

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
January 28, 2020
7:00 p.m.

Call to Order

REPORT: Council President Hernandez called the meeting to order at 7:10 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 JesusTundidor
- 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 Cue-Fuente

REPORT: Councilwoman Cue-Fuente 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

- **Jose Azze, 788 SE Park Drive, spoke regarding zoning changes and notice to the public.**
- **Maria Insista, 3800 West 12th Avenue, Suite 1, spoke regarding changes she recommends the City implement in order to assist business owners in the different processes such as DERM approval and obtaining a Certificate of Use.**
- **Frank De la Paz, 3920 West 12th Avenue, spoke in opposition to the "Comments and Questions" portion of the City Council agenda being the first order of business.**
- **Agustin Chenique, 2775 West Okeechobee Road, #122, regarding the status of the reconstruction of West 28th Street.**

2. PRESENTATIONS

- **Jane Gilbert, City of Miami Chief Resilience Officer, conducts a presentation regarding the regional resilience strategy that has been developing over the last three years. The Resilient305 Team is a joint effort between Miami-Dade County, City of Miami and Miami Beach with coordinating support from the Miami Foundation.**

REPORT: Jane Gilbert a power point presentation and provided the Mayor and the City Council with copies.

3. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Item S has been added to today's agenda and backup documentation has been placed on the dais for the City Council's review.
- Additional backup documentation for Administrative Item 5D and LU 1 has been placed on the dais for the City Council's review.
- Item LU 2 is postponed until March 10, 2020 per the applicant's request.
- Items PZ 1 and PZ 2 are postponed until February 11, 2020 per the applicant's request.
- Additional backup to items PZ 4, PZ 6 and 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: Councilman Tundidor requested a separate discussion on Consent Item M.

REPORT: Councilwoman Perez requested a separate discussion on Consent Items B and Q.

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

REPORT: Motion to Approve the Consent Agenda except items B, L, M and Q made by Councilman Tundidor, and seconded by Councilwoman Cue-Fuente. Motion passed 7-0.

A. Request permission to approve the minutes of the Council Meeting held on January 14, 2020.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

B. Proposed resolution accepting a grant award, from the United States Department of Housing and Urban Development (HUD) Office of Lead Hazard Control and Healthy Homes (OLHCHH) to identify and control lead-based paint and healthy homes hazards in eligible

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homes throughout the City for a period commencing January 2, 2020 and ending on July 1, 2023, in the total aggregate amount \$3,300,000.00, including \$300,000.00 from the Health Homes Supplemental Grant, and \$3,000,000.00 from the Lead Hazard Reduction Grant (LHRG), which requires a City of Hialeah commitment in the amount of \$300,000.00; ratifying an agreement between HUD and the City of Hialeah, executed by Annette Quintana as Director of the Grants Department on behalf of the Mayor and the City, a copy of which is attached hereto and made a part hereof as Exhibit "1"; authorizing the Mayor, or his designee on behalf of the City, to execute all other necessary documents in furtherance thereof; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 7-0

RESOLUION NO. 2020-010

REPORT: Andres Ruiz, City of Hialeah Department of Grants and Human Services, addressed the City Council regarding outreach to the public.

REPORT: Julio Ponce, Hialeah Housing Authority, 75 East 6th Street, addressed the City Council.

REPORT: Motion to Approve Consent Item B made by Councilwoman Cue-Fuente, and seconded by Councilwoman Perez. Motion passed 7-0.

C. Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA19-VEL 17.0, to purchase one (1) 2020 Bucket Truck - 30,000 LB GVWR International MV – 607 Cab & Chassis - DWR 4X2 –Specification No. 44, with Altec LR758 Aerial Device Package, from Rechtiem International Trucks, Inc., in the total not to exceed \$190,289.93.

(STREETS)

APPROVED 7-0

D. Request permission to issue payment to the State of Florida Department of Environmental Protection for an annual regulatory program and surveillance fee for stormwater permits, since it is advantageous to the City in that in 1993 the City of Hialeah Streets Department created a Stormwater Utility Program and in order to operate the program, the City is required to maintain its permit from the Florida Department of Environmental Protection, the entity responsible for the implementation of the Stormwater element of the National Pollutant Discharge Elimination System mandated by the Clean Water Act, in a total cumulative amount not to exceed \$18,760.

(STREETS)

APPROVED 7-0

E. Request from Immaculate Conception Catholic Church, located at 4497 West 1 Avenue, Hialeah, Florida, for a permit to host the third annual pig roast on Saturday, February 22, 2020 from 2:00 p.m. to 8:00 p.m., to be held at Immaculate Conception School located at 125 West 45th Street, Hialeah, Florida, expecting approximately 250-300 attendees, subject to recommendations from the Police Department and Fire Department.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

F. Request from La Familia Multiservices, located at 973 East 8th Avenue, Hialeah, Florida, for a permit to host a family festival to be held on Saturday, February 8, 2020, beginning at

10:00 a.m. and ending at 3:00 p.m., subject to recommendations from the Police Department and the Fire Department.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- G. Request from to La Familia Multiservices, located at 973 East 8th Avenue, Hialeah, Florida, for a permit to host a family festival to be held on Saturday, March 7, 2020, beginning at 10:00 a.m. and ending at 3:00 p.m., subject to recommendations from the Police Department and Fire Department.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

- H. Proposed resolution approving the expenditure in an amount not to exceed \$50,232.00 from the State Law Enforcement Trust Fund for the purchase of 12 of the following items: (1) Panasonic Toughbooks, (2) Havis Cradle for Toughbook, (3) Notebook Battery, and (4) Extended Service Agreement for 2 years from Insight Public Sector Sled, a corporation pursuant to a competitive bid utilizing the Omnia Partners I.T. Products and Services and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 7-0

RESOLUTION NO. 2020-011

- I. Request permission to utilize NASPO Value Point Contract No. 4322000-WSCA-14-ACS/MNWNC-108 - *Computer Equipment, Desktops, Laptops, Tablets, Servers and Storage including Related Peripherals & Services*, effective through March 31, 2020, between the State of Minnesota, Materials Management Division and Dell Marketing LP, and issue a purchase order to Dell Marketing L.P., to purchase equipment and services, in a total cumulative amount not to exceed \$100,000, to be allocated through various City Departments.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

- J. Request permission to utilize NASPO Value Point Contract No. 43211500-WSCA-ACS/MNWNC-117 - *Computer Equipment, Peripherals & Services*, effective through March 31, 2020, between the State of Florida, Department of Management Services and Lenovo United States, Inc., and issue a purchase order to Lenovo Inc., to purchase equipment and services, in a total cumulative amount not to exceed \$100,000, to be allocated through various City Departments.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 7-0

- K. Request permission to increase Purchase Order No. 2020-797, issued to Xylem Water Solutions U.S.A., Inc., sole source supplier of FLYGT pumps in the State of Florida, for the repair, parts and/or replacement of FLYGT submersible pumps and attributes for the purpose of maintaining and operating department sewer pump stations, by an additional \$100,000, for a new total cumulative amount not to exceed \$200,000.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

- L. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the Department of Public Works and is one of

the few laboratories certified to conduct these types of tests, and issue a purchase order to Florida-Spectrum Environmental Services, Inc., to conduct required water quality testing to verify that plant operations meet the requirements of the service contract, in a total cumulative amount not to exceed \$110,000, half of which will be reimbursed to the City by Miami Dade County Water and Sewer Department.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

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

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

M. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Downrite Engineering & Development Corporation, vendor providing the lowest quotation, for the construction of a new pump station on NW 99th Avenue, in a total cumulative amount not to exceed \$555,000.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

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

REPORT: Motion to Approve Consent Item M made by Councilman Tundidor, and seconded by Councilman Zogby. Motion passed 7-0.

N. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the developer of the Department of Public Works' billing system, and issue a purchase order to Accela, Inc., for the annual support and maintenance for web payments, pay by phone and utility billing systems for the Department of Public Works, in a total cumulative amount not to exceed \$116,260.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

O. Request permission to utilize State Contract No. 600-000-11-1- *Multifunction Products, Printers, Facsimile Equipment, Scanners, Related Software, Supplies, and Services*, and issue a purchase order to CopyCorp, Inc., for multifunction products, printers, facsimile equipment, scanners, related software, supplies and services, in a total cumulative amount not to exceed \$19,000.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

P. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor was recommended by the City's Selection Committee in 2010 for engineering services and approved by the City Council for a term of three years with the option to extend annual for a total of no more than five years, and issue a purchase order to SRS Engineering, Inc., for the City's Reverse Osmosis Water Treatment Plant utility and access relocation project, in a total cumulative amount not to exceed \$97,733.34.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 7-0

Q. Request permission to waive competitive bidding, since it is advantageous to the City in that

this vendor is familiar with the Education and Community Services Department's requirements, and issue a purchase order to J&M Vera School Bus Services, Inc., for transportation services to the City of Hialeah Education and Community Services Department, in a total cumulative amount not to exceed \$15,920. On August 27, 2019 the City Council approved an expenditure in the amount of \$90,600 for this vendor.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

APPROVED 7-0

REPORT: Sharon Dzedzic, Supervisor, City of Hialeah Department of Education and Community Services, addressed the City Council.

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

R. Request from St. John the Apostle Catholic Church, located at 475 East 4th Street, Hialeah, Florida, for a permit to host a carnival on church grounds, from Thursday, March 5, 2020 through Sunday, March 8, 2020, subject to recommendations from the Police Department and Fire Department.

(OFFICE OF THE CITY CLERK)

APPROVED 7-0

S. Proposed resolution authorizing the Hialeah Fire Rescue Department to participate in intergovernmental transfers with the State of Florida Agency for Health Care Administration and the Supplemental Payment Program for Medicaid managed care patients; authorizing the transfer of an amount not to exceed \$154,884.00 for fiscal year 2019-2020 to the Agency for Health Care Administration as the city's share of the state funding requirement; authorizing the Mayor or Mayor's designee to execute all required agreements or documents to participate in intergovernmental transfers and the supplemental payment program for Medicaid managed patients; and providing for an effective date.

(FIRE DEPT.)

APPROVED 7-0

RESOLUTION NO. 2020-012

5. ADMINISTRATIVE ITEMS

5A. First reading 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.

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 5A 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, Second reading and public hearing is scheduled for February 11, 2020.

- 5B. Proposed resolution approving a Consent Agreement between Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) and the City of Hialeah to redress unauthorized municipal license approvals contrary to Chapter 24 of the Miami-Dade County Code a copy of which is attached as Exhibit 1; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute the Consent Agreement; and providing for an effective date.

(ADMINISTRATION)

APPROVED 7-0

RESOLUION NO. 2020-013

REPORT: Armando Vidal, Director of Public Works, 3700 West 4th Avenue, addressed the City Council regarding this item and provided additional backup documentation, a copy of which has been filed in the Office of the City Clerk.

REPORT: Carlos Luis Hernandez, Director of Waste Water, DERM, 8290 SW 63 Street, addressed the Mayor and the City Council.

REPORT: Motion to have a special meeting to discuss the proposed agreement item by item made by Council Vice President De la Rosa. Motion failed for lack of a second.

REPORT: Motion to have a special meeting to question the Director of the City's Business Tax Department to gather information made by Council Vice President De la Rosa, and seconded by Councilman Tundidor. Council Vice President De la Rosa withdrew his motion prior to roll call.

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

- 5C. 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 86-34 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

REPORT: Council President Hernandez opened Item 5C for public participation.

REPORT: Frank De la Paz, 3920 West 12th Avenue, addressed the Mayor and the City Council.

REPORT: Irma Artiaga 1290 West 49th Street, addressed the Mayor and the City Council.

REPORT: Maria Sistuesta, 3800 West 12th Avenue, addressed the Mayor and the City Council.

REPORT: Alexis Riveron, Building Official, addressed the Mayor and City Council.

REPORT: Senator Rene Garcia, 217 East 63 Street, addressed the Mayor and City Council.

REPORT: Christopher Gutierrez, 7963 West 12th Avenue, addressed the Mayor and the City Council.

REPORT: Debora Storch, Director of Planning and Zoning for the City of Hialeah, spoke.

REPORT: Motion to conduct a Special Meeting to discuss item by item of the Settlement Agreement made by Council Vice President De la Rosa. Motion fails lack of a second.

REPORT: Motion to direct the Law Department to draft a resolution directing the Mayor to provide oversight on the status of the work required under the Consent Agreement on a quarterly basis made by Councilman Tundidor, and seconded by Council Vice President De la Rosa. Motion passed 7-0.

REPORT: Motion to Approve Item 5C made by Council Vice President De la Rosa, and seconded by Councilman Tundidor. Motion passed 7-0. Second reading and public hearing is scheduled for February 11, 2020.

5D. Proposed resolution ratifying and approving the Collective Bargaining Agreement between the Hialeah Association of Firefighters IAFF Local 1102 and the City of Hialeah, Florida for a period beginning on October 1, 2019 through September 30, 2022, a copy of which will be on file in the Office of the City Clerk; and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Vice President De la Rosa not present during roll call.

RESOLUION NO. 2020-014

REPORT: Eric Johnson, Local 1102, addressed exempt per Florida law, spoke.

REPORT: Motion to Approve Item 5D made by Councilman Tundidor, and seconded by Councilman Zogby. Motion passed 6-0-1 with Council Vice President De la Rosa not present during roll call and having recorded his vote as "Yes" after the motion to approve passed.

6. BOARD APPOINTMENTS

6A. Proposed resolution appointing **Jose Azze** to the Cultural Affairs Council of the City of Hialeah for a two (2)-year term ending on January 28, 2022.
(COUNCILWOMAN PEREZ)

APPROVED 6-0-1 with Council Vice President De la Rosa not present during roll call.

RESOLUION NO. 2020-015

REPORT: Motion to Approve Item 6A made by Councilwoman Perez, and seconded by Councilman Tundidor. Motion passed 6-0-1 with Council Vice President De la Rosa not present during roll call and having recorded his vote as “Yes” after the motion to approve passed.

- 6B.** Proposed resolution re-appointing **Barbara Hernandez** to the Board of Commissioners of Hialeah Housing Authority of the City of Hialeah, Florida for a four (4)-year term ending on February 14, 2024.
(MAYOR HERNANDEZ)
APPROVED 7-0
RESOLUION NO. 2020-016

REPORT: Julio Ponce, Hialeah Housing Authority, addressed the City Council.

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

- 6C.** Proposed resolution re-appointing **Mario A. Diaz** to the Board of Commissioners of Hialeah Housing Authority of the City of Hialeah, Florida for a four (4)-year term ending on February 14, 2024.
(MAYOR HERNANDEZ)
APPROVED 7-0
RESOLUION NO. 2020-017

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

- 6D.** Proposed resolution removing Oscar D. Banegas from the Planning and Zoning Board and appointing **Eduardo Lavin** as a member of the Planning and Zoning Board for the remainder of a two (2)-year term ending on June 28, 2020.
(VICE PRESIDENT DE LA ROSA)
APPROVED 7-0
RESOLUION NO. 2020-018

REPORT: Eduardo Lavin, 8822 West 34 Court, addressed the City Council.

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

7. UNFINISHED BUSINESS

REPORT: None.

8. NEW BUSINESS

REPORT: None.

9. CITY COUNCIL'S NEW BUSINESS

REPORT: Councilman Tundidor spoke on police impact fees.

REPORT: Lorena Bravo, City Attorney, announced the Pension Workshop that is scheduled to take place on March 11, 2020.

REPORT: Council President Hernandez spoke on the status of the committee structure and 30 for 30 Tree Canopy Project resolutions.

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.

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 FEBRUARY 11, 2020.**

<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>
<i>Planner's Recommendation: Approval with the condition that the school remains with 60 students and 6 staff members until the proposed parking lot is completed. A Declaration of Restrictive Covenants should describe the operational plan, number of students and staff before and after the completion of the parking lot, number of high school students that will be allowed to park on premises, control method to avoid that other high school students park on the swale areas, pick-up and drop-off times and number of parking control employees to manage that process.</i>
<i>Owner of the Property: Daniel Ramos, 5855 West 2 Avenue, Hialeah, Florida 33012 Larry Weeks, 740 SW 61 Avenue, Plantation, Florida 33317 Maria, Elizabeth Vitale, 155 East 61 Street, Hialeah, Florida 33013</i>

PZ 2. Second reading and public hearing of proposed ordinance 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 FEBRUARY 11, 2020.

<i>On January 14, 2020 the item was approved on first reading by the City Council.</i>
<i>On December 11, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Israel Suarez, 702 East 30 Street, Hialeah, Florida. Isis D. Suarez, 650 East 62 Street, Hialeah, Florida.</i>

PZ 3. Second reading and public hearing of proposed ordinance rezoning property zoned R-1 (One-Family District) to R-2 (One-and Two-Family Residential District) to allow the construction of a duplex on a substandard lot; and granting a variance permit to allow a frontage of 60 feet, where 75 feet is the minimum required; and allow a 2.10 foot interior west side setback for an existing 104 square foot accessory building, where 6 feet is required; contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 851 East 14 Place, Hialeah, Florida**, zoned R-1 (One-Family District). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council President Hernandez not present during roll call.
ORDINANCE NO. 2020-005

<i>On January 14, 2020 the item was approved on first reading by the City Council.</i>
<i>On December 11, 2019, the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Marta Salazar, 851 East 14th Place, Hialeah, Florida 33010.</i>

REPORT: Motion to Approve Item PZ 3 made by Councilman Zogby, and seconded by Councilwoman Garcia-Roves. Motion passed 6-0-1 with Council President Hernandez not present during roll call and having recorded his vote as “Yes” after the motion to approve passed.

PZ 4. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to M-3 (Industrial District); and granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow the operation of a metal recycling facility; and granting a variance permit to allow a 264 square foot building, where a 1,000 square foot area is the minimum required; allow a pervious area of 6.9%, where 10% is required; allow a waiver of the minimum landscape requirements of 8 trees and 80 shrubs, provided that the landscaping requirements are mitigated pursuant to Hialeah Code of Ordinances § 98-2233; all contra to Hialeah Code of Ordinances § 98-1373 and the latest edition of the Hialeah Landscape Manual dated July 9, 2015 Paragraph (e), Table A and Paragraphs (d)(1) and (8); **property located at 4938 East 11 Avenue and 4951 East 10 Lane, Hialeah, Florida**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 7-0
ORDINANCE NO. 2020-006

<i>On January 14, 2020 the item was approved on first reading by the City Council.</i>
<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida.</i>

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

REPORT: Ceasar Mestre, 8105 NW 155 Street, addressed the City Council.

REPORT: Carlos Toran, 9353 SW 144 Place, addressed the City Council.

REPORT: Milly Herrera, 4341 East 8th Lane, addressed the City Council in opposition to the approval of this item.

REPORT: Motion to Approve Item PZ 4 made by Councilwoman Cue-Fuente, and seconded by Councilman Zogby. Motion passed 7-0.

PZ 5. First reading 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 6-1-0

<i>Registered Lobbyist: Ceasar Mestre, 8105 NW 155 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: Ceasar Mestre, 8105 NW 155 Street, addressed the City Council.

REPORT: Motion to Approve Item PZ 5 made by Council Vice President De la Rosa, and seconded by Councilman Tundidor. Motion passed 6-1-0 with Councilwoman Perez voting “no”. Second reading and public hearing is scheduled for February 11, 2020.

PZ 6. Recommendation of denial from the Planning and Zoning Board of the rezoning from M-1 (Industrial District) to TOD (Transit Oriented Development District); consideration of a parking plan to permit a variance to allow 114 on-site parking spaces, where 524 spaces are required provided that the remaining spaces identified in the parking study will be provided off-site or by payment into the parking improvement trust fund as established in a parking covenant; consideration of a master sign plan; and Conditional Use permit to allow distilleries, entertainment establishments, festivals, live music venues, nightclubs, banquet halls, dance halls, bars, special events, exhibits, and similar outdoor uses, such as retail, dining (including food trucks and food carts), including other entertainment, music and art festivals. Property located at **4800 NW 37th Avenue** located within the Factory Town Entertainment Sub-district Pilot Program, Hialeah, zoned M-1 (Industrial District).

APPROVED 6-0-1 with Council Vice President De la Rosa having abstained from voting.

<i>Registered Lobbyist: Carlos Diaz, Greenberg Traurig P.A., 333 SE 2nd Avenue, 44th Floor, Miami, Florida 33134</i>
<i>Registered Lobbyist: Jorge Navarro, Greenberg Traurig P.A., 333 SE 2nd Avenue, 44th Floor, Miami, Florida 33134.</i>
<i>On January 15, 2020, the item was denied by the Planning and Zoning Board.</i>
<i>Planner’s Recommendation: Approval of rezoning, conditional use permit and variance to allow deviation of the parking standards, so long as a complete application for site plan review for each phase of development is submitted for each phase in substantial compliance with the conceptual site plan.</i>
<i>Owner of the Property: 4700 NW 37th Investments, LLC, 2665 S. Bayshore Dr, Suite 1020, Coconut Grove, Florida 33131.</i>

REPORT: Jorge Navarro, 333 SE 2nd Avenue, addressed the City Council.

REPORT: Felix Lasarte, 3250 NE 1st Avenue, addressed the City Council.

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 override the Denial of the Planning and Zoning Board made by Councilwoman Cue-Fuente, and seconded by Councilman Zogby. Motion passed 6-0-1 with Council Vice President De la Rosa having abstained from voting. First reading is scheduled for February 11, 2020.

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-34 that granted an adjustment on the property located at **10 West 63 Street, Hialeah, Florida**; and providing for an effective date.

APPROVED 7-0

RESOLUTION NO. 2020-019

<i>On December 11, 2019, the item was approved as requested by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approve only 7.6 feet street side setback, where 15 feet are required.</i>
<i>Owner of the Property: Manuel Rodriguez, 10 West 63 Street, Hialeah, Florida 33012.</i>

REPORT: Motion to Approve Item FD 1 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.

FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2019-35 that granted an adjustment on the property located at **3645 East 7 Avenue, Hialeah, Florida**; and providing for an effective date.

APPROVED 7-0

RESOLUTION NO. 2020-020

<i>On December 11, 2019, the item was approved by the Planning and Zoning Board with the condition that the terrace remains open on three sides.</i>
<i>Planner's Recommendation: Approve the 9.2 feet east side setback with the condition that the terrace remains open on three sides.</i>
<i>Owner of the Property: Gustavo Del Zauzal, 3645 East 7 Avenue, Hialeah, Florida 33013.</i>

REPORT: Motion to Approve Item FD 2 made by Councilman Zogby, and seconded by Council Vice President De la Rosa. Motion passed 7-0.

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.

POSTPONED UNTIL FEBRUARY 11, 2020.

<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: Michael Osman, 147-A West 84 Street, addressed the City Council.

REPORT: Motion to Table Item LU 1 until February 11, 2020 made by Councilman Tundidor, and seconded by Council Vice President De la Rosa. Motion passed 7-0.

- LU 2.** Recommendation of denial from the Planning and Zoning Board of the adoption of a resolution expressing intent to approve and adopt a Map Amendment of a parcel of land having approximately a total of 28.31 acres as follows: Parcel I having 22.55 acres from kennels to High Density Residential limited to 27.66 units/acre and Parcel II having 5.76 acres from kennels to Medium Density Residential limited to 15.65 units/acre. Property located at **7218 West 4th Avenue**, zoned K (Kennel District).

POSTPONED UNTIL MARCH 10, 2020.

<i>Registered Lobbyist: Monika Entin, Bercow Radell Fernandez & Larkin, PLLC, 200 S. Biscayne Boulevard, Suite 850, Miami, Florida 33131, on behalf of Florida Kennels, Inc.</i>
<i>Registered Lobbyist: Maritza Haro, Bercow Radell Fernandez & Larkin, 200 S. Biscayne Boulevard, Suite 850, Miami, Florida 33131, on behalf of Florida Kennels, Inc.</i>

<i>Registered Lobbyist: Melissa Tapanes Llahues, Esq., Bercow Radell Fernandez & Larkin, PLLC, 200 S. Biscayne Boulevard, Suite 850, Miami Florida 33131.</i>
<i>Registered Lobbyist: Juan J. Santana, Vice President of Out Reach, 5601 West 10 Avenue, Hialeah, Florida 33012, on behalf of Positive Hits Comm. Service Group.</i>
<i>On January 15, 2020, the item was denied by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approve land use change from Kennels to High Density on Parcel I and from Kennels to Low Density Residential on Parcel II.</i>
<i>Owner of the Property: Florida Kennels, Inc., 7218 West 4th Avenue, Hialeah, Florida 33014. The 2012 Gift Trust for Decendants of Jeffrey M. Soffer Robert S. Kaiser Revocable Trust U/A September 24, 1992</i>

REPORT: Meeting was adjourn by Council President Hernandez.

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

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 11, 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, 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).