

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



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

City Council Summary Agenda/ Minutes November 22, 2016 7:00 P.M.

Call to Order - **Council President Gonzalez called the meeting to order at 7:17 p.m.**

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

- Council President Gonzalez
- Council Vice President Cue-Fuente
- Councilwoman Vivian Casáls-Muñoz (arrived 7:19 p.m.)
- Councilwoman Isis Garcia-Martínez (arrived 7:22 p.m.)
- Councilman Paul Hernandez
- Councilman Jose Caragol

Council Members Absent:

- Councilwoman Lourdes Lozano

Also present were:

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

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

Pledge of Allegiance- **Council Vice President Cue-Fuente 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 – NONE

1. Announcement of Amendments/Corrections to the Agenda –

- **Items K and L have been added to today's agenda.**
- **Updated proposed ordinances for Items 14 and 15 have been placed on the dais to provide for retroactive application of this ordinance if passed.**
- **An email message from the applicant of PZ 4, Henry Pernas, has been added to the backup documentation of the item, and has been placed on the dais for your review.**

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: Councilman Hernandez requested separate discussion on item K.

REPORT: Motion to Approve the Consent Agenda except item K made by Council Vice President Cue-Fuente, and seconded by Councilman Hernandez. Motion passed (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on November 8, 2016. (OFFICE OF THE CITY CLERK.)
APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.
- B. Request from Rincón de San Lázaro, located at 1190 East 4th Avenue, Hialeah, Florida, for a procession permit, to host a procession on Saturday, December 17, 2016, commencing at 8:00 p.m. on church grounds, to 8th Street to 1st Avenue, to 21st Street, to 4th Avenue and ending on church grounds at 10:00 p.m., in accordance with the recommendations of the Police and Fire Departments. (OFFICE OF THE CITY CLERK)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

- C. Request from San Lazaro Catholic Church, located at 4400 West 18th Avenue, Hialeah, Florida, for a procession permit, to host a procession on Saturday, December 17, 2016, commencing at 8:30 p.m., beginning on church grounds, traveling from West 44th Place to West 16th Avenue, West 16th Avenue to West 42nd Street, West 42nd Street to West 18th Avenue, and West 18th Avenue ending at church grounds, in accordance with recommendations from the Police and Fire Departments. (OFFICE OF THE CITY CLERK)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

- D. Request permission for approval of the Library's Annual Plan of Service for fiscal year 2016-2017, which will be submitted to the State Library of Florida in order to maintain eligibility for the State Aid to Libraries Grant Program and to fulfill the requirements of the E-Rate and other grant programs as applicable. (LIBRARY DIVISION)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

- E. Proposed resolution authorizing the Mayor or designee to obtain property insurance coverage with affiliated FM (Factory Mutual) through the City's current property insurance agent Keen, Battle, Mead & Company from December 27, 2016 to December 27, 2017 in an estimated amount not to exceed \$358,262.00 for the Hialeah Reverse Osmosis Water Treatment Plant of which Miami-Dade County will reimburse the City for its 50% share. (RISK MANAGEMENT)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent. RESOLUTION NO. 2016-120.

- F. Proposed resolution authorizing the Mayor or designee to renew insurance coverage with Lloyd's of London and Hartford Insurance Company through Keen, Battle, Mead & Company for calendar year 2016-2017 in an estimated amount not to exceed \$60,461.09 for fire, windstorm and other covered perils coverage and inland marine coverage for the Department of Public Works and its water and sewer distribution facilities; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent. RESOLUTION NO. 2016-121.

- G. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to H & R Paving, Inc., to purchase asphalt material free on board (FOB) plant at seventy-two dollars (\$72.00) per ton and paver rental at nine hundred fifty dollars (\$950.00) per day, in a total cumulative amount not to exceed \$850,000. (STREETS DEPT.)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

- H. Request from the Hialeah Seventh Day Adventist Church, located at 1425 East 1st Avenue, Hialeah, Florida, for a Temporary Street Closure Permit, for East 1st Avenue from 13th to 15th

Street, to host a Community Christmas Festival on church grounds, on Saturday, December 17, 2016, from 4:00 p.m. to 10:00 p.m. (OFFICE OF THE CITY CLERK)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

- I. Proposed resolution authorizing the expenditure of funds, in an amount not to exceed \$22,089.74 from the Law Enforcement Trust Fund – *State*, payable to the Miami Dade County Association of Chiefs of Police, for joint funding to reduce overtime in the Miami-Dade County Courts. (POLICE DEPT.)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent. RESOLUTION NO. 2016-122

- J. Proposed resolution authorizing the Mayor or designee to renew health insurance coverage with HCC Life Insurance Company, an Indiana Corporation, through MDW Insurance Group for calendar year 2017 at a rate of \$4.11 for each employee/retiree for each month for aggregate stop loss coverage in order that the insurance carrier will pay the City up to \$1,000,000.00 if paid claims exceed the predetermined aggregate stop loss attachment point and renew health insurance coverage for calendar year 2017 at a rate of \$10.18 for single coverage and \$36.74 for family coverage for each employee/retiree for each month for specific excess coverage with no lifetime maximum, for a total annual amount not to exceed \$350,000.00 for calendar year 2017. (RISK MANAGEMENT)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent. RESOLUTION NO. 2016-123.

- K. Request permission from JLPR Group, located at 3250 NE 1st Avenue, Miami, Florida, for a Temporary Street Closure Permit, for East 15 Street, from 10th to 11th Avenue, to host a Christmas Block Party, to be held on Saturday, December 17, 2016 from 9:00 a.m. to 8:00 p.m., with the event hours being from 4:00 p.m. to 8:00 p.m. (OFFICE OF THE CITY CLERK)

APPROVED (6-0-1) with Councilwoman Councilwoman Lozano absent.

REPORT: Motion to Approve Item K made by Councilman Hernandez, and seconded by Council woman Casáls-Muñoz. Motion passed (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

- L. Request permission to utilize State of Florida Contract No. 21100000-15-1-*Agriculture and Lawn Equipment*, effective through June 30, 2017, since it is advantageous to the City, and issue a purchase order to Ring Power Corporation, to purchase heavy equipment parts, in a total cumulative amount not to exceed \$35,000. (FLEET DEPARTMENT.)

APPROVED (5-0-2) with Councilwoman Garcia-Martinez not present and Councilwoman Lozano absent.

3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 29. Hialeah Heights, of the Code of Ordinances of the City of Hialeah, by adding a new section, § 98-1607.2 entitled “CDH Commercial Development District”; providing a purpose; the geographic area; site and development standards; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for

violation hereof; providing for severability; providing for inclusion in the code; providing for an effective date. (ZONING)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-72.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

Item was approved by the Planning and Zoning Board on October 26, 2016.

REPORT: Debora Storch, Planning and Zoning Official, City of Hialeah, presented a Power Point presentation.

REPORT: Motion to Approve Item 3 made by Councilman Caragol, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Lozano absent.

4. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and Family Aids Coalition, Inc., a Florida Not-For-Profit Corporation, as tenant, for office space, Room 112, within the Blanche Morton Neighborhood Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on September 1, 2016 and ending on August 31, 2017, for an annual amount of \$1,688.54, payable in equal monthly base rental payments plus electric, utility and telephone charges, with two successive one-year renewals with a 5% annual rental increase for each year renewed, in the lease form as attached hereto and made a part hereof as Exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-73.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 4 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Lozano absent.

5. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and the University of Florida and Miami-Dade County, Florida, as tenants, for use of 1,559 square feet of office space, Rooms 113 through 120, and a conference room at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on December 1, 2016 and ending on November 30, 2017, for an annual amount of \$20,892.19 payable in equal monthly rental payments, in the lease form as attached hereto as Exhibit "1", with two successive annual renewals; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-74.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

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

6. Second reading and public hearing of proposed ordinance amending the budget for fiscal year 2015-2016 by authorizing transfers of unencumbered appropriation between classifications of expenditures within an office or department within the several budget funds as summarized and itemized in the schedule attached as Exhibit "1B" and made a part hereof; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-75.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

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

7. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-53 (Sept. 24, 2015) adopting the Operating Budget for fiscal year 2015-2016, to approve and ratify supplemental appropriations in the amount of \$4,194,798 for a new year-end operating budget in the total amount of \$132,194,798; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-76.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 7 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Lozano absent.

8. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-54 (Sept. 24, 2015) adopting the Special Revenue Funds Budget for fiscal year 2015-2016, to amend the Special Revenue Funds Budget in the amount of \$22,859,127 and approve and ratify supplemental appropriations in the amount of \$4,786,401 for a new year-end special revenue funds budget in the total amount of \$27,645,528; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-77.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 8 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

9. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-55 (Sept. 24, 2015) adopting the Debt Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$1,718,170 for a new year-end Debt Fund

Budget in the total amount of \$6,000,000; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-78.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 9 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

10. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-56 (Sept. 24, 2015) adopting the Capital Projects Fund Budget for fiscal year 2015-2016, to approve and ratify supplemental appropriations in the amount of \$841,702 for a new year-end Capital Projects Fund Budget in the total amount of \$3,130,328; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-79.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 10 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

11. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-57 (Sept. 24, 2015) adopting the Street Transportation Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$1,695,375 for a new year-end Street Transportation Fund Budget in the total amount of \$5,290,501; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-80.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 11 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

12. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-58 (Sept. 24, 2015) adopting the Stormwater Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$3,648,572 for a new year-end Stormwater Fund Budget in the total amount of \$4,048,418; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-81.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 12 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

13. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-59 (Sept. 24, 2015) adopting the Public Works Fund Budget for fiscal year 2015-2016 to approve and ratify a reduction in appropriations in the amount of \$3,021,424 for a new year-end Public Works Fund Budget in the total amount of \$95,311,530; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-82.

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

REPORT: Motion to Approve Item 13 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

14. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 11. CR Commercial-Residential District, of the Code of Ordinances of the City of Hialeah, revising Section 98-877 entitled “Uses Permitted and Regulations”, to include pawnshops, medical clinics, and pet stores as permitted uses; eliminating the prohibition against sale of secondhand merchandise; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in the code; providing for an effective date. (ZONING)

APPROVED (6-0-1) with Councilwoman Lozano absent.

Item was withdrawn from the November 8, 2016 City Council Meeting agenda because the matter required readvertisement. First reading was scheduled for November 22, 2016.

Item was approved by the Planning and Zoning Board on October 26, 2016.

REPORT: Motion to Approve Item 14 made by Councilman Cargol, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

15. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 11A. CR Commercial-Residential District outside the Hialeah Downtown Urban Center (HDUC), of the Code of Ordinances of the City of Hialeah, revising Section 98-891 entitled “Prohibited Uses and Limitations”; eliminating the restrictions on the sale of secondhand jewelry; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for an effective date. (ZONING)

APPROVED (6-0-1) with Councilwoman Lozano absent.

Item was withdrawn from the November 8, 2016 City Council Meeting agenda because the matter required readvertisement. First reading was scheduled for November 22, 2016.

Item was approved by the Planning and Zoning Board on October 26, 2016.

REPORT: Motion to Approve Item 15 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

16. First reading of proposed ordinance opting out of the Early Voting time and location provisions provided by state law, specifically, Sections 101.657(1)(a)-(1)(d), Florida Statutes and in lieu thereof, providing Early Voting at JFK Library for the Primary Election, and in particular, on Monday, October 30, 2017, from 11:00 a.m. to 7:00 p.m., on Tuesday, October 31, 2017, from 7:00 a.m. to 3:00 p.m., on Wednesday, November 1, 2017, from 11:00 a.m. to 7:00 p.m.; on Thursday, November 2, 2017, from 7:00 a.m. to 3:00 p.m.; Friday, November 3, 2017, from 11:00 a.m. to 7:00 p.m., on Saturday, November 4, 2017, from 9:00 a.m. to 4:00 p.m., and on Sunday, November 5, 2017, from 9:00 a.m. to 4:00 p.m.; and providing Early Voting at JFK Library for the General Election, if a General Election is held, and in particular, on Friday, November 17, 2016, from 11:00 a.m. to 7:00 p.m., on Saturday, November 18, 2017, from 9:00 a.m. to 4:00 p.m. and on Sunday, November 19, 2017, from 9:00 a.m. to 4:00 p.m.; 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. (OFFICE OF THE CITY CLERK)
APPROVED (6-0-1) with Councilwoman Lozano absent.

REPORT: Motion to Approve Item 16 made by Councilman Hernandez, and seconded by Councilwoman Casáls-Muñoz Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

17. First reading of proposed ordinance vacating 35 feet of right of way dedicated for highway purposes by deed dated January 27, 1992 and recorded in the public records of Miami-Dade County at Official Records Book 15590, Page 1619, containing an area of approximately 11,550 square feet, more or less, **property located on theoretical N.W. 104 Avenue lying west of N.W. 102 Avenue and north of N.W. 154 Street, Hialeah, Florida**, and more particularly described in the surveyor's legal description and location sketch attached hereto and made a part hereof as Exhibit "A". (STREET DEPT.)
APPROVED (6-0-1) with Councilwoman Lozano absent.

REPORT: Motion to Approve Item 17 made by Councilman Caragol, and seconded by Councilwoman Casáls-Muñoz Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

18. Board Appointments –

- a. Proposed resolution reappointing **Javier Casanova** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2018. (COUNCILMAN CARAGOL)
APPROVED (6-0-1) with Councilwoman Lozano absent. RESOLUTION NO. 2016-124.

REPORT: Motion to Approve Item 18A made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

19. Unfinished Business – **NONE**

20. New Business – **NONE**

21. Comments and Questions-

- **Mayor Hernandez spoke on the growth of the City, and wished everyone a safe and Happy Thanksgiving.**

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.

ZONING

REPORT: All were duly sworn in.

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow replatting of property into two substandard lots to allow the construction of a single family residence on each lot with lot 1 having a frontage of 51.3 feet, more or less, and total area of 5,130 square feet and lot 2 having a frontage of 47 feet, more or less, and total area of 4,700 square feet, where 75 feet of frontage and total area of 7,500 square feet are required for each, contrato Hialeah Code § 98-348(a). **Property located at 1421 East 6 Court, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Lumination Homes, LLC)* **APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016- 83.**

<i>Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.</i>
<i>The recommendation of denial of the Planning and Zoning Board was overturned by the City Council on October 25, 2016. First reading was scheduled for November 8, 2016.</i>
<i>Item was tabled, per the request of the applicant’s representative, on October 11, 2016 until October 25, 2016, due to a full City Council not being present.</i>
<i>Item was denied by the Planning and Zoning Board on September 28, 2016.</i>
<i>Planner’s Recommendation: Approval with conditions</i>

Property owner: Lumination Homes, LLC, 1474-A West 84 Street, Hialeah, FL 33014

REPORT: Motion to Approve Item PZ 1 made by Councilwoman Garcia-Martinez, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent.

- PZ 2. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to R-3-5 (Multiple Family District). **Property located at 7925 West 2 Court, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hugo Arza, Esq. on behalf of Amelia Hialeah Holdings, LLC*) **APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-84.**

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

Planner’s Recommendation: Approval

Item was approved by the Planning and Zoning Board on October 26, 2016.

Property owner: Amelia Hialeah Holdings, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014

REPORT: Alejandro Arias, Holland & Knight, 701 Brickell Avenue, Suite 3300, addressed the Council on this item.

REPORT: Motion to Approve Item PZ 2 made by Councilman Caragol, and seconded by Councilwoman Casáls-Muñoz. Motion passed (6-0-1) with Councilwoman Lozano absent.

- PZ 3. Second reading and public hearing of proposed ordinance repealing and rescinding Ordinance No. 2013-88 (December 16, 2013) that rezoned property from R-1 to R-3-2; rezoning from R-3-2 (Multiple Family District) to R-3-3 (Multiple Family District), and granting a variance permit to allow a pervious area of 21.9%, where a minimum of 30% is required, a total lot coverage of 38.25%, where a maximum of 30% is allowed; to allow 24 off-street parking spaces, where 27 spaces are required; waiving a portion of the City of Hialeah Landscape Manual requirements to allow a 5-foot landscape buffer between the off-street parking and the right-of-way, where a 7-foot buffer is required, and eliminate the landscape island, where a landscape island is required at a minimum every 10 parking spaces for shade distribution, and to allow the a rear setback of 10 feet, where 20 feet are required, a corner side setback abutting the street of 13.3 feet, where 15 feet are required, contra to Hialeah Code §§ 98-2056(1), 98-590, 98-591, 98-2189(19)(b), 98-2197(a). **Property located at 1120 West 37 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A., on behalf of Hialeah 10 Townhomes, LLC*) **APPROVED (6-0-1) with Councilwoman Lozano absent. ORDINANCE NO. 2016-85.**

Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.

<i>Planner’s Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on October 26, 2016.</i>
<i>Property owner: Hialeah 10 Townhomes, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014</i>

REPORT: Motion to Approve Item PZ 3 made by Council woman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente . Motion passed (6-0-1) with Councilwoman Lozano absent.

- PZ 4. First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2000-45 (May 9, 2000), that granted a variance permit, repealed and rescinded Hialeah, Fla. Ordinance 97-80 (October 28, 1997) and modified Declaration of Restrictions dated October 16, 1987 to allow a 953-foot distance separation between the proposed pawn shop (secondhand dealer) and an existing jewelry store (precious metals dealer), where a 2,000-foot minimum distance separation was required and releasing two Declarations of Restrictive Covenants, the first dated October 16, 1997, recorded in Book 17909, at Page 1375 and the second dated July 11, 2000, recorded in Book 19188, at Page 4325, **property located at 7190 West 12 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: Henry Pernas) **APPROVED (6-0-1) with Councilwoman Lozano absent.**

<i>Planner’s Recommendation: Approval as requested.</i>
<i>Item was approved by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owner: Henry Pernas, 7190 West 12 Avenue, Hialeah, Florida.</i>

REPORT: Henry Pernas, applicant, email message to Council was read into the record.

REPORT: Motion to Approve Item PZ 4 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls-Muñoz Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

- PZ 5. First reading of proposed ordinance rezoning 287.70 acres of land from GU (Interim District) to RDD (Residential Development District), requiring a minimum of 25% developed as RH-1 (One Family District), minimum of 20% and maximum of 30% developed as R-4 (Townhouse), maximum of 20% developed as RH-3-M (Multiple Family District) and maximum of 10% developed as RH-3-MM (Multiple Family District, 15 to 24 units per acre); substituting the requirements of the residential development district by approving the site plan dated 10-5-16 and pattern book, prepared by Pascual Perez Kiliddjian & Associates Architects and approving the landscape plan dated 10-5-16, prepared by Witkin Huts Design Group; granting a variance permit to allow the following variances for the respective residential components of the project: (a) minimum building site with (R-4), to allow building site 23’ wide (25’ required) contra to § 98-687, Hialeah Code of Ordinances; (b) minimum lot width to allow RH-1 LOT widths of 32’ (40’ required) contra to § 98-1604(c), Hialeah Code of Ordinances and RH-3-M lot widths of 18’4” and 21’ 4” (75’ required) contra to § 98-1606(d) Hialeah Code of Ordinances; (c) maximum lot

coverage (RH-1 and R-4) to allow lot widths in excess of 50% for a number of the RH-1 and R-4 units contra to § 98-1604(i), Hialeah Code of Ordinances; (d) open space per unit (R-4), to allow less open space than the required 400 square feet per unit contra to § 98-694 Hialeah Code of Ordinances; and front yard (RH-1, RH-3-M, and R-4), contra to §§ 98-1604(e)(1), 98-1606(d) and 98-687, Hialeah Code of Ordinances, side street (RH-3-M) contra to § 98-1606(f)(2), Hialeah Code of Ordinances, corner lot (R-4) contra to § 98-689, Hialeah Code of Ordinances, and rear yard (RH-1 and R-4) setbacks contra to §§ 98-1604(e) (4) and 98-689 Hialeah Code of Ordinances; properties **located on the SE corner of NW 170 Street and NW 97 Avenue, Hialeah, Florida**; repealing ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Hugo P. Arza, Esq. on behalf of Two Lakes Lennar, LLC and Atlas Hialeah Heights, LLC)*
APPROVED (6-0-1) with Councilwoman Lozano absent.

<i>Registered Lobbyists: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., Juan J. Mayol, Esq., and Michael Freire, Land Use Consultant, Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i>
<i>Planner’s Recommendation: Approval subject to Declaration of Restrictions acceptable to the City as per Section 98-1608 of the City of Hialeah Code and future amendment of Ordinance No. 2016-26.</i>
<i>Item was approved as recommended by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owners: Lennar Homes, LLC, 730 NW 107 Avenue, 4th Floor, Miami, Florida and Atlas Hialeah Heights, LLC, 336 East Dania Beach Boulevard, Dania Beach, Florida 33004.</i>

REPORT: Motion to Approve Item PZ 5 made by Councilman Hernandez, and seconded by Councilwoman Casáls-Muñoz Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

- PZ 6. First reading of proposed ordinance granting a variance permit to allow a front setback of 8.9’ (25’) required contra to § 98-589, Hialeah Code of Ordinances and rear setback of 10’ (20’ required) contra to § 98-591, Hialeah Code of ordinances; **property located at 1295 West 69 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. *(Applicant: Alejandro Vilarello, P.A., on behalf of Hialeah Lake Investments, LLC)*
APPROVED (6-0-1) with Councilwoman Lozano absent.

<i>Planner’s Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owner: Hialeah Lake Investments, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

REPORT: Motion to Approve Item PZ 6 made by Council woman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

PZ 7. First reading of proposed ordinance approving a final plat of Villas de las Palmas. **Property located at 3500 West 9th Avenue, Hialeah, Florida.** Accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; 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 Councilwoman Garcia-Martinez voting “No” and Councilwoman Lozano absent.**

<i>Item was approved by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owner: Les Chalets Investments, LLC and Hialeah 10.1 Acres, LLC d/b/a Villas de las Palmas LLC</i>

REPORT: Motion to Approve Item PZ 7 made by Council woman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (5-1-1) with Councilwoman Garcia-Martinez voting “No” and Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

PZ 8. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); **property consists of vacant land lying north of SE 12 Street, between SE 9 Court and SE 9 Terrace, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Apogean Pointe, LLC c/o L. Michael Osman, Manager)* **APPROVED (6-0-1) with Councilwoman Lozano absent.**

<i>Planner’s Recommendation: Approval.</i>
<i>Item was approved by the Planning and Zoning Board on November 16, 2016.</i>
<i>Property owners: Interland, LLC, 7767 NW 146 Street, Miami Lakes, Florida; NuView IRA f/b/o, L. Michael Osman, 1474-A West 84 Street; Miguel Recalde, 6900 Bay Drive #8-I, Miami Beach, Florida 33141; Maurice Costa, 6843 Main Street, Miami Lakes, FL.</i>

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

REPORT: Motion to Approve Item PZ 8 made by Council woman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

PZ 9. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); **property located at 2701-2765 East 11 Avenue Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Hugo P. Arza, Esq. on behalf of A & B Investment 2701, LLC)* **APPROVED (6-0-1) with Councilwoman Lozano absent.**

<i>Planner’s Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on November 16, 2016.</i>
<i>Property owners: 2014 AMP, Inc., 900 SW 80th Court, Miami, Florida 33144 and 2014 ALG, Inc., 2650 East 11th Avenue, Hialeah, Florida 33013.</i>

REPORT: Motion to Approve Item PZ9 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Lozano absent. Second reading and public hearing is scheduled for December 13, 2016.

NEXT CITY COUNCIL MEETING: Tuesday, December 13, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2017 at 6:30 p.m.

REPORT: Meeting was adjourned by Council President Gonzalez at 8:35 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).