

MINUTES

**CITY OF HIALEAH GARDENS
TUESDAY, March 16, 2021
CITY COUNCIL CHAMBERS
10001 NW 87 AVENUE**

1. **Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:32 p.m.
2. **Roll Call:** Present were Chairman Luciano Garcia, Councilman Elmo Urra, Councilman Rolando Piña, Councilman Jorge Merida, Mayor Yiozet De La Cruz, and City Attorney Charles Citrin. Councilman Jorge Gutierrez was absent.
3. **Invocation:** Chairman Garcia gave the invocation.
4. **Pledge of Allegiance:** Mayor De La Cruz led the pledge of allegiance.
5. **Deletions/Emergency Additions:** N/A
6. **Review of Minutes: March 2, 2021** Chairman Garcia made a motion to approve the minutes of March 2, 2021, seconded by Councilman Merida. The motion was unanimously approved.
7. **Public Comments:** None were offered.

8. Public Hearing to determine revocation of Local Business Tax Receipt license: Roberts RGS Body Shop Corp, 8040 NW 103 Street #52, Hialeah Gardens, Florida 33016.

Chairman Garcia read the item into the record. Mr. Citrin swore in those in attendance intending to testify on the item. The business owner presented his translator, who was also officially sworn in as interpreter by Mr. Citrin. Mr. Citrin added that this is a quasi-judicial hearing.

Ms. Daniella Secada, acting as interpreter, came forward and stated her name and address for the record. Mr. William Aragon the business owner, came forward and stated his name and address for the record.

Mr. Arturo Ruiz, Director of Administration, came forward and began to explain the matter before the Council. The City has received numerous complaints concerning this particular business going back to 2017. In 2020, the business was cited for violating the terms of their business tax receipt license. They are licensed to have a body shop, but they have been cited for painting [cars] without a license for that particular service. Painting cars poses a sanitary nuisance amongst other environmental issues and requires a special license. In July 2020, the business was cited; they paid the citation and were warned not to continue. On February 11, 2021, another employee was observed painting cars on the property and they were cited again. Therefore, it is a repeat violation within a year and the matter is being presented today for a possible revocation of business license.

Mr. Ruiz explained that prior to this meeting, City Staff came up with a recommendation which was communicated to the owner of the business. This recommendation calls for a three-step resolution to the matter at hand. First, the business owner must pay the citation and recognize their wrongdoing. Second, the business tax receipt for Robert's RGS Body Shop will be placed on a one-year probation. Finally, if any other type of violation occurs again within this year, their license would be revoked indefinitely. Mr. Ruiz spoke about this to the business owner prior to the meeting and he was in agreement at that time.

Chairman Garcia asked if the owner understood the terms of this recommendation. Mr. Aragon confirmed that he did. The terms were reiterated by Chairman Garcia and translated by the business owner's interpreter.

Witnesses were called forward.

Detective Jesus Gorotiza, of the Hialeah Gardens Police Department, came forward to provide his testimony on the matter. Mr. Citrin asked him to describe his job within the HGPD. Mr. Gorotiza explained that he is assigned to the General Investigations Unit. His job is to investigate any complaints that come into the City, investigate any crimes committed and conduct surveillance. He explained that on the incident date, the HGPD received a complaint of illegal painting at the listed

location. He responded to the site in a marked police vehicle and parked directly across from the warehouse bay. The Detective proceeded to observe and record a man painting a red Jeep with spray paint. He sent the recorded video to Mr. Arturo Ruiz. Mr. Ruiz then sent out the City's Code inspectors to the site. Mr. Gorotiza then moved forward into the bay and introduced himself to the patrons of the business, staying in place to monitor the site. Mr. Citrin asked if he [the Detective] spoke with anybody else at the site. Mr. Gorotiza said he spoke to the business owner and explained why he was there; he also consulted with the Code Compliance inspectors.

Mr. Citrin had no further questions for the witness. The business owner had no questions or comments but claimed he did not see or speak to the officer [at the moment of video recording]. Mayor De La Cruz asked who the Detective spoke to. Mr. Gorotiza said he spoke to the owner when the inspectors came and the citations were given. Mr. Aragon edited his statement to say he *had* spoken to the Detective at the moment in which Code officers arrived. Chairman Garcia reiterated to Mr. Aragon that he has already admitted culpability to the citation, and that he must clarify his statements and testimony as this is a very serious matter.

The Council, Mayor, and Mr. Citrin continued questioning the business owner after this exchange regarding his admission of culpability under oath, how often employees painted cars, why there were stocks of paint cans in the warehouse, the state of the warehouse, and his understanding of the hearing process.

The business owner agreed to the terms stipulated by the Council; Mr. Citrin reiterated that if there are any further violations within the next year, the license can and would be revoked.

No further witnesses came forward. Chairman Garcia opened the public hearing at 7:57 p.m. in case anyone else wanted to come forward. He then closed the public hearing at 7:57 p.m. Councilman Merida asked whether the owner could theoretically apply for a license to paint at the site. The Council and Mayor explained that he could do this, but that it would require DERM approval, new equipment installation, the proper licensing. Mr. Citrin once again clarified that they want the business owner to simply adhere to what he is currently licensed for and not venture outside of that.

The Chair made a motion to approve the recommendation from Staff with the stipulated conditions, seconded by Councilman Merida. The recommendation was approved unanimously. **(4-0)**

9. Proposed Resolution:

- A) RESOLUTION OF THE CITY OF HIALEAH GARDENS, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT FOR THE CITY FIREWORKS ENTERTAINMENT TO EXCELLENT ENTERTAINMENT, INC. D/B/A ADD FIRE ("ADD FIRE") FOR

THE CITY'S INDEPENDENCE DAY CELEBRATION; RENEWING THE CITY'S CONTRACT WITH ADD FIRE; WAIVING COMPETITIVE BIDDING; AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE AN AGREEMENT WITH ADD FIRE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Citrin read the item into the record. Mayor De La Cruz mentioned that while the City does not know if there will be an actual in-person event, the City will still put on a fireworks show [to be viewed by car] for the 4th of July. The matter will be reviewed in the next few months. No questions or comments. The Chair made a motion to approve the resolution, seconded by Councilman Merida. The resolution was unanimously approved.

10. First Reading for consideration of the following ordinance:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR MIAMI STAR TRUCK PARTS WAREHOUSE / SHOWROOM, CONCERNING PROPERTY LEGALLY DESCRIBED AS: PORTION OF TRACT N "SHOMA COMMERCIAL", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 160, AT PAGE 69, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT MOST WESTERLY CORNER OF SAID TRACT N; THENCE NORTH 39 DEG 00'45" EAST FOR 303.36 FT.; THENCE NORTH 49 DEG 25'22" EAST FOR 30.45 FT; THENCE SOUTH 30 DEG 43' 55" EAST FOR 7.92 FT; THENCE SOUTH 51 DEG 25'05" EAST FOR 336.63 FT; THENCE SOUTH 50 DEG 46'28" EAST FOR 132.54 FT; THENCE SOUTH 39 DEG 00'45" WEST FOR 332.60 FT; THENCE NORTH 50 DEG 59'15" WEST, ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 25 AS SHOWN ON THE RIGHT OF WAY MAP SECTION 87090-2518, STATE ROAD 25, 482.09 FT TO THE POINT OF BEGINNING., FOLIO: 27-2030-014-0140, ASSIGNED ADDRESS: 13391 W OKEECHOBEE ROAD, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 5-0)

Mr. Citrin read the item into the record. Mr. Miguel Cabrera, architect for the project, came forward and stated his name and address for the record. He offered to answer any questions the Council may have. This is a first reading and as such an opportunity for public input will be afforded upon second reading. Chairman Garcia made a motion to approve the ordinance upon first reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

11. Second Reading / Public Hearing for consideration and final adoption of the following ordinances:

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS COUNCIL AMENDING SECTION 78-84 OF THE LAND DEVELOPMENT REGULATIONS IN THE CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, FLORIDA, TO ADD "STANDING SEAM" OR "S-SHAPE" METAL ROOF AS ACCEPTABLE RESIDENTIAL ROOFING MATERIAL IN ALL RESIDENTIAL DISTRICTS AND PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 4-0; P&Z Vote: 5-0)

Mr. Citrin read the item into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, was unable to attend the meeting, so Mr. Citrin was asked to handle the matter. He proceeded to read the Mrs. Gonzalez's memorandum for recommendation into the record. Chairman Garcia added that this has previously been discussed at length by the Council; the change will include metal roofing as acceptable material for *all* residential areas of the City with Miami Dade-County product approval. Chairman Garcia opened the public hearing at 8:08 p.m. No one came forward. The public hearing closed at 8:08 p.m. No further questions or comments from Councilmembers. Chairman Garcia made a motion to approve the ordinance upon second reading, seconded by Councilman Merida. The item was approved unanimously by individualized voice vote. **(4-0)**

- 12. City Attorney's Report:** Chairman Garcia welcomed Mr. Citrin back to the City. Mr. Citrin expressed his happiness to be back and see everyone in person again, and thanked all of the staff for their hard work and ongoing communication with him over the last year.

- 13. Mayor's Report – Miscellaneous:** Mayor De La Cruz welcomed back Mr. Citrin. He also spoke on the details of the City's upcoming Easter Spring Festival which will be held on Saturday, April 3, at Westland Gardens Park as a drive thru event.

- 14. Council Members Concerns / Reports / Board Appointments:** N/A
Police Pension Board Appointment – Pending
Water & Sewer Board Appointment (J. Merida) – Pending

- 15. Adjournment:** The meeting was adjourned at 8:10 p.m.

Respectfully submitted by:

Maria L. Joffee
City Clerk

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office no later than four days prior to the proceeding. For assistance, the City's telephone number is (305) 558-4114; if hearing impaired the telephone for the Florida Relay Service is (800) 955-8771 (TDD) or (800) 955-8770 (VOICE).

Pursuant to Section 286.0105 Florida Statutes, any person desiring to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SCHEDULE OF MEETINGS

CITY COUNCIL

Tuesday, May 4, 2021, 7:30 P.M.

PLANNING AND ZONING BOARD

Monday, May 10, 2021, 7:30 P.M.

TECHNICAL REVIEW COMMITTEE

Thursday, May 6, 2021, 11:00 A.M.

WATER AND SEWER BOARD

Wednesday, April 28 2021, 7:00 P.M.

POLICE PENSION BOARD

Tuesday, May 4, 2021, 5:30 P.M.