

Carlos Hernández
Mayor

Paul B. Hernández
President

Oscar De la Rosa
Vice President



Council Members
Katharine Cue-Fuente
Jacqueline Garcia-Roves
Monica Perez
Jesus Tundidor
Carl Zogby

Special Meeting of the City Council
(VIRTUAL)
Minutes
August 11, 2020
7:00 p.m.

1. CALL TO ORDER

A. **REPORT:** Council Vice President De la Rosa called the meeting to order at 7:08 p.m.

2. ROLL CALL

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

1. Council Vice President De la Rosa
2. Councilwoman Katharine Cue-Fuente
3. Councilwoman Jacqueline Garcia-Roves
4. Councilwoman Monica Perez
5. Councilman Jesus Tundidor
6. Councilman Carl Zogby

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

1. Council President Paul Hernandez

C. **REPORT:** Also present were Mayor Carlos Hernandez and Lorena Bravo, City Attorney.

3. INVOCATION

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

4. PLEDGE OF ALLEGIANCE

- A. **REPORT:** Council Vice President De la Rosa led the Pledge of Allegiance.

5. MEETING GUIDELINES

The following guidelines, which apply to today's City's Council Meeting, have been set by Mayor Carlos Hernandez through the execution of an Order on Emergency Public Meeting Guidelines and Procedures Using Communications Media Technology In Response To COVID-19:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 on March 20, 2020, suspending the "Florida's Government in Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and the meeting be held at a physical location accessible to the public for the duration of the State's Declaration of Emergency issued on March 9, 2020 as a result of the COVID-19 pandemic affecting the State of Florida. Executive Order 20-69 allows local governments to use communications media technology to hold public meetings during the public health emergency as a result of COVID-19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.
- The following Procedures for Virtual Public Meetings of the City Council using Communications Media Technology in Response to COVID-19 have been adopted as minimum procedures for all emergency public meetings of the City Council, boards and committees of the City of Hialeah effective the execution of **Order on Emergency Public Meeting Guidelines and Procedures using Communications Media Technology in Response to COVID19**, signed by Mayor Carlos Hernandez on April 8, 2020.
- The virtual public meeting shall be broadcast live for members of the public to view on the City's Facebook page. A Facebook account is not required in order to view this virtual public meeting. In addition, members of the public may hear the meeting live through telephonic conferencing. You can join the meeting via 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.
- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by email to virtualmeeting@hialeahfl.gov by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. Email comments and questions shall not exceed three (3) minutes when read. Only the first three minutes of e-mail comments and questions received by the deadline will be read into and form part of the

public record.

- Any person 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 by joining the meeting using Zoom or any other similar web-based meeting platform being used as identified in the notice. The person interested in joining the meeting to participate for this purpose must register with the City Clerk by completing a registration form, providing the information required and submitting the completed form to the City Clerk no later than 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. All registered participants 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.
- Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.
- All existing laws or rules of procedure applicable to public meetings (i.e. three minute limit on speaking, three in favor and three in opposition on any item on the agenda, lobbyist registration requirements), that are not in conflict with these procedures and can be observed under the circumstances remain in effect and to the greatest extent practicable should be observed.
- Public comments and questions, whether on general matters of public concern or on a matter on the agenda, will be heard at the beginning of the meeting and once heard no other public participation will be permitted.
- Persons making public comments must identify themselves by first and last name and provide their address for the record, prior to speaking.
- If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

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

6. COMMENTS AND QUESTIONS

- A.** Council Vice President De la Rosa commended Council Member Tundidor for his participation in the initiative of providing COVID-19 testing for our first responders.
- B.** Council Member Tundidor thanked Miami-Dade County Commissioner Steve Bovo and

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Senator Rene Garcia for their collaboration in the initiative of providing COVID-19 testing for our first responders.

C. Miami-Dade County Commissioner Steve Bovo, 765 West 76 Street, spoke on the initiative of providing COVID-19 testing to first responders.

D. **REPORT:** The Office of the City Clerk did not receive e-mail messages from persons interested in making comments or posing questions on matters of public concern.

E. **REPORT:** One individual expressed interest in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom:

(1) **Christensen Medina**, with a home address of **1820 West 53 Street, Hialeah, Florida 33012**, spoke regarding recycling.

F. **REPORT:** Council Vice President De la Rosa asked anyone watching or listening to the meeting who would like to speak, to use the raising of the hand feature on Zoom. One member of the public expressed interest in participating.

(1) **Eric Johnson**, with a home address exempt from public disclosure per Florida law, thanked Mayor Hernandez for his efforts in fighting for the CARES Act funding. He also thanked Council Member Tundidor, Miami-Dade County Commissioner Steve Bovo, and Senator Rene Garcia for their efforts in providing widespread COVID-19 testing to the Hialeah Fire Department. He thanked Council Member Perez for the Blood/Plasma Drive.

7. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- The new cumulative expense amount for Purchase Order No. 2020-0290 (John F. Kennedy Library) in Consent Item J has been corrected. Consent Item J has also been amended to reflect an increase in Purchase Order No. 2020-1729.
- Consent Items X, Y, Z, AA, BB, CC and DD have been added to today's agenda.
- Planning and Zoning Items PZ 10, PZ 11 and PZ 12 are deferred until August 25, 2020.
- The proposed ordinances for Items PZ 1 and PZ 2 have been amended.
- Additional backup documentation (Declaration of Restrictions and Model Lease Language) has been added to Items PZ 1, PZ 2 and PZ 7.

8. CONSENT AGENDA

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

REPORT: Council Member Tundidor requested separate discussion on Consent Items F, O, P and Z.

REPORT: Council Member Perez requested separate discussion on Consent Items J, Y and AA.

REPORT: Motion to Approve the Consent Agenda, except Items F, J, O, P, Y, ZZ and AA made by Council Member Tundidor, and seconded by Council Member Perez. Motion passes 6-0-1 with Council President Hernandez absent.

- A. Request permission to approve the minutes of the Virtual Special Meeting of the City Council held on July 27, 2020.

(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council President Hernandez absent.

- B. Request permission to approve the minutes of the Virtual Special Meeting of the City Council held on July 28, 2020.

(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council President Hernandez absent.

- C. Request permission to approve Task Order No. COH2019-02 to supplement the agreement between the City and Tidal Basin Government Consulting, LLC, as it applies to the Disaster Recovery Services Hurricane Irma Closeout project, and issue a purchase order to Tidal Basin Government Consulting, LLC, to provide professional services designed to support the City with emergency management, response, recovery, mitigation, and other support services to assist the City in its recovery from the impacts of Hurricane Irma, in a total cumulative amount not to exceed \$52,000. On June 25, 2019, the City Council awarded Hialeah Request for Proposal No. 2018/19-8500-36-001 – *Emergency Management Administrative Support Services* to this vendor.

(EMERGENCY MANAGEMENT DEPARTMENT)

APPROVED 6-0-1 with Council President Hernandez absent.

- D. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2020-1650, issued to Nauticenter Corporation, vendor providing the lowest quotation, for the purchase of a new Bauer breathing air compressor system to be located at Fire Station No. 7, to be used to fill firefighter SCBA air bottles that supply the firefighters with breathable air in fires and hazardous environments, by an additional amount of \$44,277, for a new total cumulative amount not to exceed \$54,277. The Community Development Block Grant (CDBG) Program will be funding this project, as approved by the City Council on June 23, 2020 (Resolution No. 2020-076).

(FIRE DEPARTMENT)

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.

RESOLUTION NO. 2020-101

- E. Proposed resolution approving the expenditure in an amount not to exceed \$117,590.00 from the Law Enforcement Trust Fund-*State* for the purchase of three hundred (300) Avon

Protection Systems full-face respirators and two hundred (200) filters from W.W. Grainger Inc., lowest quoted vendor, upon such cost having been approved by the Chief of Police, and providing for an effective date.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council President Hernandez absent.

RESOLUTION NO. 2020-102

F. Request permission to ratify the Mayor's decision to authorize the Police Department to proceed with the following emergency expenditures due to the COVID-19 pandemic:

- Purchase Order No. 2020-1615, issued to PFO Group LLC, on March 30, 2020, for the purchase of fifty-thousand (50,000) air purifying particulate respirators – KN95 Masks, in a total amount of \$150,000.
- Purchase Order No. 2020-1732, issued to PFO Group LLC, on April 28, 2020, for the purchase of ten-thousand (10,000) air purifying particulate respirators – KN95 Masks, in a total amount of \$30,000.
- Purchase Order No. 2020-2044, issued to PFO Group LLC, on July 17, 2020, for the purchase of fifteen-thousand (15,000) air purifying particulate respirators - KN95 Masks, in a total amount of \$15,000.
- Purchase Order No. 2020-1619, issued to EZ Cellular Max Inc, on April 1, 2020, for the purchase of four thousand (4,000) surgical masks, in a total amount of \$3,400.
- Purchase Order No. 2020-1630, issued to EZ Cellular Max Inc, on April 3, 2020, for the purchase of eight hundred thirty three (833) 3M Masks, in a total amount of \$6,800.
- Purchase Order No. 2020-1670, issued to EZ Cellular Max Inc, on April 13, 2020, for the purchase of seven thousand, seven hundred and fifty (7,750) 3M Masks, in a total amount of \$47,715.
- Purchase Order No. 2020-1693, issued to EZ Cellular Max Inc, on April 17, 2020, for the purchase of four thousand (4,000) KN95 Masks, in a total amount of \$14,000.
- Purchase Order No. 2020-1667, issued to Ahias Holding Corp., on April 13, 2020, for the purchase of fifty-thousand (50,000) KN95 Masks, in a total amount of \$146,000.
- Purchase Order No. 2020-1937, issued to Ahias Holding Corp., on June 18, 2020, for the purchase of five hundred and four (504) hand sanitizers, in a total amount of \$2,268.
- Purchase Order No. 2020-2043, issued to Ahias Holding Corp., on July 17, 2020, for the purchase of forty-thousand (40,000) KN95 Masks, in a total amount of \$100,000.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council President Hernandez absent.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Willians Guerra, Fire Chief, Hialeah Fire Department, addressed the City Council

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regarding this item.

REPORT: Motion to Approve Consent Item F made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council President Hernandez absent.

G. Request permission to award Hialeah Invitation to Bid No. 2019/20-3210-00-014 – *Tree Canopy Restoration Project*, to Superior Landscaping & Lawn Service Inc., lowest responsive and responsible bidder, in a total cumulative amount not to exceed of \$149,506.50, expense amount which includes a ten percent (10%) contingency allowance to cover any unforeseen issues that may arise during the project.

(STREETS)

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.

H. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is honoring the same unit cost as last year, and increase Purchase Order No. 2020-556, issued to H & R Paving, Inc., for the purchase of asphalt and for the rental of paving machines on an “as needed basis”, with the cost of the asphalt being \$72.00 per ton and the cost of the paving machine rental at \$950.00 per day, to continue the resurfacing of roadways throughout the City until the end of the fiscal year, by an additional \$529,000, for a new total cumulative amount not to exceed \$1,529,000. On October 8, 2019, the City Council approved the issuance of a purchase order in the amount of \$1,000,000 to this vendor for area resurfacing throughout the City.

(STREETS)

APPROVED 6-0-1 with Council President Hernandez absent.

I. Report of Scrivener’s Error – Item AA of the City Council Meeting of August 13, 2019, was approved by the City Council with an error on the account number provided on the agenda letter addressed to the Mayor from the Information Technology Department. The item was approved with account number 001.0201.519.641. The item is being amended to reflect the correct account number as follow: *001.0201.519.340 - Contractual Services*.

(INFORMATION TECHNOLOGY DEPARTMENT)

APPROVED 6-0-1 with Council President Hernandez absent.

J. Request permission to increase the following purchase orders issued to Mowrey Elevator Company of Florida, Inc., as indicated below, for citywide elevator maintenance/repairs, for a new total cumulative expense amount not to exceed \$70,494.38.

- Purchase Order No. 2020-1725, issued for maintenance and repairs to the elevators located in City Hall, by an additional amount of \$1,500, for a new total amount of \$9,871.38.
- Purchase Order No. 2020-1803, issued for maintenance and repairs to the elevators located in Walker Park, Hialeah High Parking Garage, and Milander Parking Garage, by an additional amount of \$2,000 to be distributed as follows: \$1,000 for Walker Park, \$500 for the Hialeah High Parking Garage, and \$500 for the Milander Parking Garage, for a new total expense amount of \$5,084.
- Purchase Order No. 2020-1804, issued for maintenance and repairs to the elevators located in the following Elderly Housing Units: 57 Units, 72 Units, 35 Units and 9 Units,

by an additional amount of \$27,500 to be distributed as follows: \$5,000 for 57 units; \$12,000 for the 72 Units, \$10,000 for the 35 Units, and \$500 for the 9 units, for a new total amount of \$40,336.40.

- Purchase Order No. 2020-0290, issued for maintenance and repairs to the elevator located in the John F. Kennedy Library, by an additional amount of \$500, for a new total of \$1,502.
- Purchase Order No. 2020-1726, issued for maintenance and repairs to the elevators located in the Police Administration Building, by an additional amount of \$500, for a new total of \$2,660.
- Purchase Order No. 2020-1727, issued for maintenance and repairs to the elevators located in the Police Station, Education and Community Services Department and West-E-Library Building, by an additional amount of \$1,500, for a new total of \$2,502.
- Purchase Order No. 2020-1728, issued for maintenance and repairs to the elevator located in the Fire Administration Building, by an additional amount of \$800, for a new total of \$3,074.
- Purchase Order No. 2020-1730, issued for maintenance and repairs to the elevator located in the Milander Auditorium, by an additional amount of \$500, for a new total of \$1,799.
- Purchase Order No. 2020-1729, issued for maintenance and repairs to the elevator located in the Neighborhood Service Center, located at 300 East 1st Avenue, by an additional amount of \$500, for a new total of \$1,502.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council President Hernandez absent.

REPORT: Vicente Rodriguez, Director of the Department of Construction and Maintenance, City of Hialeah, 900 East 56 Street, addressed the City Council on this item.

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

K. Request permission to award Hialeah Invitation to Bid No. 2019/20-3230-00-015 – *Goodlet Adult Center Renovation – Vinyl Flooring, Porcelain Tile and Woodbase*, to D’Elite Floors of Miami, Inc., lowest responsive and responsible bidder, in a total cumulative amount not to exceed of \$177,997.61, and further request a ten percent (10%) contingency allowance in the amount of \$17,800 to cover any unforeseen issues that may arise during this phase of the project, for a new total cumulative amount not to exceed \$195,797.61.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.

L. Request permission to reject Hialeah Invitation to Bid No. 2019/20-3230-00-016 - *Goodlet Adult Center Renovation-Acoustical Ceilings*, because no bids were submitted to the City, and further request permission to allow the Construction and Maintenance Department to waive competitive bidding and obtain written and sealed quotations for this phase of the

project.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.

- M. Request permission to utilize State of Florida Contract No. 43220000-WSCA-14-ACS, effective through June 31, 2021, and issue two (2) purchase order, one purchase order to ConvergeOne, Inc., for software, hardware and services, in the amount of \$188,177.94, and further request a \$10,000 contingency to be exercised at the discretion of the City, in the total amount of \$198,177.94, and the second purchase order to Avaya Inc., in the amount of \$138,317.36, for maintenance, service and support (to be paid annually) for the upgrade of the City's primary phone system.

(INFORMATION AND TECHNOLOGY DEPARTMENT)

APPROVED 6-0-1 with Council President Hernandez absent.

- N. Request permission to issue a purchase order to Tidal Basin Government Consulting, LLC, to issue payment for the Hurricane Irma Closeout Task Order No. COH2019-02, in a total cumulative amount not to exceed \$81,387.50. On June 25, 2019, the City Council awarded Hialeah Request for Proposal No. 2018/19-8500-36-001 – *Emergency Management Administrative Support Services RFP* to this vendor.

(EMERGENCY MANAGEMENT DEPT.)

APPROVED 6-0-1 with Council President Hernandez absent.

- O. Request permission to utilize a cooperative contract from Sourcewell, Contract No. 120716-NAF, effective through January 17, 2021, and issue a purchase order to Alan Jay Chevrolet-Cadillac, Inc., for the purchase of nine (9) 2021 Chevy Colorado Extended CAB, 2WD, 6' bed work truck, for Water and Sewer, in the amount of \$21,973 per truck, for a total cumulative amount not to exceed \$197,757.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-0-1 with Council President Hernandez absent.

REPORT: Armando Vidal, Director of the Department of Public Works, City of Hialeah, addressed the City Council on this item.

REPORT: Motion to Approve Consent Item O, made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council President Hernandez absent.

- P. Request permission to utilize a cooperative contract from Sourcewell, Contract No. 120716-NAF, effective through January 17, 2021, and issue a purchase order to Alan Jay Chevrolet-Cadillac, Inc., for the purchase of five (5) 2021 Chevy Colorado Extended CAB, 2WD, 6' bed work truck, for Solid Waste, in the amount of \$21,973 per truck, for a total cumulative amount not to exceed \$110,000.

(DEPARTMENT OF PUBLIC WORKS)

APPROVED 6-0-1 with Council President Hernandez absent.

REPORT: Armando Vidal, Director of the Department of Public Works, addressed the City Council on this item.

REPORT: Motion to Approve Consent Item P made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council President Hernandez absent.

- Q.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the Department of Public Works and led the composition study completed for the recycling program, and issue a purchase order to BSC Engineering, Inc., to complete the reengineering plan of the recycling program and a related public education element, in a total cumulative amount not to exceed \$204,426, subject to the approval of the 2020-2021 budget.
(DEPARTMENT OF PUBLIC WORKS)
(COUNCIL PRESIDENT HERNANDEZ)
APPROVED 6-0-1 with Council President Hernandez absent.
- R.** Request permission to issue a purchase order to Gardner, Bist, Bowden, Bush, Dee, Lavia & Wright, P.A., for the professional services of attorney David Dee, at his municipal hourly rate of \$275 per hour, for a thorough review of Chapter 78 of the City Code, entitled Solid Waste, in order to implement a plan allowing the City to redesign its recycling program with the goal of educating the residents and increase the program's efficiency and effectiveness, in the amount of \$36,000.
(DEPARTMENT OF PUBLIC WORKS)
APPROVED 6-0-1 with Council President Hernandez absent.
- S.** Request permission to increase Purchase Order No. 2020-838 issued to Inframark, LLC, to provide operations and maintenance support to maximize the cost effectiveness of the compliant water distribution and wastewater collection system operating services, by an additional amount of \$120,000 for a new total cumulative amount not to exceed \$320,000.
(DEPARTMENT OF PUBLIC WORKS)
APPROVED 6-0-1 with Council President Hernandez absent.
- T.** Request permission to waive competitive bidding, since it is advantageous to the City in that the City's Department of Public Works has used the services of this vendor for several years and the vendor is familiar with the department's control system, and increase Purchase Order No. 2020-796, issued to Curry Controls Company, for the purchase of five (5) remote terminal units, by an additional \$34,191.01, for a new total cumulative amount not to exceed \$134,191.01.
(DEPARTMENT OF PUBLIC WORKS)
APPROVED 6-0-1 with Council President Hernandez absent.
- U.** Proposed resolution waiving competitive bidding requirements to award a contract to AT&T Corporation, for the upgrade of the 911 Primary Center Phone System, which includes without limitation, hardware and software installation, configuration, training, maintenance and support, for a term of five years; authorizing the expenditure of the sum of \$241,750.00 for the first year, and \$90,936.00 for each subsequent year, payable in monthly installments, for a total project amount not to exceed \$605,494.00, for services rendered pursuant to the scope of work and pricing schedule attached hereto and made a part hereof as Exhibit "1", and in accordance with the terms and conditions set forth in Master Services Agreement No. 153555UA; and further authorizing the Mayor and the City Clerk, on behalf of the City to execute the scope of work and pricing schedule attached hereto as Exhibit "1"; and providing for an effective date.
(INFORMATION TECHNOLOGY DEPARTMENT)
APPROVED 6-0-1 with Council President Hernandez absent.
RESOLUTION NO. 2020-103

- V. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the First Amendment to a Joint Participation Agreement between Miami-Dade County and the City of Hialeah, for the improvement of Northwest 97 Avenue from Northwest 154 Street to Northwest 170 Street, a copy of which is attached hereto and made a part hereof as Exhibit “1”, to increase the funding amount from \$4,289,298.00 to \$7,052,463.24 due to changes to the scope of the project; and providing for an effective date.
(STREETS)

APPROVED 6-0-1 with Council President Hernandez absent.
RESOLUTION NO. 2020-104

- W. Proposed resolution approving an Interlocal Agreement for federally-funded sub-award between Miami-Dade County and the City of Hialeah, Florida for the reimbursement of eligible expenses from Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) funds incurred by the City to combat the impact of COVID-19; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Interlocal Federally Funded Sub-Award Agreement, a copy of which is attached hereto and made a part hereof as Exhibit “1”; and providing for an effective date.
(ADMINISTRATION)

APPROVED 6-0-1 with Council President Hernandez absent.
RESOLUTION NO. 2020-105

- X. Proposed resolution ratifying a Sub-Recipient Grant Agreement between Citrus Health Network, Inc., and the City of Hialeah, Florida, a copy of which is attached and made a part hereof as Exhibit “1”, as part of a multi-agency partnership, to provide homeless assistance activities in Hialeah under the City’s established emergency solutions strategies including without limitation, homelessness prevention, rapid re-housing, emergency shelter, and outreach, in the total amount of \$2,698,307 of Emergency Solutions Grant COVID-19 (ESG-CV) funds, for a term commencing on August 1, 2020 through July 31, 2021, with the option to extend for up to one (1) year; further authorizing the Mayor or his designee on behalf of the City to execute all other necessary documents in furtherance thereof; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)
APPROVED 6-0-1 with Council President Hernandez absent.
RESOLUTION NO. 2020-106

- Y. Proposed resolution authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida, to submit to the United States Department of Housing and Urban Development (HUD), the five (5)-Year Consolidated Plan of the City of Hialeah covering the period from October 1, 2020 through September 30, 2024, the analysis of impediments to Fair Housing Choice, the One (1) Year Action Plan and the Citizen Participation Plan including amendments and revisions thereto, and to execute any and all agreements, certifications and assurances in furtherance of the programs in accordance with HUD regulations.
(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.
RESOLUTION NO. 2020-107

REPORT: Annette Quintana, Director of the Department of Grants and Human Services, City of Hialeah, addressed the City Council on this item.

REPORT: Motion to Approve Consent Item Y made by Council Member Perez, and seconded

by Council Member Zogby. Motion passes 6-0-1 with Council President Hernandez absent.

- Z. Proposed resolution approving a Coronavirus Relief Fund (CRF) Sub-Grantee Agreement between Citrus Health Network, Inc., and the City of Hialeah, Florida, to provide financial assistance to the City of Hialeah homeowners who have been financially impacted by COVID-19 with mortgage and utility payment assistance, in a total amount not to exceed \$637,500.00 for a term commencing on August 15, 2020 and ending on December 30, 2020; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Coronavirus Relief Fund (CRF) Sub-Grantee Agreement, a copy of which is attached hereto and made a part hereof as Exhibit “1”; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.

RESOLUTION NO. 2020-108

REPORT: Annette Quintana, Director of the Department of Grants and Human Services, 501 Palm Avenue, addressed the City Council on this item.

REPORT: Mayor Hernandez spoke on this item.

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

- AA. Proposed resolution authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida, to submit to the United States Department of Housing and Urban Development (HUD) the Action Plan. The Action Plan budgets for fiscal year 2020-2021, attached as Exhibits A-E, includes the allocations and selected programs for CDBG, HOME and ESG and awarded sub-recipients, and to execute any and all agreements, certifications and assurances in furtherance of the programs in the Action Plan in accordance with the US HUD Regulations.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.

RESOLUTION NO. 2020-109

REPORT: Annette Quintana, Director of the Department of Grants and Human Services, City of Hialeah, addressed the City Council on this item.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Motion to Approve Consent Item AA, made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 6-0-1 with Council President Hernandez absent.

- BB. Proposed resolution adopting a policy providing that persons who have suffered loss of income due the Coronavirus pandemic (“COVID-19”), creating a financial hardship, are eligible to apply for the City’s COVID-19 assistance programs, even if they have regained or found new employment at the time the application for assistance submitted, provided that the new source of income is below their pre-COVID level, are still facing financial hardship, and otherwise meet all of the applicable eligibility and qualification criteria; and providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.
RESOLUTION NO. 2020-110

- CC. Proposed resolution accepting an award of Coronavirus Relief Funds (CRF) from the Florida Housing Finance Corporation, in the amount of \$637,500.00, to provide assistance with mortgage and utility payments to eligible residents of the City of Hialeah who have been financially impacted by the novel Coronavirus (“COVID-19”), approving and ratifying a Coronavirus Relief Fund (CFR) Sub-recipient Agreement between the City of Hialeah and Florida Housing Finance Corporation, for a term commencing on July 28, 2020 through March 31, 2021, a copy of which is attached hereto and made a part of hereof as Exhibit “1”; and further authorizing the Mayor or his designee on behalf of the City to execute all other necessary documents in furtherance thereof; providing for an effective date.

(DEPARTMENT OF GRANTS AND HUMAN SERVICES)

APPROVED 6-0-1 with Council President Hernandez absent.
RESOLUTION NO. 2020-111

- DD. Request permission to issue a purchase order to Clear Channel Outdoor, LLC, sole source vendor, to purchase advertising space in bus shelters and billboards operated by Clear Channel in the City to make public service announcements to spread the message about the significance of completing the Census, as recommended by the 2020 Census Committee on July 15, 2020, in a total cumulative amount not to exceed \$22,446.

(COUNCIL MEMBER TUNDIDOR)

APPROVED 6-0-1 with Council President Hernandez absent.

9. ADMINISTRATIVE ITEMS

- A. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2019-087 (October 3, 2019), that granted a variance permit to allow a commercial development on the west side of the property with no residential uses, where residential uses are required and repealing and rescinding in its entirety and releasing the Declaration of Use and Unity of Title recorded in OR Book 31711 at Pages 3730-3734 in the public records of Miami Dade County, Florida. **Property located on the west side of two adjacent parcels located on the south side of East 21 Street, between East 1 Avenue and East 2 Avenue, Hialeah, Florida.** Property 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.

(ZONING)

APPROVED 6-0-1 with Council President Hernandez absent.
ORDINANCE NO. 2020-035

Registered Lobbyist: Ceasar Mestre Jr., 8105 NW 155 Street, Miami Lakes, FL 33016, on behalf of Pollo Tropical (Adam Hiavaty), 7255 Corporate Center Drive, Suite C, Miami, FL 33126.

On July 28, 2020, the City Council approved the item on first reading.

REPORT: Ceasar Mestre, 8105 NW 155 Street, Miami Lakes, Florida 33016, addressed the City Council on this item.

REPORT: Motion to Approve Administrative Item 9A made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council President Hernandez absent.

10. UNFINISHED BUSINESS

- **Mayor Hernandez** requested flexibility from City Council with the date of the Budget Briefing scheduled for August 24, 2020 due to the present absence from work of the Director of the Office of Management and Budget.
- **Council Vice President De la Rosa** spoke about budget projections and the impacts the COVID-19 pandemic on the City's budget.
- **Lorena Bravo, City Attorney**, spoke on the budget hearing.
- **Mayor Hernandez** reminded all about the blood/plasma donation event being held on August 12, 2020.

11. NEW BUSINESS

REPORT: None.

12. CITY COUNCIL'S NEW BUSINESS

REPORT: None.

13. ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item.

PZ 1. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2019-067 (August 29, 2019) and granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow *71 units* with area of 650 square feet, where area of 850 square feet is

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the minimum required for 90% of the units; allow 38 feet and 112 feet front setbacks facing West 78 Road, where 10 feet built-to line are required; allow 104 parking spaces, where 176 parking spaces are required; allow surface parking at the front setback; where surface parking is not allowed at the front; allow 18.5% pervious area, where 30% is the minimum required *and allow 5 feet landscape buffer facing West 78 Road, where 7 feet are required*; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-1630.3(e)(4), 98-2189(16)a. and 98-2056(b)(1); **Property located at 340 West 78 Road, Hialeah, Florida, zoned M-1 (Industrial District)**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-1-1 with Council Member Perez voting “No” and President Hernandez absent.

ORDINANCE NO. 2020-036

On July 27, 2020, City Council postponed the item until August 11, 2020.

On July 13, 2020, the City Council approved the item on first reading.

Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 3313, on behalf of Amelia Storage LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.

Registered Lobbyist: Anthony Escarra, Esq., of Alejandro Vilarello, PA, 16400 NW 59 Avenue, Miami Lakes, Florida 33014, on behalf of Amelia Storage LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.

On June 24, 2020, the Planning and Zoning Board recommended approval of the item subject to a Parking Management Plan.

Planner’s Recommendation: Approval subject to a Parking Management Plan.

Owner of the Property: Amelia Storage, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.

REPORT: Council Vice President De la Rosa opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Hugo Arza.

REPORT: Hugo Arza, 701 Brickell Avenue, addressed the City Council on this item, and agreed to amend the Declaration of Restrictions to add that “No Parking” signs will be added to the swale area adjacent to the property.

REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 1 made by Council Member Zogby, and seconded by

Council Member Garcia-Roves. Motion passes 5-1-1 with Council Member Perez voting “No” and President Hernandez absent.

REPORT: At 9:27 p.m. Council Vice President De la Rosa advised that he would be stepping away from his computer. The senior most member on the City Council, Council Member Cue-Fuente, did not respond so a nomination was requested from the present Council Members for a Chair.

REPORT: Council Member Tundidor nominated Council Member Zogby to serve as Chair of the meeting during Council Vice President De la Rosa’s absence, and the rest of the Council Members present agreed.

PZ 2. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use of the ground floor, where residential uses are allowed above the ground level only; allow *92 units* with area of 600 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 15 feet front setback facing West 78 Road and 20 feet front setback facing West 4 Avenue, where 10 feet built-to-line are required; allow rear setback of 10 feet for building walls and 7 feet for balconies, where 15 feet are required; allow *128 parking spaces* where *230 parking spaces* are required; allow 18% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a., 98-2056(b)(1); allow 5 feet landscape buffer facing West 78 Road, where 7 feet are required; contra to the City of Hialeah Landscape Manual dated July 9, 2015, ¶ (D)(7); **Property located at 7901 West 4 Avenue, Hialeah, Florida; zoned M-1 (Industrial District).** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **APPROVED 4-1-2 with Council Member Perez voting “No”, Council Vice President De la Rosa not present during roll call and Council President Hernandez absent.**
ORDINANCE NO. 2020-037

<i>Registered Lobbyist: Hugo Arza, 701 Brickell Avenue, Ste. 3300, Miami, FL 33131, on behalf of 7901 W 4th Avenue, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.</i>
<i>On July 27, 2020, City Council postponed the item until August 11, 2020.</i>
<i>On July 13, 2020, the City Council approved the item on first reading.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq., of Alejandro Vilarello PA, 16400 NW 59 Avenue, Miami Lakes, Florida 33014, on behalf of 7901 W 4thAve, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

On June 24, 2020, the Planning and Zoning Board recommended approval subject to submission of a Parking Management Plan.

Planner's Recommendation: Approve subject to submission of a parking management plan.

Owner of the Property WLPW3, LLC, 211 Ridgewood Road, Coral Gables, Florida 33014.

REPORT: Council Member Zogby opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.

REPORT: Hugo Arza, 701 Brickell Avenue, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 2 made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 4-1-2 with Council Member Perez voting "No", Council Vice President De la Rosa not present during roll call and Council President Hernandez absent. Council Vice President De la Rosa recorded his vote as "Yes" after the item was approved.

PZ 3. Second reading and public hearing of proposed ordinance granting a variance permit to allow an existing oversized accessory building with a total area of 708 square feet, where 500 feet is the maximum allowed, and allow a distance separation of 5 feet between the carport and metal roof, where 10 feet is the minimum distance separation required. All contra to Hialeah Code of Ordinances §§ 98-1666 and Hialeah Ordinance No. 2019-046. Property zoned R-1 (One Family District). **Property located at 368 East 64 Street, Hialeah Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
APPROVED 4-0-3 with Council Vice President De la Rosa and Council Member Cue-Fuente not present during roll call and Council President Hernandez absent.
ORDINANCE NO. 2020-038

On March 10, 2020, the City Council approved the item on first reading.

On February 26, 2020, the Planning and Zoning Board recommended approval of this item.

Planner's Recommendation: Approval.

Owner of the Property: Rafael Fernandez, 368 East 64th Street, Hialeah, Florida 33013.

REPORT: Council Member Zogby opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Ms. Jessica Salvia.

REPORT: Jessica Salvia, permit runner, AASAP Corp, 368 East 64 Street, Hialeah, Florida, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 3 made by Council Member Garcia-Roves, and seconded by Council Member Tundidor. Motion passes 4-0-3 with Council Vice President De la Rosa and Council Member Cue-Fuente not present during roll call, and Council President Hernandez absent. Council Vice President De la Rosa and Council Member Cue-Fuente both recorded their vote as “Yes” after the item was approved.

REPORT: Council Vice President De la Rosa returned to the meeting at 9:38 p.m.

PZ 4. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow the expansion of an existing 55 student, K-8 school to a 100 student K-12; variance permit to allow 95 parking spaces, where 327 are required and allow 9 of those 33 existing parking spaces to back out into the street. **Property located at 5800 Palm Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 5-0-2 with Council Member Cue-Fuente not present during roll call and Council President Hernandez absent.

ORDINANCE NO. 2020-039

<i>On June 23, 2020, the item was postponed until further notice.</i>
<i>On March 10, 2020, the item was postponed until further notice, per the applicant's request.</i>
<i>On February 11, 2020, the item was postponed until March 10, 2020, per the applicant's request.</i>
<i>On January 28, 2020, the item was postponed until February 11, 2020, per the applicant's request.</i>
<i>On January 14, 2020, the item was postponed until January 28, 2020, per the applicant's request.</i>
<i>On December 10, 2019, the item was postponed until January 14, 2020, per the applicant's request.</i>
<i>Item was postponed on November 26, 2019 until December 10, 2019 per the applicant's request.</i>
<i>On November 12, 2019, the item was postponed until November 26, 2019, per the applicant's request.</i>
<i>On October 22, 2019, the City Council postponed the item until November 12, 2019.</i>
<i>Item was approved on first reading by the City Council on October 8, 2019.</i>
<i>On September 25, 2019, the Planning and Zoning Board recommended approval of the item with conditions.</i>

Planner's Recommendation: Approval with the condition that the school remains with 60 students and 6 staff members until the proposed parking lot is completed. A Declaration of Restrictive Covenants should describe the operational plan, number of students and staff before and after the completion of the parking lot, number of high school students that will be allowed to park on premises, control method to avoid that other high school students park on the swale areas, pick-up and drop-off times and number of parking control employees to manage that process.

*Owner of the Property: Daniel Ramos, 5855 West 2 Avenue, Hialeah, Florida 33012
Larry Weeks, 740 SW 61 Avenue, Plantation, Florida 33317
Maria, Elizabeth Vitale, 155 East 61 Street, Hialeah, Florida 33013*

REPORT: Council Vice President De la Rosa opened the item for public participation. No member of the public expressed interest in making comments or posing questions on this item.

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Daniel Ramos.

REPORT: Daniel Ramos, 5855 West 2 Avenue, Hialeah, Florida, addressed the City Council on this item.

REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 4 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 5-0-2 with Council Member Cue-Fuente not present during roll call and Council President Hernandez absent. Council Member Cue-Fuente recorded her vote as "Yes" after the item was approved.

PZ 5. First reading of proposed ordinance rezoning from R-1 (One-Family District) to R-3-5 (Multiple-Family District); granting a variance permit to allow 23 feet front setback for staircase, where 25 feet are required; interior east side setback of 5.16 feet for building corridor on the second floor and interior west side setback of 6 feet for staircase, where 10 feet interior side setback is required and allow 39.7% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-589, 98-590 and 98-2056(b)(2). **Property located at 381 East 50 Street, Hialeah, Florida, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council President Hernandez absent.

Registered Lobbyist: Michael Osman, 1474-A West 84 Street, Hialeah, Florida 33014, on behalf of Alaim Apts., LLC, 8144 NW 163 Terrace, Miami Lakes, FL 33016.

On July 29, 2020, the Planning and Zoning Board recommended approval of this item.

Planner's Recommendation: Approve rezoning and variances as requested.

Owner of the Property: Alaim Apartments, LLC, 8144 N.W. 163 Terrace, Miami Lakes, Florida 33016

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Michael Osman and Mr. Manny Reus.

REPORT: Michael Osman, 1474-A West 84 Street, addressed the City Council on this item.

REPORT: Manny Reus, architect, 18501 Pines Blvd, Suite 22, addressed the City Council on this item.

REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council.

REPORT: Motion to Approve Item PZ 5 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council President Hernandez absent. Second reading and public hearing is scheduled for August 25, 2020.

PZ 6. First reading of proposed ordinance repealing and rescinding Hialeah, Fla. Ordinance No. 88-04 (January 12, 1988); and granting a variance permit to allow the conversion of a residential unit on the second floor of the rear portion of an existing building into 2 units with approximate area of 733 square feet each, where 750 square feet is the minimum required; allow the addition of a two-story building at the rear of the back portion of an existing building including one residential unit of 530 square feet on each floor, where 750 square feet is the minimum required; allow 71.67 feet front setback, where 10 feet are required; allow interior east side setback of 2.14 feet for the staircase of the proposed addition and 4.49 feet for the existing building, where 5 feet are required; allow 5.62 rear setback, where 10 feet are required; allow 14.4% pervious area, where 30% is the minimum required; and allow parking on the front setback, where no parking in front setbacks is allowed; all contra to Hialeah Code of Ordinances §§ 98-637(3)a., 98-641(a), 98-641(b), 98-641(d), 98-641(g) and the latest edition of the City of Hialeah Landscape Manual dated July 9, 2015, Paragraph (E), Table A. **Property located at 225 East 6 Street, Hialeah, Florida; property zoned R-3-D (Multifamily District).** Providing penalties for violation hereof; providing for a severability clause; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date.

APPROVED 6-0-1 with Council President Hernandez absent.

On July 29, 2020, the Planning and Zoning Board recommended approval subject to the condition as recommended by the Planner.

Planner's Recommendation: Approval with the condition that that proposed bedrooms and living room windows on the north side wall get relocated to the east and west sides of the building.

*Owner of the Property: Rafael Molina, 670 East 37 Street, Hialeah, Florida, 33013.
Ulyses Molina, 670 East 37 Street, Hialeah, Florida, 33013.
Nelson Molina, 670 East 37 Street, Hialeah, Florida, 33013.
Norma Martinez, 670 East 37 Street, Hialeah, Florida, 33013.*

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants

and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Rafael Molina in Spanish.

REPORT: Rafael Molina, 670 East 37 Street, Hialeah, Florida, 33013, addressed the City Council on this item.

REPORT: Ulyses Molina, 670 East 37 Street, Hialeah, Florida, 33013, addressed the City Council on this item.

REPORT: Debora Storch, Zoning Official, City of Hialeah translated the applicant's testimony from Spanish to English, and addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 6 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council President Hernandez absent. Second reading and public hearing is scheduled for August 25, 2020.

PZ 7. First reading of proposed ordinance repealing and rescinding City of Hialeah, Fla., Ordinance 92-26 (March 24, 1992) and Declaration of Restrictions recorded in Book 15484, Pages 2652-2657 recorded in the Miami Dade Public Records; rezoning property located at 11 East 12 Street to R-3-3; and granting a special use permit (SUP) to allow the expansion of the NBD (Neighborhood Business District) overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 27 units with area of 625 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 6 feet front setback for balconies above the ground floor encroaching into the Palm Avenue front setback, where 10 feet built-to-line are required; allow 6 feet for balconies above the ground floor encroaching into the East 12 Street front setback and allow 7.66 feet front setback for building wall facing East 12 Street, where 10 feet built-to-line are required; allow north side setback of 10 feet, where 15 feet are required; allow 30 parking spaces, where 68 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-1630.3(e)(2) and 98-2189(16)a.; and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to § 98-2233. **Properties located at 1201 Palm Avenue and 11 East 12 Street, Hialeah, zoned CR (Commercial-Residential District) and R-3-2 (Multiple-Family District);** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council President Hernandez absent.

<i>Registered Lobbyist: Hugo Arza, Esq., 701 Brickell Avenue, STE 3300, Miami, Florida 33131, on behalf of 1105 Palm Avenue, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.</i>
<i>On July 29, 2020, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Postpone the item.</i>

Owner of the Property: 1105 Palm Ave & 11 East 12 Street

REPORT: Hugo Arza, 701 Brickell Avenue, addressed the City Council with a presentation.

REPORT: Motion to Approve Item PZ 7 made by Council Member Zogby, and seconded by Council Member Tundidor. Motion 6-0-1 with Council President Hernandez absent. Second reading and public hearing is scheduled for August 25, 2020.

PZ 8. First reading of proposed ordinance granting a variance permit to allow proposed lot coverage of 34.7%, where 30% lot coverage is the maximum allowed; allow a distance separation between proposed terrace and the front unit of 5 feet, where 25 feet is the minimum required; allow front setback of 24.3 feet and rear setback of 24.5 feet, where 25 feet are required; all contra to Hialeah Code of Ordinances §§ 98-547(a) and 98-2056(b)(2). **Property located at 318-320 East 38 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.

APPROVED 6-0-1 with Council President Hernandez absent.

On July 29, 2020, the Planning and Zoning Board recommended approval with the condition that the new terrace remains open on three sides and that the unit at the rear is kept as a single living unit.

Planner's Recommendation: Approval with conditions.

Owner of the Property: Julio R. Perez de Prado, 320 East 38 Street, Hialeah, Florida 33013.

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item in Spanish to Mr. Julio Perez de Prado.

REPORT: Julio R. Perez de Prado, 320 East 38 Street, Hialeah, addressed the City Council on this item.

REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council.

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

REPORT: Motion to Approve Item PZ 8 with the condition that the new terrace remain open on three sides made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council President Hernandez absent. Second reading and public hearing is scheduled for August 25, 2020.

PZ 9. First reading of proposed ordinance granting a variance permit to allow 85% lot coverage, where 80% is the maximum allowed, provided that public open space greater than 1,300 square feet will be developed as required; allow 10 feet front setback to be developed as a widened sidewalk along the storefront area and landscape area along the parking garage frontage, where 0 feet built to line is required; allow height of 12 stories, where 8 stories is the maximum allowed, provided that art work will be incorporated into the building; allow 16 parking stalls to be provided off-site

within the 36.66 feet wide portion of the railroad easement adjacent to the rear of the property and currently leased by the applicant; all contra to Hialeah Code of Ordinances §§ 98-1544(b)(1) and (b)(2)ii, 98-1544(b)(3)i, 98-1544(c)(2) and (d), and 98-1545(c). **Property located at 2701 East 11 Avenue and 2765 East 11 Avenue, Hialeah, zoned TOD (Transit Oriented Development District).** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 6-0-1 with Council President Hernandez absent.

<i>On July 29, 2020, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: MBM Developments Group Corp., Marcelo O'Shea, 2600 Island Blvd, #704, Aventura, Florida 33160.</i>

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item to Mr. Marcelo O'Shea.

REPORT: Marcelo O'Shea, 2600 Island Blvd, addressed the City Council with a presentation.

REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council.

REPORT: Motion to Approve Item PZ 9 made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council President Hernandez absent. Second reading and public hearing is scheduled for August 25, 2020.

PZ 10. Recommendation of denial from the Planning and Zoning Board of the adoption of a ordinance expressing intent to repeal and rescind City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One Family District) to R-2 (One- and Two Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,644 square feet, where 75 feet frontage and 7,500 square feet are required. **Property located at 586 East 28 Street, Lot 13, Hialeah, zoned R-1 (One Family District).**

DEFERRED UNTIL AUGUST 25, 2020

<i>Registered Lobbyist: Andre Vazquez, 488 NE 18 Street, Unit 4701, Miami, Florida 33132, on behalf of H-586, LLC, 2396 Christopher LN, Clewiston, FL 33440.</i>
<i>On July 29, 2020, the Planning and Zoning Board recommended denial of this item.</i>
<i>Planner's Recommendation: Approval of the rezoning and lot variance subject to parking area redesign.</i>
<i>Owner of the Property: Juan Pulles and Dania Pulles, 8242 NW 164 Street, Miami Lakes, Florida 33016.</i>

PZ 11. Recommendation of denial from the Planning and Zoning Board of the adoption of a ordinance expressing intent to repeal and rescind City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One Family District) to R-2 (One- and Two Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,638 square feet, where 75 feet frontage and 7,500 square feet are required. **Property located at 586 East 28 Street, Lot 14, Hialeah, zoned R-1 (One Family District).**

DEFERRED UNTIL AUGUST 25, 2020

<i>Registered Lobbyist: Andre Vazquez, 488 NE 18 Street, Unit 4701, Miami, Florida 33132.</i>
<i>On July 29, 2020, the Planning and Zoning Board recommended denial of this item.</i>
<i>Planner's Recommendation: Approval of the rezoning and lot variance subject to parking area redesign.</i>
<i>Owner of the Property: Juan Pulles and Dania Pulles, 8242 NW 164 Street, Miami Lakes, Florida 33016.</i>

PZ 12. Recommendation of denial from the Planning and Zoning Board of the adoption of a ordinance expressing intent to repeal and rescind City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One Family District) to R-2 (One- and Two Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,634 square feet, where 75 feet frontage and 7,500 square feet are required; allow street side setback of 5.5 feet, where 7.5 feet is the minimum required. **Property located at 586 East 28 Street, Lot 15, Hialeah, zoned R-1 (One Family District).**

DEFERRED UNTIL AUGUST 25, 2020

<i>Registered Lobbyist: Andre Vazquez, 488 NE 18 Street, Unit 4701, Miami, Florida 33132, on behalf of H-586, LLC, 2396 Christopher LN, Clewiston, FL 33440.</i>
<i>On July 29, 2020, the Planning and Zoning Board recommended denial of this item.</i>
<i>Planner's Recommendation: Approval of the rezoning and lot variance subject to parking area redesign.</i>
<i>Owner of the Property: Juan Pulles and Dania Pulles, 8242 NW 164 Street, Miami Lakes, Florida 33016.</i>

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2020-07 that granted an adjustment on the property located at **4260 Palm Avenue, Hialeah, Florida;** and providing for an effective date.

APPROVED 5-0-2 with Council Member Perez not present during roll call and Council President Hernandez absent.
RESOLUTION NO. 2020-112

Registered Lobbyist: Anthony Escarra, Esq of Alejandro Vilarello, PA, 16400 NW 59 Avenue, 2nd Floor, Miami Lakes, Florida 33014, on behalf of 4260 Palm Ave, LLC.

On June 24, 2020, the Planning and Zoning Board recommended the approval of this item.

Planner's Recommendation: Approval.

Owner of the Property: 4260 Palm Ave, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.

REPORT: Anthony Escarra, 16400 NW 59 Avenue, addressed the City Council.

REPORT: Motion to Approve Item FD 1 made by Council Member Tundidor, and seconded by Council Member Zogby. Motion passes 5-0-2 with Council Member Perez not present during roll call and Council President Hernandez absent. Council Member Perez recorded her vote as "Yes" after the item was approved.

FD 2. Recommendation of denial from the Planning and Zoning Board to allow distance separation between an accessory building converted into a living unit and existing covered terrace of 2 inches, where 10 feet is the minimum distance separation required, and allow distance separation of 5 feet 1 inch between said accessory building and shed, where 10 feet is the minimum distance separation required for property located at **262 West 34th Street.**

DENIAL UPHELD 6-0-1 with Council President Hernandez absent.

On July 27, 2020, the City Council postponed the item until August 11, 2020.

On February 26, 2020, the Planning and Zoning Board recommended denial of this item.

Planner's Recommendation: Denial.

Owner of the Property: Adriana M. Perez, 262 West 34 Street, Hialeah, Florida 33012.

REPORT: City Clerk, Marbelys Fatjo, administered the oath administered to all applicants and/or anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item in Spanish to Ms. Adriana Perez.

REPORT: Jose Nieblas (applicant's son) took an oath swearing to translate Ms. Adriana Perez's statements with accuracy and completeness.

REPORT: Debora Storch, Zoning Official, City of Hialeah, addressed the City Council.

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

REPORT: Motion to Uphold the Recommendation of Denial from the Planning and Zoning Board made by Council Member Zogby, and seconded by Council Member Tundidor. Motion passes 6-0-1 with Council President Hernandez absent.

REPORT: The meeting was adjourned by Council Vice President De la Rosa at 11:18 p.m.

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

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 25, 2020 at 6:30 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).