

Esteban Bovo, Jr.
Mayor

Carl Zogby
President

Monica Perez
Vice President



Council Members
Bryan Calvo
Jacqueline Garcia-Roves
Luis Rodriguez
Jesus Tundidor

City Council Meeting
Agenda
February 8, 2022
7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **INVOCATION**

A. The invocation to be led by Marbelys Fatjo, City Clerk.

4. **PLEDGE OF ALLEGIANCE**

A. The Pledge of Allegiance to be led by Council Member Tundidor.

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 Facebook page (@CityofHialeah).
- 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.

6. APPOINTMENT TO THE CITY COUNCIL SEAT IV

- A. Proposed resolution appointing _____ as Acting Council Member to fill the permanent vacancy on the Hialeah City Council resulting from the resignation of Council Member Oscar De la Rosa and to exercise all authority of the Office of Councilmember; and to serve that portion of the term of Councilmember Oscar De la Rosa that precedes the next regularly scheduled municipal election in November 8, 2022, the date of which is to be established by ordinance.

7. PRESENTATIONS

8. COMMENTS AND QUESTIONS

9. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- The following items have been **postponed** until February 22, 2022:
 - PZ 1
 - PZ 8

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.

- A. Request permission to approve the minutes of the City Council Meeting held on January 25, 2022.

(OFFICE OF THE CITY CLERK)

- B. Proposed resolution expressing support for Senate Bill 476 and House Bill 297 which would provide penalties for aggressive careless driving resulting in serious bodily injury or death and property damage; urging the Florida Legislature and Governor Ron DeSantis to support and approve the legislation; directing the City Clerk to distribute copies of this resolution; providing for an effective date.

(ADMINISTRATION)

- C. Proposed resolution approving a specific appropriation in the amount of \$50,000.00 from the General Fund General Government Account No. 001.8500.519509 (Transfers Out) to Human Resources Department Account No. 001.4100.513310 (Professional Services) to pay outstanding invoices and anticipated medical pre-employment, drug-testing, and psychological evaluations pursuant to bid waivers previously approved by Council; and providing an effective date.

(OFFICE OF MANAGEMENT AND BUDGET)

(HUMAN RESOURCES DEPARTMENT)

- D. Request permission to waive competitive bidding, since it is advantageous to the City in that these vendors are currently being utilized by the department to provide medical services, and increase the following purchase orders:

- Increase Purchase Order 2022-1262, issued to Cano Occupational Health, LLC (formerly Health Care Center of Miami), by an additional amount of \$47,648.00 for anticipated costs services rendered from February through September for \$35,000.00, as well as payment of the following invoices:
 - *Invoice No. 91430 for \$5,505.00*
 - *Invoice No. 91761 for \$4,340.00*
 - *Invoice for the month of January for \$2,803.00*

for a total cumulative expense amount not to exceed \$62,648.00.

- Increase Purchase Order 2022-1261, issued to Richard L. Dolsey PCH, Inc., doing business as Physicians Health Center, by an additional amount of \$14,000.00, for anticipated costs for services rendered from February through September, in a new total cumulative expense amount not to exceed \$24,000.00.

Further request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is currently being utilized by the department to provide medical services, and issue a purchase order to Miami-Hialeah Medical Group, Inc., for anticipated costs for services rendered from February through September in the amount of \$5,000.00, as well as payment of the following invoices:

- Invoice No. 2481 for \$840.00
- Invoice No. 2482 for \$630.00

for a total cumulative expense amount not to exceed \$6,470.00.

The funding for this expenditure is to be charged to the General Fund – Professional Services Account No. 001.4100.513.310, after a transfer of funds from the General Fund – Transfers Out- Other Funds Account No. 001.8500.519.509.

(HUMAN RESOURCES DEPARTMENT)

- E. Request permission to reject Hialeah Bid No. 2021/22-3230-00-002 – *Fire Alarms Victor Wilde Park* - because the sole bidder exceeded the approved project budget by 31.25 percent, and further request permission for the Division of Purchasing to reissue the competitive solicitation.

(PURCHASING)

- F. Request permission to waive competitive bidding, since it is advantageous to the City in that the City is utilizing the services of this vendor for the rental of an aerial boom lift to repair the sports lighting at numerous parks and in order to complete the repair work at Sparks Park the rental of the equipment was necessary for an additional month at a cost of \$6,539.45 in addition to \$175.00 for pick up and fuel charges, and increase Purchase Order No. 2022-395, issued to H&E Equipment Services, Inc., for the cost of the rental of the equipment for an additional month, by an additional amount of \$6,714.45, for a new total cumulative amount not to exceed \$21,714.45. The funding for this expenditure is to be charged to the General Fund – Repair & Maintenance - Building Account No. 001.3130.572.461.

(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

- G. Proposed resolution accepting a grant award from Nita M. Lowey Twenty-First (21st) Century Community Learning Centers Grant in the amount of \$584,100.00 for a term commencing on August 1st, 2021 and ending on July 31st, 2022 to fund the Young Leaders with Character afterschool and summer programs operating out of three 21st Century community learning centers sites within the City of Hialeah, for students from grades 6 through 8; and further authorizing the Mayor or his designee to execute any and all agreements, documents and subcontracts in furtherance thereof; and providing for an effective date.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

- H. Request permission to waive competitive bidding, since it is advantageous to the City in that the City's Education and Community Services Department placed a bid for transportation services and this vendor was

able to provide a fee which would allow for services that are align with the budgeted amount from the CDBG Grant budgets, and issue a purchase order to J. & M. Vera School Bus Service, Inc., for transportation services during the Spring and Summer programming months for the Therapeutic Enrichment Program and the Senior Enrichment Program, in the amount of \$2,500.00 for the Therapeutic Enrichment Program, and in the amount of \$3,560.00 for the Senior Enrichment Program, for a total cumulative expense amount not to exceed \$6,060.00. The funding for the Therapeutic Enrichment Program is to be charged to the Community Services Fund - Therapeutics Enrichment Program - CDBG Account No. 138.3120.569.300. The funding for the Senior Enrichment Program is to be charged to the Community Services Fund - Senior Enrichment Program - CDBG Account No. 138.3120.569.301.

(EDUCATION AND COMMUNITY SERVICES DEPARTMENT)

- I. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order No. 2022-1333, issued to Law Enforcement Psychological and Counseling Associates, Inc., for anticipated costs of psychological screening services for the hiring of police recruits and police officers for the months of February through September, as well as for payment of the following invoices:
- Invoice No. 12131 for \$2,100.00
 - Invoice No. 12177 for \$900.00
 - Invoice No. 12186 for \$2,400.00

by an additional amount of \$26,400.00, for a new total cumulative amount not to exceed \$41,400.00. The funding for this expenditure is to be charged to the General Fund – Professional Services Account No. 001.4100.513.310.

(HUMAN RESOURCE DEPARTMENT)

- J. Request permission to issue a purchase order to Medical Priority Consultants, Inc., sole source vendor, for the annual maintenance, service and support of the Priority Dispatch System for the period of December 22, 2021 through December 22, 2022, in a total cumulative amount not to exceed \$32,400.00. The funding for this expenditure is to be charged to the E-911 Wireless Fund- Licenses & Permits Account No. 124.1500.521.493, after a transfer of funds from the E-911 Wireless Fund - Office Supplies Account No. 124.1500.521.510.

(FIRE DEPARTMENT)

- K. Proposed resolution approving the purchase of GAP Insurance through American Public Life to supplement the City’s Open Access Plus Employee Health Insurance Plan in an amount not to exceed \$1,750,000.00; and approving the purchase of Medicare Advantage PPO Plan through United Health Care in an amount not to exceed \$2,600,000.00 total expenditure in an amount not to exceed \$4,350,000.00; and providing for an effective date.

(RISK MANAGEMENT)

11. ADMINISTRATIVE ITEMS

- 11 A.** Second reading and public hearing of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article II. “Carnivals, Shows and Exhibits”, retitled as “Special Events”; and amending §18-26 “Definitions”; §18-27 “Prohibited and Restricted Conduct”; §18-28

“Financial Statement”; §18-29 “Permit; Hialeah Park District; Operating Standards”; §18-30 “Additional Rules”; and creating § 18-31 “Permit for Special Events”; and § 18-32 “Prohibitions”; providing for the permitting of organized special events and assemblies on government or private property of fifty (50) persons or more; for monetary gain on private or government property or within City facilities; for public advocacy upon private or government property, which is not for monetary gain and for the purpose of allowing free expression; providing for an application process to mitigate noise, sound, lighting and traffic; to provide for the public safety and welfare; review by the Cultural Affairs Council regarding applications for monetary gain; and approval by the City Council to conduct special events; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

<i>On January 25, 2022, the item was approved on first reading by the City Council.</i>
<i>On January 11, 2022, the item was postponed by the administration until January 25, 2022.</i>

- 11 B.** Second reading and public hearing of proposed ordinance amending Chapter 2 entitled “Administration”, Article III. entitled “Boards, Commissions and Committees”, Division 3 “Cultural Affairs Council” Sections 2-641 “Established”, 2-642 “Composition and Term of Service”, 2-643 “Meetings”, 2-644 “Duties and Powers”, and creating a new Section 2-645 “Meetings; Quorum and Voting; Attendance Requirements; “Rules of Procedures; Minutes”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

<i>On January 25, 2022, the item was approved on first reading by the City Council.</i>
<i>On January 11, 2022, the item was postponed by the administration until January 25, 2022.</i>

- 11 C.** Second reading and public hearing of proposed ordinance amending Chapter 70 entitled “Retirement and Pensions”, Article VII. “Elected Officials”, Division 1 “Generally”, Section 70-529 “Oversight Committee” of the Code of Ordinances of the City of Hialeah, to eliminate the Finance Director and Council Member as Oversight Committee Members; providing for appointment of the City Treasurer by the City if the City Clerk is not a member of the Elected Officials Retirement System; and providing for retention of a financial or pension advisor by the committee; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

<i>On January 25, 2022, the item was approved on first reading by the City Council.</i>
<i>On January 11, 2022, the item was postponed by the administration until January 25, 2022.</i>

- 11 D.** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18, entitled “Businesses”, Article VI. “Peddlers, Solicitors, Itinerant Vendors”, Division 2. “Peddlers, Itinerant Vendors”; §18-311 “Retail Sales from Tents”; allowing retail tent sales other than the sale of Christmas trees and fireworks as a special event; allowing for a Farmers’ Market; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability

clause; providing for inclusion in the code; and providing for an effective date.

(ADMINISTRATION)

<i>On January 25, 2022, the item was postponed until February 8, 2022.</i>
<i>On January 11, 2022, the item was postponed by the administration until January 25, 2022.</i>

- 11 E.** First reading of proposed ordinance amending its Comprehensive Plan by replacing in its entirety the existing recreation and open space element data, inventory and analysis section attached as Exhibit “A” with a new data, inventory and analysis section attached as Exhibit “B” and with updated goals, objectives, and policies attached as Exhibit “C”; and providing for an effective date.

(ZONING)

- 11 F.** First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article VII entitled “Concurrency Management System”, Division 1 “Generally”, creating Sections “98-2397 through 98-2400”; establishing a pre-application process for land use applications; 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.

(PLANNING AND ZONING)

12. BOARD APPOINTMENTS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

15. ZONING

PLANNING AND ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow an elementary school including kindergarten, first grade and second grade within a 950 square foot bay, with a maximum of 25 students and 3 teachers, in conjunction with the existing daycare accommodating 28 children and 4 teachers within a contiguous 1,900 square foot bay. **Property located at 6815-6895 West 4 Avenue, Bays 6879, 6873 and 6887, 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.

POSTPONED UNTIL FEBRUARY 22, 2022, per the applicant's request.

PZ

<i>On January 25, 2022, the item was postponed until February 8, 2022 per the applicant's request.</i>
<i>On January 11, 2022 the item was postponed until January 25, 2022 per the applicants request.</i>
<i>On December 14, 2021, the City Council approved the item on first reading. Second reading and public hearing was scheduled for January 11, 2022.</i>
<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: (1) Tevere Apartments LLC (2) Victor J. Barone TRS, 2014 Barone Family Trust (3) Vivian Barone TRS (4) Pasqueale Digiorgio, 1471 Agua Avenue, Coral Gables, Florida 33156</i>

2. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances §98-161 to allow harboring of live lobsters within a property zoned M-1 (Industrial District) where this type of use is not specified as a permitted use in the M-1 (Industrial District) zoning district. **Property located at 3171 East 10 Avenue, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On January 25, 2022, the item was postponed until February 8, 2022 per the applicant's request.</i>
<i>Council Member Tundidor filed a Form 8b Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers form, which is on file in the Office of the City Clerk.</i>
<i>On January 11, 2022, Council Member Tundidor abstained from voting on this item. Without Council Member Tundidor's presence, there were three City Council Members present, which was not sufficient to take action.</i>
<i>On December 14, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for January 11, 2022.</i>
<i>On December 8, 2021, the Planning and Zoning Board recommended approval of the item</i>

<i>subject to a Declaration of Restrictions (DOR) specifying business operation plan as proffered in connection with the application.</i>
<i>Planner's Recommendation: Approval subject to specifying business operation plan as proffered in connection with the application.</i>
<i>Property Owner: St Real Estate Investments LLC ZVI Shechter, 6300 NW 72 Avenue, Miami, Florida 33166.</i>

PZ 3. Second reading and public hearing of proposed ordinance rezoning from GU (Interim District) to MH (Industrial District); **property located at 4220 West 91 Place, Hialeah, zoned GU (Interim 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 January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 8, 2022.</i>
<i>Registered Lobbyist: Javier L. Vazquez, Esq., 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131 on behalf of Easton Development Company.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: DMG Properties LLLP, 2150 Goodlette Rd North, Sixth Floor, Naples, Florida 34102 and Easton Development Company, 10165 NW 19 Street, Doral, Florida 33172.</i>

PZ 4. Second reading and public hearing of proposed ordinance granting a variance permit to allow the construction of a duplex on a substandard lot with frontage of 50 feet and lot area of 6,750 square feet, where 75 feet and 7,500 square feet are required; allow east side setback of 4 feet and west side setback of 3 feet for the main house, where 7.5 is the minimum required; allow 5.50 feet east side setback and 6.10 feet west side setback for a 438 square foot accessory building,

where 7.5 feet is the minimum required; and allow 38% lot coverage, where 30% is the maximum allowed, all contra to Hialeah Code of Ordinances §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 359-361 East 13 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.

<i>On January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 8, 2022.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item subject to completing the legalization process within 180 days and immediately vacating the accessory building.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owner: Maria C. Valdes, 2420 SW 102 Place, Miami, Florida 33165.</i>

PZ 5. Second reading and public hearing of proposed ordinance granting a variance permit to allow 6 parking spaces, where 11 parking spaces are required and variance to allow a waiver of minimum landscape requirements, allowing 2 feet landscape buffer, where 7 feet are required; and allowing for the mitigation of two trees pursuant to Hialeah Code of Ordinances § 98-2233, by paying for two trees to be planted elsewhere in the City, all contra to Hialeah Code of Ordinances § 98-2189(7) and City of Hialeah Landscape Manual, updated July 9, 2015, ¶ (D)(7). **Property located at 223 West 27 Street, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 8, 2022.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item with the condition that the proffered improvements are built within 90 days, and subject to the proposed business hours proffered in a Declaration of Restrictive Covenants.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owners: Orlando & Magaly Carballosa, 875 West 30 Street, Hialeah, Florida 33012.</i>

PZ 6. Second reading and public hearing of proposed ordinance granting a variance permit to allow the construction of a single-family home on the east side of the property (Lot 29), a substandard lot, having a frontage of 40 feet and a total lot area of 5,440 square feet, where 75 feet and 7,500 square feet are required; contra to Hialeah Code of Ordinances § 98-499. **Property located at 707 East 32 Street, Lot 29, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for February 8, 2022.</i>

<i>public hearing is scheduled for February 8, 2022.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016 on behalf of American Providers Inc.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owners: American Providers Inc. and Amelia Linares, 2000 NW 89 Place, Miami, Florida 33172.</i>

PZ 7. Second reading and public hearing of proposed ordinance granting a variance permit to allow the construction of a single-family home on the west side of the property (Lot 30), a substandard lot, having a frontage of 51 feet and a total lot area of 6,937.02 square feet, where 75 feet and 7,500 square feet are required; all contra to Hialeah Code of Ordinances § 98-499. **Property located at 701 East 32 Street, Hialeah, zoned R-1 (One-Family District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 8, 2022.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016 on behalf of American Providers Inc.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: American Providers Inc. and Amelia Linares, 2000 NW 89 Place, Miami, Florida 33172.</i>

PZ 8. 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 96-student K-5 grade school in conjunction with an existing 78-student daycare with a total of 9 staff members; and allow 126 parking spaces, where 186 parking spaces are required; contra to Hialeah Code of Ordinances § 98-2189(9). **Property located at 5916 West 16 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.

POSTPONED UNTIL FEBRUARY 22, 2022.

<i>The item was postponed until February 22, 2022 per the applicants request.</i>
<i>On January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 8, 2022.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016 on behalf of New Aladdin Learning Center Inc.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Malecon Plaza Inc., Nilo Ventura Sr. and Hector Ventura, 2087 West 76 Street, Hialeah, Florida 33016.</i>

PZ 9. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) pursuant to Hialeah Code of Ordinances § 98-161 and allow the expansion of the Neighborhood Business District Overlay pursuant to Hialeah Code of Ordinances 98-1630.8; and allow a variance permit to allow only residential uses, where mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level; allow all residential units with area ranging from 505 square feet to 517 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow street side setback of 19.58 feet, where 10 feet built to line are required; allow 1.83 feet side setback where 15 feet are required; allow 10 parking spaces, where 21 parking spaces are required; allow 19.58% 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), 98-1630.3(e)(2), 98-2189(16)a. and 98-2056(b)(1). **Property located at 444 West 17 Street, Hialeah, zoned R-3-2 (Multi-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 January 25, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for February 8, 2022.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., and Alejandro J. Arias, Esq., Holland and Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131, on behalf of, Prestige Builders Construction Management, LLC.</i>
<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item subject to a parking management plan and reconstruction of sidewalk, curb and gutters along West 17th Street between West 4th Lane and West 4th Avenue.</i>
<i>Planner's Recommendation: Approval subject to a parking management plan.</i>
<i>Property Owner: Gilberto Aguila, 444 West 17 Street, Hialeah, Florida 33131.</i>

16. FINAL DECISIONS

FD 1. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-01** that granted an adjustment on the property located at **361 West 48 Street, Hialeah, zoned R-1 (One Family District)**; and providing for an effective date.

<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item with the conditions that the Florida Room interior improvements (bathroom and closet) are legalized and the exterior door of said room be removed in order to eliminate the possibility of conversion into an additional living quarter, subject to the condition that the demolitions and legalizations are completed within 180 days.</i>

<i>Planner's Recommendation: Approve with conditions.</i>

<i>Property Owner: Leanis Ruiz and Zenaida De la Caridad Ruiz, 361 West 48 Street, Hialeah, Florida 33012.</i>
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FD 2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-02** that granted an adjustment on the property located at **375 West 62 Street, Hialeah, zoned R-1 (One Family District)**; and providing for an effective date.

<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item with the conditions that the gazebo remain open on its four sides and the terrace remain open on three sides.</i>

<i>Planner's Recommendation: Approve with conditions.</i>

<i>Property Owner: Jael Ortola, 375 West 62 Street, Hialeah, Florida 33012.</i>

FD 3. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-03** that granted an adjustment on the property located at **125 East 11 Street, Hialeah, zoned R-1 (One Family District)**; and providing for an effective date.

<i>On January 12, 2022, the Planning and Zoning Board recommended approval of the item with the condition that the proposed side door on the den is eliminated.</i>

<i>Planner's Recommendation: Approve with conditions.</i>

<i>Property Owner: Johanna Catalina Dona, 125 East 11 Street, Hialeah, Florida 33010.</i>

17. LAND USE

LU 1. First reading of proposed ordinance amending the Future Land Use Map from Residential Office District to Commercial District. **Properties located at 4915 East Palm Court, 4935 East Palm Court and 4910 East 1 Avenue And 4930 East 1 Avenue, Hialeah, Florida, zoned R-1 (One-Family District) and RO (Residential Office).** 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 January 26, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Juan Sarol M.D., P.A., 85 East 49 Street, Hialeah, Florida 33013. Maray Rocher M.D., P.A., 87 East 49 Street, Hialeah, Florida 33013.</i>

LU 2. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential. **Property located at 1451 West 29 Street, Hialeah, Hialeah**, zoned R-3-3 (Multiple-Family District). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Registered Lobbyist: Javier L. Vazquez, Esq., 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131, on behalf of 1450 W. 29th ST LLC.</i>
<i>On January 26, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Caparros 2011 Children's Trust, BRP1451, LLC, Arch III, LLC, and Rodriguez Family Capital Holdings, LLC, 16400 NW 59 Avenue, Miami Lakes Florida 33014.</i>

LU 3. First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential. **Property located at 541 East 22 Street, Hialeah, Hialeah**, zoned R-1 (One-Family District). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On January 26, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Ricardo J. Hernandez and Maria Hernandez, 14431 Harris Place, Miami Lakes Florida 33014.</i>

LU 4. First reading of proposed ordinance amending the Future Land Use Map from Residential Office District to Commercial District. **Property located at 301 East 49 Street, Hialeah, Hialeah**, zoned R-1 (One-Family District). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On January 26, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Agnes Knowles, Mary Agnes Weeks and Forrest C. Knowles Jr., 301 East 49 Street, Hialeah, Florida.</i>

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 22, 2022 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, February 8, 2022 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).