

Esteban Bovo, Jr.
Mayor

Carl Zogby
President

Monica Perez
Vice President



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

City Council Meeting
Agenda
August 23, 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 Garcia-Roves.

5. MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

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

6. FORFEITURE HEARING

- A.** The members of the Hialeah City Council consider whether Council Vice President Monica Perez has good cause for her absence to the City Council Meeting of June 28, 2022 (fourth absence) or shall suffer the penalty of \$500.00 as provided in Section 30-32 of the City's Code.

7. PRESENTATIONS

- 6 A.** Speaker pro tempore Bryan Avila and State Representatives Alex Rizo and Tom Fabricio provide legislative updates.
(MAYOR BOVO)
- 6 B.** Presentation by Ellie Epstein, Government Solutions Manager, with Zencity regarding strategic resident engagement and community surveys.
(MAYOR BOVO)

8. COMMENTS AND QUESTIONS

9. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

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 August 9, 2022 at 7:00 p.m.

(OFFICE OF THE CITY CLERK)

- B.** Proposed resolution approving the Memorandum of Agreement between the City of Miami, as the sponsoring agency of the Urban Area Security Initiative (“UASI”) Grant program 2021, under the U.S. Department of Homeland Security’s UASI, and the City of Hialeah, as participating agency; accepting the award of a sub-grant in the amount of \$1,217,630.00 pursuant to said Memorandum of Agreement for approved planning and equipment costs identified in the program budget; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute the Memorandum of Agreement attached hereto, and made a part hereof as Exhibit “1”, and any other documents in furtherance hereof; and providing for an effective date.

(DEPARTMENT OF EMERGENCY MANAGEMENT)

- C.** Proposed resolution approving a Relocation and Reconstruction Agreement with Clear Channel Outdoor, LLC, a Delaware Corporation, a copy of which is attached hereto and made a part hereof in substantial form as Exhibit “1”, and further authorizing the Mayor and City Clerk, as attesting witness, on behalf of the City, to enter into the agreement.

(ZONING)

- D.** Proposed resolution declaring the month of September “Suicide Prevention and Awareness Month” in the City of Hialeah; and providing for an effective date.

(SPONSORS: MAYOR BOVO AND COUNCIL MEMBER GARCIA-ROVES)

- E.** Request permission to approve the Global Settlement Agreement of the lawsuit filed by the Estate of Yolaisy Perez to the City of Hialeah, in a total cumulative amount not to exceed \$500,000.00.

(LAW DEPARTMENT)

- F.** Request permission to reject the sole quote received in June of 2022 in response to Request for Quotation No. 2021-22-012 – *Montgomery Palms Planting*, since the quoted cost is thirty percent (30%) higher than the cost estimated by the City’s Streets Department, and further request permission to waive competitive

bidding, since it is advantageous to the City in that the City that the original quoted cost is higher than the current quoted cost, and issue a purchase order to Mystic Garden Lawn Contractors Inc., vendor providing the lowest quotation of the three (3) vendors contacted by the Streets Department on July 25, 2022, all of whom have performed this nature of work for the City in the past, for the planting of Montgomery Palms throughout the City, in a total cumulative amount not to exceed \$9,395.00. The funding for this expenditure is to be withdrawn from the Streets Fund - Capital Outlay - Landscaping Account No. 101.3210.541.648.

(STREETS DEPARTMENT)

- G.** Request permission to utilize Miami Dade County Contract No. 9217-2/25- Emergency Preparedness and Homeland Security Professional Services (Pre-qualification), effective through July 31, 2025, contract which requires spot market quotations from pre-qualified bidders, and issue a purchase order to Davislogic, Inc. doing business as All Hands Consulting, qualified consultant under Miami Dade County Contract No. 9217-2/25 and vendor providing the City with the lowest quotation out of a total of three (3) qualified consultants who responded to the City's Request for Quotation, for the review of and update to the City's Comprehensive Emergency Management Plan (CEMP), which includes a hurricane plan and continuity of operations plan (COOP), in a total cumulative amount not to exceed \$60,000.00. The funding for this expenditure is to be withdrawn from the Urban Area Security Grant Fund – Training and Education No. 119.2000.522.491.

(DEPARTMENT OF EMERGENCY MANAGEMENT)

- H.** Proposed resolution authorizing the approval of the application for the Victims of Crime Act (VOCA) Pass-Through Grant award with the State of Florida, Department of Legal Affairs, Office of the Attorney General, under the administration of the U.S. Department of Justice, Office for Victims of Crime, and the City of Hialeah, as participating agency; to assist the Hialeah Police Department and provide partial funding for victim advocate assistant positions that provide services to victims of violent crimes in the total amount of \$153,103.46 for term of October 1, 2022 to September 30, 2023; and authorizing the Mayor or his designee to execute all necessary documents in furtherance thereof, which is attached hereto and made a part hereof as Exhibit "1", and providing for an effective date.

(POLICE DEPARTMENT)

- I.** Request permission to increase Purchase Order No. 2022-827, issued to BSN Sports, LLC, for the purchase of equipment at City park facilities, by an additional amount of \$6,000.00, for a new total cumulative expense amount not to exceed \$23,000.00. The funding for this expenditure is to be withdrawn from the General Fund – Recreation Program Activities Account No. 001.3130.572.520. On September 28, 2021, the City Council approved Consent Item WW authorizing the Purchasing Division to utilize the contract between the vendor and Region 4 Education Service Center of the State of Texas to award the purchase of athletic and physical education supplies to this vendor for fiscal year 2022.

(DEPARTMENT OF PARKS AND RECREATION)

- J.** Proposed resolution approving a Consulting Services Agreement with Franco Government Relations, Inc., to assist the City in identifying and securing additional federal resources for funding, in an amount not to exceed \$50,000.00; authorizing the Mayor or his designee and the City Clerk, as attesting witness, on behalf of the City, to execute a Consulting Services Agreement, in a form approved by the City Attorney; and providing for an effective date.

(ADMINISTRATION)

11. ADMINISTRATIVE ITEMS

- 11 A.** Second reading and **public hearing** of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 16. “C-2 Liberal Retail Commercial District”, Section 98-1111 entitled “Permitted Uses” of the Code of Ordinances of the City of Hialeah prohibiting smoke shops and schools, parks or places of worship from siting within 1,000 foot radius from each other; 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.

(ZONING)

(CO-SPONSOR: COUNCIL VICE PRESIDENT PEREZ)

<i>On August 9, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 23, 2022.</i>

<i>On June 28, 2022, the item was postponed by the administration until August 9, 2022.</i>

- 11 B.** Second reading and **public hearing** of proposed ordinance amending Chapter 18 entitled “Businesses” Article V. “Establishments Offering Alcoholic Beverages and/or Entertainment”, Division 1. “Generally” Section 18-206 entitled “Definitions”, Section 18-207 entitled “Zoning Requirements”, and Section 18-208 entitled “Inspection by Police”, and adding Section 18-211 entitled “Smoke Shop Regulations” to the Code of Ordinances of the City of Hialeah; 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.

(ZONING)

(CO-SPONSOR: COUNCIL VICE PRESIDENT PEREZ)

<i>On August 9, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 23, 2022.</i>

<i>On June 28, 2022, the item was postponed by the administration until August 9, 2022.</i>

- 11 C.** Second reading and **public hearing** of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 4 entitled “Membership” implementing the changes to the pension plan bargained for between the Fraternal Order of Police, Lodge No. 12 and the City for police officer members, in particular revising § 70-210 entitled “Member Contributions to Retirement Plan” reducing member contribution by 1% beginning June 29, 2022 and an additional 1% beginning October 1, 2022; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties hereof; providing for inclusion in the code; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

<i>On August 9, 2022, the City Council approved the item on first reading. Second reading and public hearing is scheduled for August 23, 2022.</i>
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- 11 D.** First reading of proposed ordinance repealing Section 30-32 entitled “Attendance and Absenteeism”, created by Ordinance No. 2021-023 (March 29, 2021), of the City of Hialeah Code of Ordinances, providing for a penalty upon a Council Member following a third absence unless good cause is shown; 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.

(SPONSOR: COUNCIL VICE PRESIDENT PEREZ)

- 11 E.** Proposed resolution authorizing the Mayor to budget and appropriate funds for the purpose of engaging professional consulting services and commissioning the necessary studies and redevelopment plans in support of redevelopment activities in the Hialeah Market District Community Redevelopment Area as part of fiscal year 2023 and calling for a meeting of the City Council sitting as the members of the Hialeah Market District Community Redevelopment Agency to be held to coincide with a regularly scheduled meeting of the City Council.

(SPONSOR: COUNCIL MEMBER CALVO)

On August 9, 2022, the City Council voted to direct the Law Department to draft a resolution for the City Council’s consideration at the next City Council Meeting in support of advancing the Community Reinvestment Act (“CRA”).

12. BOARD APPOINTMENTS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

- A.** Section 26-36(d) of the City’s Code provides that the City Clerk will report to the City Council no later than the second regularly scheduled meeting of the City Council in August of each year records of financial disclosure. The following are the current employees and board members who did not comply with financial disclosure requirements for the year ending in 2021:

1. Javier Casanova, Planning and Zoning Board Member
2. Onix Morera, Cultural Affairs Council Board Member
3. Federico Endara, Building Inspector
4. Mario Serralta, Zoning Plans Processor
5. John Ulloa, Planning and Zoning Board Member
6. Christopher Munoz, Fire Inspector
7. Barbara Hernandez, Hialeah Housing Commissioner
8. Gustavo Orta, Cultural Affairs Council Board Member

15. ZONING

PLANNING AND ZONING

PZ 1. Second reading and **public hearing** of proposed ordinance approving a Final Plat of Marcia's Monument subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; **property located at 6800 West Hialeah Gardens Boulevard, Hialeah, zoned C-1 (Commercial District)**; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

On August 9, 2022 the item was approved by the City Council on first reading. Second reading and public hearing is scheduled for August 23, 2022.

PZ 2. Second reading and **public hearing** of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); and granting a variance permit to allow a 1-foot setback on SE 9 Terrace, for a building's corner staircase and allow front setbacks ranging from 12.5 feet to 13.5 feet along SE 10 Street, SE 9 Terrace and SE 11 Terrace, where 10 feet built-to-line are required, contra to Hialeah Code of Ordinances § 98-1553(d)(3)(iii). **Property located at 1001 SE 11 Street, Hialeah, zoned M-1 (Industrial District)**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

On August 9, 2022, the item was postponed. Second reading and public hearing is scheduled for August 23, 2022.

On June 28, 2022, the City Council approved the item on first reading. Second reading and public hearing was scheduled for August 9, 2022.

Registered Lobbyist: Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami FL 33131 on behalf Marchelli Enterprise, Inc.

On June 15, 2022, the Planning and Zoning Board recommended approval with the condition that the proposal needs to be reviewed and approved by the Design Review Committee prior to submittal for concurrency and site plan review.

Planner's Recommendation: Approval of rezoning to Transit Oriented Development (TOD) and variances with the condition that the proposal needs to be reviewed and approved by the Design Review Committee prior to submittal for concurrency and site plan review

Property Owner: Rosana Marchelli (Marchelli Enterprise, Inc.)

PZ 3. First reading of proposed ordinance granting a Conditional Use Permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow a K-1 grade school with an enrollment of 20

students within a facility that also includes a daycare with an enrollment of 33 students; property located at **543 East 9th Street, Hialeah, zoned C-2 (Liberal Retail Commercial District)**. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On August 10, 2022, the Planning and Zoning Board recommended approval with conditions.</i>
<i>Planner's Recommendation: Approve with the condition that the old signs are replaced by two new state-of-the-art signs.</i>
<i>Property Owner: Gladys Perez, 971 East 26th Street, Hialeah, FL 33013</i>

16. FINAL DECISIONS

- FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-11** granting an adjustment on the property located at **577 West 53rd Street, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

<i>On June 29, 2022, the Planning and Zoning Board recommended approval of the item with conditions.</i>
<i>Planner's Recommendation: Approve with the condition that the carport enclosure and accessory building is legalized within 180 days.</i>
<i>Property Owners: Angel Felix Medina and Liliana Garcia, 577 West 53rd Street, Hialeah, Florida 33012</i>

- FD 2.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-12** granting an adjustment on the property located at **1590 West 57th Terrace, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

<i>On June 29, 2022, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval</i>
<i>Property Owners: Rogelio Gutierrez and Geiser Sanchez, 1950 West 57th Terrace, Hialeah, Florida 33012.</i>

- FD 3.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2022-13** granting an adjustment on the property located at **7065 West 10th Avenue, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

<i>On June 29, 2022, the Planning and Zoning Board recommended approval of the item with</i>
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<i>conditions.</i>
<i>Planner's Recommendation: Approve with the condition that the terrace remain open on three sides and the legalization is completed within 180 days.</i>
<i>Property Owners: Rosa Perez and Delfina Espinosa, 2065 West 10th Avenue, Hialeah Florida 33012.</i>

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, October 25, 2022 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, September 13, 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).