

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, September 24, 2013
MINUTES
7:01PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for September 24, 2013 to order at 7:13 PM.

B. SILENT MEDITATION & PLEDGE: This was done at the Budget Hearing meeting prior.


C. ROLL CALL: Mayor Black asked the Interim Village Clerk, Carolina Montealegre, for a **Roll Call**. (Roll call was done at the prior meeting.)

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), Interim Village Clerk (Not voting), Irwin Williams, CFO (Not voting).


D. APPROVAL OF AGENDA: Mayor Black requested any additions or deletions to the agenda.  **Motion:** motion to approve agenda as submitted, **Action:** Approve, **Moved by** Vice Mayor Linda Marcus, **Seconded by** Councilperson Adam Old.


Motion passed unanimously.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1.  Minutes for July 23, 2013 Regular Council Meeting – tabled for September Regular Council meeting.


F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1.  Tracie Auguste, Commissioner Edmonson's office - spoke about the Annexation application. She said that she was available to the Council for questions.

F2.  August Unaudited Financials – Irwin Williams, CFO – Not ready due to the TRIM preparation and new accounting software implementation. He will email to the council.


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G. RESOLUTIONS / ORDINANCES:

- G1.  Mayor Black asks the Clerk to read the short title into the record.
ORDINANCE NO. 2012-003 **MANAGER'S ADMINISTRATIVE VARIANCE**
First Reading


AN ORDINANCE OF THE VILLAGE OF EL PORTAL, MIAMI-DADE COUNTY, FLORIDA TO AMEND CHAPTER 24-22, OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.


The Mayor asked the Clerk to read the Ordinance into the record in its entirety.

G1a.  Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:23 PM and opened it up for public hearing. Hearing none she resumed the regular meeting. The Mayor requested a motion to approve the Resolution.

 **Motion:** to adopt Ordinance No. 2012-003, **Action:** Adjourn, **Moved by** Councilperson Adam Old, **Seconded by** Councilperson Omarr Nickerson.


Councilperson Old pointed out that the changes in Ch. 24 are not reflected in this Ordinance. The manager said that this does not affect the Ordinance being read today. This is the first reading and amendments can be made.

 **Vote:** Motion carried by unanimous roll call vote with amendments (**summary:** Yes = 5).
Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Mayor Daisy M Black, Vice Mayor Linda Marcus.


- G2.  Mayor Black asked the Clerk to read the short title into the record.
ORDINANCE NO. 2013-001 **ZONING MAP CHANGE**
Second reading


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.

G2a.  Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:26 PM and opened it up for public hearing.

G2a.1. Ken Hecter - 260 NE 88TH ST – He had a question about Area No. 1 (next to church) and what its current designation is. Does this change mean it's available to be made a paved parking lot? The Manager said that it can be made into a parking lot with the current designation of RSF. Vice Mayor Marcus added that the Council was very clear that that area will be left a green space and this Ordinance is correcting errors that led to the miscoding of that specific area. It was coded as Single Family Residential to Semi-Public and Public. Mr. Hecter's concern is that if someone else comes after the church and decides not to honor the current agreement with the Village, they can use that area as a parking lot. The Manager said that his concern is valid because a future property owner would be able to utilize that area as parking. The Mayor asked if we could grandfather the property as green space. The attorney said that if we were able to raise the funds to purchase that one parcel, then we can, but only if the owners are willing to sell. The Manager said that if that is something the Council wants to explore, he can look at the options. He used an example of a Coconut Grove church that is right in the middle of a block of Single Residential Family homes and they're allowed to use a lot for parking. Councilperson Nickerson thinks that Mr. Hecter's concern is whether they'll use it as a commercial parking lot. The attorney said it could not be used as a commercial parking lot where a separate entity will set up, but the church can use their own property as an ancillary use.


 **Motion:** to adopt Ordinance No. 2013-001, **Action:** Adjourn, **Moved by** Councilperson Adam Old, **Seconded by** Councilperson Claudia V. Cubillos.

 **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

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

No: Mayor Daisy M Black.


The Manager added that he understands the Council's concern and he can explore purchasing the property. The Mayor said it would take some time, but that the Council wants to look into it.

G3.  Mayor Black asked the Clerk to read the short title into the record.
ORDINANCE NO. 2013-003 **DOMESTIC PARTNERSHIP**
Second reading **AND FAMILY COVERAGE**

**AN ORDINANCE OF THE VILLAGE OF EL PORTAL,
FLORIDA CREATING "THE DOMESTIC PARTNERSHIP AND
FAMILY COVERAGE" ORDINANCE OF THE VILLAGE**


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**CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICT; PROVIDING FOR
CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

G3a.  Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:36 PM and opened it up for public hearing. Hearing none she reopened the regular meeting.

 **Motion: adopt Ordinance No. 2013-03, Action: Approve, Moved by Councilperson Adam Old, Seconded by Vice Mayor Linda Marcus. Motion passed unanimously.**


 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).
Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Mayor Daisy M Black, Vice Mayor Linda Marcus.**

G4.  Mayor Black stated that this was sent to us by County Commission Mr. Diaz. She asked the Clerk to read the short title into the record.


RESOLUTION NO. 2013-018


**VIETNAM WAR 50TH ANNIVERSARY
COMMEMORATION**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-
DADE COUNTY, FLORIDA, SUPPORTING THE
COMMEMORATION OF THE 50TH ANNIVERSARY OF THE
VIETNAM WAR; COMMENDING MIAMI-DADE COUNTY
FOR EXPRESSING SUPPORT FOR THE NOVEMBER 8, 2013
PARADE SPONSORED BY THE MIAMI-DADE COUNTY
MILITARY AFFAIRS BOARD WELCOMING HOME AND
REMEMBERING ALL VIETNAM VETERANS; PROVIDING
FOR AN INCORPORATION OF RECITALS AND PROVIDING
FOR AN EFFECTIVE DATE.**


G4a.  Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:38 PM and opened it up for public hearing. Hearing none she reopened the meeting and asked for a motion to approve the Resolution.

 **Motion: to approve Resolution no. 2013-018, Action: Approve, Moved by Councilperson Claudia V. Cubillos, Seconded by Vice Mayor Linda Marcus. Motion passed unanimously.**

 **Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).
Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos,
Councilperson Omarr Nickerson, Mayor Daisy M Black, Vice Mayor Linda Marcus.**


G5.  Mayor Black asked the Clerk to read the short title into the record
RESOLUTION NO. 2013-015 **HOMESTEAD EXEMPTION FRAUD**


A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA DIRECTING THE VILLAGE MANAGER TO ENSURE THE PARTICIPATION OF THE VILLAGE OF EL PORTAL POLICE DEPARTMENT IN THE OFFICE OF MIAMI-DADE COUNTY PROPERTY APPRAISER'S TASK FORCE TO INVESTIGATE HOMESTEAD EXEMPTION FRAUD WITHIN THE VILLAGE OF EL PORTAL, SPECIFICALLY BY ASSIGNING ONE VILLAGE OF EL PORTAL OFFICER TO SAID TASK FORCE; PROVIDING FOR AN INCORPORATION OF RECITALS; TO TAKE EFFECT IMMEDIATELY.

G5a.  Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:39 PM and opened it up for public hearing. Hearing none she reopened the meeting and asked for a motion to approve the Resolution.

 **Motion: to approve Resolution No. 2013-015, Action: Approve, Moved by Councilperson Claudia V. Cubillos, Seconded by Councilperson Omarr Nickerson.**


Councilperson Old asked the Manager if this would affect how much money we spend on officer time. He said this would not affect it and it's just formalizing something that has already been done. This also allows the officers to receive training on how to identify this type of fraud.


 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Mayor Daisy M Black, Vice Mayor Linda Marcus.

G6.  Mayor Black asked the Clerk to read the short title into the record
RESOLUTION 2013-021 **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 INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

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G6a.  Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:41 PM and opened it up for public hearing. Hearing none she reopened the meeting and asked for a motion to approve the Resolution.

 **Motion: to adopt Resolution No. 2013-021, 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 = 5).**
Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Mayor Daisy M Black, Vice Mayor Linda Marcus.

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

H1. Village Manager Reports – Manager Jason Walker 

- a. Stormwater – Phase V near completion. The punch list of items that need to be repaired including additional sod needs to be resolved. We will submit for reimbursement once the vendor has chased the last payment.
- b. Bus benches – The County said we are allowed to permit ourselves. He has contacted the contractor and it should be completed within next two weeks, pending permit approval.
- c. Bus shelters – We finally received the easement agreement from the Church. It was submitted to the county two weeks.
- d. UF&C Grant – We went out for bid and received one and he tried to negotiate with the State and the bidder to reduce costs. The bid is for \$40,000 and that is way below what was budgeted for the tree study.
- e. Budget – After tonight’s meeting we will submit the TRIM package to the State.
- f. Tot lot – We’re taking the plans out to bid to the 3 contractors who previously bid.
- g. Tree trimming – We will be performing a major tree trimming of around 25 trees next week.
- h. County – We have an additional \$5,000 for park improvements from the County that needs to be spent now, so that we can submit for reimbursement.
- i. Annexation – Application was approved at the planning committee in July and it will go before the County Commission in October and it will go for a second reading in November. Once approved, the Village and the County will enter into interlocal agreements. He will let the Council know.
- j. 136 NW 90th ST – We met with the homeowner’s attorney two weeks ago and he agreed to a timeline that expired last Friday. The manager is in contact with the bank who holds the mortgage and they have asked that we allow them to demolish the property themselves. The homeowner came in for an additional permit application, but without plans. We are moving forward with the demolition.
- k. N Miami Ave Medians – Landscaping is going out for bid and it will come back for approval because it will be over \$5,000.

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The Mayor asked how much the trimming of the trees will cost. The Manager said it's going to approximately cost \$6,000. This money is coming from a reimbursable grant.

H2. Village Attorney Reports – Attorney Joseph Geller 

The Attorney said he has nothing to report. The Manager added that we received information regarding the subpoena from ATS and it was voluntarily dismissed.

H3. Committee Chair Reports 

a. Public Affairs - Vice Mayor Linda Marcus –

The Chair said that we had the meeting earlier this evening and she would like to remind the resident's that the newsletter will be coming out in November and the events that will be held in October are the Sr. Luncheon and the Halloween Party. We will also work with the FLC for donations of turkeys.

b. Public Works - Chairperson Omarr Nickerson –

He thanked the Manager for the Stormwater project progress. He thanked the Clerk and Councilperson Old for working on the codification of Ordinances.

c. Public Safety - Chairperson Daisy M. Black –

She mentioned that we received the bullet proof vest grant and thanked the Chief for all the department's help. She told the resident's about the village wide clean up being held next month. She also brought up the car decals for the resident's and asked the clerk to let her know when they will be ready.

c.1. Marie Vilbrum – 181 NW 89TH ST – She is a resident who is very concerned with the flooding in front of her home.

c.2. Pedro Ruz - 189 NW 89TH ST – Claims that the flooding is currently affecting 4 homes on NE 89th ST.

The Manager said that it's a matter of funding, but the good thing is that NE 89TH ST will most likely be the next one to be addressed. He said that everything past NW 3rd Avenue to the end of the Village has been completed. We are requesting additional money from the state to repair the remainder of the Village and it will be based on the most distressed areas. Vice Mayor Marcus asked Mr. Ruz to send the photos he has to the Manager so that they could be included in the request for the funding from the State. A resident from 180 NW 89th ST is another neighbor who is affected by the flooding. The Mayor added that there will be a Crime Watch meeting tomorrow at 6:30PM. The Manager said we should be hearing about the COPS grant in the next two weeks.

d. Code Enforcement Committee - Chairperson Adam Old –

He spoke about the codification progress. He wants to bring the swale materials to the next council meeting.

e. Planning & Zoning - Chairperson Daisy M. Black –

The Manager covered this in his report.

f. Administration & Finance - Chairperson Claudia V. Cubillos –

We had two successful budget workshops in August. One of them regarded revenue generation. She thanked the committee and the CFO for their hard work.

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H4. Village Mayor Reports –  Mayor Daisy Black – none.

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.)

K1. Merlin Brooks – 115 NE 88TH ST – She’s concerned with money being spent on Sherwood Forest and not on the rest of the Village. She asked about the red light cameras. She wanted one closer to the east side. The Manager said the cameras are still live, but they’re not citing drivers anymore. She also requested that the Village look into repeating an event that Miami Shores held. It was called “Save Your Identity Day”. It was a day for the residents to take their personal information and have it shredded. She thanked the Police Department for their service.

K2. Marisa Faraldo - 420 NE 88TH ST – Her home was burglarized and she thinks there is a need for a better alert system. She requested public records from the police department because she wanted to know how many burglaries were taking place. She claims that it took over an hour for the police to arrive. She understands we’re a small department, but believes there is a better way to alert the resident’s about burglaries in their area. She thinks that she would’ve been more alert. Councilperson Old mentioned that the Chief presented a new way that the department is breaking down the types of burglaries in order to get a more accurate view of what is going on. He also asked that she sign up to Nextdoor.com because the department is posting the police blotters. The Mayor reminded the resident’s that a monthly STAT’s report is given by the department as well and she can request those at any time.

L. ADJOURNMENT: Mayor & Council -  **Motion:** motion to Adjourn, **Action:** Adjourn, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Vice Mayor Linda Marcus. Motion passed unanimously. Meeting Adjourned at 8:17 PM.

of members in audience: 10

To listen to the full recording of the September 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.dropboxusercontent.com/u/103397344/Regular%20Council%20Meeting%2009.24.13.MP3>