


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, June 25, 2013  
MINUTES  
7:00PM

**A. CALL TO ORDER:**  Vice Mayor Linda Marcus, presiding, called the meeting for June 25, 2013 to order at 7:15 PM.



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

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

 **Roll Call.**



**Present:** Vice Mayor Linda Marcus, Councilperson Claudia V. Cubillos, Councilperson Adam Old, Village Manager Jason Walker (Not voting), Sitting Village Attorney Steven Geller (Not voting), Interim Village Clerk, Carolina Montealegre (Not voting).

**Absent:** Mayor Daisy M Black, Councilperson Omarr Nickerson.

**D. APPROVAL OF AGENDA:**  Vice Mayor Marcus requested any additions or deletions to the agenda.  **Motion:** Agenda as presented, **Action:** Approve, **Moved by** Councilperson Adam Old, **Seconded by** Councilperson Claudia V. Cubillos.

Motion passed unanimously.

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

**E1.**  Minutes for May 28, 2012, Regular Council Meeting –  **Motion:** Approve as presented, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Adam Old.

Motion passed unanimously.

**F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**

**F1.** Legislative Update – Representative Daphne D. Campbell

The Representative arrived at 7:35 PM. Presentation took place after Item G4. Discussion is summarized at that moment in the minutes.

**G. RESOLUTIONS / ORDINANCES:**

**G1.**  Vice Mayor Marcus asks the Clerk to read the short title into the record.


**RESOLUTION NO. 2013-012**

**STORMWATER UTILITY  
INTERLOCAL AGREEMENT**


**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING EXECUTION OF A SECOND EXTENSION TO THE STORMWATER UTILITY INTERLOCAL AGREEMENT BETWEEN THE VILLAGE OF EL PORTAL AND MIAMI-DADE COUNTY STORMWATER UTILITY; PROVIDING FOR AN INCORPORATION OF RECITALS; TO TAKE EFFECT IMMEDIATELY.**

Vice Mayor Marcus asked Mr. Walker if he had anything to say regarding this Resolution. The Manager spoke briefly about the Interlocal Agreement. This agreement is renewed every five years.

**G1a.** Public Hearing (Public Comment 2 minutes/person) The Vice Mayor closed the regular meeting at 7:20 PM and opened it up for public hearing. Hearing none she resumed the regular meeting. The Vice Mayor requested a motion to approve the Resolution.

 **Motion:** to approve Resolution No. 2013-012, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Adam Old.

Motion passed unanimously.

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

**Yes:** Councilperson Adam Old, Councilperson Claudia V. Cubillos, Vice Mayor Linda Marcus.

**G2.**  Vice Mayor Marcus asked the Clerk to read the short title into the record.

**ORDINANCE NO. 2013- 001**

**ZONING MAP CHANGE**


**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE ZONING MAP OF THE VILLAGE OF EL PORTAL FOR SEVEN AREAS LOCATED WITHIN THE VILLAGE, AS DEPICTED IN EXHIBIT A; AND PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

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The Vice Mayor asked the Manager for comment. The purpose of this Resolution is to clear up some scrivener's errors in Ch. 17 and Ch. 24 and to correct errors in map zoning. Councilperson Old caught the zoning errors and suggested changing the text to reflect the land east of the FEC RR tracks. Attorney Geller stated that there are two separate issues before the Council and that is the text and the map amendment. The land hasn't been annexed. The text amendment can be done, but the map amendment can't be done until the land is annexed.

**G2a.**  Public Hearing (Public Comment 2 minutes/person) The Vice Mayor closed the regular meeting at 7:25 PM and opened it up for public hearing. Hearing none she resumed the regular meeting. The Vice Mayor requested a motion to approve the Resolution.

 **Motion:** to approve Ordinance 2013-001, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Adam Old.

Motion passed unanimously.

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

**Yes:** Councilperson Adam Old, Councilperson Claudia V. Cubillos, Vice Mayor Linda Marcus.

**G3.**  Vice Mayor Marcus asks the Clerk to read the short title into the record.

**ORIDNANCE NO. 2013- 002**

**RED LIGHT CAMERA  
AMENDMENT**

**AN ORDINANCE OF THE VILLAGE OF EL PORTAL,  
FLORIDA DELETING OBSOLETE PROVISIONS AND  
AMENDING THE VILLAGE CODE OF ORDINANCES BY  
AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V,  
CODE ENFORCEMENT, DIVISION 2, SIGNALIZED  
INTERSECTION SAFETY, TO IMPLEMENT CHAPTER 2013-  
160, LAWS OF FLORIDA; PROVIDING FOR LOCAL  
HEARING OFFICERS CONSISTENT WITH GENERAL LAW;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

The Vice Mayor asked if the Manager would explain the Resolution. The Manager gave the floor to the Attorney because he did not ask the Attorney to place the item on the agenda. The Attorney gave a brief history on the legalities of the Ordinance and its issues. The main issues being right hand turns. The Ordinance will need to be amended and passed before the cameras are allowed to continue operating. Representative Campbell arrived. The Vice Mayor asked if there was further discussion regarding this Ordinance. Councilpersons Cubillos and Old feel comfortable placing it for a second reading.



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expansion and funding for El Portal's Village projects. She will continue to request funding and brought up the need for more community involvement. She asked those in attendance to help with the effort of creating more community involvement. Her handouts are part of the minutes file and will be made available upon request. Sitting Attorney Geller complimented Rep. Campbell for working so hard on behalf of El Portal. Councilperson Cubillos excused herself.

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

##### **H2. Village Attorney Reports** – Sitting Attorney Steven Geller

 The Manager had stepped off the dais, so the Attorney spoke first. He made the whole Attorney report the Legislative report and gave an update on his efforts in Tallahassee. He reiterated that while the relationship with the Representative is very strong, the Village should improve the relationship between the Village and their Senator for a better outcome. It's best to get into the Governor's budget and the water project that the Attorney was asked to concentrate on (the Seawall) was cut from the legislature's budget. All projects were ranked and received funding by their rank. The Village Sewall project was ranked a "7". The funding only went to those ranked "8" or higher. He strongly recommended that the Village started making contact earlier this legislative session. Councilperson Old asked for more explanation on how the ranking was made. The Attorney stated that the Village met all the criteria that was put forth by the legislature and made a ranking of "7", which is not a bad ranking, but there wasn't enough money to fund anything that received a ranking of lower than "8". He believes that if we had made it into the legislative budget that the Governor would've vetoed it anyway. Again, he stated, it is important to start early and make it into the legislative budget so that there is more of a chance that the request for project funding will make it into the Governor's budget. Councilperson old asked him when he thought the Village should start submitting proposals. He said July 1<sup>st</sup> because the process changes every year and if the Village doesn't make contact by the time the applications are due, it may be too late.

##### **H1. Village Manager Reports** – Manager Jason Walker

- a. Fire hydrants – Painting is completed.
- b. Bus benches – They will be delivered in two weeks and installed in three weeks.
- c. N Miami Ave Median - Electrical is complete and irrigation is done, but still needs some clean up.
- d. Red light cameras – They will go dark on July 1<sup>st</sup>. The Village is still in negotiations with ATS and he hasn't heard from them as Attorney Geller has been dealing with them. We're asking for an admin fee as part of the negotiations because we're losing money by not only lack of generating funds, but also due to having to pay overtime for officers' court time. He has not been a part of the conversations because Attorney Geller has been handling that.
- e. Annexation – The application is going before the MDC P&Z Committee July 1<sup>st</sup> @ 3PM at the MDCC Chambers. He encouraged the council to attend. He met with MDC two weeks ago and the total length of review is estimated to be 4-5months.
- f. UF&C Grant – Tree Survey RFP went out. Bids due back by July 15<sup>th</sup>. The whole process should take about 60 days.

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- g. Budget Workshop – Set for Saturday, July 20<sup>th</sup>. He will meet with each councilmember to go over any budget issues for next year. We are currently in a deficit, which is mostly due to new FRS legislation that requires the cities and counties to fund the actuarial losses. Sitting Attorney Geller interjected and spoke at length about “actuarial shortfalls”. He said that there isn’t an actual shortfall and personally believes this a political dig at the counties and cities to force them to privatize and fund their own pensions. The State of Florida pension was funded “too well”. The Manager said the deficit is between \$54-74,000 and approximately \$45,000 of that is due to FRS. He met with the Chief of Police, PBA union rep and the Clerk to discuss ways to reduce spending and increase revenue.
- h. Stormwater – Phase V starts next week. The delay has been due to the wrong structures being delivered twice now. The project should start this week.
- i. Tot Lot – Park and Parking lot safety issues design being completed and will go out to bid as one complete package. The problem was going out for bid on a piecemeal basis when we should’ve had everyone bid on the same items. Kim Flower is now designing the project and once completed, he will go out for bid.

### **H3. Committee Chair Reports**

#### **a. Public Affairs**

Chairperson Linda Marcus – meeting cancelled due to lack of quorum, but the Manager mentioned the Annual 4<sup>th</sup> of July picnic.

#### **b. Public Works**

Chairperson Omarr Nickerson – Vice Chair Old spoke in the Chair’s absence. He spoke about the items discussed at the committee, which included the planting of the tree in the circle and the tot lot safety issues.

#### **c. Public Safety**

Chairperson Daisy M. Black - absent

#### **d. Code Enforcement Committee**

Chairperson Adam Old – Swale materials handout was passed out previously and he would like to discuss at the next committee meeting.

#### **e. Planning & Zoning**

Chairperson Daisy M. Black - absent

#### **f. Administration & Finance**

Chairperson Claudia V. Cubillos – The Chair asked the Vice Mayor to remind everyone that the workshop was moved to the July 20<sup>th</sup>.

### **H4. Village Mayor Reports** – Mayor Daisy Black - absent

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

**J. NEW BUSINESS:** None.

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**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

Councilperson Old pointed out that there wasn't a quorum for a motion to adjourn, so the Attorney stated that it's an automatic adjournment. Meeting Adjourned at 8:07 PM.

# of members in audience: 4

*To listen to the full recording of the June 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/103397344/2013-06-25%20Regular%20Council%20Meeting.MP3>