

**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 April 25, 2023 7:00 p.m.

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### 1. CALL TO ORDER

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A. **REPORT:** Council President Perez called the meeting to order at 7:00 p.m.

### 2. ROLL CALL

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

B. **REPORT:**

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

### 3. INVOCATION

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A. The invocation was led by Marbelys Fatjo, City Clerk during the Charter School Oversight Committee Meeting held in the Council Chambers immediately preceding the Council Meeting.

#### 4. PLEDGE OF ALLEGIANCE

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- A. Council Member Casáls-Muñoz led the Pledge of Allegiance during the Charter School Oversight Committee Meeting held in the Council Chambers immediately preceding the Council Meeting.

#### 5. MEETING GUIDELINES

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*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](http://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.**

4/27/2023 2:06 PM

## 6. PRESENTATIONS

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

*(PLANNING AND ZONING)*

**REPORT:** Eddie Ng, Technical Vice President of Planning at the Corradino Group presented the company's report.

**REPORT:** Mayor Bovo, Jr. spoke on this item.

<i>On March 28, 2023, the City Council postponed this presentation until the City Council Meeting of April 25, 2023.</i>
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<i>On February 28, 2023, the City Council postponed this presentation until the City Council Meeting of March 28, 2023.</i>
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## 7. COMMENTS AND QUESTIONS

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**REPORT:** Eric Johnson urged the City Council not to enforce the meeting guidelines and instead allow all present to speak regarding Item 6A of today's agenda. Mr. Johnson also addressed the audience advising that firefighters and police officers would give their lives for them because it is their commitment.

**REPORT:** Kenneth Kil Patrick, President of the Brownsville Civic Neighborhood Association, 5167 Northwest 29<sup>th</sup> Avenue, spoke regarding Item 6A.

**REPORT:** James Wish III, 4900 Northwest 30<sup>th</sup> Avenue, spoke regarding Item 6A.

**REPORT:** Herrera Hinton, Minister of the Church of Christ, 4561 Northwest 31<sup>st</sup> Court, spoke regarding Item 6A.

**REPORT:** Roy Hardomen, 1292 Northwest 79<sup>th</sup> Street, spoke regarding Item 6A.

**REPORT:** Brian Dennis, 4140 York Street, spoke regarding Item 6A.

**REPORT:** Ruben Yang, 1398 Southwest 3<sup>rd</sup> Street, spoke regarding Item 6A.

**REPORT:** Edward Robinson, 1975 Northwest 179<sup>th</sup> Street, spoke regarding Item 6A.

**REPORT:** Vincent Brunet, 2962 Northwest 60<sup>th</sup> Street, spoke regarding Item 6A.

**REPORT:** Jacqueline Culder Simpson, 4517 Northwest 33<sup>rd</sup> Avenue, spoke regarding Item 6A.

**REPORT:** Adreliare Sibrulai, Indian of the Seminoles from Moores Nation, P.O. Box 381121, Miami, Florida 33238, spoke regarding Item 6A.

**REPORT:** Dwight Wells, 1975 Northwest 191<sup>st</sup> Street, spoke regarding Item 6A.

**REPORT:** Jesse Witten, 3001 Northwest 46<sup>th</sup> Street, spoke regarding Item 6A.

**REPORT:** Council President Perez recessed for a break at this time.

**REPORT:** Council President Perez called the meeting back in session at 8:16p.m.

**REPORT:** Beverly Medina, employee of the City of Hialeah with a work address of 7400 West 24<sup>th</sup> Avenue, spoke regarding an employment related matter.

**REPORT:** Milly Herrera, 4341 East 8<sup>th</sup> Lane, spoke regarding project proposed by developers and planning and zoning related decisions made by City Council.

**REPORT:** Eric Johnson, on behalf of Local 1102, commended the Mayor and Council and spoke regarding the need for revenue in order to grow a city.

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

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### **A. Add-On Items**

The following items have been added to today's agenda:

- **Consent Item I**
- **Consent Item J**
- **Consent Item K**
- **Consent Item L**

### **B. Amended Items**

- **Consent Item E** has been amended to reflect the correct number of mobile radios being purchased.

### **C. Postponed Items**

The following items are postponed until the City Council Meeting of May 23, 2023:

- **Item PZ 2**
- **Item PZ 6**

## 9. BOARD APPOINTMENTS

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**REPORT:** None.

## 10. CONSENT AGENDA

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*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 Member Calvo requested that Items C and J be removed from the Consent Agenda for separate discussion.**

**REPORT: Council Member Zogby requested that Item I be removed from the Consent Agenda for separate discussion.**

**REPORT: Motion to Approve the Consent Agenda, except items C, I and J, made by Council Member Tundidor, and seconded by Council Vice-President Garcia-Roves. Motion passes 7-0.**

- A. Request permission to approve the minutes of the City Council Meeting held on April 11, 2023 at 7:00 p.m.

*(OFFICE OF THE CITY CLERK)*

**APPROVED 7-0**

- B. **RESOLUTION:** Proposed resolution authorizing the use of Law Enforcement Trust Fund LETF-State monies to make a \$15,000 contribution to Kristi House, Inc.; providing for implementation; providing for an effective date.

*(POLICE DEPARTMENT)*

**APPROVED 7-0**

**RESOLUTION NO. 2023-039**

- C. Request permission to utilize City of Miami Invitation for Bid (IFB) No. 391322(19) – *Document Management Software, Hardware and Services*, effective through June 15, 2023, and issue a purchase order to MCCI, LLC, for the purchase of licensing and data conversion services for Laserfiche, the City’s electronic document management system, for the City’s Department of Public Works, in a total expense amount not to exceed \$53,945.23, of which \$5,750.23 is for licensing and \$48,195.00 is for data conversion and migration.

The funding for the expenditure is to be withdrawn from the Water & Sewer Division Fund – Contractual Services - Other Account No. 450.9500.536.341.

(INFORMATION TECHNOLOGY DEPARTMENT)

**APPROVED 7-0**

**REPORT:** Ricardo Suarez, Chief Information Officer for the City of Hialeah, 501 Palm Avenue, spoke on the item.

**REPORT: Motion to Approve Consent Item C made by Council Member Calvo, and seconded by Council Member Zogby. Motion passes 7-0.**

- D. Request to: (1) approve the recommendations of the Selection Committee for the selection of Professional Auditing Services in response to City of Hialeah Request for Proposal No. 2022-23-8500-00-011, awarding the contract to Marcum LLP, (2) approve the terms of engagement, and (3) authorize the Mayor to sign the engagement letter on behalf of the City for independent audits as provided by the Request for Proposal.

(PURCHASING DIVISION)

**APPROVED 7-0**

- E. Request permission to utilize 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 the vendor, and issue a purchase order to Motorola Solutions, Inc., for the purchase of ~~seventeen (17)~~ fifty (50) mobile radios and related accessories to be installed in the newly purchased police rated vehicles, in a total expense amount not to exceed \$360,274.50.

The funding for this expenditure is to be charged to the General Fund – Capital Outlay - Vehicles Account No. 001.1000.521.645.

(POLICE DEPARTMENT)

**APPROVED 7-0**

- F. **Report of Scrivener’s Error** - On April 11, 2023, the City Council approved City of Hialeah Resolution No. 2023-035, overriding the Hialeah Historic Preservation Board and recommending re-naming East 1 Avenue to East 3 Street as “Jorge Acevedo Avenue. The resolution was passed and adopted with no set boundaries, and therefore is being amended to incorporate the following parameters: re-naming East 1<sup>st</sup> Avenue from East 3<sup>rd</sup> Street to East 4<sup>th</sup> Street as “Jorge Acevedo Avenue”.

(OFFICE OF THE CITY CLERK)

**APPROVED 7-0**

*The Historic Preservation Board denied the street naming on March 30, 2023.*

- G. **RESOLUTION:** Proposed resolution approving the expenditure in an amount not to exceed \$34,130.00 from the Law Enforcement Trust Fund - *Federal* for the purchase of Respirator Protective Equipment (RPE) from Safeware, Inc. through co-op purchasing organization, Omnia

Partners Contract, upon such costs having been approved by the Chief of Police, and providing for an effective date.

*(POLICE DEPARTMENT)*

**APPROVED 7-0**

**RESOLUTION NO. 2023-040**

- H. **RESOLUTION:** Proposed resolution approving a supplemental appropriation pursuant to Hialeah, Fla. Charter Section 3.08(e)(1) in the amount of \$25,000.00 Police Grant Fund to fund the activities of the Hialeah Police Cadets Program; and providing for an effective date.

*(POLICE DEPARTMENT)*

*(OFFICE OF MANAGEMENT AND BUDGET)*

**APPROVED 7-0**

**RESOLUTION NO. 2023-041**

- I. **ADD-ON ITEM**

**RESOLUTION:**

Proposed resolution approving the street naming at West 55 Street between West 4 Avenue and West 2 Court as “Evaristo G. Mendez Way”, with the cost of signage to be paid by the City in his honor, as a beloved member and business leader of the Hialeah Community.

*(OFFICE OF THE MAYOR)*

**APPROVED 7-0**

**RESOLUTION NO. 2023-042**

**REPORT:** Brandon Diaz, grandson of Evaristo Mendez, 350 West 55<sup>th</sup> Street, spoke on the item.

**REPORT: Motion to Approve Consent Item I made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.**

*The Historic Preservation Board approved the street naming on April 24, 2023.*

- J. **ADD-ON ITEM:** Request permission to utilize Seminole County Public Schools Invitation to Bid Award No. 21220012B-LL - *Fire Hydrant Maintenance and Repair Services*, effective through September 28, 2024, and issue a purchase order to R&M Service Solutions, LLC, for maintenance and repair services for hydrants that are found out of compliance under the City’s ISO Study, in a total expense amount not to exceed \$125,000.00.

The funding for this expenditure is to be charged to the Water & Sewers Division Fund – Capital Outlay – Infrastructure Account No. 450.9510.533.630.

(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 7-0**

**REPORT:** Kevin Lynskey, with the City’s Department of Public Works, spoke on the item.

**REPORT: Motion to Approve Consent Item J made by Council Vice-President Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 7-0.**

- K. **ADD-ON ITEM:** Request permission to increase Purchase Order No. 2023-955, issued to Sentry Industries, Inc., for the purchase of sodium hypochlorite for the City’s pool facilities, by an additional amount of \$35,000.00, for a new total cumulative expense amount not to exceed \$60,00.00. The approval of the item requires the waiving of competitive bidding, since it is advantageous to City in that the City’s Department of Parks and Recreation is currently in the process of evaluating the possibility of utilizing a competitively bid contract of the City of Sunrise for future purchases.

The funding for this expenditure is to be charged to the General Fund – Repair & Maint – Pools Account No. 001.3130.572.464.

(DEPARTMENT OF PARKS AND RECREATION)

**APPROVED 7-0**

- L. **ADD-ON ITEM:** Request permission to utilize Lake County Contract No. 22-730H – *Fire Equipment, Supplies and Services*, effective through July 31, 2023, and increase Purchase Order No. 2023-829, issued to Municipal Equipment Company, LLC, for the purchase of fire suppression foam, by an additional amount of \$13,800.00, for a new total cumulative expense amount not to exceed \$36,648.00.

The funding for this expenditure is to be charged to the Fire Rescue Transportation Fund – Capital Outlay - Equipment Account No. 109.2000.522.640.

(FIRE DEPARTMENT)

**APPROVED 7-0**

**11. ADMINISTRATIVE ITEMS**

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- 11 A. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance accepting the dedication of land improved with a pump station of approximately 3,331 square feet, as depicted in the Surveyor’s Sketch attached as Exhibit “A”; subject to and approving the terms of the Quit-Claim Deed attached as Attachment “1”, from Two Lakes Lennar, LLC, a Delaware Limited Liability Company; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.



*On April 11, 2023 the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

(ADMINISTRATION)

**APPROVED 7-0**

**ORDINANCE NO. 2023-043**

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

**REPORT: Motion to Approve Item 11A made by Council Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.**

- 11 B. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance approving the fourth renewal beginning June 23, 2023 through August 19, 2028 with T-Mobile USA Tower LLC, a Delaware Limited Liability Company, by and through CCTMO LLC, a Delaware Limited Liability Company, of the Ground Lease for the 95 foot Monopole Communications Tower that commenced on August 20, 2003, for a base annual rent of \$45,023.68 and annual increases of 4% each year, at Babcock Park, 651 East 4 Avenue, Hialeah, Florida; and renewing the First Amendment and Memorandum of the Original Ground Lease each dated January 10, 2019 siting a generator to power the T-Mobile Communications Antennas in the event of a power outage and providing for antennae improvements and modifications for an additional monthly rent of \$300.00; copies of which are attached hereto and made a part hereof respectively as Exhibits “1”, “2” and “3”; 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 April 11, 2023 the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

(ADMINISTRATION)

**APPROVED 7-0**

**ORDINANCE NO. 2023-044**

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

**REPORT: Motion to Approve Item 11B made by Council Tundidor, and seconded by Council Member Zogby. Motion passes 7-0.**

- 11 C. **ORDINANCE:** Second reading **public hearing** of proposed ordinance approving a First Amendment to the Exclusive Franchise Agreement for the collection of residential recyclable material granted to World Waste Recycling, Inc., a Florida corporation, the predecessor in interest to Coastal Waste & Recycling of Florida, Inc., a Florida corporation, pursuant to Hialeah, Fla. Ordinance 2018-042 (May 22, 2018); extending the agreement for a term beginning upon execution of the “First Amendment to Exclusive Franchise Agreement” (“First Amendment”) by the parties and ending on September 30, 2024; providing for subsequent

renewals of the agreement at the option of the parties, for a term of one year at each renewal, with a cumulative duration of all subsequent renewals not exceeding a total of five years; updating the rates for collection services by providing a uniform rate of \$2.97 per collection as provided in Section 16 of the First Amendment, subject to yearly Consumer Price Index and other adjustments effective October 1, 2023 and pursuant to the formula set forth in Sections 17 and 22 of the First Amendment; amending the agreement to be consistent with current collection services and to establish new requirements; approving the First Amendment, in substantial conformity with Exhibit “A,” which is attached hereto and made a part hereof; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

<i>On March 28, 2023, the item was postponed at the request of the administration until April 25, 2023.</i>
<i>On February 28, 2023 the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 28, 2023.</i>

(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 7-0**

**ORDINANCE NO. 2023-045**

**REPORT: Jonathan Casagrande**, with Coastal Waste & Recycling of Florida, Inc., 2481 Northwest 2<sup>nd</sup> Avenue, spoke on the item.

**REPORT: Lorena Bravo, City Attorney** for the City of Hialeah, spoke on the item.

**REPORT: Mayor Bovo, Jr.** spoke on the item.

**REPORT: David Dee**, outside counsel representing the City on this matter, 234 Rosehill Drive, 32312, spoke on the item.

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

**REPORT: Motion to Approve Item 11C made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 7-0.**

- 11 D. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance approving a certain amendment to the “Exclusive Franchise Agreement” (“Agreement”) for the Collection of Residential Municipal Solid Waste granted to Progressive Waste Solutions of FL., Inc., a Delaware corporation, the predecessor in interest to Waste Connections of Florida, Inc., a Delaware corporation, pursuant to Hialeah, Fla. Ordinance 2015-37 (August 11, 2015), extending the agreement for a term beginning upon execution of the “First Amendment to Exclusive Franchise Agreement” (“First Amendment”) by the parties and ending on September 30, 2027, with an automatic renewal term of five years, beginning on October 1, 2027 and ending on September 30, 2032, providing for subsequent renewals of the agreement at the option of the parties, for a term of one year each, with a cumulative duration of all subsequent renewals not exceeding a total of

five years; updating the rates for residential collection services pursuant to the formula set forth in Sections 17 and 18 of the First Amendment; amending the agreement to include mandatory contract provisions required by state law; amending the agreement to be consistent with current collection services and to establish new requirements; approving the First Amendment, in substantial conformity with Exhibit “A” which is attached hereto and made a part hereof; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date.

<i>On March 28, 2023, the item was postponed at the request of the administration until April 25, 2023.</i>
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<i>On February 28, 2023 the City Council approved the item on first reading. Second reading and public hearing was scheduled for March 28, 2023.</i>
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(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 6-0-1 with Council Member Casáls-Muñoz not present during the call for a vote.**

**ORDINANCE NO. 2023-046**

**REPORT:** Grant Smith, attorney representing Progressive, 401 East Las Olas Boulevard, spoke on the item.

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

**REPORT: Motion to Approve Item 11D made by Council Member Rodriguez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Casáls-Muñoz not present during the call for a vote. Council Member Casáls-Muñoz recorded her vote as “Yes” after the motion to approve had passed.**

**11 D 1. RESOLUTION:** Proposed resolution approving an amendment to the “Agreement for the Disposal of Class I Waste” (“Agreement”) awarded to Progressive Waste Solutions of FL, Inc., a Delaware corporation, the predecessor in interest to Waste Connections of Florida, Inc., a Delaware corporation, on July 12, 2016 as the responsive and responsible lowest bidder; extending the agreement for a term beginning upon execution of the First Amendment to Agreement for the Disposal of Class I Waste” (“First Amendment”) between the parties and ending on September 30, 2027, with an automatic renewal for a term of five years, beginning on October 1, 2027 and ending on September 30, 2032; providing for subsequent renewals of the Agreement at the option of the parties, for a term of one year each, with a cumulative duration of all subsequent renewals not exceeding a total of five years; updating the service fee and CPI adjustments to the service fee pursuant to the formula set forth in Section 7, 8, and 13 of the First Amendment; amending the Agreement to include mandatory contract provisions required by state law; approving the Amendment in substantial conformity with Exhibit “1” entitled “First Amendment to Agreement for the Disposal of Class I Waste”, which is attached hereto and made a part hereof; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment; and providing for an effective date.

<i>On March 28, 2023, the item was postponed at the request of the administration until April 25, 2023.</i>
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*On February 28, 2023 the item was on the agenda of the City Council Meeting as a discussion item. The City Council was scheduled to consider the proposed resolution for a vote on March 28, 2023.*

(DEPARTMENT OF PUBLIC WORKS)

**APPROVED 7-0**

**RESOLUTION NO. 2023-043**

**REPORT: Motion to Approve Item 11 D 1 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 7-0.**

## 12. UNFINISHED BUSINESS

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- A. **Mayor Bovo** congratulated Council Member Casáls-Muñoz on the event she led last week, as well as Council Vice President Garcia-Roves on organizing the Child Abuse and Autism Acceptance walkathon to be held this week. Mayor Bovo also encouraged the Council to remain focused on the mission of elected officials which is service to the residents.
- B. **Vice-President Garcia-Roves** invited all in attendance to the Child Abuse and Autism Acceptance walkathon on April 29, 2023 from 9:30 a.m. to 12:00 p.m., at Goodlet Park.

## 13. NEW BUSINESS

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## 14. ZONING

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

**REPORT: Council Member Calvo left the meeting at this time.**

### **PLANNING AND ZONING**

**PZ 1. LU 1 NEEDS TO BE CONSIDERED PRIOR TO THE CONSIDERATION OF ITEM PZ 1.**

**REPORT: Item LU 1 was considered at this time.**

**ORDINANCE:** Second reading and **public hearing** of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); **properties located at 1140 East 25 Street, 1145 East 24 Street, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*On April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

*On March 29, 2023, the Planning and Zoning Board recommended approval of the item.*

*Planner's Recommendation: Approval.*

*Property Owners: Development Alliance LLC., 1110 Brickell Avenue, Suite 504, Miami, Florida 33131, London Oz Investments LLC., 210 Knollwood Drive, Key Biscayne, Florida, 33149, and Zebra Properties, Inc., 3339 Virginia Street, Suite 404, Miami, Florida 33131.*

**APPROVED 6-0-1 with Council Member Calvo absent.**

**ORDINANCE NO. 2023- 047**

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

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

**REPORT: Item LU 2 was considered at this time, out of the order of the agenda, per the request of the Council President, without opposition from the rest of the Council Members.**

**PZ 2. ORDINANCE:** Second reading and **public hearing** of proposed ordinance granting a Variance Permit to allow 3 parking spaces, where 16 parking spaces are required; allow back-out parking in a commercial area, where back-out parking is only allowed in Low-Density Residential; and allow a waiver of landscape requirements; contra to Hialeah Code of Ordinances §98-2189(15), 98-2190 and City of Hialeah Landscape Manual, latest edition dated July 9, 2015. **Property located at 242 West 23 Street, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**ITEM IS POSTPONED UNTIL MAY 23, 2023.**

*On April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

*Registered Lobbyist: Sara Do Nascimento Santos, 7211 Venetian Street, Apt. 1, Miramar, Florida 33023, on behalf of Puig Maior LLC.*

*On March 29, 2023, the Planning and Zoning Board recommended approval with the condition that the automated lab operate with a maximum staffing of two employees, and provided that if the lab ceases operation, then the parking variance will be rescinded and the property will be operated as industrial.*

*Planner's Recommendation: Approval with conditions.*

*Property Owners: Jorge Comellini and Marco Fabiani, 1172 South Dixie Highway, Suite 379, Coral Gables, Florida 33146, and Claudio A. Barral, 10275 Collins Avenue, Suite 734, Bal Harbour, Florida 33154*

**REPORT: Council Member Tundidor left the meeting at this time.**

**PZ 3. 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 45 residential units with an area ranging from 504 to 711 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area less than 850 square feet; allow front setback of 0 feet for stoops encroaching into the front setback along East 10 Avenue, where 10 feet built-to-line is required; and allow to waive the building mass and building frontage development standards, all contra to Hialeah Code of Ordinances §§ 98-1630.2, 98-1630.3(c) and (d) and 98-1630.3(e)(1). **Property located at 455 East 10 Avenue, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*On April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of CEMC Investment Group, LLC.*

*On March 29, 2023, the Planning and Zoning Board recommended approval with the condition that the property is platted and the right of way is dedicated.*

*Planner's Recommendation: Approval with conditions.*

*Property Owners: CEMC Investment Group LLC, Carlos E. Perez, and Marlen Morales, 3695 Northwest 74<sup>th</sup> Street, Miami, Florida 33147.*

**APPROVED 5-0-2 with Council Members Calvo and Tundidor absent.**

**ORDINANCE NO. 2023- 048**

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

**REPORT: Motion to Approve Item PZ 3 made by Council Member Zogby, and seconded by Council Member Rodriguez. Motion passes 5-0-2 with Council Members Calvo and Tundidor absent.**

- PZ 4. ORDINANCE:** Second reading and **public hearing** of proposed ordinance approving a Final Plat of West Avenue Subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; **property consisting of approximately 22.537 acres for Tract “A” and 5.108 acres for Tract “B”, bounded on the north by West 76 Street, on the west by West 6 Avenue, on the south by West 71 Street and West 72 Street, on the east by West 4 Avenue, zoned R-3-3 (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.

*On April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

*Property Owner: Florida Kennels, Inc., 831 N. Federal Highway, Hallandale Beach, Florida 33009.*

**APPROVED 4-0-3 with Council Members Calvo and Tundidor absent, and Council President Perez not present during the call for a vote.**

**ORDINANCE NO. 2023- 049**

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

**REPORT: Motion to Approve Item PZ 4 made by Council Member Zogby, and seconded by Casáls-Muñoz. Motion passes 4-0-3 with Council Members Calvo and Tundidor absent, and Council President Perez not present during the roll call for a vote.**

**REPORT: Council President Perez recorded her vote as “Yes” after the motion to approve had passed.**

- PZ 5. ORDINANCE:** Second reading and **public hearing** of proposed ordinance approving a Final Plat of Commerce Center at Countyline; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; **property consisting of approximately 13.54 acres bounded on the north by the north line of the east ½ of Tract 11, on the west by NW 102 Avenue, on the south by NW 162 Street (West 108 Street), on the east by NW 99 Avenue (West 38 Avenue), zoned BDH (Business Development 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 April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

*Property Owner: BSRP III Hialeah Gardens, LLC, 1474-A West 84 Street, Hialeah, Florida 33014.*

**APPROVED 4-0-3 with Council Members Calvo and Tundidor absent, and Council President Perez not present during the call for a vote.**

**ORDINANCE NO. 2023- 050**

**REPORT:** Council President Perez opened the item for public participation and no member of the public 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 Casáls-Muñoz. Motion passes 4-0-3 with Council Members Calvo and Tundidor absent, and Council President Perez not present during the call for a vote.**

**REPORT: Council President Perez recorded her vote as “Yes” after the motion to approve had passed.**

**PZ 6. 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-4 grade elementary school with a maximum capacity of 100 students in conjunction with a 43 children daycare; **Property located at 1905 West 35 Street, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

**ITEM IS POSTPONED UNTIL MAY 23, 2023.**

*On March 28, 2023, the item was postponed until April 25, 2023, per the applicant’s request.*

*At the City Council Meeting of February 28, 2023, it was announced that the second reading and public hearing was scheduled for March 14, 2023, due to advertisement deadlines the Item has been postponed until March 28, 2023.*

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

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

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Growing Treasures Private School, Corp.*

*On January 25, 2023, the Planning and Zoning Board recommended approval with the following conditions: (1) that cars on the proposed pick-up/drop-off lane need to enter through the West 20<sup>th</sup> Avenue entrance and exit through the one on West 25<sup>th</sup> Street, (2) a minimum of 2 staff members need to assist in traffic circulation and pick-up/drop-off to make sure cars enter on West 20<sup>th</sup> Avenue, exit on West 35<sup>th</sup> Street, and move quickly, (3) bollards need to be installed around the entire perimeter of the playground within 3 months of the approval of the*



*ordinance, (4) expansion of the original daycare into an adjacent bay needs to be legalized if no proof of permit is provided and (5) school operator needs to make sure that dumpsters are within the walls built for that purpose and not interrupting the area designated for the drop-off pick-up lane.*

*Planner's Recommendation: Approval with conditions.*

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

**PZ 7. ORDINANCE:** First reading of proposed ordinance granting a Variance Permit to allow the expansion of a non-conforming use by allowing a 125% building footprint increase of an existing duplex approved in 1948; approve front setback of 17.67 feet, where 25 feet are required; allow rear setback of 20 feet, where 25 feet are required; and allow lot coverage of 31.3%, where 30% is the maximum allowed, subject to the condition that the property will be platted before the issuance of a Certificate of Occupancy and that the applicant will be responsible for the infrastructure upgrade that might be required for the proposed building expansion; all contra to Hialeah Code of Ordinances §§ 98-545, 98-547 and 98-2056 (b)(2). **Property located at 501 East 59 Street, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*Registered Lobbyist: Frank De La Paz, 11000 Southwest 104<sup>th</sup> Street, Unit 2804, Miami, Florida 33116, on behalf of Suniel Arzola.*

*On April 12, 2023, the Planning and Zoning Board recommended approval with the condition that the property is platted before the issuance of a Certificate of Occupancy, and that the applicant will be responsible for the infrastructure upgrade that might be required for the proposed building expansion.*

*Planner's Recommendation: Approval with conditions of (1) a variance to allow the expansion of a non-conforming use by allowing a 125% building footprint increase of an existing duplex approved in 1948, (2) front setback of 17.67 feet and rear setback of 20 feet and 31.3% lot coverage subject to the condition that the property will be platted before the issuance of a Certificate of Occupancy and that the applicant will be responsible for the infrastructure upgrade that might be required for the proposed building.*

*Property Owners: Suniel Arzola, 1140 West 32<sup>nd</sup> Street, Hialeah, Florida 33012*

**ITEM IS TABLED UNTIL May 9, 2023.**

**REPORT:** Frank De La Paz, 11000 Southwest 104<sup>th</sup> Street, spoke on this item.

**REPORT:** Debora Storch, Planning Official, for the City of Hialeah, spoke on this item.

**REPORT:** Lorena Bravo, City Attorney for the City of Hialeah, spoke on the item.

**REPORT: Motion to Approve made by Council Member Rodriguez, and seconded by Council Member Zogby. Before the roll call, Council Member Rodriguez withdrew his motion to approve, and Council Member Zogby withdrew his second to the motion to approve.**

**REPORT: Motion to Table Item PZ 7 until May 9, 2023 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Members Calvo and Tundidor absent.**

**REPORT: First reading of the proposed ordinance is scheduled for May 9, 2023.**

**PZ 8. ORDINANCE:** First reading of proposed ordinance granting a Variance Permit to allow 36.9% lot coverage, where 30% is the maximum allowed; allow 18 feet rear setback, where 20 feet is the minimum required; and allow 3.25 feet south side setback, where 5 feet 1-inch are required for legalization of additions built without the benefit of a building permit; contra to City of Hialeah, Fla., Ordinance No. 84-170 that allows single-family type units on property zoned R-3-5 (Multiple Family District) and contra to §§ 98-591 and 98-2056(b). **Property located at 6277 West 22 Lane, Hialeah, zoned R-3-5 (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.

*On April 12, 2023, the Planning and Zoning Board recommended approval with the conditions that the addition remain a terrace open on three sides and that 30% pervious area is provided.*

*Planner's Recommendation: Approve lot coverage and setback variances with the conditions that the addition remain a terrace open on three sides and that 30% pervious area is provided.*

*Property Owners: Argelia Leon, 6277 West 22 Lane, Hialeah, Florida 33016.*

**ITEM IS TABLED UNTIL May 23, 2023 because the applicant was not present.**

**REPORT:** Debora Storch, Planning Official for the City of Hialeah, spoke on this item.

**REPORT: Motion to Table Item PZ 8 until May 23, 2023, made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Members Calvo and Tundidor absent.**

**REPORT: First reading of the proposed ordinance is scheduled for May 23, 2023.**

## 15. FINAL DECISIONS

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**FD 1. RESOLUTION:** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2023-05** granting an adjustment on the property located at **51 East 60 Street, Hialeah, zoned R-1 (One-Family District);** and providing for an effective date.

*On March 29, 2023, the Planning and Zoning Board recommended approval with the condition*

<i>that the required thirty percent previous area is provided.</i>
<i>Planner's Recommendation: Approval with conditions.</i>
<i>Property Owners: Dunesky Dieguez Santiago and Alejandro Cruz Solis, 51 East 60<sup>th</sup> Street, Hialeah, Florida 33013.</i>

**APPROVED 5-0-2 with Council Members Calvo and Tundidor absent.**

**RESOLUTION NO. 2023-044**

**REPORT: Manuel Rivera, 15755 West Bunche Park Drive, Miami, Florida, addressed the City Council on behalf of the applicant.**

**REPORT: Motion to Approve Item FD 1 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Members Calvo and Tundidor absent.**

**FD 2. RESOLUTION:** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2023-06** granting an adjustment on the property located at **8030 West 15 Court, Hialeah, zoned R-1 (One-Family District);** and providing for an effective date.

<i>Registered Lobbyist: Mario Figueredo, 122 Northeast 17 Street, Homestead, Florida 33030, on behalf of Ana R. Sanchez and Luisa M. Sanchez.</i>
<i>On March 29, 2023, the Planning and Zoning Board recommended approval with the condition that the independent entrance to the terrace area converted into a living area, including a bathroom, be removed, to avoid the creation of a second living unit in this single-family home.</i>
<i>Planner's Recommendation: Approve 14.7 feet rear setback for a building width of 11.78 feet located at the southwest corner of the lot.</i>
<i>Property Owners: Ana Sanchez and Luisa Sanchez, 8030 West 15<sup>th</sup> Court, Hialeah, Florida 33014.</i>

**APPROVED 5-0-2 with Council Members Calvo and Tundidor absent.**

**RESOLUTION NO. 2023-045**

**REPORT: Debora Storch, Planning Official** for the City of Hialeah, spoke on this item.

**REPORT: Motion to Approve Item FD 2 made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council Members Calvo and Tundidor absent.**

16. LANDUSE

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**LU 1. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Industrial District to Transit Oriented Development District. **Property located at 1145 East 24 Street, Hialeah, zoned M-1 (Industrial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.</i>
<i>On March 29, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Development Alliance LLC., 110 Brickell Avenue, Suite 504, Miami, Florida 33131, London Oz Investments LLC., 210 Knollwood Drive, Key Biscayne, Florida, 33149, and Zebra Properties, Inc., 3339 Virginia Street, Suite 404, Miami, Florida 33131.</i>

**APPROVED 6-0-1 with Council Member Calvo absent.**

**ORDINANCE NO. 2023-051**

**REPORT:** Javier Zayon, 110 Brickell Avenue, spoke on the item.

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

**REPORT: Motion to Approve Item LU 1 made by Council Member Rodriguez, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Calvo absent.**

**LU 2. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low-Density Residential to Medium Density Residential. **Properties located at 455 West 25 Street and 555 West 25 Street, Hialeah, zoned R-3-1 (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 April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of Hialeah Housing Authority, Inc.</i>
<i>On March 29, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval</i>

*Property Owner: Hialeah Housing Authority, 75 East 6<sup>th</sup> Street, Hialeah, Florida 33010.*

**APPROVED 6-0-1 with Council Member Calvo absent.**

**ORDINANCE NO. 2023-052**

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

**REPORT: Motion to Approve Item LU 2 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Calvo absent.**

- LU 3. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Industrial and Office (MDC) District to Industrial District. **Property located at 11190 West 40 Avenue, Hialeah, zoned A (Agriculture-MDC Designation 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 April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

*Registered Lobbyist: Alejandro Uribe, Esq., 2800 Ponce De Leon Boulevard, Suite 1200, Coral Gables, Florida 33134, on behalf of Miami Lakes Storage, LLC.*

*On March 29, 2023, the Planning and Zoning Board recommended approval.*

*Planner's Recommendation: Approval*

*Property Owners: Jose L. Casas, 13351 Northwest 11<sup>th</sup> Street, Pembroke Pines, Florida 33028, and Magaly Casas & Maggie Casas, 3601 Southwest 128<sup>th</sup> Avenue, Miramar, Florida 33027.*

**APPROVED 5-0-2 with Council Members Calvo and Tundidor absent.**

**ORDINANCE NO. 2023-053**

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

**REPORT: Motion to Approve Item LU 3 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Members Calvo and Tundidor absent.**

- LU 4. ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Future Land Use Map from Low-Density Residential District to Commercial District. **Property located at 383 West 35 Street, Hialeah, zoned R-2 (One-and Two-Family Residential 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 April 11, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for April 25, 2023.*

*Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of Elsa LLC.*

*On March 29, 2023, the Planning and Zoning Board recommended approval.*

*Planner's Recommendation: Denial.*

*Property Owners: Elsa LLC, Cristina Sori and Jorge Luis Sosa, 3499 West 4<sup>th</sup> Avenue, Suite 101, Hialeah, Florida 33012.*

**APPROVED 5-0-2 with Council Members Calvo and Tundidor absent.**

**ORDINANCE NO. 2023-054**

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

**REPORT: Motion to Approve Item LU 4 made by Council Member Zogby, and seconded by Council Vice-President Garcia-Roves. Motion passes 5-0-2 with Council Members Calvo and Tundidor absent.**

**17. CITY COUNCIL DISCUSSION**

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**18. ADJOURNMENT**

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**REPORT: Council President Perez adjourned the meeting at 10:23 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 23, 2023 at 6:30 p.m.**

**NEXT CITY COUNCIL MEETING: Tuesday, May 9, 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, 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).