

Carlos Hernández
Mayor

Paul B. Hernández
President

Oscar De la Rosa
Vice President



Council Members
Katharine Cue-Fuente
Jacqueline Garcia-Roves
Monica Perez
Jesus Tundidor
Carl Zogby

Special Meeting of the City Council
(VIRTUAL)
Minutes
May 12, 2020
7:00 p.m.

1. CALL TO ORDER

- A. Council President Hernandez called the meeting to order at 7:03 p.m.
- B. Council President Hernandez recognized law enforcement during National Law Enforcement Week.

2. ROLL CALL

- A. City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:
 - 1. Council President Paul Hernandez
 - 2. Councilwoman Katharine Cue-Fuente
 - 3. Councilwoman Jacqueline Garcia-Roves
 - 4. Councilwoman Monica Perez
 - 5. Councilman Jesus Tundidor
 - 6. Councilman Carl Zogby
- B. City Clerk, Marbelys Fatjo, called the roll with the following Council Members absent:
 - 1. Council Vice President De la Rosa
- C. Also present were Mayor Carlos Hernandez and Lorena Bravo, City Attorney

3. INVOCATION

- A. Marbelys Fatjo, City Clerk led the invocation.

4. PLEDGE OF ALLEGIANCE

- A. Council Member Tundidor led the Pledge of Allegiance.

5. MEETING GUIDELINES

The following guidelines, which apply to today's City's Council Meeting, have been set by Mayor Carlos Hernandez through the execution of an Order on Emergency Public Meeting Guidelines and Procedures Using Communications Media Technology In Response To COVID-19:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 on March 20, 2020, suspending the "Florida's Government in Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and the meeting be held at a physical location accessible to the public for the duration of the State's Declaration of Emergency issued on March 9, 2020 as a result of the COVID-19 pandemic affecting the State of Florida. Executive Order 20-69 allows local governments to use communications media technology to hold public meetings during the public health emergency as a result of COVID-19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.
- The following Procedures for Virtual Public Meetings of the City Council using Communications Media Technology in Response to COVID-19 have been adopted as minimum procedures for all emergency public meetings of the City Council, board and committees of the City of Hialeah effective the execution of **Order on Emergency Public Meeting Guidelines and Procedures using Communications Media Technology in Response to COVID19**, signed by Mayor Carlos Hernandez on April 8, 2020.
- The virtual public meeting shall be broadcast live for members of the public to view on the City's Facebook page. In addition, members of the public may hear the meeting live through telephonic conferencing.
- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by email to virtualmeeting@hialeahfl.gov by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. Email comments and questions shall not exceed three (3) minutes when read. Only the first three minutes of e-mail comments and questions received by the deadline will be read into and form part of the

public record.

- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so during the meeting by joining the meeting using Zoom or any other similar web-based meeting platform being used as identified in the notice. The person interested in joining the meeting to participate for this purpose must register with the City Clerk by completing a registration form, providing the information required and submitting the completed form to the City Clerk no later than 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. All registered participants will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.
- Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.
- All existing laws or rules of procedure applicable to public meetings (i.e. three minute limit on speaking, three in favor and three in opposition on any item on the agenda, lobbyist registration requirements), that are not in conflict with these procedures and can be observed under the circumstances remain in effect and to the greatest extent practicable should be observed.
- Public comments and questions, whether on general matters of public concern or on a matter on the agenda, will be heard at the beginning of the meeting and once heard no other public participation will be permitted.
- Persons making public comments must identify themselves by first and last name and provide their address for the record, prior to speaking.
- If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

REPORT: The meeting guidelines were read into the record by Marbelys Fatjo, City Clerk, in English.

6. COMMENTS AND QUESTIONS

REPORT: The Office of the City did not receive any email messages from persons interested in making comments or posing questions on matters of public concern.

REPORT: One individual interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the meeting using Zoom.

- (1) Eric Johnson, on behalf of Local 1102- Hialeah Firefighters, with a home address that is exempt under Florida law, thanked Council Member Tundidor, Senator Rene Garcia and UBER for expressing appreciation to the Hialeah Fire Department.

REPORT: Council President Hernandez asked if anyone viewing or listening to the meeting wanted to participate by making comments or posing questions, at which time one person expressed interest in participating.

- (2) Alain Vega, 2371 West 52 Street, Hialeah, Florida 33016, addressed the Mayor and the City Council regarding a possible reopening date for carwashes.

REPORT: Council President Hernandez was disconnected from the meeting due to internet issues. Council Member Cue-Fuente was asked to chair the meeting.

REPORT: Council President Hernandez reconnected to the meeting.

7. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- A. Administrative Item 9C has been added to today's agenda.
- B. The proposed ordinance for Administrative Items 9A and 9B has been updated.

8. 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: Council President Hernandez rejoined the meeting.

REPORT: Council Member Perez requested separate discussion on Consent Item B.

REPORT: Motion to Approve the Consent Agenda, except Item B, made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council Vice President De la Rosa absent.

- A. Request permission to approve the minutes of the Virtual Special Meeting of the City

5/13/2020 1:56 PM

Council held on April 28, 2020.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Vice President De la Rosa absent.

- B. Proposed resolution awarding Bid No. 2019-20-0240-36-002 to Minnesota Life Insurance Company, the lowest responsive responsible bidder, for Basic Life Insurance and Accidental Death and Dismemberment Insurance Coverage for City employees and retirees for a term of 3 years at a rate not to exceed \$0.080 per \$1,000 coverage for active employees and \$.800 per \$1,000 coverage for retired employees for Basic Life Insurance and \$0.028 per \$1,000 coverage for Accidental Death and Dismemberment Insurance.

(RISK MANAGEMENT)

APPROVED 5-1-1 with Council Member Perez voting “No” and Council Vice President De la Rosa absent.

RESOLUTION NO. 2020-058

REPORT: Robert Lloyd-Still, Risk Management Manager, 501 Palm Avenue, addressed the City Council.

REPORT: Motion to Approve Consent Item B made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 5-1-1 with Council Member Perez voting “No” and Council Vice President De la Rosa absent.

- C. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Siteone Landscape Supply, LLC, vendor providing the lowest quotation, for the purchase of Headway Fungicide to be used in the maintenance of fields, in a total cumulative amount not to exceed \$1,314.

(DEPARTMENT OF PARKS AND RECREATION)

APPROVED 6-0-1 with Council Vice President De la Rosa absent.

9. ADMINISTRATIVE ITEMS

- A. First reading of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 1 entitled “Generally”, Division 4 entitled “Membership”, Division 5 entitled “Benefits”, and Division 7 entitled “Deferred Retirement Option Program”; implementing the changes to the Retirement Plan contained in 2019-2022 Collective Bargaining Agreement between the City and IAFF for Firefighter Members, in particular revising § 70-96, entitled “Definitions”; revising § 70-210 entitled “Member Contributions to Retirement Plan”; revising § 70-238 entitled “Service Retirement Allowance”; revising § 70-260 entitled “Eligibility;” repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties hereof; providing for inclusion in the code; providing for an interpretation and savings clause; providing for a severability clause

and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Vice President De la Rosa absent.

REPORT: Lorena Bravo, City Attorney, addressed the City Council on this item.

REPORT: Motion to Approve Item 9A made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council Vice President De la Rosa absent. Second reading and public hearing is scheduled for May 26, 2020.

- B. First reading of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division I entitled “Generally”; implementing a change to the definition of compensation for police officers; revising § 70-96, entitled “Definitions”; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties hereof; providing for inclusion in the code; providing for an interpretation and savings clause; providing for a severability clause and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Vice President De la Rosa absent.

REPORT: Lorena Bravo, City Attorney, addressed the City Council on this item.

REPORT: Motion to Approve Item 9B made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Vice President De la Rosa absent. Second reading and public hearing is scheduled for May 26, 2020.

- C. Public hearing of proposed emergency ordinance providing for supplemental or additional enforcement of all emergency or executive orders and rules promulgated pursuant to Florida Statutes §252.46 through code enforcement in accordance with Chapter 22 of the Hialeah Code of Ordinances; adopting and incorporating by reference all executive and emergency orders, as amended, issued in response to COVID-19 by the State of Florida, Miami Dade County, and the City of Hialeah; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; providing penalties for violation hereof; and providing for an effective date.

(ADMINISTRATION)

APPROVED 6-0-1 with Council Vice President De la Rosa absent.

ORDINANCE NO. 2020-015

REPORT: Lorena Bravo, City Attorney, addressed the City Council on this item.

REPORT: Mayor Hernandez addressed the City Council on this item.

REPORT: Motion to Approve Item 9C made by Council Member Zogby, and seconded by Council Member Cue-Fuente. Motion passes 6-0-1 with Council Vice President De la Rosa absent.

10. UNFINISHED BUSINESS

REPORT: None.

11. NEW BUSINESS

- A. Mayor Hernandez advised he will keep the City Council updated as to the opening of the City, and thanked everyone for their support during these times.
- B. Council President Hernandez requested an update on the Landlord Tenet Relief Program and grant for small businesses.
- C. Council Member Zogby announced a food drive that is being held at Goodlet Park on Friday, May 15, 2020 at 9:00 a.m.

12. CITY COUNCIL'S NEW BUSINESS

A. Council Member Tundidor spoke on the following:

- *Senior Lunch Programs and COVID-19*
- *The creation of a Census Taskforce for Outreach*
- *Donation of 500 trees to the City of Hialeah*
- *Donation to the Fire Department by UBER*
- *UBER Program*
- *Budget deficit*

B. Council Member Perez spoke on the following:

- *The creation of a taskforce to stimulate the economy*
- *Honoring high school graduates*

C. Council President Hernandez spoke on the following:

- *COVID-19*
- *Provided a legislative update on 30 for 30 proposed resolution and ordinance for the creation of committees*

D. Mayor Hernandez provided the City Council with an update on his meetings with

other Mayors and health experts for a possible reopening plan.

REPORT: Motion to direct the Law Department to draft a resolution creating a taskforce to generate ideas or consider action items for stimulating the economy, made by Council Member Tundidor, and seconded by Council Member Garcia-Roves. Motion carries 5-0-2 with Council Member Zogby not present during roll call and Council Vice President De la Rosa absent.

REPORT: Motion to direct the Law Department to draft a resolution creating a taskforce for Census outreach, made by Council Member Tundidor, and seconded by Council Member Perez. Motion carries 5-0-2 with Council Member Zogby not present during roll call and Council Vice President De la Rosa absent.

REPORT: Council President Hernandez adjourned the meeting at 9:06 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, May 26, 2020 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, May 26, 2020 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).