



**Village of El Portal Regular Council Meeting**

**Date: 2/26/19**

**Meeting Start: 7:01 PM**

**Meeting End: 8:40 PM**

**Meeting Length: 01:24:38**

**Mayor Cubillos:** Good evening, everyone. Today is Tuesday, February 26th. I'd like to go ahead and call our Regular Council Meeting to order. It is 7:01 p.m. If I could please have a moment of silent meditation followed by the Pledge of Oath.

**Quorum:** I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible with liberty and justice for all.

**Mayor Cubillos:** May I please have roll call.

**Female Speaker:** Roll call. Mayor Cubillos.

**Mayor Cubillos:** Here.

**Female Speaker:** Vice Mayor Nickerson will not be in tonight. Councilperson Mathis .

**Councilperson Mathis:** Present.

**Female Speaker:** Councilperson Roman.

**Councilperson Roman:** Present.

**Female Speaker:** Also present, for the record, Yenise Jacobi, Village Clerk, Christia Alou, Village Manager, and Norman Powell, Interim Village Attorney.

**Mayor Cubillos:** May I get a motion for approval of the agenda.

**Councilperson Mathis:** I'm moving approval.

**Mayor Cubillos:** Motion to [unintelligible 00:01:11] Councilperson Mathis. Is there a second?

**Councilperson Roman:** I second.

**Mayor Cubillos:** Second by Councilperson Roman. All in favor signal by saying, "Aye."

**Quorum:** Aye.

**Mayor Cubillos:** Any nays? Carrying on the agenda passes for this be moved. Is there a motion to approve the minutes from the January 27th Regular Council Meeting?

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**Councilperson Mathis:** I'm moving approval.

**Mayor Cubillos:** Councilperson Mathis has moved for approval. Is there a second?

**Councilperson Roman:** Second.

**Mayor Cubillos:** Councilperson Roman has moved a second. All in favor signal by saying, "Aye."

**Quorum:** Aye.

**Mayor Cubillos:** Any nays? Carrying on the minutes for the January 27th Regular Council Meeting passes. Anybody for good and welfare? Hearing none. We'll go right to the first agenda. No. Actually, we're going to do things reversed. The attorney will be arriving at 7:30, so we're going to with the backwards. We'll start with the village reports. There are no resos, no ordinance so, I guess it's me. I'm first.

For tonight's report, I did put some thoughts, some things together that has happened in the last 30 days that I thought was important to put on the record that has been done. With that said, I had the opportunity to go to Tallahassee earlier this month where I was able to meet with six house representatives and five state senators and a few other staffers with regards to discussing El Portal's top two priorities as it relates to water projects.

The two projects that we have submitted this year are the Storm Water which is at El Jardin and the [unintelligible 00:02:43] on Northeast Second Avenue the conversion from 86th to 90th Street. There is so much value in being able to go and actually speak with the representatives in person. It really gives us the opportunity to share who we are as it relates to a municipality and a community.

When you're coming from a community of 3,000 compared to the population of so many other communities that are much larger, not only in [unintelligible 00:03:05] county, but state-wide and [unintelligible 00:03:06] all of them, it is important to let them know how impactful these projects are, not just to the 3,000 residents, but as a region with Miami shores and city of Miami all working together to be able to provide for economic development and to let them know that Northeast Second Avenue, although it encompasses five streets in our town, it's a big part of our future development.

It's a big part of being able to develop that corridor to make it a little bit more safer. It's an opportunity to be able to our resident to enjoy being able to walk through if we can get that

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conversion in. Then we can have the business development. We would have an angle to be able to work with [unintelligible 00:03:47] to be able to have that much more of an ability to walk through.

That was really our big say. I can't say that at Tallahassee, it's not just our state-center is a real champion for [unintelligible 00:04:00] but it seems like that's an entire pulse in Tallahassee, or that is just what everybody is focused on this year, is water, water, water quality of water and being able to provide or assist those municipalities or communities that do not have sewers in their community, but they're still on septic.

Which segues to my next topic, which is our three areas of development. The sanctuary, which is right on Northeast Second Avenue [unintelligible 00:04:30] we try to regularly state with [unintelligible 00:04:33] with what are they doing and what's going on. The battle that they're having right now is that all the plans that they originally had are not able to come into fruition because there was a restaurant and what have you, but they are not passing Miami-Dade County [unintelligible 00:04:45] as it relates to being able to what they have there as far as septic.

This past Monday, February 11th. They resubmitted their new concept or their new design for their new septic system. I conveyed to them, my trip to Tallahassee, I conveyed how well that went, and they might even reach out to our state senators and say that would not hurt in any way because they are clearly the biggest potential of economic development at least on that area on Northeast Second Avenue.

That is where they're at. They will let us know as soon as they hear anything from the county. The next area of development is a little farm [unintelligible 00:05:30] is our project manager who we had the opportunity to meet last August. These are individuals that you must stay on top of because they are working multiple projects, but with us this is our one project with them.

Excitingly enough, he responded and we met with him and he brought in the junior project manager while though he did not have anything concrete to show us as it relates to what that area is going to look like, the information that was conveyed was definitely excitement that the wheels are spinning. They're hiring a local engineering and architectural firm as opposed to the firm that they were currently using in Toronto.

That definitely is segue saying that they're moving in the direction of wanting to do something in that area. They talked about having a landmark building what that would look like. It's still going to be of a mixed use concept. There's no date or no month of anything as far as when

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we'll get anything. That is the one thing that he left saying which I'm really insisting on his communication. Let us know what's going on so that we can let you all know what's going on.

He left excitingly enough and he was even excited to take pictures and we did, because I think they're really ready to start doing something. The one area that they are still working on is, I believe it was December of 2016 we passed, or 17, we passed the Brownsfield resolution. It was two resos that had to - it was two meetings for one reso. He did mention that there was still one component of that that he has not completed yet.

They are working on that. We may pass the reso, but that property is shared with the city of Miami. It's not only they need things from us but they need things from the city of Miami as well. It's important to keep the constant communication with them to ensure that they are going to see that into fruition. The next area of development that we have is the annex area. For those of you that do not know where the annex area as is, is 495 and 475 Northeast 83rd Street.

It's really interesting, because all of them I contacted in November. Then I followed up in January. As I followed up the [unintelligible 00:07:47] must have sensed that I was going to be sending the e-mail, and they actually sent us an e-mail. They're ready to present 3D renderings to the administration first. We are meeting with them on Friday, March 8th. They will be presenting whatever potentially could be their final project. Once that is a scene and if it something that they are ready to move forward, it will come to committee next.

Let's look at that seems to be like that's the area that's going to come to light for us first.

**Councilperson Mathis:** March 8th?

**Mayor Cubillos:** March 8th. What time is it? Ten o'clock in the morning. 10:00 or 10:15. The next piece is I met with the mayor of Miami shores. That just recently happened right before I went to Tallahassee. We have been back and forth when we see each other at different places. We agreed to finally sit down and have a conversation of what can be done as it relates to their-what short term goals and long term goals can we have with Miami shores that will benefit both communities?

We talked about a lot of long-term goals because that probably will definitely take much more energy for that to happen, I believe the three short term goals that we discussed that could bring some excitement to the community is number one, the possibility of sharing the police dispatchers. It's something that he we're just beginning the conversation, but there is a cost to it because they have three dispatchers that works 24 hours.

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He is taking to look at their numbers and probably the next 30 or something days, we will take a look at is that beneficial to the village of El Portal and if it is, how will that come to fruition with both communities? The next is a topic that the community has been asking for for a long time. They have not been receptive in the past, but there is definitely room for conversation. He is going back to see what the resolution or the memorandum of use that they did with the other community that they recently did in the last six months, that their community has access to the Miami shores aquatic center. They just recently did it, he's looking to review it, and whatever that looks like, is it something that can potentially move forward and in their council, it's something that may be able to come to fruition in the next 60 days, there is no specific timeframe.

The last thing that we—these are all the three short term goals. The last thing is that they have already started their Miami shores trolley that goes to the train station every morning. We are looking to have one train stop, one stop here in the morning to be able to go to the train station. Those are the short term goals that we have the opportunity to cover, again there were also long term goals but these we felt that the potential we have here from the summer.

The next thing I want to go into is our committees. In our community we are committee driven, meaning everything must go through the committee before it comes to full council for the most part. With that said, when you take a look at what those committees look like, couple of questions that I have gotten in the last four to six months from neighbors and other constituencies, what exactly do the committees do? Because really when you go on our website as I went through it, there's really no area. What I'm going to propose to the committees in March, is that on our website there's a navigation bar.

We're going to add a tab for committees and then there'll be a droper and all six committees will be there, and there must be updated tracking reports. Some of our tracking reports tend not to be updated consistently, so this is going to take a little work from the chair, but with that said, not only having the updated tracking report but a brief summary or brief committee report from the chair because that would help go immediately into the segue to the newsletter. That's something that I will bring forward to the committees in March, and that's for all six committees.

The last thing on our report is a succession plan. As I mentioned in the last two state of the village address. I mentioned in 2017 at the state of the village address that 2018 and 2020 is my last term. In 2018 I also mentioned that not only is it my last term, but I will have a succession plan and what that's going to look like. I've been able to live through the experience

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of having to go to a couple of managers and a couple of finance directors in an effort to be able to facilitate it [**unintelligible 00:12:53**] it's important to have a plan in place.

With that said, I've already started what it's going to look like for me, what I'm going to leave behind to whoever is going to be here next. That I've already started working on how I am going to slowly implement that at each council meeting, there will be a written report that will always be posted, and other little details that I'm also working on to be able to ensure that it's not all going to be incredibly immediate, or there's going to be an ease and its going to seem a little more seamless.

I also with that said, I met with the manager on this to touch bases with her with regards to my succession plan and the need for the administration to happen. Not only the administration but every department and what that's going to look like, it'll make it a lot easier when someone is out, make it a lot easier if anybody is going to be moving on to another career path.

This will allow for every department to have a seamless process when someone leaves office, whether it's elective or whether it's administrative.

Now that we are compiling the policies and procedures there needs-- what is their succession plan going to look like for the clerk's office, for the manager's office, for the police department, and for any other department? While it was a very brief conversation because we were meeting on general visits of the village, but it's something that I felt was important to make note and continually have the conversations those days in the forefront, but it is going to start with the committees doing their due diligence to ensuring that everything is properly done.

Those are the five points and then that concludes my mayor's report. Christie Alou.

**Village Manager Alou:** Thank you, just some updates on what is happening with the administration for the month of February. The village is still in its review phases with our FEMA reimbursement process we expect to receive some confirmation of obligation of reimbursements according to our FEMA point of contact. To date, we have about three categories that are obligated, which is a good sign that we are on the right path to get our reimbursements. Also coming up in April, we will have to review our line of credit and we have an option to renew that or hopefully we will be getting funding in so we can start paying it back. We have been paying the interest on it every month to date. That is progress and that we're getting some funds that's great.

Our police department continues to work together, pulling together, acting chief Bernard Sharpe has been working with me and the staff in addressing some of the deficiencies from the

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draft report and other things, and just steering the ship. He's doing a very good job, so I'm happy to have him and work with him. We have addressed a number of immediate needs. To date, we have hired two new full-time police officers and I think two because we did budget for one, but we also lost one of our full-time police officers to another police department this month. Officer Alejandro Martinez is now a full-time officer with us and officer Mark Times is a full-time officer, so we're happy to have them on board.

That of course, has affected our ships which is a positive thing as well, because we've made some changes in the scheduling that has been helpful to our coverage and that will be implemented in the month of March. We've addressed the deficiencies that were outlined in July of 2018 memo from FDLE to the department. At this point just doing follow up questions. Today we're in good standing with FDLE. They also did a visit to the department at the request of former interim police chief Pose Perez on January 7th and 8th, and I received the FDLE property evidence for an audit just recently and we are reviewing that.

There are 16 recommendations. We aren't in any violation of anything, they're just recommendations. A lot of them are cost prohibitive for us in terms of ventilation system and the property those kinds of things, but we're going to address them in a more creative way. I've been working with also officer [unintelligible 00:17:45] to identify alternatives such as doing different protocols like taking his property to the county as opposed to trying to store them and destruction in that way.

Also a very good update I want to share with everyone, our holding cell has now been completely restored to us and we have given all of Judge Timothy Myers firearms and ammunition property back to his estate. We have our holding cell back. Also, we have acting chief Sharpe just recently attended a department training to do background investigation for our staff, excuse me, so that is a positive.

On a special note officer Victor Ribeiro received a very complimentary message from a resident he assisted who became extremely ill while walking her pet in the community, and officer Ribiero implemented his community policing and paused to greet the resident and saw that she was not feeling well and she eventually fainted so he took her to the fire station here in Miami Shores, and she received some care and he checked back with her and brought her home and took her some lunch so she sent a special note about him and we were happy to receive that.

We think he did a very good job and we might give him some kudos for just being a good servant to our community. On Saturday, February 23rd [unintelligible 00:19:25] who's a

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defense regulations townhall here in the village hall we have about 20 resident, and it was really interesting to give the community an opportunity to discuss venting materials in our very outdated code and ways we can implement some change. [unintelligible 00:19:47] rolled out a survey that would allow feedback from the community, which is a great way for the community to have some input on any changes as we will be during review of our code and probably make some changes as we are doing a comprehensive plan as well. Let's see. We're still on track with our- as the mayor discussed about the septic to sewer project, we're attempting to get land for a pump station and still working with school board and now we're working with Senator [unintelligible 00:20:20] as well.

This month I issued an RFP, one for the Disaster Debris Monitoring Management and Recovery Services including Female Public Assistance Program Management and Administrative Services and Disaster Debris Removal, Reduction, and Disposal Services. This will put plans in place for us so that if there is a hurricane in the future, or near future, we'll have a company already contracted to do this.

As you know our last one we had to do mutual aid with another municipality, just to access some services. The RFP will be closed on this coming Thursday, the 28th and I will be reviewing along with the team that consists of [unintelligible 00:21:24] who's one of our consultants and Orlando Rubio of [unintelligible 00:21:28] and Associates, which is our Engineering front.

We will be meeting on March 4th to review those RFP's, I mean, those proposals, and to make a recommendation to our Public Works Committee for March. We continue to assist with our Public Affairs activities. We're [unintelligible 00:21:47] this year, but we are still active and doing things up in the community. We'll be hosting the luncheon tomorrow [unintelligible 00:21:57] Councilperson Roman will discuss that. That concludes my report.

**Mayor Cubillos:** Thank you. Councilperson Roman, Councilperson Mathis, who wants to go first for the report?

**Councilwoman Roman:** I'll go first, I'll be brief. Good evening, everyone. I just want to remind you of a few events that we have coming up. One is tomorrow, Wednesday, February 27th and it's our Black History Luncheon that's taking place between 8:30 in the morning and 1:30 PM. It's always delicious and very well-attended. Please stop by if you can. The next event that's up is on March 9th, from 3:30 PM to 5:30 PM. That's our fourth annual [unintelligible 00:22:40] day celebration.

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We're going to have deliciously home-made foods from around the world, which will be prepared by our residents. Then, lastly, we have an organic landscaping and environmentally friendly pest control practices workshop. That's going to take place on March 16th, Saturday from 10 AM to 11:30. We have three individuals who are very educated on these subjects. They are going to be a part of a panel who will present to us. That concludes my report.

**Mayor Cubillos:** So we're going to have luncheon tomorrow?

**Councilwoman Roman:** Yes.

**Mayor Cubillos:** Councilperson Mathis.

**Councilman Mathis:** I have two reports. Code Enforcement Officer Carlos Garcia and I have been working really closely the past two weeks, with regards to code enforcement. I am proud of him in his approach to code enforcement. He is out there writing citations. I understand that a lot of residents were upset, but code enforcement is what keeps us in line and keeps [unintelligible 00:23:52] up. We're going to continue to do code enforcement.

If there's any problems we'll remedy it. Contact me we can work something out. Code enforcement is not punitive. It's to get you correct and in compliance with what the code is all about. That concludes my report for code enforcement. I would like to have a code enforcement workshop soon. With regards to public works, the septic to sewer project, I have a meeting with Senator Pizzo on Thursday before he goes back to Tallahassee to discuss not only the current septic to sewer project, but how we can go about trying to get ready for the next phase of the septic to sewer. I will keep everyone abreast on that. That concludes both of my reports.

**Mayor Cubillos:** Interim Attorney.

**City Attorney Powell:** My report segues into Councilor Mathis' statement. I've had some discussions with [unintelligible 00:25:05] concerning the supplemental agreements that we require to move forward with them. They proposed a draft to me last week. We negotiated it. I'm going to redline it and send it back. The expectation is to have the proposed resolution to the Public Works Committee and then back to the [unintelligible 00:25:28] council for approval.

The [unintelligible 00:25:31] that we've been discussing including more strict guidelines for reporting to the council in order to avoid any overture in spending and making sure that the councilors kept up to date on a monthly basis as with the progress of the work that they're doing, in addition to making sure that [unintelligible 00:25:53] under budget. Obviously, that

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is going to be dictated by making sure that we nail down the exact proposed location number seven to a location of the pump station.

In addition to that, Christia mentioned in her report that we've also worked on finalizing into agreement with CAP, the consultant that provides plans review with the village Christia to believe initially working with CAP.

I finalized whatever comments I had in terms of illegalities for that and also for the debris removal contracts that she mentioned. We're also finally bringing back at the next council meeting [unintelligible 00:26:40] be finished with the agreements processes. The resolutions that we [unintelligible 00:26:43] to quorum. In addition, as Christia mentioned, we were able to finally have the estate of mayor remove all of the countless weapons and ammunition that's been stored in our holding cell. I also want to add that we've continued to receive an inordinate number of public records requests, which I know the court is staying on top of, but we'll require that we continue to respond that we can with regard to those requests from the newspapers and residents and the like.

Finally, I've also worked with Jose Rojo who's the Executive Director for the Ethics Commission concerning handling any reimbursements that may be necessary for electives that become subject to complaints regarding matters arising out of their duties. That opinion I will circulate it to each of the council members with that finding.

The short if it is that the Ethics Commission maintains that in event that a elected official administrator official is charged with ethics complaint and requires legal representation to the extent that that matter is closed in the elected's favor, if you will, that is a probable cause via Ethics Commission takes position that that is responsibility of the village to reimburse that or pay for those legal services if warranted.

If it results in a finding probable cause, it's the elected official's responsibility to pay for those services. That's it for my report. Now, just so you know, I received a text from [unintelligible 00:28:37] He should be here in 15 minutes. If you want to take a 15-minute break away from the [unintelligible 00:28:42] in front of this until we do the grievance.

**Mayor Cubillos:** [unintelligible 00:28:48] can I get approval to get a 15-minute recess?

**Mayor Cubillos:** I motion to get approval [unintelligible 00:28:52] minute.

**Councilman Mathis:** I second.

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**Mayor Cubillos:** All in favor signal by saying, "Aye."

**All:** Aye.

**Mayor Cubillos:** We'll take a 15-minute recess until our [unintelligible 00:29:00] is here. Thank you. It is 7:45 PM [unintelligible 00:29:06] With that said, we're going to go to the first agenda item. That agenda item is Village Manager's request for authorization to terminate Ronnie Hafnagel.

**Male Speaker:** Sure. [unintelligible 00:29:18] outside [unintelligible 00:29:21] council to [unintelligible 00:29:23] I'm sorry, I'm late. I have been in other council. You got to go to [unintelligible 00:29:25] but essentially, what you have before you is a request by the Village Manager for the council to approve the termination of former Colonel sergeant, [unintelligible 00:29:37] and why we're here on the usual is that there's a provision in your village code section 18-16, that specifies that a manager needs council approval to terminate this sergeant.

Just a quick note on the issue of that [unintelligible 00:29:56] spending your code for quite some time. My sense is that when it was first adopted it was probably the time where your sergeant was your department head of the police department, which is the one with the case. Nevertheless, the [inaudible 00:30:05] remains. It's debatable whether it really is applicable here, out of the ones in caution. They were to go out of the court. You suggested that and a couple more to the council for approval. I know that there is a backup to the item. There's a memo from the village manager to the council requesting authorization to terminate Ms. Hufnagel.

Attached to that memorandum are various documents including I guess the most critical one would be January 21st, 2019 letter from the village manager to Ms. Hufnagel. I think it's exhibit D to the item. That letter is five pages. It really goes into detail about the village manager's rationale for wanting to terminate Ms. Hufnagel. That's one of the key issue. Really this item's for you to make a determination of whether to approve Miss Alou's request to terminate Ms. Hufnagel.

I'm here to answer any legal procedural questions you have on the item. Obviously, the village manager can answer any questions you have regarding the grounds for the termination. I trust you know that Ms. Hufnagel is here with her counsel. You're certainly free to have them make a presentation as to why she should not be fired. I would suggest you do that so that she has a sufficient due process. You can ask just all the many questions you have [unintelligible 00:31:34] decision whether to approve the termination or to reject it.

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**Mayor Cubillos:** Okay. Great, thank you. Council, I'm going to go ahead and bring up Ms. Escobar and Ronnie Hufnagel, to be able to do this.

**Ms. Escobar:** Thank you. Good evening, council members, Ms. Mayor, Brad, Ms. Manager, Ms. Emily, [inaudible 00:32:01] Thank you for your time. This case is really, really troubling to me. I've been doing this for a very, very long time. I've always had good relationships with the village. The PBA has always had good relationships with the village. This case is extremely foreign to me because I've never seen such poor treatment of a loyal and longtime employee. As you already know, then Sergeant Hufnagel had almost 20 years with this village, never ever did she have a problem.

As a matter of fact, she very many times acted as acting chief, acting rank, whatever the administrations wanted her to do in supervisor capacities, because she was good at it and she really cared about this village. She worked here for almost 20 years with no problems whatsoever, until about August of 2018 when she was serving in an interim capacity as chief. Briefly, I'll mentioned that in regards to her being chief, she wanted to assist the village. It was important to her in regards to wanting to become interim again.

We won't talk a lot about the contract reference of lieutenant's position, which we had discussed in the past. She took on that position knowing that, at times it's going to be political. She's not a political person, but she decided, "You know what? I'm going to do it. I'm going to stand up to the task," and she did that. By the way, should she be terminated at some point, and I know some of the citizens here today are familiar with the arbitration procedure or the procedure that follows this, should the employee be terminated an arbitration hearing will be held.

In that arbitration hearing, the village has the burden of proof to prove the allegations listed in the memorandum. The burden is on the village. I'd consider not doing anything, but clearly, I'm not because I'm defending Sergeant Hufnagel. I can tell you that one of the things that the arbitrator is going to consider is the facts of the case. What are the allegations? Can the village prove the allegations? I submit to the council, there's going to be evidence presented as to the reasons why this all started. I'll just submit for today that it was political.

This is not because Sergeant Hufnagel was incompetent. This is not because she was insubordinate. As a matter of fact, when you talk about what are the allegations, most of the allegations are made by Chief Perez who isn't here anymore, but that's beside the point. It's a word-against-word situation. Now, if you are familiar with the arbitration procedures and the arbitrators, just like that, even if you have the allegations that are listed in that memorandum,

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insubordination type stuff, termination is an excessive disciplinary action taken by a village or by a jurisdiction, just for that.

Where's the progression? One of the requirements for just cause, which again the village has to prove otherwise, is that there has to be progression in discipline. None, there was no progression discipline in this case. She was fine and wonderful for almost 20 years. August, the conversation occurs with the administration where again I'll just propose that there were some butting of heads. She was still the chief at the time.

After August, then November, Ms. Manager writes two reprimands, two written reprimands, which in the context of disciplinary actions is one of the lowest disciplinary actions that the department can take. One lesser will be a record of counseling. She has two written reprimands in her disciplinary history at the time when come December, one month later, she's terminated. In regards to progressive discipline, there was none. That's one of the things the arbitrator is going to take a look at.

The other thing is due process. There has been a complete breakdown of due process in this procedure with Sergeant Hufnagel. There was none. From one day to the next, I get a text, "I've been terminated." Mind you, this is just two reprimands. She files a grievance on the lieutenant's position, and then now she's terminated. There could be an argument for retaliation. I won't get into that right now.

Again, these are things that you need to consider with regards to what is going to be presented at the arbitration, and how much of a chance does the village have to prove that there was just cause to fire her. Because it is our position that there was no just cause to fire her which is what again, we will prove to the arbitrator. These are the things that the arbitrator would consider. No progressive discipline, she's a great employee, she has good evaluations, there has never been a problem, two written reprimands in her history.

Now we talk about due process. Violation, complete violation of the process, she gets a letter saying, "Effective immediately, you're terminated." The proper way to do it is you notify the employee. That memorandum that is the basis, I think it was Chief Perez who wrote it after she was terminated. The employee gets terminated, gets sent away. Now Chief Perez sits at his computer or whatever, and he writes this long four-page memorandum of why it is that Ronnie Hufnagel is terminated.

She was never presented with that document. She never was given a chance to respond, which is actually something that the departments need to do. There was no predetermination meeting,

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which is actually illegal. If you don't give a predetermination meeting before termination to an employee, that's a complete breakdown in due process. There are some arbitrators that, just based on that, have gone ahead and uphold a grievance, and put the employees back to work.

Now, I know that the manager, thereafter the termination, when the manager received the grievance step, decided that she would reinstate-- At this juncture, Ronnie Hufnagel sits here reinstated, but she was never paid. In other words, my position is that her reinstatement was really just they're trying to cure what they've already done, and reverse due process, so that later on in the hearing, they'll be able to argue, "Okay, well, we cured it."

Well, my position is there has been absolutely no cure. She has not been made whole. She was never paid. She's been out of pay status since December of 2018. They reinstated her on paper and here she sits. When the council makes a determination, say, tonight, it's either to terminate her, pretty much reinstate her, or not reinstate her because she's been unpaid. Due process, another thing that the arbitrator is going to consider, and one of the other things that the union, on behalf of Sergeant Hufnagel, has evidence to prove that there was a complete violation of that.

It's troubling to me that a almost 20-year employee, which with her history, is put behind a chief of police that basically stayed here for a very, very short time. I don't even know how long, and I want to say chief for a day. Not to say anything negative. I don't know him. I've never met him. I don't know his history. Again, I think the council needs to take into account, this is a 20-year employee that was basically kicked out the door. Now we're here trying to cure this and trying to give her due process, but again I submit to you that this, provided to an arbitrator, they would not be looking positively at this at all. I mentioned this in my meeting with the manager and Brett. It is my position, and I've spoken to my client, we're willing to settle this matter. We are willing to work with the council and the village. I was here at the last meeting. I know that there are some citizens that are concerned reference taxpayer money. The council is here on behalf of the citizens. I'm here on behalf of my client. My client wants to get back to work.

My client wants to get back to the job she had, that she adores and she loves, and to the village that she's worked so long and that she's really happy to be in. I propose once again to the council, because you're making a decision, to settle this matter. The PBA is willing to drop the lieutenants, the motion, whatever you want to call it, lieutenants position grievance that we discussed at the last meeting if you put her back, issue her a full back pay, other benefits, other seniority as if the termination never happened.

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Going back a little bit, also, when she was terminated, without given a predetermination meeting, when she was reinstated, what should've actually happened given proper procedure would've been, "Okay, we didn't give you a predetermination meeting. Sorry, we'll deal with that later, but we're going to reinstate you with back pay. We're going to allow you to have this meeting with the manager. If the manager decides to terminate you, okay, terminate the employee and there is a procedure, there is a process." There hasn't been anything of that here today. There hasn't been anything in regards to **[inaudible 00:41:56]**. I'll just close with saying, again, I hope that you consider everything that I've said here. Again, I speak on behalf of my client. Also, she really wants to come back, and I urge the council to really listen to the citizens. So far that I've heard, she just wants to come back to work. I would respectfully request that you just put her back to work. Make her whole. Life moves on. She will be as she was and she always has been, a great employee. Thank you.

**Mayor Cubillos:** Thank you, Cristina. I don't know if there's any questions?

**Male Speaker:** At this point, I think your options are as follows. If you can have questions for Miss Escobar you can try and ask them. If you don't, you obviously have nothing public here. You certainly can and should elicit their perspective, and then, obviously, you can ask the manager to make a presentation or you can just ask- if there's any questions you have of the manager, you could do that. My suggestion is you first deal with Miss Escobar, if you have questions for her, then perhaps listen to what the public has to say. If you have any questions for the manager, maybe ask her those after you've heard all of the information and you should have any other questions answered.

**Mayor Cubillos:** Does anybody have questions for Cristina?

**Cristina Escobar:** Thank you so much.

**Mayor Cubillos:** I'll go ahead and close the council meeting **[inaudible 00:43:29]** a couple of comments on this item.

[silence]

**Sandra:** **[unintelligible 00:43:57]** Miami Port. I have a question to understand what is happening today. You're voting to just have her terminated or you're voting for the manager to be able to terminate her?

**Male Speaker:** I'll just answer this. Essentially, if the council votes in favor of the manager's recommendation, Miss Hufnagel would be terminated effective today.

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**Sandra:** Today?

**Male Speaker:** Yes. A lot of additional actions would be required.

**Sandra:** Are we aware that this would go to arbitration for sure?

**Male Speaker:** I can't tell you that because I don't control that process, but I would venture to guess that it will. That will be up to Miss Hufnagel and her counsel that she would have to—but we don't know that until they have a period of time after this to decide on the motion, but I'd assume they would.

**Sandra:** Okay. If that happens, how long of the process will take and how much would that mean in our—?

**Male Speaker:** Process-wise, it can vary from today till the end, when there's a decision. It could be as short as four months or as long as nine or ten months. It really depends on if we have to select an arbitrator, then we have to schedule a hearing. These arbitrators oftentimes are busy, so they may not have a lot of dates available. Then, after the hearing, then they'll decide. They'll typically get to submit briefs. Then, after the briefs are submitted, the arbitrator typically has 30 days to issue a decision, but unfortunately, they don't all comply with that.

You're at the finish line, I would say the best-case scenario in, like, June, July, the worst-case scenario in November, December. In terms of costs, you have the arbitrator's fee that the parties typically split. The arbitrator charges hourly or the arbitrator charges at a rate, a daily rate, so I can't—that's what the arbitrator's fee is. There's typically a court reporter involved, and attorney's fees vary in terms of how long the proceeding lasts. The village may spend anywhere from \$15,000 to \$35,000, depending on how long the hearing is.

**Sandra:** That will be at the cost of the taxpayers. Obviously, we will have to pay for it, but what happens if she wins during that arbitration, what happen? The cost will rise or will it be the same cost?

**Male Speaker:** Well, the way this works is there's a variety of different potential outcomes. I've done a lot of this work as has Miss Escobar. We've seen it all. You can win, the village can win, in which case the arbitrator says, "The village is right, Hufnagel did not act properly and there is just cause," and that's it. The village could lose, which basically the arbitrator could say, "There's no just cause," and Miss Hufnagel's entitled to her job back and once again pay retroactive so that they'd be able to [inaudible 00:46:45]. Those are the two extremes. The arbitrator could do anything in between, so the arbitrator could say, "Well, there's just cause to

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discipline her, but termination is too harsh," or they could say, "She's getting her job back, but we're going to treat the entire period of time between today and November, December as an unpaid suspension." The arbitrator could do that.

Any range of possibilities between those two extremes is possible. Every arbitrator's different. A lot of arbitrators like to do what we call split the baby and try to find the happy medium here. You've heard from Miss Escobar there's one possibility that- part of the argument that she's making is that the punishment was too harsh, so then the arbitrator says, "Yes, Miss Hufnagel didn't perform properly, but I don't think the punishment was appropriate. Give her her job back with no monetary back pay." Really, any variety of outcomes is possible.

**Sandra:** Okay, I just want to make two different comments [unintelligible 00:47:39] the same one, to be honest. It's something like- as council members representing us and also to the residents right here, I'm just worried about it is going to arbitration because of the costs of it and what that means for us taxpayers, and also because of what's happened in the past couple of years ago, 2014 to 2015 I think it was, there was an issue that was not taken properly with officer Hufnagel. I'm not sure if she was the chief at the time. I think she was just a sergeant. There was also an arbitration that happened and she won, and that costed us a lot of money too. So I'm just worried about this case going that track.

I just want to make sure that you understand that that could happen, and that would affect us as residents, as taxpayers. Also, that the recrimination of the manager has been [inaudible 00:48:40] basically by this interim Chief Police Perez, who is not here anymore. I just want you to be aware that he is under an investigation, and is having it as we speak, because of false accusations and also false police reports. We need to understand those allegations or reprimands or disciplinary issues that she had for the first time ever between years happening. I mean, this guy who is right now under investigation for false accusations and false police reports, so take that into account because we cannot just make prompt decisions based upon someone that created this crazy thing. That's all.

**Mayor Cubillos:** Any other comments?

**Peter:** Peter [inaudible 00:49:41], 147 NW 87th Street. There's been a lot of things said tonight which I agree with. [inaudible 00:49:53], Ronnie Hufnagel, agreed with Sandra. There's been a couple of things that haven't been said, and I think they should be brought now. This started when the FEMA trucks, when they were coming around picking up the garbage and the trees. This could be this. Somebody else for me to say, "Yes, we were watching the trucks when the police weren't there watching the trucks. That's number one and we know that.

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Then, whatever happened, and I came here one night and I said, "Sort your differences out. Don't let this be a personal vendetta." Because, that's what it shows us and that's what it is. It's a personal vendetta.

We don't have Pinocchio with us tonight, but Pinocchio is involved in this because, he's the one that made the false report against me, and attorney, I'm sorry, I don't know your name, he is under investigation. I asked the manager tonight, in front of the camera, to reply to my attorney who's been calling, and he sent an email because, he wants all your names, because I'm involving all of you. That's me, in my case and my investigation, against why it was done to me. It seems like there's a puppet master who's doing these things, getting people. You have a police chief that left after a month.

As I said before, Pinocchio virus, that's cool. I'm not going to drop it, never. I'll spend what I've got to finish it. I would advise you tonight, I'm nobody. I'm not a council member. I'm just a resident. I would advise you tonight to look at this woman, a grandmother, who's been here for over 20 years, given her best. In one month, she got two reports and got fired. Come on. You look in the mirror every morning, and you look at yourselves, and you can say, "Yes, I'm a good person." I don't believe it. I don't believe you can do that because of what you've done to her. That's all I've got to say. Thank you.

**Mayor Cubillos:** Any other comments?

**Eric Johnson:** Eric Johnson, I address Suzanne for Statue 112. Dear Mr. Schneider, phenomenal explanation. That was the most honest and transparent explanation in our arbitration I have heard to date, and I've been involved in these things for a very long time. But, for clarification for your answer, the cost and potential ramifications are a lot more than that. Because of what we've just heard here, now you've involved federal whistleblower lawsuits. Besides that one alone, you also have to consider the EEOC, which is the Equal Employment Opportunity.

Because of workplace retaliation, they do qualify for a charge of harassment, and therefore that can result in charges of hundreds and hundreds of thousands of dollars to the village. In all honesty, the costs are a lot more than what you advise. If arbitration want to see that, it could take anywhere. I've been waiting on our arbitration for two years now. People just get busy. Where do they go? There's residents and people. I'm not from the city. I came here because, I read the *Miami Herald* and all these other blogs in the South. Now, I'm very interested.

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You have to give the council an opportunity to do what's right also. You have to. There's a lot of notions that things are preconceived, and maybe they're not. We have to err on the side of good judgment and democracy. This is what this is. This is a semblance of democracy for everybody. It doesn't matter if you like them or hate them. Those are the people who are likely to serve this in the right decisions. Hopefully, they make the right decisions. I can tell you, after hearing what I've heard, and after knowing what I know, termination of Ms. Hoofnagle is a very bad move.

It's a very bad move that will cause you dearly and financially, not just today, but for years to come. As elected officials, yes, you will all term out, you will move on, and you will go back to your normal lives, but unfortunately, the cost ramifications of that, say, with people who pay their taxes. We pay for those decisions for years. Hopefully, that's not what will happen tonight. Due process, there was none here, unfortunately. I can't say if it was done in haste. I don't know. I just read the paper, the articles. I hadn't even met Ms. Hoofnagle before this at all. The steps were not followed.

It's hard for me to sit in the audience and sit before a panel of esteemed council members, the mayor, and then Ms. [unintelligible 00:55:05], a wonderful attorney, by the way, and hear that you're having a hearing on termination, when she was terminated in December. Well, something seems backwards there. Then, you bring her back for what? Status of being on administrative leave? Why wasn't she made whole? Why wasn't she made whole? You lost that arbitration. I'm telling you right now, you lost it miserably, just on due process alone.

Forget the discipline, the whole another factor. Two write-ups, were they substantiated? Wow. PBA, you were very gracious in saying, "Hey, I'll drop everything else, putting back to work. I would have done that. That was very gracious because it's a win-win all the way around. The cost, for you, to be completely clear, it doesn't stop here. It does not stop here. This goes on. It depends how vindictful the employee would like to be in this particular case. Because, this employee has the right to go much further. This is just the beginning of it.

The cost for the council and the city and the taxpayers could potentially begin today. She's entitled to back pay, and she would probably be compensated for all the lost overtime that she would have worked if she was working also, and any extra special details also. That's all part of it because, it's not any call for termination and so there's just cause. We're talking about people who are willing to sacrifice their lives, not knowing your names and never seeing your face, and this is how we treat them?

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Listen, it's not right. We should treat our first responders with respect and with dignity, and follow a process. I don't care if you like them. I don't care if you hate them. If they are willing to give their lives for yours, no matter what the bottom line is, we should probably extend an olive branch a little more. Thank you.

**Mayor Cubillos:** Thank you.

**Mr. Johnson:** Good evening. [unintelligible 00:57:24] 16 RPC, next chief. I came here tonight to ask a question regarding the theme of reimbursements. I wasn't planning on asking a question regarding this. However, this has continued to become more and more, interesting isn't the right word, but dramatic. I don't know the gentleman who has a very sincere grievance with, evidently, everyone sitting up here. I don't know Ms. Hoofnagle. I don't know the gentleman who-- I remember him from our previous meeting.

He seemed to speak with some degree of extensive experience. I don't think that he's just someone breaking their neck in an accident, as he mentioned a few times, that he became aware of this through something in the *Herald*, which I have not read anything out of the *Herald*. I've heard that there has been an article. I have no idea to what extent that is. I haven't read the article. He doesn't seem to be here simply as someone who wants to come and see a soap opera. I would just say that I have worked for more people than most people would ever imagine.

If I told you how many employers I've filled out a W2 for, you would not believe me. It's multiple dones. In an industry that chews people up and spits them out like you wouldn't believe, hospitality, restaurants, I started the discussion. In my experience, it is nothing out of the ordinary. I won't swear like a sailor here, but it's nothing out of the ordinary to tell somebody to, "F off and get out of my restaurant," with no grievance, no reprimand, nothing other than, "Why did you look at me like this?" This has been my professional experience since the age of 15.

This, however, seems like something very different. I've always know that the industry I come from is unique in that, because I have friends and family from-- I'm the only one that I know within my circle growing up who chose blood for punishment to go into hospitality. I agree with the statements that Joan had said regarding, you seem to have your reasons for taking this action, but I don't know all the details of this case.

I am very quick to claim ignorance in a lot of this matter, however, as I listen to some of the warnings that I have heard, both from the Village's Council in terms of an acknowledgment of what lies ahead, the representative of Ms. Hoofnagle in terms of what lies ahead, in terms of

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the comments made by the gentlemen who I have no reason to disregard him as a liar in terms of the experience that he has in these matters as a warning of what lies ahead. Not knowing the details, I am not here to even offer my opinion of what you should do at all other than to encourage you to take into advice the warnings that have been issued for the past three meetings regarding this.

I again, could not even begin to give you an opinion on what you should do because, I don't have all of the facts. In my experience of seeing people come and go in all of this fired on a whim and people with just cause this seems something more serious than kicking a bartender out of a restaurant. In light of that, I was not planning to speak, however, as soon as the gentleman has said, once everyone here has moved on with their lives, the ramifications could affect the village for years to come. I felt compelled to simply ask that you take whatever time needed to reflect on whatever genuine advice has been given and match it with the facts that you have that you do not have and, that would be fantastic. That's all I have to say about that.

**Mayor Cubillos:** Council [unintelligible 01:02:55] Miami Court. Here again, just going on with this conversation and this gentleman, what is your name again? Sorry.

**Mr. Johnson:** Mr. Johnson.

**Sandra:** Mr. John mentioned that also the ramifications on this matter for future years would be even worse I believe then they are right now. I just want to especially, [unintelligible 01:03:20] Mayor and Council People. Let's focus on investing those dollars and making our police department better instead of wasting money on arbitrations. That's going to cost us a lot of money and I don't want to [unintelligible 01:03:36] term as Mayor be tainted by this issue. I don't think it's just good for anybody and I don't want you to be the last one going like, you know, "Probably she will win." Maybe there's a good, portion out of this whole thing, arbitration thing just to go that route to be honest, in a way that I've seen this. I don't think it's a good idea for you just to have your last term resonating like this, you should have some by all means in our response to this, thank you.

**Mayor Cubillos:** Anybody else?

**Margaret O'Conklin:** Margaret O'Conklin, 211 Northeast 89th Street. I just want to ask the attorney representing, I'm assuming the Village as well as the Council. What were your recommendations to the council regarding this matter? You did advise them on this matter in terms of how they're going to vote? Did you discuss this with them?

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**City Attorney Powell:** Just so we understand, my role is to advise the manager council on legal issues associated with this. This is a personnel issue, so I'm aware. I don't advise whether they should fire somebody. That is a personal decision.

**Margaret O'Conklin:** No that is not what I'm asking. I'm asking, what advice did you give them on this matter? Because, you were hired as counsel. If you hire an attorney for a situation, you want legal advice. Correct? I'm just asking because, for people who don't have the knowledge of the legal realm, what advice have you given on this issue?

**City Attorney Powell:** Again, first of all, respectfully, there is a thing called the attorney-client privilege. I would be-

**Margaret O'Conklin:** Can you invoke that? Because you're representing the council but you're also representing the building.

**City Attorney Powell:** The attorney/client privilege does not extend to every resident of every community that I give legal advice to.

**Margaret O'Conklin:** Does it extend to the Village? I'm just asking.

**City Attorney Powell:** Yes. First of all, there's a privilege. The second thing I can take you is, when it comes to addressing a personnel issue my role is a lawyer to advise on those legal issues, procedural issues, collective argument issues, the process, how this all works. It's not for me to decide or to advise as to whether the manager and the council should or should not terminate this individual. I don't work with this individual. I can't be kind as to whether she was a good employee or whether she was a bad employee. I didn't. I can only rely upon the information that the manager conveys and the impression of the council. To ask me whether--if you want to know whether I think she should be terminated or not, I'm not really the appropriate person to ask that.

**Margaret O'Conklin:** No that's not what I asked. That isn't what I asked. The second thing is, Mr. Johnson? Do you have any case log or any, what is the term I'm looking for in this? In terms of if, where this has happened in the past, if somebody has been able to sue outside of, for all of the situations that he was stating, what that actually costs? Do you have any cases that you could discuss with the council in terms of what type of settlement somebody gets in that type of situation, and then, where does the money come from?

**City Attorney Powell:** Again, I understand what Mr. Johnson was saying and what you're saying, you are asking me frankly to speculate.

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**Meeting Start: 7:01 PM**

**Meeting End: 8:40 PM**

**Meeting Length: 01:24:38**

**Margaret O'Conklin:** No, I didn't say speculate. I actually said case law.

**City Attorney Powell:** No let me finish. What you're essentially asking me is right now, what we know of okay, is that Ms. Hoofnagle is essentially terminated. I am not aware of there being any other claim. That doesn't mean she can't make other claims, but in a sense, you're saying, "Tell me all of the potential hypothetical claims that she could make".

**Margaret O'Conklin:** No it's not what I said. I said case law. So that wouldn't actually involve her at all.

**City Attorney Powell:** Right, but as a lawyer, case law is based on specific types of legal claims. There are no legal claims pending, so I have no idea what claims she may or may not be making.

**Margaret O'Conklin:** No, it's not true, there are. Can you understand what I'm saying? I'm not an attorney. I am a physician. I did work with attorneys before I went to med school. It was a pretty good education, and I know when you present a case you have case law and case law helps you win or lose.

**City Attorney Powell:** Right, but in order to do that, you need to know what the case is.

**Margaret O'Conklin:** Okay, but he did state, and I can't repeat his words but he did state that she does have other avenues to go down.

**City Attorney Powell:** Again, respectfully, and Mr. Johnson seems like he's a knowledgeable guy, where this is all complete speculation. I don't know enough to know what Ms. Hoofnagle may or may not claim. I don't know if there's any facts to support it. Look, in the United States of America, anybody who gets fired frankly can file anything that they want, but doesn't make it valid or invalid. You can hire a lawyer on a contingency and pay zero dollars for your lawyer and you can pay \$200 to file a complaint and you can file a complaint. Until I see what's actually being alleged by her, I'm just guessing out of thin air.

**Margaret O'Conklin:** This may not be a question that you can answer either, but if she does win a settlement outside of this arbitration, which may only be her salary, which she's owed, but if she goes beyond that into a totally different realm, that could be millions of dollars. Who pays for that? Is there an insurance policy that this village has that's going to cover something like that? Because, that could be millions of dollars.

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**City Attorney Powell:** Sure here's what we said win and then settlement, so those are two different concepts. Winning is like, she litigates and she actually prevails in some of these on mutually agreed upon a solution, this arbitration backdates, if she were to be awarded her job back then that would come out of her general corn revenue. As it relates to a claim like she's got a claim that she was fired because she's a woman or because she's over 40 or something else. On many stages, I probably don't know what the village has that maybe says have, what's called EPLI insurance, employee practices liability insurance. I do not know if you all have insurance.

**Mayor Cubillos:** Do you have that policy? Do you have a policy?

**Village Manager Alou:** No.

**City Attorney Powell:** I don't know. Do you guys have like fully coverage for claims? You probably do have insurance for this, I can speak to you-

**Mayor Cubillos:** You would know the answer to that question, right, and what's the policy limit.

**Speaker 4:** I don't have the policy and I don't even know who that police is.

**Mayor Cubillos:** Okay, so, if you don't have a policy, then the money has to come from somewhere, and that could be millions of dollars.

**Speaker 4:** There is a living savings policy.

**Mayor Cubillos:** Thank you.

**Vice Mayor Nickerson:** Peter Bandroni, case 147 North Place and we have three attorneys on the council tonight, we have Lisa, we have the manager is not active anymore as an attorney, correct?

**Village Manager Alou:** I'm an active attorney.

**Vice Mayor Nickerson:** You're an active attorney now, I thought you worked from the bottom up. Then we have another attorney here. You're getting paid by the village? Correct?

**City Attorney Powell:** Correct.

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**Vice Mayor Nickerson:** This gentleman here, the attorney here is getting paid by the village, correct? We have two attorneys, we've got a village attorney. Why do we have two attorneys?

**Village Manager Alou:** Because of the different faculties. Because he is a legal law attorney, he's not, it's not his faculty.

**Vice Mayor Nickerson:** So we have to have a specialty law attorney called.

**Mayor Cubillos:** Miss Hoofnagle.

**Vice Mayor Nickerson:** Nobody is going to answer, nobody is going to say anything.

**Mayor Cubillos:** It's normal business.

**City Attorney Powell:** Sir, I'll answer. Basically, I do labor law, labor work for many cities in South Florida. It's highly unusual to have a city attorney, cities don't generally need us, generalists they're not specialists.

**Vice Mayor Nickerson:** Okay. You have probably said enough. All right. Another thing is, tonight on the vote, are there enough council members to be able to take that vote and hold it because, we are missing one and I think that Mr. Mathis here and Miss Christie Alou were in business together, so isn't that contradictory.

**Councilman Mathis:** No. It's already been dealt with the ethics committee.

**Vice Mayor Nickerson:** Sorry.

**Councilman Mathis:** It's already been dealt with the ethics committee.

**Vice Mayor Nickerson:** It's already been dealt with ethics.

**Village Manager Alou:** We were never together.

**Vice Mayor Nickerson:** I'm sorry

**Village Manager Alou:** We were never in business together.

**Vice Mayor Nickerson:** Well, there is a company called Christina Alou where Mr. Mathis is a registered agent in my understanding.

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**Village Manager Alou:** That was left in the- [crosstalk]

**Vice Mayor Nickerson:** Okay. Fine. That's all. Thank you.

**Mayor Cubillos:** Any other members of the community.

**Mayor Cubillos:** Here and now, I am going to close for the comments, open it up to the council. Any questions to either Ms. Escobar and/or the village manager.

**Councilwoman Roman:** I would like to hear from our manager. I know that I have spoken to our manager several times and I am very aware of everything, very aware of the case and everything but I think it is important for our residents to hear from our manager.

**Village Manager Alou:** Good evening. I know this has been a difficult situation for all of us, and our residents want answers. Out of deference and respect for Ms. Hoofnagle, I thought that it was important to keep the HR aspect of this between us because, we have-- ought to have known this but, I do want you all to know it was not based on frivolity, I did reprimand her and it is documented. I don't think anyone needs to check on it but if you must, you can. I lost confidence in Ms. Hoofnagle's abilities and she became insubordinate and she failed to communicate and that was the key, because we have a huge breakdown in communication.

There was no concern about, I think someone mentioned something about whistle-blowing because, there is no whistle to blow. It was about performance, you know, reports that were not submitted. Not responding, being irresponsible. I mean, there were issues of that nature. Know what work to go back to and then, after our Margrethe consulting firm came in, that was even spotlighted even more that we had a long way to go and that Ms. Hoofnagle was being insubordinate and not assisting with that assessment. We're trying to help the village and just I didn't understand where that breakdown came from.

When Chief Perez came in to work with us and it was done so under good intentions. This was a person who had no relationship with the village and didn't know our council as far as I knew and there were problems. Based on that, I recommended the termination and I think will take all that.

**Mayor Cubillos:** Are there any questions for councilperson Roman or Councilperson Mathis to the manager of El Portal Ms. Escobar? Okay. Fair enough. Madam Clerk may I please have preserve motion to accept?

**Speaker 4:** Okay.

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**Councilwoman Roman:** I do want to say a couple of things. You know, I have listened to everything,. This is a very long process. Unfortunately that is not how it's been presented, but, as council, one of our responsibilities is to communicate with our manager on a weekly basis to get updates. I happen to do a very good job at that. I also have happened to sit on the public safety committee for a couple of years. I can still sit on it. I have been previewed to a lot, I have supported Hoofnagle from the very start. There was a point where I did go to speak with the manager in regards to why I believe that the interim and all the process that is going on I agreed with it.

What I think, I am very disappointed in the turn of events that happened and what I saw with Hoofnagle towards the end, and then, which supported her behaviors, completely supported what I was listening and hearing from our manager. I think it is a very sad situation, I have been in the village for 15 years and it is a sad situation when someone has been employed for a long time. I do believe that it's become hostile and I don't believe that we can go back from this. I don't believe that we will get the same service from Hoofnagle and I don't believe that we can move forward.

I do support our manager and her decisions, and I'd like to see if there is any possibility of us working together with Hoofnagle, doing the right thing for Hoofnagle that does not include reinstating her because, I don't believe that that would be the right or the proper or even the best way to move forward. What that looks like, I have no idea. I know she's been here for a long time, I don't know if that looks as a retirement, as we settle with her for a retirement, I'm open to a discussion because, I am all about doing the right thing at all times. I want to be able to put my head in my pillow and go to sleep at night knowing that we made the right decisions and everyone to go into arbitration, yes, I am a taxpayer too so those are part of my tax dollars.

What I'd like to see is somehow, if we can come to an agreement and a settlement so that everyone is happy and we move forward but we part ways in a way that Hoofnagle can hold up her head high that she worked for the village and served the village for an x amount of years and, we can hold up our head and say, we did the right thing and we are moving forward in this direction. We have new management. We have a lot that's happened within the Village and I think this is definitely an area that we need to move forward on, but parting ways to me would be the best result.

**Speaker 3:** If I could just interject. That you want to address the point you made? Shortly after I was first retained by the Village. You know, I'm a big advocate of, how do we resolve these things in a way that's going to be as inexpensive as possible. So, I had recommended that we engage in some discussion and I did speak to Ms. Escobar early on and, look at Sullivan. You

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can always revisit Sullivan, so you can always continue to explore what usually doesn't-- when I broached that subject with Ms. Escobar, about what can we do to resolve this matter without this Ms. Hoofnagle coming back to work here and I was told there was no option with the [unintelligible 01:21:05].

That's been explored again, but that doesn't mean that it can't be re-explored. We even discussed other options that you typically might look at that would even involve her coming back, which I don't think the manager is really all that interested in, but frankly, there wasn't really any, Ms. Hoofnagle, her council work with providing us. So, I think really the best offer she was given is what she said earlier tonight and quite candidly, and I think I said this before, the other grievance that we talked about before, I don't really think has much merit, so she's really basically saying, "Just give me what I want. This is a settlement". This is not really a settlement.

Again, you can always explore settlement and they can always change their mind, but I can tell you this has been explored and no option will fit Ms. Hoofnagle or her counsel and if they were going to accept it to accept it through the counsel.

**Councilwoman Roman:** Just to add that he is correct which is one of the first things that we did talk about and I had made the recommendation as well and I said, "Absolutely, you give her the 20 years and 20 years is 20 years." But, I was told exactly the same thing and I even said I even recommended the thing where it might have been, the council [unintelligible 01:22:10] he said, "There won't be a termination, let it be a resignation." So no one wants her to get hurt and not get employed anywhere else. It's not knowing any intent. I would never do that to anybody, but I was also told that was clearly not an option at all.

**Mayor Cubillos:** Council member Mathis?

**Council Person Mathis:** I have nothing to say.

**Council Person Roman:** Well, if that's the case, then I would like to make a motion and the motion is to terminate on Hoofnagle taking the recommendation of the management.

**Council Person Mathis:** I second.

**Mayor Cubillos:** There is a motion to accept the request from the manager to terminate Ronnie Hoofnagle. The motion is made by Council Person Mathis, accepted today by Council Person Roman. Sorry, the motion was made by Council Person Roman and was seconded by Council

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Person Mathis. Any discussion? I have a quick comment. Christine Ackerman you said that you want to say anything with Council Person Roman and Mathis?

**Village Manager Alou:** No thank you.

**Mayor Cubillos:** Madam, can we have roll call

**Speaker 6:** Roll call. Council Person Roman.

**Council Person Roman:** Yes.

**Speaker 6:** Council Person Mathis.

**Council Person Mathis:** Yes.

**Speaker 6:** Mayor Cubillos

**Mayor Cubillos:** Yes?

**Speaker 6:** Motion passes through the night.

**Mayor Cubillos:** All of the reports have been given. There is no unfinished business and new business. Again, motion to adjourn?

**Council Person Mathis:** Request to adjourn.

**Mayor Cubillos:** The motions were made by Council Person Mathis is there a second?

**Council Person Roman:** I'll second.

**Mayor Cubillos:** All in favor signal by saying I.

**Council Person Mathis:** I

**Mayor Cubillos:** The meeting ends at 8:40 PM, thank you.

[01:24:38] [END OF AUDIO]

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