizing a Hialeah Firefighter who saved the life of another during the Miami Marathon.**
- B. Council President Hernandez spoke on the following:**
- *170<sup>th</sup> bridge opening for emergency vehicles*
  - *Traffic control in the annexation area*
  - *Signs near the entrance and exit of the Leah Arts District*

## 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.**

**REPORT: All present were duly sworn in.**

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*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 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 MARCH 10, 2020**

<i>Item was postponed on January 28, 2020 until February 11, 2020 per the applicant's request.</i>
<i>Item was postponed on January 14, 2020 until January 28, 2020 per the applicant's request.</i>
<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>

*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.*

*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*

**PZ 2.** Second reading and public hearing 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.

**POSTPONED UNTIL MARCH 10, 2020**

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

*On January 14, 2020 the item was approved on first reading by the City Council.*

*On December 11, 2019, the item was approved by the Planning and Zoning Board.*

*Planner's Recommendation: Approval.*

*Owner of the Property: Israel Suarez, 702 East 30 Street, Hialeah, Florida.  
Isis D. Suarez, 650 East 62 Street, Hialeah, Florida.*

**PZ 3.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One-Family District) to R-3-3 (Multiple-Family District); and granting a variance permit to allow a front setback of 17.66 feet, where 25 feet are required; allow a rear setback of 10.5 feet, where 20 feet are required; allow a street side setback of 5 feet, where 15 feet are required, all contra to Hialeah Code of Ordinances §§ 98-589, 98-590 and 98-591. **Property located at 811 East 52 Street, Hialeah, Florida.** Property zoned R-1 (One-Family District). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**APPROVED 7-0**  
**ORDINANCE NO. 2020-009**

<i>Item was approved on first reading by the City Council on January 28, 2020.</i>
<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida, on behalf of ARB Homes, LLC, 8105 NW 151 Street, Miami Lakes, Florida.</i>
<i>On January 15, 2020, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: ARB Homes, LLC, PO Box 520187, Miami, Florida 33152 Rene G. Baques, PO Box 520187, Miami, Florida 33152 Marta Baques, PO Box 520187, Miami, Florida 33152</i>

**REPORT: Motion to Approve Item PZ 3 made by Councilwoman Cue-Fuente, and seconded by Councilman Zogby. Motion passed 7-0.**

**PZ 4.** First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); providing a parking plan to permit 118 on-site parking spaces, where 485 spaces are required provided that the remaining parking spaces identified in a parking plan are provided off-site; and granting a variance to allow surface parking within 1,500 feet or by payment into the parking improvement trust fund as established in a parking covenant; contra to Hialeah Code of Ordinances §98-1545(b) and (c); and granting a Conditional Use Permit Pursuant to Hialeah Code of Ordinances §98-1561, Factory Town Entertainment Subdistrict Pilot Program and incorporating a conceptual site plan and a conceptual master sign plan allowing 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 pursuant to a declaration of restrictions. **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.

**APPROVED 5-0-2 with Councilman Tundidor not present during roll call and Council Vice President De la Rosa having abstained from voting.**

<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>
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<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 on this item on first reading.</i>
<i>Registered Lobbyist: Carlos Diaz, Greenberg Traurig P.A., 333 SE 2<sup>nd</sup> Avenue, 44<sup>th</sup> 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 2<sup>nd</sup> Avenue, 44<sup>th</sup> 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 37<sup>th</sup> Investments, LLC, 2665 S. Bayshore Dr, Suite 1020, Coconut Grove, Florida 33131.</i>

**REPORT: Felix Lasarte, 3250 NE 1<sup>st</sup> Avenue, on behalf of the applicant, addressed the City Council and played a video with a demo of the project.**

**REPORT: Motion to Approve Item PZ 4 made by Councilman Zogby, and seconded by Councilwoman Cue-Fuente. Motion passed 5-0-2 with Councilman Tundidor not present during roll call and Council Vice President De la Rosa having abstained from voting. Councilman Tundidor recorded his vote as "Yes" after the motion to approve was passed. Second reading and public hearing is scheduled for February 25, 2020.**

### **LAND USE AMENDMENTS**

- LU 1.** 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.

**APPROVED 7-0**

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

**REPORT: Mitchell Sabina, 7767 NW 146 Street, Miami Lakes, Florida 33016, addressed the City Council.**

**REPORT: Robin Bonterra, 7865 West 29 Lane, Hialeah, Florida, presented renderings and provided the City Council with a copy of the presentation.**

**REPORT: Debora Storch, Planning and Zoning Official for the City of Hialeah addressed the City Council.**

**REPORT: Motion to Approve Item LU 1 made by Councilman Zogby, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0. Second reading and public hearing is scheduled for February 25, 2020.**

**REPORT: Council President Hernandez adjourned the meeting at 11:37 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, February 25, 2020 at 7:00 p.m.**

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

**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, 3<sup>rd</sup> 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).