

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

Minutes

January 10, 2023

7:00 p.m.

1. CALL TO ORDER

A. REPORT: Council President Perez called the meeting to order at 7:08 p.m.

2. ROLL CALL

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

1. Council President Perez
2. Council Vice President Garcia-Roves
3. Council Member Casàls-Muñoz
4. Council Member Rodriguez
5. Council Member Tundidor (*arrived at 7:18 p.m. during the Public Comments and Questions portion of the meeting*)
6. Council Member Calvo

B. REPORT: Marbelys Fatjo, City Clerk, called the roll with the following Council Members absent:

1. Council Member Zogby

C. REPORT:

1. Mayor Esteban Bovo, Jr. was present.
2. Marbelys Fatjo, City Clerk, was present.
3. Lorena Bravo, City Attorney, was present.

3. INVOCATION

- A. Marbelys Fatjo, City Clerk, led the invocation.

4. PLEDGE OF ALLEGIANCE

- A. Council Vice President Garcia-Roves led the Pledge of Allegiance.

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.

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

6. PRESENTATIONS

➤ Council Member Rodriguez presents Manny Reyes III with a Certificate of Recognition.

REPORT: Council Member Rodriguez spoke.

REPORT: Manny Reyes III and his father spoke.

7. COMMENTS AND QUESTIONS

- A. REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. REPORT:** No one expressed interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the Comments and Questions portion of the meeting using Zoom.
- C. REPORT:** One (1) member of the public expressed interested in making comments or posing questions on matters of public concern present in the Council Chambers during this portion of the meeting.
- 1) Christopher Monzon, 7540 West 20th Avenue, thanked the governing body of the City for their support in October.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

A. Add-On Items:

- **Consent Item M**
- **Consent Item N**

B. Postponed Items:

- **Item PZ 1** is postponed until the City Council Meeting of January 24, 2023, per the applicant's request.
- **Item PZ 9** is postponed until the City Council Meeting of January 24, 2023, per the

applicant's request.

- **Item LU 3** is postponed until the City Council Meeting of January 24, 2023, per the applicant's request.

C. Additional Backup Documentation:

- A Declaration of Restrictions has been added to Item **PZ 6**.

9. 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.

REPORT: Council President Perez requested that Consent Item L be removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda except L made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Zogby absent.

- A.** Request permission to approve the minutes of the City Council Meeting held on December 13, 2022 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Zogby absent.

- B. Report of Scrivener's Error** - On December 13, 2022, the City Council approved Consent Item UU, approving the issuance of a purchase order to Tidal Basin Government Consulting, LLC for professional services designed to support the City with emergency management, response, recovery, mitigation and other support services to assist the City in its recovery from the impacts of COVID-19, in a total expense amount not to exceed \$100,000.00. The item was approved with the incorrect funding account number of Emergency Disaster Fund – Professional Services Account No. 113.8500.525.310. The item is being amended to reflect the correct account number as Emergency Disaster COVID-19 Fund – Professional Services Account No. **112.8500.525.310**.

(EMERGENCY MANAGEMENT DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- C. Report of Scrivener's Error** - On December 13, 2022, the City Council approved Consent Item TT, approving the issuance of a Purchase Order No. 2023-1064 issued to Hazen and Sawyer, P.C., for the annual update of the Sanitary Sewers Evaluation Survey Cycle 3, analysis of data and final report due to the Department of Environmental Resources, with Task A in the

amount of \$225,460.00. The item was approved with the incorrect funding account number of Coronavirus State and Local Fiscal Fund – Capital Outlay – Infrastructure Account No. 131.9540.535.630. The item is being amended to reflect the correct account number as Coronavirus State and Local Fiscal Fund – Capital Outlay Infrastructure Account No. 131.9540.536.630.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-0-1 with Council Member Zogby absent.

- D. Report of Scrivener’s Error** - On December 13, 2022, the City Council approved Consent Item TT, approving the issuance of Purchase Order No. 2023-1065 issued to Hazen and Sawyer, P.C., for the annual update of the Sanitary Sewers Evaluation Survey Cycle 3, analysis of data and final report due to the Department of Environmental Resources, with Task B, if necessary, in the amount of \$79,875.00. The item was approved with the incorrect funding account number of Coronavirus State and Local Fiscal Fund – Capital Outlay – Infrastructure Account No. 131.9540.535.630. The item is being amended to reflect the correct account number as Coronavirus State and Local Fiscal Fund – Capital Outlay Infrastructure Account No. 131.9540.536.630.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-0-1 with Council Member Zogby absent.

- E.** Request permission to issue a purchase order to REV RTC, Inc., for the purchase of Original Equipment Manufacturer (OEM) fire rescue equipment and accessories, in a total expense amount not to exceed \$115,000.00. On October 25, 2022, the City Council approved the pool of vendors, established pursuant to Miami-Dade County Bid No. RTQ-01063 – *Fire Rescue Equipment & Accessories – Prequalification Pool*, effective through May 31, 2024, pool of vendor which includes REV RTC, Inc.,

The funding for this expenditure is to be withdrawn from the General Fund – Inventory – Auto Parts Account No. 001.0000.141.120.

(FLEET AND MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- F.** Request permission to issue a purchase order to CivicPlus, LLC, developer of the City’s website, for the payment of the annual maintenance of the City’s website from January 31, 2023 through January 30, 2024, in a total cumulative amount not to exceed \$49,229.57. On January 23, 2018, the City Council awarded the purchase and implementation of a new website and mobile application for the City to this vendor utilizing GSA Contract No. GS-35F-0124U – *General Purpose Commercial Information Technology Equipment, Software, and Services*.

The funding for this expenditure is to be charged to the General Fund - Repair & Maintenance - Equipment Account No. 001.0201.519.462.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- G. Request permission to utilize NASPO Value Point Contract No. 43190000-22-NASPO-ACS – *Public Safety Communications Products, Services, and Solutions*, effective through December 31, 2026, between the State of Florida Department of Management Services and this vendor, and issue a purchase order to Motorola Solutions, Inc., for the purchase of two hundred (200) Motorola batteries, as well as forty (40) antennas for the Hialeah Fire Department handheld emergency radios that have reached their end of life, in a total expense amount not to exceed \$34,464.80.

The funding for this expenditure is to be withdrawn from the Fire Rescue Transportation Fund - Capital Outlay - Equipment Account No. 109.2000.522640.

(FIRE DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

- H. Request permission to issue a purchase order to Tyler Technologies, Inc., to configure Tyler Cashiering, system which will provide convenient, secure, and flexible payment solutions for constituents, developers, and design professionals, as well as for the payment of system maintenance fees covering from July 2022 to July 2023, and the purchase of additional user licenses for the Building Fire, and Zoning Departments, in a total expense amount not to exceed \$300,000.00. On May 22, 2018, the City Council approved a Software as a Service Agreement between this vendor and the City for a term of three (3) years, with an option to renew for an additional two (2) year term.

The funding for this expenditure is to be withdrawn from the Building Division Fund - Capital Outlay - Software Account No. 141.4300.515.641.

(BUILDING)

APPROVED 6-0-1 with Council Member Zogby absent.

- I. Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Elected Official Retirement Oversight Committee, commencing on October 1, 2022 and ending on September 30, 2023, in a total cumulative expense amount not to exceed \$37,800.00.

The funding for this expenditure is to be withdrawn from Elected Officials Retirement Fund – Professional Services - Others Account No. 602.8500.513.311.

(RETIREMENT DIVISION)

APPROVED 6-0-1 with Council Member Zogby absent.

- J. Proposed resolution authorizing the use of State Housing Initiatives Partnership (SHIP) Program funds under the Ship Safe Home Project in an amount not to exceed \$125,000.00 to conduct residential rehabilitation on the home of Oreste and Alina Armenteros, located at 135 West 52 Street, in Hialeah, as allowed under the City’s Local Housing Assistance Plan (LHAP); ratifying all prior actions and any expenditures or disbursements made to date for this purpose; authorizing the Mayor and his designee, to execute any and all agreements in furtherance of the project on behalf of the City; and providing for an effective date.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-001

- K.** Proposed resolution proclaiming the month of May as Jewish American Heritage Month; and providing for an effective day.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Zogby absent.

RESOLUTION NO. 2023-002

- L.** Request permission to recapture the unexpended State Housing Initiatives Partnership (SHIP) Program funds from the following three (3) Homeowner – Occupied Rehabilitation Projects:

- (1) City of Hialeah Resolution No. 2021-053 awarded \$100,000.00 to Caridad Alfonso of which \$30,135.96 were expended, leaving **\$69,864.04** for recapture
- (2) City of Hialeah Resolution No. 2021-064 awarded \$100,000.00 to Miriam Sabatier, of which \$40,462.00 were expended leaving **\$59,538.00** for recapture
- (3) City of Hialeah Resolution No. 2021-132 awarded Migdalia Ortiz \$100,000.00, of which \$300.00 were expended since the resident secured other means to fund the rehabilitation, leaving **\$99,700.00** for recapture.

for a total cumulative amount of \$229,102.04 to be utilized to enable the City to service additional applicants who have applied for assistance.

(GRANTS AND HUMAN SERVICES DEPARTMENT)

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Daniella Tamayo, 501 Palm Avenue, employee of the City of Hialeah Grants Department, spoke on this item.

REPORT: Motion to Approve Consent Item L made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Zogby absent.

- M.** Request from Red Nose Entertainment Corp., located at 3619 Northwest 101st Street, Miami, Florida, for a special events permit to host a traditional circus presenting a ninety (90) minute show with acrobats, hand balancing, and aerial acts, with the exclusion of animals, mechanical rides and alcohol, as well as permission to install a red and white circus tent, with the event scheduled to take place from Friday, January 20, 2023 through Sunday, February 12, 2023, at the parking lot of Westland Mall, located at 1675 West 49th Street, Hialeah, Florida, in accordance with the requirements of the Hialeah Fire Department, Police Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

The Cultural Affairs Council did not consider this application or submit a recommendation to the City Council due to lack of quorum of the two board meetings scheduled for this purpose on January 5, 2023 and January 9, 2023.

APPROVED 6-0-1 with Council Member Zogby absent.

N. Request from Saint Benedict Catholic Church, located at 701 West 77th Street, Hialeah, Florida, for a permit to host a carnival on church grounds, with setup taking place on Saturday, February 11, 2023 and take down on Wednesday, March 1, 2023, with the event scheduled to begin on Thursday, February 23, 2022 from 6:00 p.m. to 10:00 p.m., Friday, February 24, 2023 from 6:00 p.m. to 11:00 p.m., Saturday, February 25, 2023 from 12:00 p.m. to 11:00 p.m., and Sunday, February 26, 2023 from 11:00 a.m. to 10:00 p.m., subject to the requirements of the Hialeah Police Department, Fire Department and Risk Management Department.

(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Zogby absent.

10. ADMINISTRATIVE ITEMS

- 10 A. **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 11. “Landscaping”; amending and retitling §98-2231 “Purpose.”, §98-2232 “Landscaping Requirement”, §98-2233 “Irrigation”, and §98-2234 “Landscaping and Irrigation Certification and Recertification for Residential-Office, Commercial, Industrial Properties and Multi-Family Developments”; and creating Sections §98-2235 “Waiver of Minimum Landscape Requirements; Landscape Mitigation.”, §98-2236 “Renovation and Remodeling of Residential-Office, Multiple Family, Commercial and Industrial Developments; Supplemental Landscaping”, and §98-2237 “Fees”. 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.

(ZONING)

On December 13, 2022, the item was postponed by the administration until January 10, 2023.

On November 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for December 13, 2022.

On October 26, 2022, the Planning and Zoning Board recommended approval of the item.

APPROVED 6-0-1 with Council Member Zogby absent.

ORDINANCE NO. 2023-001

REPORT: Council President Perez opened the item for public participating and no one present

in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Motion to Approve Item 10 A made by Council Member Rodriguez, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

- 10 B. 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, right-of-way and other city properties if an *elected official or relative was arrested*; 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)

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

ITEM IS TABLED UNTIL JANUARY 24, 2023.

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

REPORT: Mayor Bovo spoke on this item and requested that it be tabled in order to amend the proposed ordinance.

REPORT: Council President Perez opened the item for public participating and one person present in the Council Chambers expressed interest in speaking:

1. **Ferny Coipel, 760 East 6th Avenue,** spoke in support of the approval of this item.

REPORT: Motion to Table Item 10B until January 24, 2023 made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Zogby absent.

- 10 C. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, by creating Division 10 “Long Term Care Oversight Committee” Sections 2-763 “Established”, 2-764 “Composition and Term of Service”, 2-765 “Duties and Powers” and 2-766 “Meetings; Quorum and Voting; Attendance Requirements; Rules of Procedures, Minutes”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; and providing for a severability clause and providing for an effective date.

(SPONSOR: COUNCIL MEMBER TUNDIDOR)

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

APPROVED 6-0-1 with Council Member Zogby absent.

ORDINANCE NO. 2023-002

REPORT: Motion to Approve Item 10 C made by Council Member Tundidor, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Zogby absent.

- 10 D. ORDINANCE:** First reading of proposed ordinance amending Chapter 58 entitled “Offenses”, by creating Article IA. entitled “Election Protection and Integrity,” Sections 58-15 “Voting; Protection of Persons/The Vote,” of the Code of Ordinances of the City of Hialeah; 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.

(SPONSOR: COUNCIL MEMBER CALVO)

ITEM IS TABLED UNTIL FURTHER NOTICE.

REPORT: Mayor Bovo spoke on this item.

REPORT: George Fuente, Hialeah Chief of Police, spoke on this item.

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

REPORT: Motion to Table Item 10B until further notice made by Council Member Calvo, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Zogby absent.

- 10 E. ORDINANCE:** First reading of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, by amending Division 3 entitled “Cultural Affairs Council” by designating it as the “Cultural Affairs Council Committee”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Motion to Approve Item 10 E made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Zogby absent. Second reading and public hearing is scheduled for January 24, 2023.

- 10 F. ORDINANCE:** First reading of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, by amending Division 5 entitled “Veteran’s Affairs Board” by designating it as the “Veteran’s Affairs Committee”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the

code; and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Motion to Approve Item 10 F made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Member Zogby absent. Second reading and public hearing is scheduled for January 24, 2023.

- 10 G. ORDINANCE:** First reading of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, by amending Division 2 entitled “Youth Advisory Board” by designating it as the “Youth Advisory Committee”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Motion to Approve Item 10 G made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Member Zogby absent. Second reading and public hearing is scheduled for January 24, 2023.

- 10 H. ORDINANCE:** First reading of proposed ordinance granting Pivotal Utility Holdings Inc., d/b/a Florida City Gas, its successors and assigns, a non-exclusive natural gas franchise in the City of Hialeah, Florida, including the right to construct, maintain, and operate gas lines; providing for regulation of the gas system by 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.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Motion to Approve Item 10 H made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Zogby absent. Second reading and public hearing is scheduled for January 24, 2023.

- 10 I.** Pursuant to Section 2.01 of the City’s Charter, Mayor Esteban Bovo, Jr., appoints Jorge Martinez, subject to civil service rules and regulations, to the position of Director of the Construction and Maintenance Department.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Motion to Approve Item 10 I made by Council Vice President Garcia-Roves,

and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

11. BOARD APPOINTMENTS

REPORT: Council President Perez expressed that she would like to nominate Patrick Carneval, employee of the Hialeah Fire Department, as the City Council's appointment on the City of Hialeah Employees' Retirement System Board of Trustees.

12. UNFINISHED BUSINESS

REPORT: None.

13. NEW BUSINESS

REPORT: Council Member Calvo spoke on creation of a taskforce/committee to evaluate the immigration impact on the City of Hialeah and to try to mitigate effect of immigrants crossing the border.

REPORT: Mayor Bovo expressed that in the current year he plans on mapping the City to evaluate transportation, housing and business development in an effort to predict how the City will look in twenty-five years.

14. ZONING

REPORT: All were duly sworn in.

PLANNING AND ZONING

PZ 1. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a K-3 Grade Elementary School with a maximum capacity of 27 students to be dropped off and picked up in 3 shifts in conjunction with a 14-children daycare and a total of 5 staff members; and granting a variance permit to allow 6 parking spaces, where 9 parking spaces are required; contra to Hialeah Code of Ordinances §98-2189(4)d; **Property located at 367 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF JANUARY 24, 2023.

On December 13, 2022, the second reading and public hearing was postponed until January 10, 2023, per the applicant's request.

Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Precious Little Angels.

On November 8, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for December 13, 2022.

On October 26, 2022, the Planning and Zoning Board recommended approval subject to the following conditions: (1) the school have no overlapping shifts, (2) the daycare schedule will not coincide with the elementary school drop-off and pick-up times, (3) school personnel will assist in the drop-off/pick-up process, (4) the drop-off area will remain clear at all times, (5) teachers and staff shall not exceed five members, (6) the daycare is limited to 14 children and (7) the school maximum capacity is limited to 27 students. The applicant shall also acknowledge that the after-school/tutoring business is independent from the school operation, and the parking variance could be approved with the condition that the existing parking is assigned to teachers and staff and that no parking of any duration is allowed at the circular driveway designated for drop-off.

Planner's Recommendation: Approval with conditions.

*Property Owners: J & P Property Enterprises Inc., 367 West 29th Street, Hialeah FL 33012
Lazaro Picallo 367 West 29th Street, Hialeah, FL 33012
Vivian Jimenez, 673 West 60th Street, Hialeah, FL 33012*

PZ 2. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property from A (Agricultural District) to R-3-3 (Multiple-Family District). **Property located at 10 West 53 Terrace, Hialeah, zoned A (Agricultural 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 December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.

On November 16, 2022, the Planning and Zoning Board recommended approval.

Planner's Recommendation: Approval.

Property Owner: Pedro Felipe Alvarez Pena, 10 W 53rd Terrace, Hialeah, FL 33012

APPROVED 4-0-3 with Council Member Zogby absent and Council Member Calvo and Council Casáls-Muñoz not present during roll call.

ORDINANCE NO. 2023-003

REPORT: Yiselis Gato, 501 Palm Avenue, staff of the City's Planning and Zoning Department spoke.

REPORT: Council President Perez opened the item for public participating and one person present in the Council Chambers expressed interest in speaking:

REPORT: **Motion to Approve Item PZ 2 made by Council Member Tundidor, and seconded by Council Member Rodriguez. Motion passes 4-0-3 with Council Member Zogby absent and Council Member Calvo and Council Member Casáls-Muñoz not present during roll call.**

REPORT: **Council Member Calvo and Council Member Casáls-Muñoz both recorded their vote as "YES" after the item passed.**

PZ 3. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property located at 1261 SE 8 Court from R-1 (One-Family District) to R-3-2 (Multiple-Family District); granting a variance permit to allow two (2) residential units on the ground floor, where residential units are allowed above the ground floor; allow 12 residential units with an area of 720 square feet, where 850 square feet is the minimum required and only 10% of the units (2 units) may have an area of 600 square feet; allow an 11 foot front setback, where 10 feet built-to-line are required; allow 8% pervious area, where 30% pervious area is the minimum required; and allow 50 parking spaces, where 71 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(e)(1), 98-2056(b)(1) and 98-2189(16)a. **Properties located at 1251 SE 8 Court and 1261 SE 8 Court, Folio No. 04-3120-011-0280, Hialeah, zoned R-1 (One-Family District) and R-3-2 (Multiple-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 December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.</i>
<i>Registered Lobbyist: Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, on behalf of Pacific Development Corp.</i>
<i>Registered Lobbyist: Manny Reus (architect), 18501 Pines Boulevard #342, Pembroke Pines, Florida 33029, on behalf of Pacific Development Corp (Julio Del Rey).</i>
<i>On November 16, 2022, the Planning and Zoning Board recommended approval with condition that the commercial uses are limited to uses with reduced parking demands mostly oriented to service the neighborhood, avoiding medical uses, daycares, and schools.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owner: Pacific Development Corp (Julio Del Rey), 1395 SE 8th Court, Hialeah, FL 33010</i>

APPROVED 6-0-1 with Council Member Zogby absent.

ORDINANCE NO. 2023-004

REPORT: Melissa Tapanes Llahues, 200 South Biscayne Boulevard, Suite 300, Miami, Florida 33131, spoke on this item.

REPORT: Council President Perez opened the item for public participating and no one present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Motion to Approve Item PZ 3 made by Council Member Tundidor, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Zogby absent.

- PZ 4. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a variance permit to allow front setback of 6 feet and street side setback of 6.1 feet, where 10 feet built-to-line are required; and allow 45 parking spaces, where 68 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-1630.3(e)(1) and 98-2189(16)(a). **Property located at 2450-2496 Palm Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District) within Area 1 NBD;** 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 December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.</i>
<i>On December 13, 2022, Council Member Casáls-Muñoz abstained from voting and filed a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers with the Office of the City Clerk.</i>
<i>Registered Lobbyist: Manny Reus (architect), 18501 Pines Boulevard #342, Pembroke Pines, Florida 33029, on behalf of Palm Retail, LLC.</i>

<i>On November 16, 2022, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Mitchel Sagina, 16000 NW 53rd Avenue, Miami Lakes FL 33016 Carlos Oliva, 6435 SW 94th Street, Pinecrest, FL 33156 Joaquin Oriol, 2918 Medinah, Weston, FL 33332</i>

APPROVED 5-0-1 with Council Member Zogby absent and Council Member Casáls-Muñoz having abstained from voting.

ORDINANCE NO. 2023-005

REPORT: Council Member Casáls-Muñoz abstained from voting.

REPORT: Manny Reus, project architect, addressed the City Council.

REPORT: Council President Perez opened the item for public participating and no one present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: **Motion to Approve Item PZ 4 made by Council Member Rodriguez, and seconded by Council Member Tundidor. Motion passes 5-0-1 with Council Member Zogby absent and Council Member Casáls-Muñoz having abstained from voting.**

PZ 5. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a variance permit to allow a 27% pervious area, where 30% pervious area is the minimum required; contra to Hialeah Code of Ordinances § 98-2056(b)(1). **Property located at 809 West 79 Place, Hialeah, zoned R-4 (Townhouses).** 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 December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.</i>
<i>On November 16, 2022, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Blanca Nelly Montes De Oca, 965 West 80th Place, Hialeah, FL 33014</i>

APPROVED 6-0-1 with Council Member Zogby absent.

ORDINANCE NO. 2023-006

REPORT: Yiselis Gato, 501 Palm Avenue, staff of the City's Planning and Zoning Department spoke.

REPORT: Council President Perez opened the item for public participating and no one present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Motion to Approve Item PZ 5 made by Council Member Rodriguez, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Member Zogby absent.

PZ 6. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the expansion of the Neighborhood Business District Overlay for the development of a 7-unit multifamily building; granting a variance permit to allow only residential units, where mixed-use is required; allow residential units on the ground floor, where residential units are allowed above the ground floor level; allow all residential units with areas ranging from 550 square feet to 600 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow a 5 foot east side setback, where 15 feet are required; and allow 8 parking spaces, where 14 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(2), and 98-2189(16)a. **Property located at 65 West 7 Street, Hialeah, zoned R-3-D (Multifamily 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: Miguel Abad, 235 Catalonia Avenue, Coral Gables Florida 33134, on behalf of RHM Development, LLC.</i>
<i>On December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.</i>
<i>On November 16, 2022, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Richard Hidalgo, 6051 SW 79th Court, Miami, FL 33143 Rolando Medina, 1916 NW 84th Avenue, Doral, FL 33126</i>

APPROVED 6-0-1 with Council Member Zogby absent.

ORDINANCE NO. 2023-007

REPORT: Council President Perez opened the item for public participating and no one present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Motion to Approve Item PZ 6 made by Council Member Casáls-Muñoz, and seconded by Council Member Rodriguez. Motion passes 6-0-1 with Council Member Zogby absent.

PZ 7. ORDINANCE: First reading of proposed ordinance granting a variance permit to allow 15 parking spaces where 21 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(7). **Property located at 840 East 25 Street, Hialeah, zoned C-1 (Restricted 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>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of MMTZ Health, LLC.</i>
<i>On December 14, 2022, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: MMTZ Health LLC, 2940 SW 128th Ave, Miami, FL 33175 Luz M. Pinton 2940 SW 128th Avenue, Miami, FL 33175</i>

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida, addressed the City Council via Zoom with a PowerPoint Presentation, which is on file with the Office of the City Clerk.

REPORT: Tarik Hawatmeh (applicant), 840 East 25 Street, addressed the City Council via Zoom.

REPORT: Motion to Approve Item PZ 7 made by Council Member Rodriguez, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Member Zogby absent. Second reading and public hearing is scheduled for January 24, 2023.

PZ 8. ORDINANCE: First reading of proposed ordinance accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; 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. **Property located at 631 East 40 Street, Hialeah, Florida.**

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, on behalf of Hammer Holdings, Inc.</i>
<i>On December 14, 2022, the Planning and Zoning Board recommended approval.</i>
<i>Property Owner: Hammer Holding Inc.</i>

APPROVED 6-0-1 with Council Member Zogby absent.

REPORT: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida, addressed the City Council via Zoom.

REPORT: Motion to Approve Item PZ 8 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent. Second reading and public hearing is scheduled for January 24, 2023.

PZ 9. ORDINANCE: 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).**

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF JANUARY 24, 2023.

<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Martha Alvarez.</i>
<i>On December 14, 2022, the Planning and Zoning Board recommended denial.</i>
<i>Planner's Recommendation: Denial</i>
<i>Property Owner: Martha Alvarez, 1022 East 8th Avenue, Hialeah, FL 33010</i>

15. LANDUSE

LU 1. ORDINANCE: Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Industrial to Commercial. **Property located at 7551 West 4 Avenue, Hialeah, zoned M-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 December 13, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 10, 2023.</i>
<i>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 November 16, 2022, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owner: Prestige 7551, LLC, 7551 West 4th Avenue, Hialeah, FL 33014</i>

APPROVED 6-0-1 with Council Member Zogby absent.

ORDINANCE NO. 2023-008

REPORT: Council President Perez opened the item for public participating and no one present in the Council Chambers or participating via Zoom expressed interest in speaking.

REPORT: Motion to Approve Item LU 1 made by Council Member Casáls-Muñoz, and seconded by Council Vice President Garcia-Roves. Motion passes 6-0-1 with Council Member Zogby absent.

LU 2. Recommendation of denial by the Planning and Zoning Board 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.

<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, FL 33010</i>

ITEM REMAINS TABLED UNTIL JANUARY 24, 2023.

REPORT: Frank De La Paz, 9361 Bird Road, addressed the City Council.

REPORT: Motion to Table Item LU 2 until January 24, 2023 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Zogby absent.

- LU 3.** Recommendation of denial by the Planning and Zoning Board amending the Future Land Use Map from Medium-Density Residential to Commercial. **Property located at 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.

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF JANUARY 24, 2023.

<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, FL 33010</i>

16. ADJOURNMENT

REPORT: Council President Perez adjourned the meeting at 9:29 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2023 at 6:30 p.m.

1/12/2023 8:44 AM

NEXT CITY COUNCIL MEETING: Tuesday, January 24, 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.

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).