

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



MAYOR DAISY M. BLACK
COUNCILPERSON CLAUDIA V. CUBILLOS
COUNCILPERSON LINDA MARCUS
COUNCILPERSON OMARR C. NICKERSON
COUNCILPERSON ADAM OLD

Regular Village Council Meeting
Tuesday, November 27, 2012
MINUTES
7:00PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for November 27, 2012 to order at 7:05 PM.

B. SILENT MEDITATION & PLEDGE: The Mayor asked all to stand for a moment of silent meditation followed by the Pledge of Allegiance.

C. ROLL CALL: Mayor Black asked the Interim Village Clerk, Carolina Montealegre, for a **Roll Call**.

Present: Mayor Daisy M. Black, Councilperson Adam Old, Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson, Village Manager Jason Walker (Not voting), Sitting Village Attorney Hope W. Calhoun, Village CFO Irwin Williams and Interim Village Clerk Carolina Montealegre (Not voting).

Absent: None.

D. APPROVAL OF AGENDA: Mayor Black requested any additions or deletions to the agenda. Councilperson Linda Marcus added item J1. Emery House at the request of Officer Adlet to the Agenda. Mayor Black said that she doesn't believe the Emery's were notified of this. Councilperson Marcus said a letter was sent to her. The Mayor asked if we know she received it. Councilperson Marcus said it shouldn't matter for the purposes of the discussion. Item added as J1. Mayor Black asked for any other additions or deletions. Councilperson Cubillos asked if E1. was deleted. Mayor Black said it was tabled for the December Council meeting.

The motion to approve the agenda as amended was made after the acknowledgement on Item F. Motion made by Councilperson Nickerson and seconded by Councilperson Cubillos. Motioned carried by a unanimous aye vote.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

~~**E1. Minutes for October 23, 2012, Regular Council Meeting**~~ – Tabled to December Regular Council Meeting during Item D.

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F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

The Mayor acknowledged City Manager of North Miami, Clarence Patterson, and welcomed him. The Manager said he came for the swearing in ceremony. She asked if he came for the swearing in ceremony and when Mr. Patterson confirmed, she apologized and welcomed him anyway. She went back to Item D and requested a motion to approve the Agenda as amended. Mentioned former Vice Mayor present.

F1. Mayor & Council - Appointment of Vice Mayor as per Sec. 2.02 of the Village Code of Ordinances

The Mayor explained anyone can nominate themselves for the position and opened the floor for nominations of Vice Mayor. Councilperson Cubillos and Councilperson Marcus nominated themselves for the position. The Mayor asked for any other nominations. The first person she placed up for vote by show of hands, but Councilperson Old asked if the Council could have the nominees speak first before voting. The Mayor asked him if he would like to hear them speak and then said she said she would give them each two (2) minutes to speak on why they want to be Vice Mayor. Councilperson Marcus suggested a voice vote for the purpose of the record. The Clerk said a Roll Call is needed. The Mayor gave Councilperson Cubillos the floor. She stated that she has lived in El Portal for five (5) years. She cares about El Portal because it's her place of business and her place to live. She's very active in the community and enjoys being so. She has enjoyed serving on the Council and looks forward to making El Portal a work, play, live place as she lives it. She wants the residents' support but thinks that because she has worked alongside Councilperson Marcus; that she would be a great Vice Mayor as well. Councilperson Marcus followed by stating that she has been on Council for eight (8) years and has lived in the Village for twenty-five (25) years. They both have served as Vice Mayor previously and have similar backgrounds. Her concern with the Village is to make it a stable, fiscally responsible environment with a path toward future strength. She agrees that either one of them is as good a selection as the other. They work together well. Councilperson Old thanked them both. The Clerk read the roll call for Councilperson Cubillos first, but needed clarification on how the Mayor wanted it to be called. She stated that she wanted the Clerk to call each Council member and they would say who they are voting for.

Record of Vote for position of Vice Mayor for the 2012 election year:

Member of Council	Voted FOR one of two
Councilperson Marcus	Councilperson Marcus
Councilperson Nickerson	Councilperson Marcus
Mayor Black	Councilperson Cubillos
Councilperson Cubillos	Councilperson Cubillos
Councilperson Old	Councilperson Marcus

Councilperson Marcus had no less than the three (3) affirmative votes needed for the appointment of Vice Mayor. The Mayor congratulated her.

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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. 2012-036

**STATE ATTORNEY PROSECUTION
OF ORDINANCE VIOLATIONS**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, TO ENTER INTO AN AGREEMENT BETWEEN THE VILLAGE OF EL PORTAL AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE VILLAGE OF EL PORTAL CODE; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

The Mayor asked for a motion to approve the Resolution. Councilperson Cubillos asked the Manager for more of an explanation on the Resolution for the benefit of the residents. He said this is done every year. He gave an example of the case that was tried by their office on an arrest due to a violation of the Village's Noise Ordinance. The Village reimburses the State Attorney's office for the cost of prosecuting the Village's Ordinances. They pass this Resolution every year. There aren't many municipal Ordinances that people get arrested on, but this is a formality that all cities do for their own local Ordinances. The Mayor asked if there were any more questions for the Manager. Vice Mayor Marcus wanted clarification on what line item this cost is in the budget. She guessed Public Safety. The Manager said he honestly has never seen a bill. She wanted to know what line item it would come from in the budget if he did receive a bill. He said that it would most likely come from code enforcement or legal. He then said that the Village Police Department makes arrests mostly on State and County cases and that with the exception of the Noise Ordinance arrest he can't remember another one.

G1a. The Regular Council meeting was closed at 7:16 PM and opened to public comments. Hearing none the Regular Council meeting was reopened at 7:17 PM. The Mayor asked if there was a motion to adopt the Resolution.

Motion: to approve Resolution No. 2012-036, **Action:** Approve, **Moved by** Vice Mayor Marcus, **Seconded by** Councilperson Omarr C. Nickerson

Vote: Motion carried by roll call vote (**summary:** Yes = 5).

Yes: Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson, Councilperson Old, Vice Mayor Linda Marcus, Mayor Daisy M. Black

Absent: None.

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

RESOLUTION NO. 2012-037

**FISCAL YEAR 11/12 FINAL
OPERATION BUDGET ADOPTION**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE
OF EL PORTAL, FLORIDA, ADOPTING A FINAL YEAR BUDGET
AMENDMENT, FOR FY – 2011/2012, AND APPROVING THE
TRANSFERS FROM BUDGETED LINE ITEMS; PROVIDING FOR
AN INCORPORATION OF RECITALS; TO TAKE EFFECT
IMMEDIATELY.**

The Mayor asked if the CFO wanted to add anything and the Manager noted that a new Resolution and a new budget explaining the Resolution were passed out. Irwin William, CFO, explained that the net effect of the budget amendment was that \$42,000 will be placed back in to the General Fund Reserve He went Department by Department and explained where the savings came from. He finished with comparison to actual. He then said that the reason he hasn't placed the surplus back into the Reserve yet is because they need a cushion for when the Auditors come. The Manager explained that when the Audit is done, the Auditor would find slightly more and a cushion is needed. Councilperson Cubillos wanted a follow up from a previous Council meetings discussion regarding moving money from a line item in Public Safety to the Administration & Finance Department. Irwin said he had a discussion with the Mayor and they both agreed it would make more sense to leave it where it is because insurance is tied in with salaries and the bulk of salaries are in the Public Safety Department, so it makes more sense to leave it in that Department. The Manager asked her to ask her question one more time. She repeated herself. He then answered by saying that the moving of the money from the Public Safety Department to the Planning & Zoning Department will be spoken about in his staff report and in December and the second question that came out of that discussion is where the money is now and how it shouldn't be. The money for insurance is in the Public Safety Department and the CFO explained to the Mayor why.

G2a. The Regular Council meeting was closed at 7:25 PM and opened to public comments. Hearing none the Public Hearing was closed and the Regular Council meeting was reopened at 7:25 PM.

Motion: to approve Resolution No. 2012-037, **Action:** Approve, **Moved by** Councilperson Adam Old, **Seconded by** Councilperson Omarr C. Nickerson.

Vote: Motion carried by roll call vote (**summary:** Yes = 5).

Yes: Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson, Vice Mayor Linda Marcus, Councilperson Adam Old, Mayor Daisy M. Black

Absent: None.

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

H1. Village Manager Reports: Jason Walker

- a. **NE/NW 87th ST repaving project** – he is trying to rush this project to a close. A meeting was had with the CEI and the schedule is to have everything done within 2-3 weeks. The contractors are having bonding issues. The medians, striping and sodding are all to be completed by Christmas. They are waiting on the concrete treatment base to be delivered for the NE 2nd Avenue cross section with NE 87th Street before repaving. It should arrive tomorrow and by Thursday or Friday the base will be treated and the road should be paved and reopened by Tuesday of next week. The size of the medians on North Miami Avenue was finally approved. The Mayor wanted to know how much that change would cost. The Manager said that there is actually a credit that was realized with the last change order and that money is being used to build the medians. The Mayor asked if the residents were okay with the length. The Manager explained that nothing has changed in terms of people's access or road patterns. The only thing added was an improvement by building a concrete border within the island that was already there. He said there will be one delay to the irrigation and electrical to the medians and that it was not detrimental because the Village has to wait anyway. The reason being that someone drove by from SFWMD and asked if the Village had a well permit. He did not know one was needed, but they applied for it and it takes up thirty (30) days to approve. Again, he said this is a positive because it gives the Village time to see what is being planted in the medians is properly placed. Vice Mayor Marcus asked if the contractor didn't know that a well permit was needed. We used the same contractor that Miami Shores used for their median project. They are subcontracted. The issue is minor. Her concern is the ground covering not being properly irrigated.
- b. **Health Insurance update** – the rate increased at a minimum and the staff remained with Humana
- c. **Stormwater drainage** - Phase IV completed and once the third area is complete the road restoration and property restoration will be complete. Everything should be complete by the end of December. Phase V is in process and SFWMD is suggesting using the money from the Seawall that was voted on at the last meeting to place an additional area on the project. It's a low lying area on the Nature Trail that needs drainage. He also wants to add NW 90th Street because it was left out. The Mayor asked if the Nature Trail was an added cost. The Manager explained that the stormwater master plan was created in 2003. The plan identified areas that needed work and the total estimate at that time was \$10 million. The cost is none because the money that the Village is losing from the Sewall is being repurposed for this project. Vice Mayor Marcus restated what the Manager said and said it is a benefit for those living on the seawall as well but wanted to know where it drains out to. Where does Phase V drain off to? It would go from the east of the Nature trail to NW

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5th Avenue to connect to the pipe that was built in Phase I. She thinks this seems to be a way to alleviate the flooding problem by using the money from the Sewall project and redirect it to the drainage project. The Manager clarified that this was SFWMD's suggestion. They will defund the Seawall project and fund the drainage project at the same amount from another internal account. The Mayor still wants there to be concern for the repair of the Seawall. He Manager reminded the Council that they agreed at the last Council meeting that they didn't want to lose the money or cover the additional costs for the repair of the Seawall. Vice Mayor Marcus asked if the Village had to front the cost of the project. The Manager stated that all these projects are on a reimbursable basis. The Vice Mayor recommended passing this Resolution. Councilperson Old asked about liability if we agreed to do a project that ends up costing more than the funding provided. The Manager said no. All projects are designed based on the amount available. The \$250,000 was estimated by the SFWMD. Councilperson Old asked about the maintenance costs? The Manager said that the Village cleans and maintains the drains yearly at a cost of \$7-9,000. The Mayor asked for a motion to move forward with the project.

Motion: to move forward with the drainage project, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Adam Old.

Vote: Motion carried by roll call vote (**summary:** Yes = 5).

Yes: Vice Mayor Linda Marcus, Councilperson Omarr C. Nickerson, Councilperson Claudia V. Cubillos, Mayor Daisy M. Black, Councilperson Adam Old.

Absent: None.

- d. **Church Variance** - Mt. Oliviers Church site plan approval variance meeting postponed to December 20th at 6:30PM. A workshop was held with concerned residents and church staff. The number one issue was the location of the garbage dumpster and they are working to move the dumpster away from 88th ST. The hours of operation were another concern and they agreed to come from 12 AM to 11 PM. It seems that the issues have been settled and the opposition won't be same when presented again in December. The Mayor asked if the graffiti sign had been taken care of.
- e. **Bus Shelter** – the County sent an email saying the bus shelters were placed on hold once again due to no fault of the Village. It has been four years since this project was started and all we're asking for are two shelters. The county said that the shelters are located on county easements and the Village needs to be permitted. They plan on having a meeting. This is money from ARRA stimulus money and four years later we still don't have bus shelters. The county said they will try to work with us and keep us in the first phase of these shelters. Councilperson Old asked if it was possible to move the shelters up a block and the Manager said that he believes there will be an issue with the easement regardless. Vice Mayor Marcus asked if we already had an

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agreement for the location of the current benches. The Manager said that the shelters are larger due to ADA requirements and other needs. She asked the Manager what the last communication was from Mr Salmon. The Manager said that Mr. Salmon indicated he would be meeting with the M-DPWD later this week and will keep the Village updated on his progress.

- f. Charette MOU** –Prof. Gladwin to give his point of view on his past involvement with the Charrette process and it will be presented at the December Regular Council Meeting.
- g. Trailer Park** – Six more trailers have been identified for demolition. The Laundromat is scheduled for demolition as well. A list of “problem child” tenants was provided to the Trailer Park Management and they are working to evict them. The septic issues are being taken care of on a weekly basis. They have purchased 25 fire extinguishers. Corporal Casais said that some of them were stolen. The Management provided the Village with a list of all current tenants. Vice Mayor Marcus asked about the discussion on contacting the juvenile judges in the system with the names of the particular juveniles being routinely cycled through the system. The Manager had suggested writing to a judge requesting help through intervention programs. The Mayor asked if the parents are taking any responsibility for the kids. The Manager said they are being very cooperative. The children are stealing from their own parents. There is a plan in place to target these individuals.
- h. Village Building Improvements** – The roof is being repaired, shutters have been replaced and the doors will be replaced. The quote he received was good. He wanted the council to approve before ordering because the doors are original and he knows that the Council has an affinity for old things. The Vice Mayor asked what the doors looked like. Corporal Casais came up to explain the design of the doors. They are glass impact doors with metal curved handles. The front door will match the double doors to the Village. He reiterated that the glass is hurricane impact glass. Councilperson Old asked if we replace the doors would be entirely impact resistant. The Manager said no. Councilperson Old asked if we did then maybe we could claim a discount on insurance.
- i. Front desk/ Organization** – There is a savings in this year’s budget due to several factors. One of the things that are hindering the building departments’ efficiency is the record system. We need to update the server. The records need to be digitized. The storage that we are being charged \$500 a month for needs to be sorted through. He is suggesting using the savings to hire someone on a temporary basis to solely work on starting the process of scanning the documents. The savings total some \$68,000 and it could be used for this. He has sat at the front desk with his laptop and he realizes that a lot of time is spent looking for a document because it’s not computerized. He thinks that it’s time to stop talking about it and to do something about it. He is asking for \$10,000 for a three (3) or six (6) month temporary position. The Mayor thinks it’s a good idea, but it should be advertised for three months and not six. She said that this problem goes back to when Regina was clerk and it was

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recommended by the FLC to computerize. It wasn't well received. Vice Mayor Cubillos corrected the Manager and said that the rental for the storage is \$299 and not \$500 for two units. One we pay for and one we don't due to an arrangement with Blue Storage. She mentioned a meeting with the Manager in which she said the Manager said we don't have surpluses and that Public Safety takes up about 85% of the budget so she believes that we should perhaps look within Administration to use who we have on hand. She agrees something needs to be done, but unless something has changed from a week ago and her many questions are answered she can't agree to hiring someone else. The Manager said that when they had their meeting the budget wasn't final as it was finalized tonight. The surplus wasn't identified until then and it shows great stewardship of the Village's finances. This has happened every year since he's been Manager. In addition to that, moving Alex in to the FT position realized a savings. He agrees with the Mayor that it should be for three months, but it should be done so that we start doing something about organization. He's not asking to add a FT position. This is not new. He hired Get Squared Away when he started six years ago. The kitchen was a storage room. Councilperson Nickerson asked how often a week this person would come in. He said \$30 hours a week for three months. It would be a contracted position. Councilperson Nickerson mentioned monitoring the person. Irwin added his experience with filing problems demonstrating the lack of space. Vice Mayor Marcus wanted to know if we should hire a company to do this versus an individual because we're spending money. He explained that this is simply a part of the Organization process. The document management process is long and he will come back to the Council with another request regarding the server. She isn't sure what the plan is on how to save money using this method. The Manager let the Clerk explain further. The Clerk invited the Council to walk through the office so that they can see for themselves where the files are and recognized the effort Get Squared Away had on filing but now it needs to be updated. A plan on paper is suggested in order to make the Council more comfortable with this decision. The need for a server is imminent but not immediate. Starting with the Building History files is a good idea because there is space currently for those files. Vice Mayor asked why don't we just hire a company that specializes in Document Storage. The Manager said we have looked at proposals, but included in those proposals is the actual scanning and they even suggested the Clerk do the scanning. The Clerk can't with the current work load.

1. Hugh Gladwin, 400 NE 85th ST, El Portal – He is very familiar with the document scanning process and agrees that it's a very labor intensive project and says it has to be done this way and that it's very urgent.

The Mayor asked for a motion. The Manager said it doesn't need a motion. He is asking for advice and direction. The Mayor said a motion is needed and it's

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good to have on the record. Councilperson Old wanted to add that he would simply give the Manager and the Clerk a budget and guideposts to move forward with this project as they are the most familiar with this and not micro manage the Administration from the dais. The Mayor asked for a motion.

Motion: to approve setting aside \$10,000 (with a primary focus being for 3 months at \$5,000) for a 6 month temporary organizing position, **Action:** Approve, **Moved by** Councilperson Omarr C. Nickerson, **Seconded by** Councilperson Adam Old.

Vote: Motion carried by aye vote (**summary:** Yes = 4).

Yes: Vice Mayor Linda Marcus, Councilperson Omarr C. Nickerson, Mayor Daisy M. Black, Councilperson Adam Old.

Absent: Councilperson Claudia V. Cubillos.

- j. Oak tree in circle** – The Manager asked if there was an objection to an oak tree going into the circle. The Mayor objected due to clean up and roots. Councilperson Old asked what type of tree she would like to have. She said maybe a palm tree. Vice Mayor Marcus made a motion to plant an oak in the circle based on the fact that it's a native tree and it was seconded by Councilperson Old. The Mayor asked for discussion and if the residents around the circle were asked if they wanted a tree.

1. Greg Walton, 400 NE 85th ST, El Portal – Cautioned on the type oak tree used.
2. Merlin Brooks, 400 NE 90th ST, El Portal -
3. Greg Walton, 400 NE 85th ST, El Portal –

Motion tabled. Safety issues were cited. Chief Morales was instructed to place orange cones on traffic circle while options were discussed.

H2. Village Mayor Reports – Mayor Black asked Councilperson Cubillos to speak about the Sr. Luncheon. She said the next one is on December 13th. Councilperson Nickerson reminded everybody about the December 8th 2nd Annual Little River Celebration. Dates for the Ethics Training will be sent to the Council.

H3. Village Attorney Reports – Ms. Calhoun said that Mr. Geller will be emailing the Clerk about an executive session on the trailer park.

I. UNFINISHED BUSINESS AND GENERAL ORDERS:

II. J4. Emery House, Vice Mayor Marcus – Vice Mayor Marcus said there was a letter sent to the Ms. Emery inviting her to meet with the Village in January for the Regular Council Meeting. Vice Mayor Marcus made a motion to revoke any and all previous agreements between the Village of El Portal and Ms. Emory. The Mayor insisted that she would have to recuse herself from this vote because she would have to appear in court and testify if it this case ever went to court. Vice Mayor Marcus withdrew the motion.

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K J. NEW BUSINESS: None noted.

L 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, 400 NE 90th ST, El Portal – Wanted an update on the lighting project.
2. Ed Hines, 18425 NE, FL – He comes from Representative Frederica Wilsons office and wanted to congratulate the Council.
3. Billy Mack, 181 NW 87th ST, El Portal – Congratulated the council on not electing a squatter for Mayor. He bought the property but is having problems getting a squatter out.
4. Hugh Gladwin, 400 NE 85th ST, El Portal, FL – He brought up flooding issues and the importance of attending the County’s LMS quarterly meetings. He also congratulated the new council. The Manager said the next one is on December 19th.

L. ADJOURNMENT: Mayor & Council

Motion: motion to adjourn, **Action:** Adjourn, **Moved by** Councilperson Mathis, **Seconded by** Vice Mayor Marcus. Meeting Adjourned at 9:48 PM.