

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda

May 10, 2016
7:00 P.M.

Call to Order - **Council President Gonzalez called the meeting to order at 7:10 p.m.**

Roll Call - **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- **Councilman Jose Caragol**
- **Council Vice President Cue-Fuente**
- **Councilwoman Vivian Casáls-Muñoz**
- **Councilwoman Isis-Garcia Martinez**
- **Council President Luis Gonzalez**
- **Councilwoman Lourdes Lozano**

• **Council Members Absent:**

- **Councilman Paul Hernandez**
- Also present were:
 - **Mayor Carlos Hernandez**
 - **Lorena Bravo, City Attorney**

Invocation - **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance - **Councilwoman Garcia-Martinez led the Pledge of Allegiance**

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.

- 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.

REPORT: The meeting guidelines were read into the record by the City Clerk in English and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations –

- I. **Mayor Hernandez presented a Certificate of Merit to thirty-three (33) high school seniors who earned an Associates of Arts Degree from Miami Dade College. All graduates attended the Miami Dade College Commencement Ceremony on April 30, 2016. (MAYOR HERNANDEZ)**

1. Anthony Acosta
2. Dianamary Aguiar
3. Virginia Aleman
4. Carolina Arriaza
5. Jonathan Ayala
6. Yilena Blanco
7. Elianis Borrego
8. Osmay Cardoso
9. Rafael Centeno
10. Andy Concepcion
11. Thalia Cordero
12. Yulio Dominguez
13. Cristella Figueroa
14. Anamaris Gomez
15. Ana E. Gonzalez
16. Melissa Hernandez
17. Christopher Herrera
18. Stephanie Lima
19. Leslie Manso
20. Alain Melian
21. Luis Menduinas
22. Genhsy Monzon
23. Nilson Nip
24. Maikol Morales
25. Beatriz Orihuela
26. Katherine Ranero
27. Lael Scott
28. Amanda Sile
29. Jessabel Smith
30. Erica Torres
31. David Ulloa
32. Karenthia Wilmore
33. Karon Wilmore

1. Announcement of Amendments/Corrections to the Agenda –

- **Items 3 and 4 were deferred until the City Council Meeting of May 24, 2016.**

2. 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: Motion to Approve the Consent Agenda, made by Councilwoman Garcia-Martinez, and seconded by Council Vice-President Cue-Fuente. Motion passed (6-0-1) with Councilman Hernandez absent.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on April 26, 2016. (OFFICE OF THE CITY CLERK) **APPROVED 6-0-1 with Councilman Hernandez absent.**
- B. Request permission to retain Plus Urbia, LLC, as planning consultants for the Hialeah Market Station Transit Oriented Development District, in a total cumulative amount not to exceed \$30,000, with the fees for the services being covered by the Health Foundation Grant. (EDUCATION AND COMMUNITY SERVICES DEPT. & PLANNING AND ZONING DIV.) **APPROVED 6-0-1 with Councilman Hernandez absent.**
- C. Request permission to enter into a professional service agreement with National Integrity Consultants, Inc., to provide professional services including program evaluation and development, implementation of plan, center distribution and training, program sustainability plans and support for the Special Population Program, in a total cumulative amount not to exceed \$12,250. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED 6-0-1 with Councilman Hernandez absent.**
- D. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Local Agency Program Agreement between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, a copy of which is attached hereto and made a part hereof as Exhibit “1”, providing financial assistance for improvements to the sidewalk along West 28th Avenue from West 52nd Street to West 80th Street in Hialeah, Florida, in an amount not to exceed \$436,212 to be completed on or before June 30, 2017 and subject to terms and conditions set forth in the agreement; and providing for an effective date. (STREETS DEPT.) **APPROVED 6-0-1 with Councilman Hernandez absent. RESOLUTION NO. 2016-47.**
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and enter into a contract with AT&T Corp., for the point to point switched Ethernet connection between City Hall and the Police Administration Building, for a term of five years commencing once installation is complete, in a total cumulative amount not to exceed \$108,000, to be paid monthly at a rate of \$1,800 for sixty months. If approved, this contract

will replace the City’s current connection and maintain the same level of service with a fifty-three percent reduction in price. (INFORMATION TECHNOLOGY DEPT.) **APPROVED 6-0-1 with Councilman Hernandez absent.**

F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to P & J Striping Inc., vendor providing the lowest estimate for the service of striping East 17th Street from East 4th Avenue to East 8th Avenue, in a total cumulative amount not to exceed \$6,469.73. (STREETS DEPT.) **APPROVED 6-0-1 with Councilman Hernandez absent.**

G. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an Interlocal Agreement with the City of Sunny Isles Beach for three years with an option to renew for two consecutive one year terms to provide maintenance, repair and bus storage services to the City of Sunny Isles Beach, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit “1”; providing for an effective date. (ADMINISTRATION) **APPROVED 6-0-1 with Councilman Hernandez absent. RESOLUTION NO. 2016-48.**

H. Report of Scrivener’s Error – Item G of the April 12, 2016 City Council Meeting, is being amended to reflect that paragraph 3 of the agreement is to be removed. The vendor is no longer providing the software mentioned in the paragraph free of charge and mistakenly included the service in the agreement. The City of Hialeah will continue to receive all other services and software in the agreement free of charge in order to assist with the electronic filing of Uniform Traffic Citations. (POLICE DEPT.) **APPROVED 6-0-1 with Councilman Hernandez absent.**

3. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Alberto Micha, as Trustee of Hialeah Gardens Irrevocable Trust dated December 6, 2010, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit “1”. **Property comprising approximately 77.25 acres within an area bounded on the west by NW 102 Avenue, on the north by theoretical NW 142 Street, on the east by NW 97 Avenue, and on the south by NW 138 Street / State Road 924; all located in Hialeah, Florida. Property having a land use classification of Mixed-Use Commercial and to be developed within the parameters of the Hialeah Heights - Commercial Zoning 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. (ADMNISTRATION) **ITEM POSTPONED UNTIL MAY 24, 2016.**

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| <i>Item was not heard and was postponed per the request of the applicant’s representative on April 26, 2016 until May 10, 2016.</i> |
| <i>Item was not heard and was postponed per the request of the applicant’s representative on April 12, 2016 until April 26, 2016.</i> |
| <i>Item was not heard and was postponed per the administration on March 8, 2016 until April 12, 2016.</i> |
| <i>Item was approved by the City Council on first reading on January 12, 2016. Second reading</i> |

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| <i>and public hearing was scheduled for March 8, 2016.</i> |
| <i>Item was postponed by the administration on December 8, 2015 due to notice requirements.</i> |
| <i>Item was approved by the City Council on first reading on November 24, 2015.</i> |
| <i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i> |

4. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Atlas Hialeah Heights, LLC, a Florida Limited Liability Company, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1". **Property comprising approximately 135.3 acres within an area bounded on the west by NW 97 Avenue, on the north by NW 170 Street, on the east by Interstate 75 / State Road 93, and on the south by theoretical NW 162 Street; all located in Hialeah, Florida. Property having a land use classification of Low-Medium Density Residential and to be developed within the parameters of the Residential Development District (RDD) Zoning 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. (ADMINISTRATION) **ITEM POSTPONED UNTIL MAY 24, 2016.**

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| <i>Item was not heard and was postponed, per the request of the applicant's representative, on April 26, 2016 until May 10, 2016.</i> |
| <i>Item was not heard and was postponed, per the request of the applicant's representative, on April 12, 2016 until April 26, 2016.</i> |
| <i>Item was not heard and was postponed per the administration on March 8, 2016 until April 12, 2016.</i> |
| <i>Item was approved by the City Council on first reading on January 12, 2016. Second reading and public hearing was scheduled for March 8, 2016.</i> |
| <i>Item was postponed by the administration on December 8, 2015 due to notice requirements.</i> |
| <i>Item was approved by the City Council on first reading on November 24, 2015.</i> |
| <i>Item was approved by the Planning and Zoning Board on November 18, 2015.</i> |

5. Second reading and public hearing of proposed ordinance approving a mutual termination of Okeechobee Metrorail Station Transit Oriented Development Lease Agreement with Miami-Dade County, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the mutual termination of Okeechobee Metrorail Station Transit Oriented Development Lease Agreement attached hereto in substantial form, and made a part hereof as Exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED 6-0-1 with Councilman Hernandez absent. ORDINANCE NO. 2016-25.**

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| <i>Item was approved by the City Council on first reading on April 26, 2016. Second reading and</i> |
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public hearing was scheduled for May 10, 2016.

REPORT: Motion to Approve Item 5 made by Councilman Caragol, and seconded by Councilwoman Casáls- Muñoz. Motion passed 6-0-1 with Councilman Hernandez absent.

6. First reading of proposed ordinance adopting a text amendment to the Future Land Use Element of the Hialeah, Fla., Comprehensive Plan to expand the scope of the Neighborhood Business District Overlay; 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. (PLANNING AND ZONING DIV.) **APPROVED 6-0-1 with Councilman Hernandez absent.**

REPORT: Debora Storch, Planning & Zoning Director, City of Hialeah, explained the text amendment.

REPORT: Motion to Approve Item 6, made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Cue-Fuente. Motion passed 6-0-1 with Councilman Hernandez absent. Second reading and public hearing is scheduled for May 24, 2016.

7. Board Appointments – **None.**

8. Unfinished Business –

- **Councilwoman Garcia-Martinez discussed issues related to condominium associations and homeowner’s associations.**

9. New Business –

- **Mayor Hernandez discussed new art unveiled at the Garden of Arts. Mayor Hernandez also mentioned that the remodeling of the JFK Library will commence in March of 2017.**
- **Councilwoman Casáls-Muñoz congratulated the Hialeah Courthouse on their great work for Law Day.**
- **Lorena Bravo addressed the Council regarding an invitation to bid published by the City on April 29, 2016 for solid waste disposal services.**

10. Comments and Questions –

- **Nidia and Silvio Capote, 550 East 57 Street, addressed the City Council on behalf of Friends of the Hialeah Public Libraries regarding the organization.**

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.

Attention Applicants: Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is

withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

REPORT: All were duly sworn in.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from R-3-3 (Multiple Family District) to C-2 (Liberal Retail Commercial District), granting a conditional use permit (CUP) to allow a medical facility pursuant to Hialeah Code §98-181(2) e, and granting a variance permit to allow a LED Reader Board Display Pylon Sign outside the geographic area where LED signs are permitted, contra to Hialeah Code § 74-149 (b). **Property located at 6050 West 20 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant/Representative: Javier L. Vazquez) **POSTPONED UNTIL MAY 24, 2016.**

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| <i>Item was not heard and was postponed, per the request of the applicant’s representative on May 10 2016 until May 24, 2016.</i> |
| <i>Item was approved by the City Council on first reading on April 26, 2016. Second reading and public hearing was scheduled for May 10, 2016.</i> |
| <i>Registered Lobbyist: Javier L. Vazquez, 1450 Brickell Avenue, Suite 1900, Miami, FL 33131</i> |
| <i>Planner’s Recommendation: Approval</i> |
| <i>Item was approved by the Planning and Zoning Board on April 13, 2016.</i> |

REPORT: Council Vice President Cue-Fuente has filed Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers with the Office of the City Clerk.

REPORT: Javier Vazquez with law offices at 1450 Brickell Avenue, on behalf of Mount Sinai addressed the City Council and requested that the item be postponed until May 24, 2016.

REPORT: Motion to Postpone Item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed 4-1-1 with Councilwoman Garcia-Martinez voting “No”, Councilman Hernandez absent, and Council Vice President Cue-Fuente having abstained from voting. Second reading and public hearing is scheduled for May 24, 2016.

PZ 2. Second reading and public hearing of proposed ordinance rezoning 130.14 acres more or less of land from GU (Interim District) to Residential Development District and granting a variance permit to allow a minimum of 19% of the units developed as RH-1 (One Family District), where a minimum of 25% is required; a maximum of 45% of the units developed as R-4 (Townhouses), where a maximum of 30% is allowed; a maximum of 36% of the units to be developed as RH-3-M (Multiple Family District), where a maximum of 20% is allowed, contra to Hialeah Code § 98-1605(b)(1)b; and granting a variance of the requirements of the Residential Development District as provided by Hialeah Code §§ 98-1604(b), 98-1604(c), 98-1604(d), 98-1604(e), 98-1604(g), 98-

1604(i), 98-1604(j), 98-1604(k), 98-1604(l), 98-1604(m), 98-1604(n), 98-1604(o), 98-1605(b)(1)b, 98-1605(b)(3), 98-1605(c), 98-1605(d), and 98-1606 to the extent provided in the site plan dated March 1, 2016 and pattern book prepared by Pascual, Perez, Kiliddjian and Associates, Architecture and Planning and the Landscape Plans dated March 1, 2016 prepared by Witkin Hults Design Group. **Property located on a vacant parcel of land north of NW 154 Street and theoretical NW 166 Street, west of I-75 Expressway, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Hugo P. Arza on behalf of Two Lakes Lennar LLC)* **APPROVED 5-0-2 with Councilman Hernandez absent and Councilwoman Casáls-Muñoz having not been present during the vote. ORDINANCE NO. 2016-26.**

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| <i>Item was approved by the City Council on first reading on April 26, 2016. Second reading and public hearing was scheduled for May 10, 2016.</i> |
| <i>Registered Lobbyists: Hugo Arza, Alejandro J. Arias, Mike Freire, 701 Brickell Avenue</i> |
| <i>Planner's Recommendation: Approval</i> |
| <i>Item was approved by the Planning and Zoning Board on April 13, 2016.</i> |

REPORT: Motion to Approve Item PZ 2 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Lozano. Motion passed 5-0-2 with Councilman Hernandez absent and Councilwoman Casáls-Muñoz having not been present during the vote.

PZ 3. First reading of proposed ordinance rezoning property from R-1 (One Family District) to R-3-3 (Multiple Family District) and granting a Variance Permit to allow a front yard setback of 11 feet for balconies, where 25 feet are required, to allow a front yard setback of 15 feet for the building, where 25 feet are required, and to allow 43% of the net residential land area to be covered with open parking areas, vehicular drives and accessory service structures, where a maximum of 40% is allowed, contra to Hialeah Code §§ 98-589 and 98-2056(b) (3). **Property located at 3500 West 9 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Hugo Arza on behalf of Hialeah 10.1 Acres, LLC and Les Chalet Investments LLC)* **APPROVED 5-0-2 with Councilman Hernandez absent and Councilwoman Casáls-Muñoz having not been present during the vote.**

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| <i>On April 26, 2016 the City Council overturned the denial of the Planning and Zoning. First reading was scheduled for May 10, 2016.</i> |
| <i>Item was postponed by the City Council on April 12, 2016 until April 26, 2016 per the request of the applicant's representative.</i> |
| <i>Planner's Recommendation: Approval</i> |
| <i>Item is considered denied by the Planning and Zoning Board – March 23, 2016.</i> |
| <i>Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i> |

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| <i>Registered Lobbyist: Juan J. Mayol, Jr., Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i> |
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| <i>Registered Lobbyist: Alejandro J. Arias, Esq., 701 Brickell Avenue, Suite 3300, Miami, FL 33131</i> |

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

REPORT: Motion to Approve Item PZ 3 made by Council Vice-President Cue-Fuente, and seconded by Councilwoman Lozano. Motion passed 4-1-2 with Councilwoman Garcia-Martinez voting “No”, Councilman Hernandez absent, and Councilwoman Casáls-Muñoz having not been present during the vote. Second reading and public hearing is scheduled for May 24, 2016.

PZ 4. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to R-3-5 (Multiple Family District). **Property is a vacant parcel lying on the north side of West 78 Road between Red Road and West 2nd Court, Hialeah, Florida;** providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Alejandro Vilarello, P.A. on behalf of Hialeah 22, LLC)* **APPROVED 5-0-2 with Councilman Hernandez absent and Councilwoman Casáls-Muñoz having not been present during the vote.**

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| <i>Registered Lobbyist: Anthony Escarra, 16900 NW 59 Avenue, Miami Lakes, FL 33016</i> |
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| <i>Planner’s Recommendation: Approval</i> |
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| <i>Item was approved by the Planning and Zoning Board on April 27, 2016.</i> |

REPORT: Motion to Approve Item PZ 4 made by Councilwoman Garcia-Martinez, and seconded by Council Vice-President Cue-Fuente. Motion passed 5-0-2 with Councilman Hernandez absent and Councilwoman Casáls-Muñoz having not been present during the vote. Second reading and public hearing is scheduled for May 24, 2016.

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 16-07 that granted adjustments on condition that the converted garage built without the benefit of a building permit be legalized within 180 days on property located at **5680 East 2 Avenue, Hialeah, Florida;** and providing for an effective date. *(Applicant: Julian Casanola & Zoila Suarez)* **APPROVED 5-0-2 with Councilman Hernandez absent and Councilwoman Casáls-Muñoz having not been present during the vote. RESOLUTION NO. 2016-49.**

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| <i>Planner’s Recommendation: Approval with conditions after revision.</i> |
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| <i>Item was approved by the Planning and Zoning Board on April 13, 2016.</i> |

REPORT: Motion to Approve Item FD 1 made by Councilwoman Garcia-Martinez, and seconded by Council Vice-President Cue-Fuente. Motion passed 5-0-2 with Councilman Hernandez absent and Councilwoman Casáls-Muñoz having not been present during the vote.

REPORT: Council President Gonzalez adjourned the meeting at 8:06 p.m.

REPORT: Councilwoman Casáls-Muñoz returned to the meeting after it had been adjourned.

NEXT CITY COUNCIL MEETING: Tuesday, May 24, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 24, 2016 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 seven (7) 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).