

**Regular Council Meeting
Tuesday, September 28, 2010
Meeting Minutes
7PM**

- A. CALL TO ORDER: Mayor Joyce A. Davis called the Village of El Portal Regular Council meeting of September 28, 2010 to order at 7:06pm
- B. SILENT MEDITATION & PLEDGE: Mayor Davis asked everyone to stand for a moment of silent meditation followed by the pledge of allegiance.
- C. ROLL CALL: Mayor Davis asked the Clerk to read the roll call record. The following were noted as present/absent:

Present: Mayor Joyce A. Davis
Vice Mayor Harold E. Mathis, Jr.
Councilperson Linda Marcus
Councilperson Daisy Black

Also Present: Jason Walker, Village Manager
Eugene Morales, Chief of Police
Steve Geller, Attorney At Law (Alternate)
Joseph S. Geller, Village Attorney
Albertha W. Patterson, Clerk

Absent: Councilperson Claudia V. Cubillos

- D. APPROVAL OF AGENDA:
Mayor Davis postponed, with no objections, the following items (due to the weather) from tonight's Agenda and placed them on October 26, 2010 Regular Council Meeting Agenda:
H1. Discussion on Urban and Community Forestry Grant, and
H3. Red Light Traffic Signal -- American Traffic Solutions, Inc.—
Resolution No.: 2010-031
Village Manager Jason Walker asked to submit a written report to Mayor and Councilpersons. Councilperson Black moved that the Agenda be approved as amended. Vice Mayor Mathis seconded the motion. The motion carried unanimously.
- E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:
Regular Council Meeting minutes for July 27, 2010. – Councilperson Marcus made one revision to the minutes stating she did not vote no to the dates. She stated she was pointing out the dates were holidays.
Mayor Davis stated it was properly moved and second that the Minutes for July 27, 2010 be approved with the noted correction.
- F. ACKNOWLEDGMENT OF VISITORS AND / OR SPECIAL PRESENTATIONS:
Mayor Davis recognized Miami-Dade Fire Chief Cole.

Mayor Davis recognized State Representative-elect Daphne Campbell and asked her to speak. Representative-elect Campbell thanked everyone for their support and stated if there is anything she may be able to help the Village of El Portal with to feel free to contact her office. Mayor Davis recognized Attorney Erica Wright who is the Legislative & Legal Affairs Analyst for Commissioner Edmonson's office.

G. GOOD AND WELFARE. None noted.

H. AGENDA ITEM(S)

H1. Move General Fund from BOA to Citibank
RESOLUTION NO.: 2010-030

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FL, AUTHORIZING THE VILLAGE MANAGER TO OPEN A GENERAL FUND OPERATING ACCOUNT WITH CITIBANK; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Davis asked the Village Clerk to read Resolution No.: 2010-030 into record. Village Manager Walker stated Resolution No.:2010-030 is to realize a larger interest and Citibank offers a better service for depositing the checks from the desk. Citibank also provide a security system on the checks that would protect check writing. The Village Manager stated the BOA account will probably remain open for up to six months to complete the transition. Village Manager stated all of the funds for the Village are protected. Both BOA and the Citibank comply with the depository rules. Vice Mayor Mathis moved that Resolution No.:2010-030 be approved. Councilperson Marcus seconded the motion. Resolution No.:2010-030 was approved by roll call vote of 4-0. Councilperson Claudia Cubillos was absent.

H2. General Liability & Comp Insurance
RESOLUTION NO.: 2010-032

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH PREFERRED GOVERNMENT INSURANCE TRUST (HEREIN "PGIT") FOR GENERAL LIABILITY, WORKER'S COMPENSATION, AUTOMOBILE LIABILITY, AND PROPERTY INSURANCE; PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Walker explained the reason for Resolution No.: 2010-032 by stating the present policy is scheduled to expire on Thursday, September 30, 2010. The Village Manager stated in the past the Village was self-insured for workers compensation. However, after three

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claims, none of which were injuries in the line of duty in El Portal, the Village had to pay. The Village Manager stated that the FMIT stated they could not cover the Village for workers compensation coverage. PGIT stated they will cover for workers compensation but as a package. PGIT package quote was \$9,100 less than FMIT. FMIT does not cover Councilpersons but PGIT does cover. Therefore, the Village Manager is recommending signing the coverage with PGIT.

Allen Flores, executive vice president and Cecilia Ford would be the agent if contract is approved with the Preferred Governmental Insurance Trust. Mr. Flores explained the benefits his company would provide to the Village of El Portal Staff, Mayor and Councilpersons. He explained the Hammer Clause stating his company would seek the Village Manager's assistance in settling a claim.

The Village Manager stated the Hammer Clause is very important and cited the example where it would have been very helpful to have had on another case where FMIT settled the case without calling him. The Village Manager stated this coverage would be for one year.

Vice Mayor Mathis moved that Resolution No.:2010-032 the General Liability and Compensation Insurance be approved. Councilperson Black seconded the motion. Resolution No.:2010-032 passed by roll call vote of 4-0. Councilperson Cubillos is absent.

H3. Three Cities

RESOLUTION NO.: 2010-033

Three Cities

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, EXPRESSING SUPPORT FOR THE CITIES OF MIAMI GARDENS, DORAL, AND CUTLER BAY, AND URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO PROVIDE THESE THREE CITIES WITH THEIR RIGHTFUL SHARE OF PEOPLE'S TRANSPORTATION PLAN SURTAX FUNDING FROM THE COUNTY'S 80% SHARE OF THE SURTAX, AS ORIGINALLY NEGOTIATED IN GOOD FAITH AND AGREED TO BY MIAMI-DADE COUNTY IN 2002, AND AS CURRENTLY REQUIRED BY MIAMI-DADE COUNTY ORDINANCE NO. 02-116.

Attorney Steve Geller explained Resolution No.: 2010-033 and Resolution No.:2010-034.

Councilperson Black explained that the three cities were not incorporated at the time the funds were voted on. Village Manager Walker stated both resolutions are requested by the League of Cities and the City Manager's Association.

Vice Mayor Mathis moved that Resolution No.:2010-033 be approved. Councilperson Marcus seconded the motion. Resolution No.:2010-033 was approved by roll call vote of 4-0. Councilperson Cubillos was absent.

- H4. Hold Harmless Options
RESOLUTION NO. : 2010-034 Hold Harmless Option

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL FLORIDA, URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO REJECT THE COUNTY MANAGER'S PROPOSAL TO PROVIDE THE PEOPLE'S TRANSPORTATION PLAN SURTAX FUNDS TO CITIES INCORPORATED AFTER 2002 FROM THE GROWTH OF THE EXISTING CITIES' 20% SHARE, ALSO KNOWN AS THE "HOLD-HARMLESS OPTION," AND URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO DIRECT THE COUNTY ADMINISTRATION TO PREPARE A PLAN TO FUND THE NEWLY INCORPORATED CITIES FROM THE COUNTY'S 80% SHARE, AS AGREED TO IN MIAMI-DADE COUNTY ORDINANCE NO.: 02-116.

Councilperson Black moved that Resolution No.: 2010-034 be approved. Vice Mayor Mathis seconded the motion. Resolution No.:2010-034 passed by roll call vote of 4-0. Councilperson Cubillos was absent.

- H5. Waste Sanitation Services Contract
Resolution No.: 2010-035

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING AN EXTENSION OF THE VILLAGE'S CONTRACT WITH WASTE MANAGEMENT, INC. AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT; TO TAKE EFFECT IMMEDIATELY.

Attorney Joseph Geller arrived. Attorney Joe Geller explained the Waste Sanitation Service Contract stating this is the second request for extension. The RFP will be completed. Councilpersons will make the final decision of what will be done with the contract.

Councilperson Marcus expressed a need for the Village to have a long term agreement with a sanitation company.

Councilperson Black moved that Resolution No.:2010-035 be approved. Councilperson Marcus seconded the motion. Resolution No.:2010-035 passed by roll call vote of 4-0. Councilperson Cubillos was absent.

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H6. Call for Election of Mayor & Two Councilpersons
Resolution No.: 2010-028

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, CALLING FOR THE ELECTION OF MAYOR AND TWO COUNCIL PERSONS, ONE FOR SEAT ONE AND ONE FOR SEAT FOUR, WITH THE ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, PROVIDING FOR THE CLOSING OF REGISTRATION BOOKS; DESIGNATING HOURS AND THE VILLAGE HALL AS THE VOTING PLACE; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Mathis moved that Resolution No.: 2010-028 be approved. Councilperson Marcus seconded the motion. Resolution No.:2010-028 was approved by roll call vote 4-0. Councilperson Claudia Cubillos was absent.

I. REPORTS:

II. Village Manager's Report – Jason M. Walker

Village Manager Walker requested to submit a written report.

I2. Mayor's Report – Mayor Joyce A. Davis – None noted.

I3. Clerk's Report – Clerk Albertha Patterson

The Clerk reminded all candidates that the Candidate Skills Training will be held on September 30, 2010 at the City of Miami at 6:30pm. Attorney Joe Geller encouraged all to attend the training.

I4. Legal Matters – Attorney Joseph S. Geller--No legal matters.

I5. Committee Chairs Report

Vice Mayor Mathis stated the Public Affairs committee will have their Senior Citizen luncheon tomorrow in Village Hall.

J. UNFINISHED BUSINESS AND GENERAL ORDERS: None noted.

K. NEW BUSINESS: None noted.

L. GOOD AND WELFARE: None noted.

M. ADJOURNMENT: Vice Mayor Mathis moved that the Regular Council meeting for September 28, 2010 be adjourned. Councilperson Marcus seconded the motion. The motion carried unanimously. The Regular Council meeting was adjourned at 8:09pm.

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Respectfully submitted,
Albertha W. Patterson

Albertha W. Patterson, CMC
Clerk

Transcribed date: October 8, 2010
Approved date: October 26, 2010