

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
June 13, 2023
7:00 p.m.

1. CALL TO ORDER

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

2. ROLL CALL

A. **REPORT**: Brigitte Leal, Deputy City Clerk, called the roll with Council Member Rodriguez absent.

B. **REPORT**: Council Member Bryan Calvo arrived during the discussion of Board Appointment Item 9B.

3. INVOCATION

A. Brigitte Leal, Deputy City Clerk, led the invocation.

4. PLEDGE OF ALLEGIANCE

A. Council Member Zogby led the Pledge of Allegiance.

5. MEETING GUIDELINES

The following guidelines have been established by the City Council:

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

REPORT: Brigette Leal, Deputy City Clerk, read the meeting guidelines into the record.

6. PRESENTATIONS

None reported.

6/16/2023 2:11 PM

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No member of the public participating via Zoom expressed interest in making comments or posing questions on matters of public concern.
- C. **REPORT:** No member of the public present in the Council Chambers expressed interest in speaking during this portion of the meeting.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

A. **Amended Item:**

- Administrative Item 11A

B. **Postponed Items:**

The following items have been postponed until the City Council Meeting of August 8, 2023:

- PZ 5
- PZ 6

9. BOARD APPOINTMENTS

- A. **RESOLUTION:** Proposed resolution re-appointing **Daniel Cruz** to the Board of Trustees of the Employee's General Retirement System as the International Association of Fire Fighters ("IAFF") appointment for a two (2)-year term ending on December 31, 2025.

(INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS' APPOINTMENT)

APPROVED 5-0-2 with Council Member Calvo and Council Member Rodriguez absent.

RESOLUTION NO. 2023-056

REPORT: Motion to Approve Item 9A made by Council Member Casàls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Calvo and Council Member Rodriguez absent.

- B. **RESOLUTION:** Proposed resolution re-appointing **Javier Casanova** as a member of the Planning and Zoning Board for a two (2)-year term beginning on June 27, 2023 and ending on June 28, 2025.

(COUNCIL MEMBER TUNDIDOR APPOINTMENT)

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

RESOLUTION NO. 2023-057

REPORT: Motion to Approve Item 9B made by Council Member Tundidor, and seconded by Council Member Casàls-Muñoz. Motion passes 6-0-1 with Council Member Rodriguez absent.

10. CONSENT AGENDA

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

REPORT: Council Member Calvo requested that Items D, F, G, and H be removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda, except items D, F, G and H, made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Rodriguez absent.

- A. Request permission to approve the minutes of the City Council Meeting held on May 23, 2023 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

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

- B. **RESOLUTION:** Proposed resolution adopting the Emergency Pay Policy attached as “Exhibit A” authorizing the Mayor to compensate exempt and non-exempt employees, not in the bargaining unions, when a Local State of Emergency has been declared pursuant to such policy; and providing for an effective date.

(ADMINISTRATION)

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

RESOLUTION NO. 2023-058

- C. **RESOLUTION:** Proposed resolution urging the adoption of term limits for the constitutional offices Miami-Dade County will elect in 2024; and providing for an effective date.

(ADMINISTRATION)

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

RESOLUTION NO. 2023-059

- D. **RESOLUTION:** Proposed resolution authorizing the Mayor and the City Clerk as attesting witness on behalf of the City, to enter into a Professional Services Agreement in the amount of \$105,000.00, a copy of which is attached hereto and made a part of hereof as Exhibit “1”, with Anser Advisory LLC, a foreign limited liability company, for the development of a Non-AD Valorem Special Assessment funding alternative for the City’s fire ~~rescue~~ services.

(FIRE DEPARTMENT)

APPROVED AS AMENDED 5-1-1 with Council Member Calvo voting “No” and Council Member Rodriguez absent.

RESOLUTION NO. 2023-060

REPORT: Willians Guerra, Chief of the Hialeah Fire Department, spoke on the item.

Motion to Approve Consent Item D made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

- E. Request from Nima Plaza LLC, with an office address of 5350 West 16th Avenue, Hialeah, Florida 33012, for permission to install a seasonal fireworks tent for the sale of fireworks at the company’s location of 5350 West 16th Avenue, Hialeah, Florida 33012, property zoned C-2 Liberal Retail Commercial District, with sales commencing on Friday, June 23, 2023 and ending on Tuesday, July 4, 2023, from 10:00 a.m. to 10:00 p.m. subject to compliance with the requirements of the Police Department, Fire Department and the Risk Management Department.

(OFFICE OF THE CITY CLERK)

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

- F. Request permission for the City Council to recess for the month of July 2023 pursuant to §3.01 of the City Charter.

(OFFICE OF THE CITY CLERK)

APPROVED 5-1-1 with Council Member Calvo voting “No” and Council Member Rodriguez absent.

Motion to Approve Consent Item F made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

- G. **RESOLUTION:** Proposed resolution to reappoint Eugene M. Steinfeld as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the code enforcement procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah code § 22-186(k), and serve a term commencing June 1, 2023, and ending on May 31, 2024, at an hourly rate to be established by administrative order of the Mayor; and providing for an effective date.

(ADMINISTRATION)

APPROVED 5-1-1 with Council Member Calvo voting “No” and Council Member Rodriguez absent.

RESOLUTION NO. 2023-061

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

Motion to Approve Consent Item G made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

- H. **RESOLUTION:** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to enter into a Third Amendment to Municipal Services Agreement between the City of Hialeah and MV Contract Transportation, Inc., dated January 3, 2022, attached as Exhibit “A” to provide services and personnel in connection with the operation of buses through September 30, 2024, at the same rate and terms for the Hialeah Transit System.

(TRANSIT)

APPROVED 5-1-1 with Council Member Calvo voting “No” and Council Member Rodriguez absent.

RESOLUTION NO. 2023-062

REPORT: Justo Espinoza, City’s Transit Manager, spoke on the item.

Motion to Approve Consent Item H made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Zogby absent.

- I. Request permission to increase Purchase Order No. 2023-597, issued to Fedan Corp., for the purchase of recap and foam filled tires, by an additional amount of \$50,000.00, for a new total cumulative expense amount not to exceed \$75,000.00. On October 25, 2022, the City Council approved the usage of a pool of vendors established pursuant to Miami-Dade County Bid No. FB-01140 – *Tire Purchase and Related Services*, effective through July 31, 2024, and utilize the pool of vendors set forth in the bid and approved by Miami-Dade County for the procurement of tires and related services.

The funding for the expenditure will be drawn against the General Fund – Inventory – Auto Parts Account No. 001.0000.141.120.

(FLEET AND MAINTENANCE DEPARTMENT)

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

- J.** Request permission to increase Purchase Order No. 2023-950, issued to Pat's Pump & Blower, L.L.C., for the purchase of Original Equipment Manufacturer (OEM) parts for Aqua Tech VAC Trucks, sewer cleaning trucks and equipment, by an additional amount of \$50,000.00, for a new total cumulative expense amount not to exceed \$75,000.00. On October 25, 2022, the City Council approved the usage of a pool of vendors established pursuant to Miami-Dade County Bid No. FB - 00399 – *Purchase of Original Equipment Manufacturer (OEM) and Original Equipment (OE) Parts and Services*, effective through February 28, 2028, for the purchase of parts and services for forklifts, vehicles, heavy equipment, trailers, small engines, landscaping, etc.

The funding for the expenditure will be drawn against the General Fund – Inventory – Auto Parts Account No. 001.0000.141.120.

(FLEET AND MAINTENANCE DEPARTMENT)

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

- K.** Request permission to increase Purchase Order No. 2023-1077 issued to Super Landscape & Maintenance, Inc., for the payment of outstanding invoices and ongoing landscaping services being utilized on a as needed basis, by an additional amount of \$165,000.00, for a new total cumulative expense amount not to exceed \$385,000.00. 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 working with the Purchasing Division on finalizing the bid process for this service.

The funding for the expenditure will be drawn against the General Fund – Contractual Services - Landscape Account No. 001.3130.572.342.

(DEPARTMENT OF PARKS AND RECREATION)

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

- L.** Request permission to increase Purchase Order No. 2023-1373, issued to Lou's Police Distributors, Inc., for the purchase of uniforms of new hires, promotions, and for uniforms damaged in the line of duty, by an additional amount of \$23,110.62, for a new total cumulative expense amount not to exceed \$123,110.62. The approval of this item requires the waiving of competitive bidding, since it is advantageous to the City in that the Hialeah Police Department is currently working with the Purchasing Division on finalizing the bid process for this service.

The funding for the expenditure will be drawn against the General Fund – Uniforms & Clothing Allowance Account No. 001.1000.521.525.

(POLICE DEPARTMENT)

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

- M. RESOLUTION:** Proposed resolution correcting the minutes of the regular meeting of the City Council held on April 11, 2023 to reflect an error in the adoption procedure for Item 11B; voiding

Item 11B and vacating Ordinance number 2023-035 reserving it for numerical sequence and to cross-reference this resolution; and providing for an effective date.

(LAW DEPARTMENT)

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

RESOLUTION NO. 2023-063

- N. **RESOLUTION:** Proposed resolution approving a Service Agreement between the City of Hialeah and J&M Vera School Bus Service, Inc. to provide bus transportation services for the City of Hialeah's Step Ahead Social Enrichment Programs, for the term commencing on June 12, 2023 and ending on July 27, 2023, in an amount not to exceed \$27,480.00; and authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute the Service Agreement attached hereto in substantial form and made a part hereof as Exhibit "1"; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICE)

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

RESOLUTION NO. 2023-064

- O. **RESOLUTION:** Proposed resolution approving an agreement with the Commission on Accreditation of Law Enforcement Agencies (CALEA) for the accreditation of the Hialeah Police Department, with the terms and conditions set forth in "Exhibit 1," and approving the expenditure in an amount not to exceed \$16,125 from the Law Enforcement Trust Fund - *Federal* for the payment of the initial accreditation fee to CALEA, upon such costs having been approved by the Chief of Police, and providing for an effective date.

(POLICE DEPARTMENT)

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

RESOLUTION NO. 2023-065

- P. **RESOLUTION:** Proposed resolution authorizing the fiscal year 2023 Patrick Leahy Bulletproof Vest Partnership Application supporting law enforcement agencies in seeking funding to provide for the purchase of bulletproof body armor, a grant fund from the Office of Justice Programs (OJP), and the Bureau of Justice Assistance (BJA), for the total amount of \$58,058.58, for the City of Hialeah Police Department; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof; and authorizing the establishment of a separate interest bearing trust account designated for this program, a copy of which is attached hereto and made a part hereof as Exhibit "1."

(POLICE DEPARTMENT)

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

RESOLUTION NO. 2023-066

- Q. Request permission to increase Purchase Order No. 2023-555, due to an increase in equipment rentals and labor costs as a result of inflation, issued to Reflections Productions, Inc., to cover the cost of production for the City's 2023 Independence Day Celebration, by an additional \$173,554.66, amount that includes a five percent (5%) contingency, for a new total cumulative amount not to exceed \$255,401.39. On February 12, 2019, the City entered into a five-year Production Services Agreement with this vendor for the production of the City's yearly Fourth of July Celebration, commencing on July 4, 2019 and ending on July 4, 2021, with an option to renew for an additional two-year term.

The funding for this expenditure will be drawn against the General Fund - Special Events - 4th of July Account No. 001.3150.574.492.

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

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

- R. Request permission to enter into a Performance Agreement with LAUM Entertainment, LLC, and issue a purchase order to the vendor, for a seventy-five (75) minute performance by Leneir Mesa, professionally known as "Lenier", at the City's 2023 Independence Day Celebration, in a total cumulative amount not to exceed \$30,000.00.

The funding for this expenditure will be drawn against the General Fund - Special Events - 4th of July Account No. 001.3150.574.492.

(COMMUNICATIONS AND SPECIAL EVENTS DEPARTMENT)

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

11. ADMINISTRATIVE ITEMS

- 11 A. **ORDINANCE:** Second reading and **public hearing** of proposed ordinance amending the Hialeah Code of Ordinances Chapter 62, entitled "Parks and Recreation", amending §62-1 "Definitions" and creating §62-26 entitled "Smoking in Parks Prohibited" to prohibit smoking in all City Parks and imposing penalties in violation of the prohibition; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

On May 9, 2023, the City Council approved the item on first reading as amended. Second reading and public hearing was scheduled for June 13, 2023.

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

ORDINANCE NO. 2023-063

REPORT: Alexander Magrisso, Assistant City Attorney of the City of Hialeah, spoke on the item.

REPORT: Council President Perez opened the item for public participation and one (1) member of the public present in the Council Chambers or participating via Zoom expressed interest in speaking.

1. **Via Zoom:** Richard Thurer, 1019 Castile Avenue, Coral Gables, spoke on the item.

REPORT: Motion to Approve Item 11A made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Member Council Member Rodriguez absent.

- 11 B. **ORDINANCE:** First reading of proposed ordinance accepting the dedication of a portion of West 60 Street and West 24 Avenue to the City of Hialeah for right-of-way purposes from El Mercado Plaza, LLC, a Florida Limited Liability Company, pursuant to the Right-of-Way Deed attached hereto and made a part hereof as Exhibit “1”; 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.

(ADMINISTRATION)

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

REPORT: Motion to Approve Item 11B made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Member Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

- 11 C. **ORDINANCE:** First reading of proposed ordinance accepting a Non-Exclusive Access Easement, as legally described and depicted in the Access Easement Agreement attached as Exhibit “1”, to allow the City to install and maintain a catch basin and drain field at 3190 Palm Avenue, 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.

(ADMINISTRATION)

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

REPORT: Motion to Approve Item 11C made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

12. UNFINISHED BUSINESS

None reported.

13. NEW BUSINESS

- **Council Member Tundidor** wished Mayor Bovo a happy birthday.
- **Mayor Bovo** acknowledged the Ruth Rubi, Executive Director of Finance Management and Jorge Blanco, Division Director of Finance and Chief Accountant, for the certificate the City of Hialeah received from the Florida Government Finance Officers Association.

14. ZONING

REPORT: All were duly sworn in by Brigette Leal, Deputy City Clerk.

REPORT: Council President Perez passed the gable to Council Vice President Garcia Roves.

PLANNING AND ZONING

PZ 1. ORDINANCE: Second reading and **public hearing** 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.

<i>On May 23, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for June 13, 2023.</i>
<i>On April 25, 2023, the item was tabled by the City Council until May 23, 2023. First reading is scheduled for May 23, 2023.</i>
<i>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.</i>
<i>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.</i>
<i>Property Owners: Argelia Leon, 6277 West 22 Lane, Hialeah, Florida 33016.</i>

APPROVED 5-0-2 with Council President Perez not present during roll call and Council Member Rodriguez absent.

ORDINANCE NO. 2023-064

REPORT: Council Vice President Garcia-Roves 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 5-0-2 with Council President Perez not present during roll call and Council Member Rodriguez absent. Council President Perez recorded her vote as “Yes” after the item was approved.

PZ 2. ORDINANCE: Second reading and **public hearing** of proposed ordinance rezoning property from C-2 (Liberal Retail Commercial District) to R-3-5 (Multiple – Family District). Granting a variance permit to allow 15 parking spaces, where 16 parking spaces are required; allow 2.5 feet interior side setback, where 10 feet are required; and allow 22% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-2189(19)(b), 98-590 and 98-2056(b)(2). **Property located at 3090 Palm Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On May 23, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for June 13, 2023.</i>
<i>Registered Lobbyist: Cesar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida on behalf of Thirty Palms Inc.</i>
<i>On May 10, 2023 the Planning and Zoning board recommended approval with the condition that legalization process be completed within 18 months including compliance with landscaping regulations and the re-location of the laundry room.</i>
<i>Planner’s Recommendation: Approve the rezoning from C-2 (Liberal Retail Commercial District) to R-3-5 (Multiple-Family District) with the condition that the legalization process be completed within 18 months, including compliance with landscaping regulations and the re-location of the laundry room.</i>
<i>Property Owners: (1) Thirty Palms Inc., (2) Cesar Munoz and (3) Marlene Munoz, 144 Hialeah Drive, Hialeah, Florida 33010.</i>

APPROVED 5-0-2 with Council President Perez not present during roll call and Council Member Rodriguez absent.

ORDINANCE NO. 2023-065

REPORT: Cesar Muñoz, 3090 Palm Avenue, Hialeah, Florida, addressed the City Council.

REPORT: Council Vice President Garcia-Roves 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 2 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council President Perez not

present during roll call and Council Member Rodriguez absent. Council President Perez recorded her vote as “Yes” after the item was approved.

PZ 3. ORDINANCE: Second reading and **public hearing** of proposed ordinance granting a variance permit to allow 3 parking spaces, where 11 parking spaces are required for a proposed 1,570 square feet banquet hall to be located within a warehouse condominium bay; contra to Hialeah Code of Ordinances § 98-2189(3). **Property located at 2250 West 10 Avenue, Unit 10, Hialeah, zoned M-2 (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 May 23, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for June 13, 2023.

On May 10, 2023 the Planning and Zoning board recommended approval of the item with the condition that the parking variance be allowed only for the proposed business and during the hours that the extra parking spaces are available Monday through Sunday starting at 6:00 p.m.

Planner’s Recommendation: Approve with conditions.

Property Owners: Fantastic Events Inc and Yudinis Diaz, 2250 West 10 Avenue, Hialeah, Florida 33010.

APPROVED 5-0-2 with Council President Perez not present during roll call and Council Member Rodriguez absent.

ORDINANCE NO. 2023-066

REPORT: Council Vice President Garcia-Roves 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 Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council President Perez not present during roll call and Council Member Rodriguez absent. Council President Perez recorded her vote as “Yes” after the item was approved.

PZ 4. ORDINANCE: Second reading and **public hearing** of proposed ordinance approving a Final Plat of Baracoa Palms Subdivision; accepting all dedication of avenues, streets, roads, or other public ways, together with all existing and future planting of trees. **Property located at 4597 and 4599 Palm Avenue, 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 May 23, 2023, the City Council approved the item on first reading. Second reading and public hearing is scheduled for June 13, 2023.

Owner: Milander Apartments LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.

APPROVED 5-0-2 with Council President Perez not present during roll call and Council Member Rodriguez absent.

ORDINANCE NO. 2023-067

REPORT: Council Vice President Garcia-Roves 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 Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council President Perez not present during roll call and Council Member Rodriguez absent. Council President Perez recorded her vote as “Yes” after the item was approved.

PZ 5. 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 57-student K-5 grade school within a shopping plaza in conjunction with an existing 60–student daycare. **Property located at 6500 West 4 Avenue, Units 15 through 23, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF AUGUST 8, 2023.

<i>On May 9, 2023, the item was postponed until June 13, 2023, per the applicant’s request. Second reading is scheduled for June 13, 2023.</i>
<i>On April 11, 2023, the item was postponed until May 9, 2023, per the applicant’s request. Second reading is scheduled for May 9, 2023.</i>
<i>On March 28, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for April 11, 2023.</i>
<i>Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Kingdom Palace Daycare Inc., c/o Madelen Dib.</i>
<i>On March 15, 2023, the Planning and Zoning Board recommended approval with the following conditions:</i> <ul style="list-style-type: none"><i>(1) Immediate legalization of the 2,820 square feet of school space and adjacent fenced area, including the removal of an illegal shed</i><i>(2) Repair of asphalt along West 4th Place, striping of the parallel parking spaces, and posting of signs</i><i>(3) Implementation of two drop-off/pick-up shifts</i><i>(4) Adopt and enforce parking and drop-off/pick-up regulations for the parents and staff.</i>
<i>Planner’s Recommendation: Approval with conditions.</i>

Property Owner: Mohatra INC., c/o Richard Gonzalez Esq., 1989 Northwest 88th Court, Unit 1, Doral, Florida 33172.

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 20-student K-2 grade elementary school in a freestanding commercial building in conjunction with an existing 41-student daycare. **Property located at 430 West 29 Street, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

ITEM IS POSTPONED UNTIL THE CITY COUNCIL MEETING OF AUGUST 8, 2023.

On May 9, 2023, the item was postponed until June 13, 2023, per the applicant's request. Second reading is scheduled for June 13, 2023.

On April 11, 2023, the item was postponed until May 9, 2023, per the applicant's request. Second reading is scheduled for May 9, 2023.

On March 28, 2023, the City Council approved the item on first reading. Second reading and public hearing was scheduled for April 11, 2023.

Registered Lobbyist: Octavio A. Santurio, 6262 Bird Road, Suite 3E, Miami, Florida 33155, on behalf of Los Pinos Nuevos Academy c/o Albenis Gill.

On March 15, 2023, the Planning and Zoning Board recommended approval with the condition that the building remain as a school/daycare stand-alone facility with a maximum capacity of 20 students in conjunction with a 41 children daycare, and that staff is assigned to expedite the school's drop-off and pick-up process.

Planner's Recommendation: Approval with conditions

Property Owner: Inmex Investment Corp. (registered agent: Jorge Quintana).

PZ 7. ORDINANCE: First reading of proposed ordinance vacating, closing and abandoning for public use of the right-of-way located **on SE 10th Court between SE 10th Avenue and SE 12th Street.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; and providing for an effective date.

Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.

On May 24, 2023, the Planning and Zoning Board recommended approval.

Planner's Recommendation: Approval.

Property Owner: Hialeah Market Station, LLC, a Florida limited liability company – 100%, 16400 Northwest 59th Avenue, Miami Lakes, Florida 33014.

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

REPORT: Alessandria San Roman, 701 Brickell Avenue, Suite 3300, Miami FL 33131, addressed the City Council with a PowerPoint presentation.

REPORT: Debora Storch, City of Hialeah Planning and Zoning Official, spoke on the item.

REPORT: Motion to Approve Item PZ 7 made by Council Member Tundidor, and seconded by Council Member Casáls-Muñoz. Motion passes 6-0-1 with Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

PZ 8. ORDINANCE: First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); and granting a variance permit to allow 8.5 feet setback along SE 12 Street for stairways to access the building, where 20 feet is required, and allow a 1-foot setback along SE 10 Avenue, where 20 feet built-to-line is required. Contra to Hialeah Code of Ordinances § 98-1544(d)(3)(i); 98-1553(d)(3)(i). **Properties located at 1171 SE 10 Court and 1055 SE 12 Street, Hialeah, zoned M-1 (Industrial District);** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; and providing for an effective date.

Registered Lobbyist: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., and Alessandria San Roman, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131, on behalf of Prestige Builders Construction Management, LLC.

On May 24, 2023, the Planning and Zoning Board recommended approval.

Planner's Recommendation: Approval.

Property Owner: Hialeah Market Station, LLC, a Florida Limited Liability Company, 16400 Northwest 59th Avenue, Miami Lakes, Florida 33014.

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

REPORT: Alessandria San Roman, 701 Brickell Avenue, Suite 3300, Miami FL 33131, addressed the City Council with a PowerPoint presentation during the discussion of Item PZ 7.

REPORT: Motion to Approve Item PZ 8 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

PZ 9. ORDINANCE: First reading of proposed ordinance rezoning property from R-1 (One-Family District) to R-3-2 (Multiple-Family District); granting a variance permit to allow 0 feet setback, where 25 feet are required for the encroachment of a 200 square feet pergola into the front setback, and 20 feet setback, where 25 feet are required for the encroachment of a patio wall on the ground floor and balconies above into the front setback; contra to Hialeah Code of Ordinances § 98-589; **property located at 1797 West 1 Avenue, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; and providing for an effective date.

<i>Registered Lobbyist: Daniel Alonso, 1235 Coral Way, Miami Florida 33145, on behalf of Luis O. Lago.</i>
<i>Registered Lobbyist: Cesar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida 33016, on behalf of Thirty Palms Inc.</i>
<i>On May 24, 2023, the Planning and Zoning Board recommended approval with the condition that maximum density capped at 14 units/acre.</i>
<i>Planner's Recommendation: Approval with the condition that maximum density is capped at 14 units/acre.</i>
<i>Property Owner: Luis O. Lago, 15991 Southwest 143rd Lane, Miami, Florida 33196</i>

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

REPORT: Daniel Alonso, 1235 Coral Way, Miami Florida, addressed the City Council.

REPORT: Motion to Approve Item PZ 9 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

PZ 10. ORDINANCE: First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a 23-student kindergarten class in conjunction with an existing 126 children daycare **property located at 6900 West 32 Avenue, Units 18 through 25, Hialeah, zoned C-2 (Liberal Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; and providing for an effective date.

<i>On May 24, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Flamingo Plaza LLC (Registered Agent Mario Ferro Jr.), 8165 Northwest 155th Street, Miami Lakes, Florida 33016.</i>

APPROVED 5-1-1 with Council Member Calvo voting “No” and Council Member Rodriguez

absent.

REPORT: Debora Storch, City of Hialeah Planning and Zoning Official, spoke on the item.

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

REPORT: Motion to Approve Item PZ 10 made by Council Member Casáls-Muñoz, and seconded by Council Member Tundidor. Motion passes 5-1-1 with Council Member Calvo voting “No” and Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

REPORT: Council Member Tundidor left the City Council Meeting at this time.

PZ 11. ORDINANCE: First reading of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 to allow a pharmaceutical research center conducting clinical trials to test new drugs, already approved drugs, devices and other forms of treatments to operate in conjunction with an existing medical office; **Property located at 900 East 9 Street, Hialeah, zoned C-1 (Restricted Retail Commercial District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

On May 24, 2023, the Planning and Zoning Board recommended approval with conditions prohibiting overnight stays, limitations on the number of employees, hours of operation, and visits by appointment as stated by the applicant. These statements shall be formalized in a Declaration of Restrictions (DOR) to be proffered by the applicant.

Planner’s Recommendation: Approval with conditions.

Property Owner: Felix Aguilera, 1141 Northwest 30th Place, Miami, Florida 33125, Orlidio Carvajal, 21411 Southwest 248th Street, Homestead, Florida 33031, and Yonel Perez, 2001 Southwest 129th Court, Miami, Florida 33175.

APPROVED 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Alejandro Daniel, 900 East 9 Street, a property owner, spoke on the item.

REPORT: Motion to Approve Item PZ 11 made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

PZ 12. ORDINANCE: First reading of proposed ordinance approving a Final Plat of NW Hialeah; accepting all dedication of avenues, streets, roads or other public ways, together with all existing

and future planting of trees shrubbery and fire hydrants; **property located at 4220 West 91 Place, 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.

<i>On May 24, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Edward W. Easton, Edward J. Easton, and Edward D. Easton, 10165 Northwest 19th Street, Doral, Florida 33172.</i>

APPROVED 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Motion to Approve Item PZ 12 made by Council Member Zogby, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

PZ 13. ORDINANCE: First reading of proposed ordinance approving a Final Plat of South Florida Autism Charter School; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees, shrubbery and fire hydrants; **property located at 3751 West 108 Street, 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.

<i>Registered Lobbyist: Kristofer Machado, 98 Southeast 7th Street, Suite 1100 on behalf of SFACS Real Estate, LLC.</i>
<i>Registered Lobbyist: Cristina Pires, 1950 Northwest 94 Avenue, 2nd Floor, Doral, Florida 33172, on behalf of SFACS Real Estate, LLC.</i>
<i>On May 24, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Nrai Services, Inc., 1200 South Pine Island Road, Plantation, Florida 33324.</i>

APPROVED 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Motion to Approve Item PZ 13 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

PZ 14. ORDINANCE: First reading of proposed ordinance approving a Final Plat of RIRC Subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees shrubbery and fire hydrants; **properties located at 4160 Palm Avenue and 22 West 42 Street, 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.

<i>Registered Lobbyist: Registered Lobbyist: Cesar Mestre, Esq., 8105 Northwest 155th Street, Miami Lakes, Florida on behalf of RIRC Holdings Inc.</i>
<i>On May 24, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: RIRC Holdings Inc., Roberto Correa, and Isabel Correa, 4160 Palm Avenue, Hialeah, Florida 33012.</i>

APPROVED 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Motion to Approve Item PZ 14 made by Council Member Casáls-Muñoz, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: Second reading and public hearing scheduled is scheduled for June 27, 2023.

PZ 15. Recommendation of Denial: Recommendation of Denial by the Planning and Zoning Board for a variance permit to allow lot width of 65 feet and a total lot area of 6,890 square feet, where lot width of 75 feet and 7,500 square feet is the minimum required; allow rear setback of 24 feet, where 45 feet is required; allow 3 parking spaces at the front setback facing East 3rd Place, where all parking shall be located at the rear of the building, and allow 5 parking spaces, where 6 parking spaces are required. **Property located at 320 Northeast 8th Avenue, Hialeah, zoned R-1 (One Family District).**

<i>Registered Lobbyist: Frank De La Paz, 9361 Bird Road, Miami, Florida 33165 on behalf of Juan C. Carballo.</i>
<i>On May 24, 2023, the Planning and Zoning Board recommended denial.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Property Owner: Juan Carlos Carballo and Gipsy Suarez, 320 Northeast 8 Avenue, Hialeah, Florida 33010.</i>

OVERTURNED 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

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

REPORT: Motion to Overturn the Recommendation of Denial by the Planning and Zoning Board made by Council Member Calvo, and seconded by Council Member Casáls-Muñoz. Motion passes 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

REPORT: First reading is scheduled is scheduled for June 27, 2023.

16. FINAL DECISIONS

FD 1. RESOLUTION: Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2023-07** granting a west side setback of 5.4 feet, where 5.9 feet is the minimum required for an existing terrace to be legalized; allow interior east side setback of 4.2 feet, where 5.9 feet are required; and allow rear setback of 5.2 feet, where 7.5 are required for the legalization of a 258 square feet accessory building. **Property located at 234 West 19 Street, Hialeah, zoned R-1 (One-Family District);** and providing for an effective date.

<i>On May 10, 2023, the Planning and Zoning Board recommended approval.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: Amado Morejon Cordova, 234 West 19th Street, Hialeah, Florida 33010.</i>

APPROVED 5-0-2 with Council Member Tundidor and Council Member Rodriguez absent.

RESOLUTION NO. 2023-067

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

17. CITY COUNCIL DISCUSSION

None reported.

18. ADJOURNMENT

REPORT: The meeting was adjourned by Council President Perez at 8:37 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 22, 2023 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, June 27, 2023 at 7:00 p.m.

FIRST BUDGET HEARING FOR 2024 FISCAL YEAR: September 13, 2023 at 7:00 p.m.

SECOND BUDGET HEARING FOR 2021 FISCAL YEAR: September 27, 2023 at 7:00 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).