

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



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

Regular Village Council Meeting
Tuesday, February 26, 2013
MINUTES
7:00PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for February 26, 2013 to order at 7:03 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, Vice Mayor Linda Marcus, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Councilperson Adam Old, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting), Chief Eugene Morales (Not voting), CFO Irwin Williams (Not voting) and Interim Village Clerk Carolina Montealegre (Not voting).

Absent: None.

D. APPROVAL OF AGENDA: Mayor Black requested any additions or deletions to the agenda. Hearing none, she approved the agenda. Councilperson Nickerson requested the tabling of Item J1 until after the investigation. Mayor Black asked for a motion to approve the agenda as amended. Councilperson Nickerson motioned for approval and Councilperson Cubillos seconded the motion. The motion to approve the agenda as amended passed unanimously with an “aye” vote.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1. Minutes for January 22, 2013 Regular Council Meeting – The Mayor requested a motion to approve the minutes as presented. Councilperson Old motioned for approval and Vice Mayor Marcus seconded the motion. The minutes were approved by as submitted.

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1. Mayor Black, Proclamation - National Kids to Parks Day 2013 – She said that we have received a lot of praise for the new park. The Mayor read the proclamation into the record. It is on file with the Clerk’s office. She wants to give a proclamation to the man who designed the Sherwood Forest Park on 5/18/2013, which coincides with National Kids to Parks Day. The Manager said it was Marcos Latorre.

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F2. Irwin Williams, CFO - January 2013 Financials - Mr. Williams explained that due to the auditors being there he does not have the financials to present tonight. The Manager said they will be presenting the financials at the Administration & Finance Committee Meeting.

G. RESOLUTIONS / ORDINANCES:

G1. Mayor Black asks the Interim Village Clerk to read the title into the record.

RESOLUTION NO. 2013-003

The Fix Gun Checks Act Support

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, IN SUPPORT OF THE FIX GUN CHECKS ACT AND OTHER MEASURES TO REDUCE GUN VIOLENCE; CALLING ON THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE MASS SHOOTINGS THROUGH THE PASSAGE OF THE FIX GUN CHECKS ACT, WHICH WOULD REQUIRE A BACKGROUND CHECK FOR EVERY GUN SALE AND ENSURE THAT ALL CRIMINALS AND OTHER DANGEROUS PEOPLE WHO ARE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AS WELL AS, LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES OFF OUR STREETS AND WOULD MAKE GUN TRAFFICKING A FEDERAL CRIME; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

G1a. The Regular Council meeting was closed at 7:09 PM and opened to public comments. None were given. The Regular Council meeting was reopened at 7:09 PM.

The Mayor asked if there was a motion to adopt the resolution. The Vice Mayor made a motion. Councilperson Cubillos said the language was a little ambiguous and asked Attorney Geller to define high capacity magazines. The Mayor said that they are speaking about high powered AK-47's and there was a vote at the previous council meeting on a similar resolution. Attorney Geller gave the difference between the different capacity magazines. He said that the language in the Resolution is being used at the Federal level and that defining the capacity of the magazine isn't needed because it's not an action item it's a resolution. The Vice Mayor added that she recalled the conversation from the previous meeting and she looked up the Act in its entirety. She believes that we're not being tasked with specificity and supports this Resolution.

Motion: to approve Resolution No. 2013-003, **Action:** Approve, **Moved by** Vice Mayor Marcus, **Seconded by** Councilperson Adam Old

Vote: Motion carried by roll call vote (**summary:** Yes = 4, No=1).

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

No: Councilperson Claudia V. Cubillos

Absent: None.

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

RESOLUTION NO. 2013-004

BUDGET AMENDMENT

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, APPROVING TRANSFERS FROM CERTAIN BUDGETED LINE ITEMS; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

G2a. The Regular Council meeting was closed at 7:26 PM and opened to public comments. Hearing none the Public Hearing was closed and the Regular Council meeting was reopened at 7:26 PM.

Mr. Williams explained the reason why the monies are being transferred and it was due to an accrual in payroll.

Motion: to approve Resolution No. 2013-004, **Action:** Approve, **Moved by** Councilperson Claudia Cubillos, **Seconded by:** Vice Mayor Linda Marcus.

Vote: Motion carried by roll call vote (**summary:** Yes = 5, No=0).

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

Absent: None.

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

H1. Village Manager Reports: Jason Walker

- a. Worker's Compensation Insurance** – Insurance final audit saved \$5,000.00 last year. This year we underestimated by and owe \$12,843.00. This Budget Amendment Resolution will come to the March Regular Council meeting.
- b. Stormwater Phase V** – Stormwater Phase IV (3 drains complete) did well with the recent heavy rains. Phase V (down the nature trail and up NW 5th Ave.) design complete. Met with contractor to go over pre-bid. March meeting he will bring it to the council for approval of contract.
- c. Charrette** – Information sessions reminder for dates 2/28 and 3/16. Manager met with the County to get items cleared up.
- d. NW/NE 87th ST FDOT** – It's almost complete. An official close out audit is scheduled for 3/8. The contract ends this week, but there won't be a need for

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an extension request because the work that remains will not be billed to that project fund. A savings of \$42,000.

- e. **N Miami Avenue Medians** – He is aware that the palm trees that were planted are in shock. They are watering the plants with the water truck while an irrigation system is being laid down. He is meeting with the electrical contractor for up lighting. This project is not FDOT funded. It's CITT money.
- f. **Trees** – donation of four (4) oak trees.
- g. **Bus benches** – CITT transit funded. Fast tracking project to spend funds will be to our advantage.
- h. **LMS (Local Mitigation Strategy)** – The Mayor will attend the next meeting. The Manager was successful at getting them to include the stormwater master plan and seawall project in their projects. Now we're on the list to receive monies.
- i. **E-Civis** – The Manager is still looking for grants the Council may be interested in. We didn't qualify for four (4) grants due ineligibility. We will work towards placing our departments in a better position to receive funding.
- j. **Public Safety/ Town Hall Meeting** – The Mayor added that she will also report on that matter later. He said someone came up to him after the meeting and brought up a program called NextDoor to him. It's a website where neighbors go to for information from their local government. This will help with communication. Emergency alerts and tips on crime can be placed on this site. It's free to sign up and it will be discussed again at the Public Safety and Public Affairs committee meetings in March. The Mayor asked what is involved in the website. He answered that he did a search on Google for it.
- k. **Fraud** – The Manager ended his report by letting the Council know that the Village was the victim of two fraudulent transactions made in the month of January in the Village's name. He reported the transactions to Bank of America and the account is "on watch". The attorney asked if we reimbursed for the first fraud transaction.

H2. Village Attorney Reports – Village Attorney Geller mentioned that a recent communication from the counsel for the trailer park was distributed to the Council. He wants to schedule an executive session that will tell the Village where they think they are.

H3. Village Mayor Reports – Mayor Black was pleased with the attendance of the town hall meeting. There were over 50 people present. She wants to combine NextDoor idea with the next CCW (Citizen's Crime Watch) meeting. Lack of communication is something the Villager's complain about.

H3a. Lobbyist – She went to Tallahassee for three (3) days and that just isn't enough time to ask for funding. She wants to hire a lobbyist from month to month and recommends that the Village look for one. The Mayor met with EPA (Environmental Protection Agency) representatives and they said that they are an agency like SFWMD (South Florida Water Management District) that provides funding for projects. The legislative session starts next Tuesday. Councilperson Old asked for a particular project. She said the seawall. Jason

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suggested that the Council make a motion, so that searching for a lobbyist does not get passed over. He stated that we could add lobbying services to the current contract with the Village's legal firm. The Village Attorney said his brother is up in Tallahassee and is a lobbyist. Vice Mayor Marcus asked what project the Village should focus on. The Manager suggested the Stormwater and Seawall project because we have a funding history and the design as already been completed. The Mayor asked the Clerk to break down construction of the project into phases for purposes of the presentation. Councilperson Nickerson made a motion to allow the Manager to use up to \$5,000.00 towards the procurement of a lobbyist.

Motion: to allow the Manager to use up to \$5,000.00 towards the procurement of a lobbyist,
Action: Allow, **Moved by** Councilperson Omarr C. Nickerson, **Seconded by:** Vice Mayor Linda Marcus.

Councilperson Old added that we should probably it's a decent return on the investment. Mayor Black said that some lobbyists receive a half a million dollars and we're getting good deal. The Vice Mayor added that the clerk should have the quotes received on record. The Manager added that the village did go out to bid for lobbying services before and the lowest quote received was for \$12,000.00.

Vote: Motion carried by roll call vote (**summary:** Yes = 5, No=0).

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

Absent: None.

I. UNFINISHED BUSINESS AND GENERAL ORDERS:

II. Councilperson Old – Committee Selections

IIa. *Charter Review Committee* - He asked each member of the Council what their choice was. The Vice Mayor asked if there was a preliminary meeting for information on this committee because her potential appointee was asking what the time commitment was. The Manager said that once appointed they can choose when and how often they will meet. Councilperson Cubillos wanted to know if there was a length of time in which they have to complete thi review. Councilperson old said it wasn't specified, but that it depends on several factors. The Manager said realistically speaking they should be given a year and a half to go through everything. You would want them to come back with their recommendations in April 2014 in order for them to be placed on the ballot for November. The Vice Mayor will have to check with her appointee before recommending them. The Mayor selected Dr. Anna Ward Garmon. Councilperson Nickerson also wants to verify with the resident. The Attorney added that they can be named and they can still choose not to accept. Councilperson Nickerson chose Teresa Sanchez. Councilperson Cubillos chose Harold Mathis. Councilperson Old appointed Barbara Fuechsl. The Attorney appointed Noel Pace and Annie Rogne. The Manager asked for a motion to accept the nominations. Councilperson Old made a motion to accept the nominations and Councilperson Cubillos seconded the motion. The motion passed by unanimous "aye" vote.

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I1b. Charrette Steering Committee – The Councilperson asked the Council to appoint their members. The Vice Mayor tentatively selected Michael Plooy. Councilperson Nickerson selected Teresa Sanchez. The Mayor asked if we should select the same person for both committees. Councilperson Old said it was up to the Councilperson. Councilperson Nickerson is holding off on selecting. Councilperson Cubillos selected Calixto Navarro. Councilperson Old selected Michael Knowles. Mayor Black chose Seward Rogne. A motion to approve the five Council selections was made by Councilperson Old and seconded by Councilperson Cubillos. All those in favor said “aye” and the selection passed with a unanimous vote. The Attorney added that he will be the legal counsel on the charter,

J. NEW BUSINESS:

J1. ~~Councilperson Nickerson~~ – Memoriam for Kori Clark (“90th ST”/ “Kori Clark Lane”)

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.)

Jason Walker spoke before the first resident and told the Council that the Village Annexation Application was accepted and is scheduled to be heard before the County Commission.

1. Randy Ruiz, 392 NE 87th ST, El Portal – He is concerned with crime in the area. He witnessed the Kori Clark incident and has been watching the patrol of the Village. He had two questions for the Chief. He asked how many officers there were and what their shifts are. The Chief said there are eight (8) full-time officers and seventeen (17) part-time officers and they work twenty-four (24) hours a day, seven (7) days a week. Mr. Ruiz said he was concerned with patrolling when he leaves his house in the morning. He has a cleaning business and when he leaves his house in the morning he notices cars speeding through. He asked for a phone number to contact police. The Chief gave the numbers for non-emergency and the community policing officer cell phone.
2. Dr. Anna Ward Garmon, 415 NW 88th Terrace, El Portal – Dr. Ward had some recommendations for the upcoming budget year. She suggested street striping, traffic calming on 3rd and 5th Avenues. She commended the police Department for a job well done. She made a mention of Senator Dwight Bullard. She also said parking is a problem with large parties at peoples’ homes. She said Value-Storage says thank you to Mayor Black. Lastly, she said landscaping needs to be invested in; particularly at the nature trail and the fence needs to be fixed where the tree damaged it.

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3. Dwight Garmon, 415 NW 88th Terrace, El Portal – Thanked the council. He said that Kori Clark’s dad asked that people stop making shrines at his home. He suggested that people should make the donation to a foundation that was set up in his name. He also said that the renaming of the street is still wanted.

L. ADJOURNMENT: Mayor & Council

Motion: motion to adjourn, **Action:** Adjourn, **Moved by** Councilperson Nickerson, **Seconded by** Councilperson Cubillos. Meeting Adjourned at 8:20 PM.

of members in audience: 4

To listen to the full recording of the January Regular Council Meeting, you can click on the link below and download it for your convenience. The link may expire at any time. If you are experiencing difficulty accessing the file, please email your request to the Clerk’s office at cmontealegre@villageofelportal.org.

<https://dl.dropbox.com/u/103397344/2013-02-26%20Regular%20Council%20Meeting.MP3>