

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, December 17, 2013
MINUTES
7:00 PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for December 17, 2013 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, Vice Mayor Linda Marcus, Councilperson Claudia V. Cubillos, Councilperson Adam Old, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting, arrived after roll call), Interim Village Clerk (Not voting), Chief Eugene Morales (Not voting), Irwin Williams, CFO (Not voting).

Absent: Councilperson Omarr Nickerson

D. APPROVAL OF AGENDA: Mayor Black requested any additions or deletions to the agenda. Manager Jason Walker asked the Council where the Variance request could be placed regarding a roof issue and he would like to request a meeting. The Mayor said to place it under his staff report.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1. Minutes for October 22, 2013 Regular Council Meeting - The Mayor asked for a motion to approve the minutes as presented. Councilperson Old made a motion and Vice Mayor Marcus seconded the motion. The motion passed by unanimous "aye" vote.

E2. Minutes for November 19, 2013 Regular Council Meeting – Tabled for January 28th Council Meeting.

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1. November Unaudited Financials – This item was heard after item G2a.

**Regular Council Meeting
December 17, 2013
Meeting Minutes**

G. RESOLUTIONS / ORDINANCES:

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

RESOLUTION NO. 2013-027

**CAS Stormwater Design and
Construction Services (Phase VI)**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH CRAIG A. SMITH AND ASSOCIATES, FOR THE PURPOSES OF PERFORMING PROFESSIONAL ENGINEERING, DESIGN, PERMITTING, SURVEYING, UTILITY LOCATING AND CONSTRUCTION SERVICES FOR PHASE VI, COVERING A PORTION OF BASIN 2 OF THE STORMWATER MASTER PLAN, AND AMENDING THE CURRENT C.E.I. SERVICES CONTRACT, ALLOCATING FUNDS FROM THE STORMWATER IMPROVEMENT SPECIAL REVENUE FUND, IN AN AMOUNT NOT TO EXCEED \$30,615.00; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

The Manager reminded the Council about a group of residents who requested relief from flooding at a previous Council meeting. He went out and assessed the area and decided to design a project for construction immediately. He spoke with SFWMD to access approx. \$19,000 in funds from their department and the remaining funding will come from the Stormwater Utility Fund. He hopes to have the design ready for approval by January, 2014 and to start construction in March, 2014.

G1a. Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:06 PM and opened it up for public hearing. The Mayor asked if there were any residents present from that area who wanted to speak. The Manager said he asked them to attend, but there wasn't anyone from the area present. She closed the Public Hearing and resumed the regular meeting. The Mayor requested a motion to approve the Resolution.

Vice Mayor Marcus had questions regarding the funding of this project. She wanted clarification on the SFWMD funds. The Manager said we were able to keep the surplus of approx. \$19,000 to go towards this contract. She asked what the design cost was. The Manager said the project is estimated to total at \$95,000. The money from SFWMD will only be a small part of the total available funds. We also are drawing from the Stormwater Fund. Councilperson Old asked if this was the last major project and the Manager said no. He added that the Village receives \$54,000 per year in Stormwater Utility Revenue.

**Regular Council Meeting
December 17, 2013
Meeting Minutes**

Motion: to adopt Resolution No. 2013-027, **Action:** Adopt, **Moved by** Councilperson Adam Old, **Seconded by** Vice Mayor Linda Marcus.

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 4, No = 0).

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

Absent: Councilperson Omarr Nickerson

G2. Mayor Black asked the Clerk to read the short title into the record.

RESOLUTION NO. 2013-028 **145 NW 90TH ST - SUBDIVIDE**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE COUNTY, FLORIDA, APPROVING THE TENTATIVE PLAT SUBMITTAL IN ACCORDANCE WITH SEC. 24-43 THROUGH SEC. 24-45 OF THE VILLAGE CODE FOR THE SUBDIVISION OF THE LOT LOCATED AT 145 NW 90TH ST, EL PORTAL, FLORIDA, FOLIO NUMBER 18-3101-028-0100; PROVIDING FOR APPROVAL; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

G2a. Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:15 PM and opened it up for public hearing. Mr. Luis Javier Fernandez spoke about the reason for his request and then proceeded to answer the Council's questions. He would like to split the lot and improve upon it by constructing two new homes. He handed out the map of the location to the Council. The Vice Mayor asked if the current property is located in the middle of the lot. He said yes and that he plans on demolishing the current property and building two new homes. She was also curious about the green space percentage. He said that plan would be presented after this approval and it would go to the Building Department for approval. The Manager said that the Administration and the Building Official do not object. Mr. Fernandez added that he would mitigate any tree removal that occurs as a part of the new home construction. The Public Hearing was closed at 7:20 PM and the regular meeting was reopened. The Mayor requested a motion to approve the Resolution.

Motion: adopt Resolution No. 2013-028, **Action:** Adopt, **Moved by** Councilperson Adam Old, **Seconded by** Councilperson Claudia V. Cubillos

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 4, No = 0).

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

Absent: Councilperson Omarr Nickerson.

**Regular Council Meeting
December 17, 2013
Meeting Minutes**

F1. Moved from Item F. The Mayor asked Mr. Williams if he would like to speak. He said that due to the accounting software conversion he would not have the actual financials ready until January, 2014. He will email the unaudited November Financials to Jason so that he may send that out to the Council.

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

H1. Village Manager Reports – Manager Jason Walker

- a. TRIM – Accepted and funds released. Ad Valorem has been collected.
- b. SFWMD – Reimbursed fully in the amount of \$186,000.
- c. Stormwater – Phase VI has been approved and is going out for bid for the construction contract.
- d. Charrette – Draft report ready for the Council’s review, but will not go over it until January Committee Meeting. He asks that the Council look over and send any comments on any changes they may have.
- e. Sidewalks – Waiting on one more proposal. He let the residents know the reason for the delay.
- f. Trailer Park – Phone call with potential buyer and spoke about what would be allowed and the code enforcement liens that exist on the park. He plans on meeting in person in January.
- g. N Miami Avenue – Medians almost complete. The signs have been installed and the lighting just needs to be readjusted.
- h. Annexation – Clerk is working with M-DPW on plotting the current boundaries of the Village.
- i. Roof Variances – Mr. Walker said that requests have been coming in to repair roofs with shingle material, which is currently not allowable unless the roof was originally constructed with that material. At least five different residents have made this type of variance request. All of them are elderly residents who are having roof repairs needed. He knows a decision could not be made tonight, but he wanted Mrs. Ferguson to speak to them about the reason for her request. He is requesting two special meetings to expedite the process. One special Planning & Zoning meeting and one Special Council Meeting in January. Mrs. Ferguson’s daughter gave the background on her request. The home is currently in reverse mortgage and if her roof is not repaired, she will lose her insurance and her house will be foreclosed on. She has been living in that home since 1986. The Mayor said that she is familiar with these issues and thinks the Village should look into making it hardship allowances. The Vice Mayor asked why they had to wait. The Manager said there needs to be a Public Notice when there is a Variance request. He is requesting the meeting to be held on January 3rd to allow enough time to send out the 15 day required public notice. The Mayor said she is in favor of calling for a special meeting. Councilperson Cubillos said she believes that parameters are needed to agree on how to make exceptions to the rule. The Manager said a policy discussion is needed on whether or not we want to keep this standing request. Councilperson Old asked if the residents current roof

**Regular Council Meeting
December 17, 2013
Meeting Minutes**

material was tile. They said yes and it would cost more to replace with tile. Vice Mayor Marcus mentioned including the cost of construction replacement versus repair as a standard on allowing exceptions. The Attorney added that the Council doesn't have to have a policy that is inflexible and they could look at the word hardship in a non-traditional legal sense. As long as there is a basis for the decision and it's not arbitrary, then it does not have to be one size fits all and it does not have to be inflexible. The Mayor brought up length of time in the home. The Mayor made a motion to hold a special Planning & Zoning committee meeting.

Motion: calling for a Special Planning & Zoning Committee Meeting to be held on January 3, 2014 at 6:30 PM, **Action:** Schedule Special Meeting, **Moved** by Mayor Daisy Black, **Seconded** by Councilperson Claudia V. Cubillos.

Vote: Motion carried by unanimous "aye" vote. (**summary:** Yes = 4, No = 0).

H2. Village Attorney Reports – Attorney Joseph Geller had nothing to report.

H3. Committee Chair Reports (No meetings in November)

- a. **Public Affairs** - Vice Mayor Linda Marcus – Councilperson Cubillos reminded the Villagers about the toy drive tomorrow.
- b. **Public Works** - Chairperson Omarr Nickerson – None.
- c. **Public Safety** - Chairperson Daisy M. Black – None.
- d. **Code Enforcement Committee** - Chairperson Adam Old – None.
- e. **Planning & Zoning** - Chairperson Daisy M. Black – She said the Manager covered this in his report.
- f. **Administration & Finance** - Chairperson Claudia V. Cubillos – She said she looks forward to going back to Public Affairs.

H4. Village Mayor Reports - Mayor Daisy Black – None.

I. UNFINISHED BUSINESS AND GENERAL ORDERS:

II. Council and Committee Meeting Calendar 2014 (approval)

I2. Committee Assignments (upcoming in January). - The Mayor suggested making the committee meetings schedule to three meetings on only two nights. The Vice Mayor said she rather wait to see how the new assignments work. The Manager suggested making the times 6:30 PM, 6:45 PM and 7:00 PM so that if the meetings end early the next meeting could start sooner. The Attorney added that a meeting can always start later than when it's called, but can't start earlier than it's been called. The Mayor asked who was in favor of which configuration and requested a motion be made. The Vice Mayor moved to keep the committee meeting scheduled as is. Councilperson Old seconded the motion.

Regular Council Meeting
December 17, 2013
Meeting Minutes

The Mayor asked if it could be amended to every 15 minutes. The motion was not needed because it's administrative but the record will reflect that the request is to change the meeting called for times from 6:30 PM and 7:00 PM to 6:30 PM and 6:45 PM.

J. NEW BUSINESS: None.

K. GOOD AND WELFARE: None.

L. ADJOURNMENT: Mayor & Council - **Motion:** motion to Adjourn, **Action:** Adjourn, **Moved by** Councilperson Claudia Cubillos, **Seconded by** Vice Mayor Linda Marcus. Motion passed unanimously. Meeting Adjourned at 7:52 PM.

of members in audience: 10

To listen to the full recording of the December 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.