

VILLAGE HALL  
500 NE 87<sup>TH</sup> 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, March 26, 2013  
MINUTES  
7:00PM

**A. CALL TO ORDER:** Mayor Daisy Black, presiding, called the meeting for March 26, 2013 to order at 7:01 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 Adam Old, Village Manager Jason Walker (Not voting), Sitting Village Attorney Hope Calhoun (Not voting), Chief Eugene Morales (Not voting) and Interim Village Clerk Carolina Montealegre (Not voting).

**Absent:** Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson.

**D. APPROVAL OF AGENDA:** Mayor Black requested any additions or deletions to the agenda. Hearing none, she approved the agenda.

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

**E1.** Minutes for February 26, 2012, 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 as submitted by unanimous “aye” vote.

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

**G. RESOLUTIONS / ORDINANCES:**

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

**RESOLUTION NO. 2013-005**

**PGIT WORKER’S COMPENSATION  
PREMIUM ADJUSTMENT**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF  
THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE**

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**COUNTY, FLORIDA, ADJUSTING THE WORKER'S  
COMPENSATION ANNUAL PREMIUM BY \$12,843  
AUTHORIZING THE VILLAGE MANAGER TO TAKE THE  
STEPS NECESSARY; AND PROVIDING FOR AN EFFECTIVE  
DATE.**

The Mayor asked the Manager to speak on the Resolution. The Manager stated that this was brought up at the A&F Committee Meeting. An audit performed on the Worker's Comp insurance revealed that certain contracted positions and council positions weren't taken into account when budgeting for the insurance premium. Mr. Wesley McNair, Mr. Douglas, Mr. Sonel Jean and the Council were given as examples. The Manager tried to negotiate, but they wouldn't budge. PGIT perform annual audits, but the current insurance carrier doesn't. The Village will not be using PGIT in the foreseeable future; unless their rates come down. The Mayor asked if there were any questions of the Manager and hearing none asked for a motion to adopt the resolution. Vice Mayor Marcus asked how many people were not accounted for. The Manager listed the following: Mr. Wesley McNair, Mr. Douglas, Mr. Sonel Jean and the current part-time position. She then asked if we switched insurances. The Manager replied we switched this year. The Mayor asked for a motion and Councilperson Old moved to approve Resolution No. 2013-005. Vice Mayor Marcus seconded the motion.

**G1a.** Public Hearing (Public Comment 2 minutes/person) SKIPPED

**Motion:** to approve Resolution No. 2013-005, **Action:** Approve, **Moved by** Councilperson Adam Old, **Seconded by** Vice Mayor Marcus.

**Vote:** Motion carried by unanimous aye vote (**summary:** Yes = 3, No=0)

**Aye:** Councilperson Old, Vice Mayor Linda Marcus, Mayor Daisy M. Black.

**Nay:** None.

**Absent:** Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson.

**G2.** Mayor Black asks the Interim Village Clerk to read the long title into the record.

**RESOLUTION NO. 2013-006**

**HP LAPTOPS**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF  
THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE  
COUNTY, FLORIDA, AUTHORIZING THE APPROPRIATION OF  
~~\$4,050~~ \$3,960.34 FOR SIX LAPTOP COMPUTERS; PROVIDING  
FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN  
EFFECTIVE DATE.**

The Mayor asked the Manager to discuss. The Manager said this was discussed at the Public Safety Committee Meeting. He stated that the most current laptops purchased over 5 years ago for the police to use in their vehicles are experiencing problems. The Mayor asked for a motion to approve the resolution. The Manager said that even though the Clerk read the title into the

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record with the amended price, the Council should make a motion to approve the resolution with the amendment. The Mayor agreed that it should be approved with the amendment and asked if there were any other questions on the resolution. The Vice Mayor asked what the Manager was planning on doing with the old laptops. The Manager said we have people that have been interested in receiving them as donated items and Horace Mann is one of them, but that it's up to the Council how they want to dispose of them. We would surplus them and give them to charity. The Mayor asked for more information on Horace Mann's request. He said it was brought up at the last ESAC meeting he attended, but he doesn't recall exactly whom. The Mayor said that Horace Mann receives donations from banks and other entities wants to know if the Village can do the same. The Manager said he would research further on who wishes to receive them and will bring it back to the April Council Meeting. The Mayor asked for a motion to approve the Resolution as amended.

**G2a.** Public Hearing (Public Comment 2 minutes/person) SKIPPED

**Motion:** to approve Resolution No. 2013-006 as amended, **Action:** Approve, **Moved by** Councilperson Adam Old, **Seconded by** Vice Mayor Marcus.

**Vote:** Motion carried by unanimous aye vote (**summary:** Yes = 3, No=0)

**Aye:** Councilperson Old, Vice Mayor Linda Marcus, Mayor Daisy M. Black.

**Nay:** None.

**Absent:** Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson.

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

**H1. Village Manager Reports - Jason Walker**

- a. NW/NE 87th ST FDOT** – Officially accepted by FDOT today and we should be receiving our 100% reimbursement in the remaining amount of \$43,000.00.
- b. N Miami Avenue Medians** – Issues with the electrical and plumbing contractors are causing some delays. These contractors were originally selected along with Horizon. By end of April everything should be complete. The sign isn't finished because he doesn't want to damage the sign when the electrical and plumbing go in.
- c. Annexation** – The MDC has accepted the Village's application for the two land areas. Jason Rodriguez has been assigned to the application and it has been forwarded to the relevant department heads. Once they review it, it will come back to the Village with comments. The Village will respond and then it will go to six (6) other departments. It will take six (6) – seven (7) months to complete. The Manager said that the county assured him that our application was one of the simplest they have so there shouldn't be a problem getting it through.
- d. Stormwater Phase V** – We received two bids last month and there is a meeting scheduled on Monday with them. The recommendation for a contractor will be brought to the April meeting. We are still going through the permitting process with DERM. The Village replied to their comments yesterday. The DERM permit will hopefully be in by the end of next week. It appears that there will be a

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significant savings from what was anticipated. One of the contractors came in extremely low.

- e. **E-Civis Grants** – We researched three grants this month. One was for seawall/stormwater funding, but both Broward and Miami-Dade counties were not included. He also looked into exploitation of the elderly at the direction of the Mayor at the last meeting. The application is due by May 15<sup>th</sup>, but he wants to sit down with the Mayor, Robert and the Police Chief to see if a program can be designed to apply for the DOJ grant. The last grant that was looked at was the Veteran’s hiring grant and although the deadline passed; the grant is on the tickler list for next year. The DOJ will pay for three year’s salary if the Police Department hires a Veteran.
- f. **Charrette** –Two public info workshops were held and there was a good turnout of about forty (40) people at the last one. The date for the actual Charrette kick off was set for May 4<sup>th</sup>. The previously approved ad was placed in the Biscayne Times. He asked all present to bring everyone they can. He then asked Councilperson Old if he wanted to add anything. He also asked everyone in the audience to bring as many people as they can.
- g. **Nextdoor.com** – Comments have been made by the Mayor and the Chief. He asked all to go to the site and sign up. The site is updated often.
- h. **FY 2011-12 Audit** – He thanked everyone who has worked closely with the Auditors because audit month is a busy month. He will have the audit report findings ready at April’s meeting.
- i. **Mid-Year Budget Amendment** – He will send out an email requesting any additions or removals that the council would like to see from the budget. He added that we will be constrained by what savings have been found if anything wants to be added.
- j. **Biscayne Park Acquisition Group** – The sewage problem is still an issue and the method they are currently using to remedy the situation is inadequate. The Manager told BPAG this at their last weekly meeting and the BPAG representatives stated that they will bring this to the attention of their managers. Pumping needs to be increased. Councilperson Old added that he wants BPAG to be proactive with the pumping of the septic tanks rather than their reactive stance thus far. He asked them to also clear debris from around the trailers. The Manager said that BPAG’s lawyer (Mr. McNally) agreed to attend their weekly meetings at least once a month in order to better coordinate efforts with the Village. The Mayor asked if we were still demolishing the trailers. The Manager said we still are and that the park is down to 176 trailers. Councilperson Old added that there are some that are vacant and uninhabitable, but that they’re down to the 170’s. The Manager added that they’re winding down.
- k. **Laundromat excavation (8370 Biscayne Blvd.)** – They are on hold because we’re waiting on approval from DERM before they can continue. They should’ve gotten the permit to begin with. Once we receive the approval, our building official can sign off on the permit and he hopes that they will be done with excavation by Saturday.

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- l. Park improvements** – He is aware that improvements need to be made to the park, but the issue is lack of money. The bids we received were over the estimated amount of \$4-5,000.00
- m. Lighting issue** – There is an issue in the Trailer park and two other areas. There are 2 residents opposed to more light,
  - 1.** Harry Payne, 180 NW 87<sup>th</sup> ST, El Portal, FL – He handed out a copy of the lighting study El Portal did. He pointed out that NW 1<sup>st</sup> and 2<sup>nd</sup> Avenue need more light. A 150w bulb was suggested, but he would settle for a lower wattage in order to compromise with the neighbors.
  - 2.** Maribel Fruitstone, NW 88<sup>th</sup> ST, El Portal, FL – She doesn't feel safe running early in the morning because it's dark where the lights are out or there are none.
  - 3.** Saranette Bulbin, 151 NW 87<sup>th</sup> ST, El Portal, FL – She arrived after Mr. Payne spoke asked for a brief summary of what was discussed. The Mayor gave a summary. She is requesting shields be put on the light by her home. She claims there is no crime on her street and wants the shield put back on the light because it was there for twelve (12) years before FPL came to remove it. She also says there are two (2) other neighbors who don't want so much light. She thinks compromise is needed and made some suggestions. Mayor Black thanked her and Councilperson Old mentioned an effort in Chicago to introduce "environmentally conscious" lights. He wanted to know if FPL has something similar. The Manager said that when doing the study FPL brought up the fact that all wattage's must be the same to avoid lawsuits from drivers.

#### **H2. Committee Chair Reports** –

- a. Public Affairs** - Vice Mayor Marcus reported that the Easter Egg Hunt was a success. She thanked the Police Department. The Armed Forces Day 5K is the next large event scheduled. She thanked Councilperson Cubillos for spearheading the event.
- b. Public Works** - Chairperson Omarr Nickerson was absent.
- c. Public Safety** - Chairperson Daisy M. Black, Chief, and Councilperson Old spoke.
- d. Code Enforcement** - Chairperson Adam Old spoke about swale materials
- e. Planning & Zoning** - Chairperson Daisy M. Black said that the Manager went over most of what was on her report.
- f. Administration & Finance** - Chairperson Claudia V. Cubillos was absent.

**H3. Village Mayor Reports** – Mayor Black spoke about her meetings in Tallahassee. The lobbyist wasn't there. She said Sen. Margolis presented water projects that were outside of her district. Construction phases breakdown with Mr. Walker. Federal matching dollars are needed. Councilperson Old asked the Mayor if she had received a report from the lobbyist. Mr. Walker answered. Submitted report to MDCLC.

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**H4. Village Attorney Reports** – Sitting Village Attorney Hope Calhoun had nothing to report. The Manager added.

May Committee Meeting dates were moved to the 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup>.

**I. UNFINISHED BUSINESS AND GENERAL ORDERS:** None.

**J. NEW BUSINESS:** None.

**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.)

**L. ADJOURNMENT:** Mayor & Council

Motion: motion to adjourn, Action: Adjourn, Moved by Vice Mayor Marcus, Seconded by Councilperson Old. Meeting Adjourned at 8:00 PM.

# of members in audience: 5

*To listen to the full recording of the March 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](mailto:cmontealegre@villageofelportal.org).*

<https://dl.dropboxusercontent.com/u/103397344/2013-03-26%20Regular%20Council%20Meeting.MP3>