



Regular Village Council Meeting  
Tuesday, October 25, 2011  
Meeting Minutes  
7PM

A. **ALL TO ORDER:** Mayor Daisy M. Black called the Regular Council meeting to order at 7:05pm.

B. **SILENT MEDITATION & PLEDGE:** Mayor Black asked everyone to stand for a moment of silent meditation followed by the Salute to the American Flag in Unison.

C. **ROLL CALL:** Village Clerk was asked to read the roll call sheet. The following were noted as present / absent:

Present: Mayor Daisy M. Black  
Councilperson Linda Marcus  
Councilperson Omarr C. Nickerson

Also present: Jason Walker, Village Manager  
Joseph S. Geller Village Attorney (here at 7:28pm)  
Eugene Morales, Chief of Police  
Irwin Williams, Chief Financial Officer  
Albertha W. Patterson, Village Clerk

Absent: Councilperson Claudia V. Cubillos  
Vice Mayor Harold E. Mathis, Jr.

D. **APPROVAL OF AGENDA:** Village Clerk deleted an item under Reports, J2, due to no Committee meetings were held during the month of October. No other changes were made to the Agenda.

E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**

E1. Minutes for September 27, 2011 Regular Council Meeting  
Councilperson Nickerson moved that the minutes be approved as presented.  
Councilperson Marcus seconded the motion. The motion carried unanimously.

F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATION:** None noted.

G. **GOOD AND WELFARE:**

G1. Mrs. Merlin Brooks - 400 NE 90<sup>th</sup> Street – Offered sympathy to Mayor Black for the loss of her sister. Ms. Brooks stated there should be some type of sign that is posted in front of Village Hall to inform other Villagers that a Villager has passed away.

Mrs. Brooks also suggested that a yellow ribbon be placed outside to welcome home the servicemen and thank them for what they have done.

**H. AGENDA ITEMS:**

- H1. Resolution No.: **2011-031** FEMA REIMBURSEMENT  
Sponsor: Village Manager

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ALLOCATE FUNDS FROM THE GENERAL RESERVE FUND, IN INSTALLMENTS, TO REPAY THE STATE PORTION OF \$35,038.58 IN ORDER TO REMAIN IN COMPLIANCE WITH THE DISASTER RELIEF FUNDING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Walker stated the reason for this resolution is to setup an agreement to get a payment plan from FEMA. This way the Village will not be in violation if we get a hurricane and need assistance from FEMA.

Councilperson Nickerson moved that Resolution No.:2011-031 be approved. Councilperson Marcus seconded the motion. Resolution No.:2011-031 passed by roll call vote of 3-0.

- H2. Resolution No.: **2011-032** HANDHELD LASER (JAG GRANT)  
Sponsor: Village Manager

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF EL PORTAL TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA PROGRAM FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF OBTAINING AN HANDHELD LASER DEVICE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Walker stated this is a grant that the police department is submitting through Miami-Dade County for a handheld laser. Councilperson Marcus moved that Resolution No.:2011-032 be approved. Councilperson Nickerson seconded the motion. Resolution No.:2011-032 passed by roll call vote of 3-0.

- H3. **RESOLUTION NO: 2011-033** SPECIAL REVENUE FUND 2011-2012  
Sponsor: Village Manager

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, APPROVING AND ADOPTING THE VILLAGE OF EL PORTAL SPECIAL REVENUE FUND BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

H3. Special Revenue Fund 2011-2012 Resolution No.:2011-033 (continued)

Village Manager stated the summary information on the Special Revenues was inadvertently omitted from the information packages. Village Manager Walker explained the line items stating: The Village is scheduled to receive three bus shelters on Northeast 2<sup>nd</sup> Avenue but no design yet for the bus benches.

Councilperson Marcus asked the status of the forfeiture funds. Village Manager explained the reason for placing the amount at zero.

Councilperson Nickerson moved that Resolution No.:2011-033 be approved. Councilperson Marcus seconded the motion. Resolution No.:2011-033 passed by roll call vote of 3-0.

H4. RESOLUTION No.: **2011-034**

Advance Contractors

Sponsor: Village Manager

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE COUNTY, FLORIDA, APPROVING AND CONFIRMING THE VILLAGE MANAGER'S FINDINGS THAT IT IS MOST ADVANTAGEOUS FOR THE VILLAGE TO WAIVE COMPETITIVE BIDDING PROCEDURES, AUTHORIZING AN AGREEMENT WITH THE VILLAGE OF EL PORTAL AND ADVANCED CONTRACTORS IN AN AMOUNT NOT TO EXCEED \$8,052.00, FOR THE ENTRY WAY IMPROVEMENTS AND GATEWAY SIGN TO BE INSTALLED AT THE ENTRANCE OF THE NORTHEAST 87<sup>TH</sup> STREET, ALLOCATING FUNDS FROM THE VILLAGE SPECIAL REVENUE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Walker stated Mr. Danny Reyes has hired a contractor to complete the work on the sign on his side of the street. Village Manager Walker stated if Mayor and Council would approve this resolution, it would allow him to hire the same contractor and not stop the work that is being done as well as maintain the consistency in the work process. Village Manager Walker stated therefore, his request is to waive the competitive bidding and allow Advance Contractors to start the work on the north side of the street.

Councilperson Marcus asked for explanation for the difference in the cost from \$1,900 to \$8,000 from the General Fund. Village Manager Walker stated these funds will come from Special Revenue Funds. Village Manager Walker explained the process as Miami Shores has agreed to sign a letter to the County stating they will cleanup North Miami Avenue along with their trees because the county does not want us to put palm trees on North Miami Avenue. Miami-Dade County ruling is no falling branches. Miami Shores have agreed to maintain our median as they do theirs. Village Manager stated these CITT and Gas Tax funds cannot be spent for anything else and if these funds are not used the Village may lose the funds. Village Manager Walker stated the Village now has \$240,000 of these funds that is enough to do something with.

Councilperson Marcus moved that Resolution No.:2011-034 be approved. Councilperson Nickerson seconded the motion. Resolution No.:2011-034 passed by roll call vote of 3-0.

H5. Good & Welfare Procedures Sponsor: Councilperson Nickerson

Councilperson Nickerson explained his reason for bringing this issue to Council.

Councilperson Nickerson stated he would like to illuminate the first Good and Welfare which is his opinion, serves no purpose because the Villagers do not know what the items are about until they are discussed by Mayor and Council.

Mayor Black stated the first good and welfare was not on the agenda during her earlier tenure on the council.

Councilperson Marcus stated the first good and welfare was added to allow people to speak on any item on the agenda without having them to wait.

Councilperson Nickerson stated he would not be opposed to keeping the first good and welfare so that anyone could speak earlier that did not want to wait for the item.

Attorney Geller stated Council has the call to run the meeting the way they feel is most efficient to accomplish their goal. Attorney Geller stated Council may adopt things by motion. Usually it is by a resolution. Attorney Geller stated this item was discussed during an earlier meeting. Attorney Geller stated a vote will have to be taken. Councilperson Marcus stated this was not voted on at the last meeting and stated Vice Mayor Mathis suggested that this item be referred to the Administration and Finance Committee. Councilperson Nickerson stated he does not agree with that recommendation. Councilperson Nickerson moved that this item be deferred to the next council meeting in November. Councilperson Nickerson stated if councilpersons are absent next month, he would like this item moved forward. Councilperson Marcus seconded the motion. Mayor Black stated as long as we have quorum the council will go forward.

The motion was approved by roll call vote of 3-0. Good and Welfare Procedure will be placed on the November 15, 2011 agenda.

**I. GOOD AND WELFARE:**

I1. Greg Walton – stated he agrees with Councilperson Nickerson idea for the Good and Welfare and feels since the Council has a quorum tonight they should have voted on the issue.

I2. Maribel Fruitstone – 133 NW 88<sup>th</sup> Street – stated she was present at the last meeting when the good and welfare issue was discussed. Ms. Fruitstone stated she expressed her desire for her voice to be heard. Mrs. Fruitstone stated she feels it is sad that not enough of the councilpersons are present to follow-up on the issues on the agenda.

I3. Barbara Fuechsl- NE 85<sup>th</sup> Street – stated she also supports the change in the good and welfare.

I4. Mrs. Merlin Brooks 400 NE 90<sup>th</sup> Street – stated the council has a quorum tonight. She feels they should vote tonight. Mrs. Brooks stated she passed the Tot Lot one night and the gate to the Tot Lot was not locked.

I5. Mrs. Kim Flower – 140 NW 88<sup>th</sup> Street – stated the council should have voted on the issue tonight and she is in support of the revision as Councilperson Nickerson expressed. Mrs. Flowers stated Councilperson Cubillos was not here last month and may not be here next month.

**J. REPORTS:**

J1. Village Manager – Jason M. Walker

Village Manager Walker provided information on the following:

J1a. Contract for 87<sup>th</sup> Street project was extended by six months at the request of the villagers who wanted to avoid the construction during the holiday season.

J1b. Drainage problem

J1c. Health Insurance meeting scheduled for Thursday for life and health benefit

J1d. PBA union contract signed

J1e. Received a request for support for a TV series called Magic City that will be on Starz. Village Manager Walker stated the actual filming will be held in the City of Miami. The recording will be done from 5pm until 5am. The Village was asked to provide two off-duty police officers to man the area. Area residence must approve this filming and a majority of them have already in the Sherwood Forest area (85<sup>th</sup> and 86<sup>th</sup> Street).

J1f. TRIM Certification received

J1g. Street signs request for a shade of blue and font denied

J1h. Off-Duty Police work- Village Manager Walker met with Miami Gardens City Manager and Assistant City Manager and agreed to sign an interlocal agreement to allow Village of El Portal police officer to work off-duty in their city.

Councilperson Marcus asked if the officers will be covered in case of an injury. Village Manager Walker replied yes. The Village is no longer self-insured.

J1i. Approval of the design for Sherwood Forest Park. Village Manager Walker stated Mayor and Council have already approved the Special Review budget. Village Manager Walker asked Alberto to come to the microphone to explain the design options he completed for the park.

Alberto Latorre – 283 NE 86<sup>th</sup> Street – explained the designs to the park as Option 1 and Option 2. Mr. Latorre stated option 1 is a braid pattern at the end of the park that will end with a waterfall and a birdfeed. Mr. Latorre suggested that benches with divider seats be placed there to discourage homeless people from staying in the park.

J1ia. Barbara Fuechsl who assisted on this project distributed the copies of both design options along with a neighborhood support list spreadsheet of the project.

Councilperson Marcus stated the street is not wide enough to put a six inch curb.

Attorney Geller stated Miami-Dade County will have to approve the curb revision for the park.

Mayor Black opened the floor for public forum:

J1ib. Rey Trujillo – 263 NE 86 Street suggested that one of the designs be decided on tonight.

Councilperson Nickerson moved that design #2 be approved. Councilperson Marcus seconded the motion. The design 2 was approved by roll call vote of 2-1. Mayor Black stated she likes both designs.

J2. Village Mayor – Mayor Black

Mayor Black provided information on the following:

J2a. City Government Week luncheon is scheduled for Wednesday, October 26, 2011, at 12noon here in Village Hall. Mayor Black stated there will be a guest speaker for the event.

J2b. Thanked all for their support of the State of the Village Address.

J2c. Village Cleanup was a huge success. The youths from Horace Mann were very supportive. Mayor Black thanked the police officers for volunteering to make this event a successful one.

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J3. Legal Matters – Attorney Joseph S. Geller  
Attorney Geller stated there are no legal issues.

**K. UNFINISHED BUSINESS AND GENERAL ORDERS:** None noted.

**L. NEW BUSINESS:** None noted.

**M. ADJOURNMENT:**

Councilperson Nickerson moved that the Regular Council meeting be adjourned. Councilperson Marcus seconded the motion. The Regular Council meeting for October 25, 2011 was adjourned at 8:32pm.

Respectfully submitted,

*Albertha W. Patterson*

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Albertha W. Patterson, MSM, CMC

Date transcribed: December 15, 2011

Date approved: December 20, 2011

# of Villagers present: 13