

VILLAGE HALL
500 NE 87TH ST
EL PORTAL, FL 33138
JASON M. WALKER
VILLAGE MANAGER



MAYOR DAISY M. BLACK
VICE MAYOR HAROLD E. MATHIS, JR.
COUNCILPERSON LINDA MARCUS
COUNCILPERSON CLAUDIA V. CUBILLOS
COUNCILPERSON OMARR C. NICKERSON

Regular Village Council Meeting
Tuesday, September 25, 2012
MINUTES
7:01PM

- A. CALL TO ORDER:** Mayor Daisy Black, presiding, called the meeting for September 25, 2012 to order at 7:15 PM.
- B. SILENT MEDITATION & PLEDGE:** This was done at the Final Budget Hearing and therefore forgone.
- C. ROLL CALL:** Mayor Black asked the Interim Village Clerk, Carolina Montealegre, for a **Roll Call**.
Present: Mayor Daisy M. Black, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Village Manager Jason Walker (Not voting), Sitting Village Attorney Hope W. Calhoun, CFO Irwin Williams (Not voting), Chief Eugene Morales (Not voting) and Interim Village Clerk Carolina Montealegre (Not voting).
Absent: Vice Mayor Harold E. Mathis, Jr., Councilperson Linda Marcus
- D. APPROVAL OF AGENDA:** Mayor Black requested any additions or deletions to the agenda. Resignation by Vice Mayor and appointment of new Vice Mayor added as G5. Motion to approve as amended was made by Councilperson Cubillos and Councilperson Nickerson seconded the motion. The Mayor asked for an “aye” vote and approved the Agenda as amended.
- E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**
E1. Minutes for July 24, 2012, Regular Council Meeting - Councilperson Cubillos moved for approval. Councilperson Nickerson seconded the motion. The Mayor asked for an “aye” vote and approved the minutes as submitted.
- F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
F1. Irwin Williams, CFO – The Monthly Unaudited Financial Statement was presented to the council on a department by department breakdown. The Manager and the Mayor made brief comments on the Mr. Williams’ explanation of the budget. A motion to accept the statement was made by Councilperson Nickerson and Councilperson Cubillos seconded. The Mayor asked for all those in favor to say an “aye”. All those present on the council said “aye”.

**Regular Council Meeting
September 25, 2012
Meeting Minutes**

G. RESOLUTIONS / ORDINANCES:

G1. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

RESOLUTION NO. 2012-023

CEPP PROJECT

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE COUNTY, FLORIDA, SUPPORTING THE CENTRAL EVERGLADES PLANNING PROJECT FOR THE RESTORATION OF THE CENTRAL EVERGLADES; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

G1a. The Regular Council meeting was closed at 7:27 PM and opened to public comments, none were given. The Regular Council meeting was reopened at 7:28 PM.

Motion: to approve Resolution No. 2012-023, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Omarr C. Nickerson

Vote: Motion carried by 3 “ayes”. (**summary:** Yes = 3).

Yes: Mayor Daisy M. Black, Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson.

Absent: Vice Mayor Harold E. Mathis, Jr., Councilperson Linda Marcus

G2. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

RESOLUTION NO. 2012-029

AMENDMENT 4

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY CONCERNING AMENDMENT 4 TO THE FLORIDA CONSTITUTION WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA’S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

G2a. The Regular Council meeting was closed at 7:29 PM and opened to public comments.

1. Adam Old, 140 NE 86th ST, El Portal, FL – Asked for an explanation on what the Resolution is. The Mayor said it gave an extra homestead exemption. The Clerk restated that the resolution is supporting the opposition of Amendment 4. He wanted an explanation on why we are

Regular Council Meeting
September 25, 2012
Meeting Minutes

supporting the opposition. The Mayor said it was because it would take away additional operating revenue for the Village. He thanked the Mayor.

The Public Hearing was closed at 7:30 PM and the Regular Council meeting was reopened at 7:30 PM. The Mayor asked for a motion to approve the Resolution. Councilperson Nickerson moved for approval, but Councilperson Cubillos had questions before seconding the motion. The Manager pointed out that the second needed to be made first. The second was made in order to discuss the Resolution. Councilperson Cubillos agrees and disagrees with Amendment 4. She understands that new homebuyer's will be given an exemption, but then existing homeowners would be left to pick up the slack. She is not in complete agreement with Amendment 4 and isn't ready to vote. The Mayor agrees that the taxpayers' dollars should be protected, but needed clarification from the Councilperson on what she meant by first time buyer. Councilperson Cubillos explained that resident's who are already living here would be paying those taxes for the new resident's that are moving in. She wishes to abstain from the vote. The Mayor asked Ms. Calhoun if she could abstain. Ms. Calhoun said that abstention is usually reserved for those with a personal/financial interest in the resolution being passed but in this case abstention isn't recommended. She stated that Councilperson Cubillos can ask the item be deferred. Councilperson Cubillos asked to defer. It can't be done because a second was made. The Mayor restated that her opinion isn't "for" the current residents absorbing the taxes for the new resident's moving in. She then asked the Clerk to call the roll.

Motion: to approve Resolution No. 2012-029, **Action:** Approve, **Moved by** Councilperson Omarr C. Nickerson, **Seconded by** Councilperson Claudia V. Cubillos.

Vote: Motion carried by roll call vote (**summary:** Yes = 2).

Yes: Mayor Daisy M. Black, Councilperson Omarr C. Nickerson, **No:** Councilperson Claudia V. Cubillos.

Absent: Vice Mayor Harold E. Mathis, Jr., Councilperson Linda Marcus

G3. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

RESOLUTION NO. 2012-030

**General Liability & Worker's Comp
Insurance RENEWAL**

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

Regular Council Meeting
September 25, 2012
Meeting Minutes

G3a. The Regular Council meeting was closed at 7:35 PM and opened to public comments, none were given. The Regular Council meeting was reopened at 7:35 PM.

Motion: to approve Resolution No. 2012-030, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Omarr C. Nickerson.

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 3).

Yes: Mayor Daisy M. Black, Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson.

Absent: Vice Mayor Harold E. Mathis, Jr., Councilperson Linda Marcus

G4. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

RESOLUTION NO. 2012-031

**VILLAGE MANAGER
CONTRACT RENEWAL**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF THE EMPLOYMENT AGREEMENT OF JASON M. WALKER, AS VILLAGE MANAGER OF THE VILLAGE OF EL PORTAL, AND AUTHORIZING THE MAYOR TO EXECUTE THE EMPLOYMENT AGREEMENT, IN SUBSTANTIALLY THE SAME FORM AS THE ATTACHED EXHIBIT "A," ON BEHALF OF THE VILLAGE; TO TAKE EFFECT IMMEDIATELY.

G4a. The Regular Council meeting was closed at 7:37 PM and opened to public comments, none were given.

1. Donna Stavel, 205 NE 86th ST, El Portal, FL – She believes that Jason is the best manager they've ever had and hopes the council will let him stay on.
2. Adam Old, 140 NE 86th ST, El Portal, FL – Also agrees with Donna. He appreciates the dedication the Manager puts forth and asks that the council to have him stay on.
3. Kim Flower, 140 NW 88th ST, El Portal, FL – She thanks the Manager for the work he has put forth on behalf of the ALE committee and hopes that the council take that into account when deciding on whether or not to keep the Manager.

The Regular Council meeting was reopened at 7:40 PM.

Motion: to approve Resolution No. 2012-031, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Omarr Nickerson.

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 3).

Yes: Mayor Daisy M. Black, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson.

Regular Council Meeting
September 25, 2012
Meeting Minutes

Absent: Vice Mayor Harold E. Mathis, Jr., Councilperson Linda Marcus

G5. Resignation of the Vice Mayor and the appointment of the new Vice Mayor - Harold Mathis resigns as vice mayor and not the council. The Mayor asked for nominations and asked both the councilpersons for their explanations. Both Councilperson Nickerson and Cubillos presented their reasons for nominating themselves as Vice Mayor. The Mayor voted for Councilperson Cubillos because she has seniority.

H. REPORTS OF THE VILLAGE MANAGER, MAYOR & COMMITTEE CHAIRS:

H1. Village Manager Reports: Jason Walker

- a. **NE 87th ST repaving project** – is almost 75% complete. Tomorrow, the entrance at Biscayne Blvd. will be closed because the project length was extended to beyond the railroad tracks. We've been reimbursed up to 20% thus far. The 50% reimbursement would be received within the next couple of weeks
- b. **N. Miami Medians** – This project will be started on Monday or end of week and done within the next two to three weeks. Pavement needs to stay still for 30 days and the striping and sod will be brought in for those areas that are incomplete.
- c. **Stormwater Drains** – Permitting issues held up the drains and now that it's been cleared the pipes are being manufactured and we received a \$4000 reimbursement on the permit.
- d. **Seawall** - \$250,000 still remain on the original contract. An extension has been approved until November 2012 for which a scope of work will be submitted tomorrow. If approved, the extension will be until September 2013. The three (3) "winners" of the bid were contacted to discuss what can be done with their seawall. He believes four to five walls can be completed with the leftover money, but it may be less because the neighbors of those selected are not answering and therefore "wing walls" would need to be added as to ensure the integrity of the new wall. The final approval will be submitted to the council in October.
- e. **Trailer Park** – A meeting was held last Thursday. 11 trailers have been demolished. Septic tank permitting issues have been encountered. It will be discussed at next Thursday's meeting. Legal issues will be discussed. A developer from Chicago called and expressed their interest in the site. They will be flying in to meet with the Manager on October 3rd or 5th. They are specifically interested in applying for RFA funds.
- f. **Sherwood Forest Park** – Waiting on the correct lights that were delivered. There have been questions on when and if an event or ceremony will take place to officially celebrate all the major renovations that have taken place.
- g. **FPL village wide lighting project** – We have reported on twelve (12) lights that are out. They have been slow on responding.

Regular Council Meeting

September 25, 2012

Meeting Minutes

- h. Insurance Renewal** – The premium resulted in a \$20,000 savings just on the worker's compensation part.
- i. Charette MOU** – We estimated the cost would be \$5,000. The quote the county gave us was \$30,000, which is a lot of money. The Manager has asked for a cost breakdown to see where savings can be attained.
- j. Front desk hire** – Officer Cedre accepted a position with Hialeah PD and Blackwood has accepted a FT to fill his position. This realizes a \$12-14,000 savings due to the salary for the new FT officer. This also creates a vacancy at the front desk. We will not be posting on job sites due to the expense, but it will be sent out via the newsletter and placed on our website.
- k. Community Grant** – The Little River Celebration Festival will be partially funded by this grant. It was acquired by Carolina Montealegre with the help of Florence Chamberlin.
- l. E-Civis** – This is a grant database that lists an enormous amount of resources to apply for grants. He is purchasing it. He made an agreement that includes a one year opt out clause. It's set up so that any official can go into the system to view grant opportunities.
- m. Shutters/Roof** – We've gone out for estimates on accordion style shutters and roof repair. The roof is going to only be patched at this time due to the leaking but can't be completely fixed due to the expense.
- n. Tree in circle removed** – We know that there isn't a tree there but its replacement is being discussed.

This was the end of the Manager's report.

- o. Bus benches** - Councilperson asked about this and the marquee. The manager explained that the responses received were too many to make a decision on the color for the benches.

The Mayor asked if there were any questions of the Manager. He added two more items.

- p. Submit Annexation application**
- q. TRIM – All deadlines have been met. In Herald on Sunday.**

H2. Committee Chair Reports

a. Public Affairs

Chairperson Omarr Nickerson apologized for not holding a meeting, but explained that he was working with Miami Dade County Public Schools for open house. He asked the residents to look out for two items that will be going out regarding the Little River Festival and for the 75th Anniversary. He also made a request for volunteers and for art submissions. The Mayor asked for the date. They are being held simultaneously on Saturday, December 8th.

b. Public Works

Chairperson Harold E. Mathis, Jr. was absent.

c. Public Safety

Regular Council Meeting
September 25, 2012
Meeting Minutes

Chairperson Daisy M. Black spoke about the Citizen Crime Watch meetings being held in conjunction with the Sr. Luncheon's and the next one will be for Hispanic Heritage.

d. Code Enforcement Committee

Chairperson Linda Marcus was absent.

e. Planning & Zoning

Chairperson Daisy M. Black stated it was covered by the Manager.

f. Administration & Finance

Chairperson Claudia V. Cubillos thanked Jason, Irwin and the Mayor for helping with the Budget Workshop held on Saturday, July 28th at 10 AM.

H3. Village Mayor Reports – Mayor Black didn't think anything needed to be added.

H4. Village Attorney Reports – Ms. Calhoun had nothing to report but the Manager gave an update on the McLean vs. El Portal case.

I. UNFINISHED BUSINESS AND GENERAL ORDERS:

II. General Orders - The Manager made note of a member in the audience. Basil Binns left the Commissioner's office and was promoted to the County Budget Office. He will be working in the Annexation area.

J. NEW BUSINESS: None noted.

K. GOOD AND WELFARE:

(Note: This section of the agenda is reserved in the spirit of a representative democracy "of, by, and for people" and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to 3 MINUTES PER PERSON, and that speakers and the audience maintain proper decorum at-large. The speaker may speak on any item of concern.)

1. Merlin Brooks, 450 NW 88th Terrace, El Portal, FL – Congratulated the new Vice Mayor for her appointment. She asked for an update on the FPL lighting study. The Manager had Corporal Casais give the update. This is something that they've been working on since March. He has followed up and the only response he receives is "we are working on it". The agreement was signed at the beginning of last month. The Manager is going to take it a step further by going over the heads of those people Officer Casais has been working with because they are not responding to us on any matters; repair or otherwise.
2. Donna Stavel, 205 NE 86th ST, El Portal, FL – Claims that 86th ST has become a problem since the construction has started. She doesn't understand why 88th ST has been barricaded off if there isn't work being done there. She also requested that the police decoy car be placed on her street again because the speeders are back. The Manager explained that 88th ST is very narrow and

Regular Council Meeting
September 25, 2012
Meeting Minutes

that's why cars aren't being detoured to that street. She is complaining. The street should be reopened and the care will be placed there again.

3. Kim Flower, 140 NW 88th ST, El Portal, FL – Asked if a discussion could be had on the Resolutions before voting on them. Councilperson Nickerson stated that his reason for placing public hearing before voting was for that reason.
4. Lauren Christos, 289 NE 86th ST, El Portal – Reminded those in attendance that October 9th is the last day to register to vote. She also brought up the Florida Supreme Court justices to be reinstated.
5. Claudia Cubillos, , El Portal, FL – She updated the council on the Little Library. It's been completed and once the construction on 87th ST is done it will go up. A resident asked what the process was. She will include a laminated page with instructions in the box. It will be placed in the swale in front of her school. The Manager reminded the villagers about the mobile library that comes every Friday to the Village Hall for the resident's. If we don't use it we will lose it.

L. ADJOURNMENT: Mayor & Council

Motion: motion to adjourn, **Action:** Adjourn, **Moved by** Vice Mayor Cubillos, **Seconded by** Councilperson Nickerson. Meeting Adjourned at 8:25 PM.