

OFFICIAL AGENDA PACKET
FOR THE
July 22, 2014
REGULAR COUNCIL MEETING
AT 7:00 PM

Carolina Montealegre
Interim Village Clerk



A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE RATE FOR SOLID WASTE AND RECYCLING SERVICES IN THE VILLAGE OF EL PORTAL; (AS INDICATED IN ATTACHMENT A) IMPOSING SOLID WASTE AND RECYCLING ASSESSMENT FOR PROPERTY LOCATED WITHIN THE VILLAGE OF EL PORTAL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT FOR THE BUDGET FOR FISCAL YEAR 2014-2015; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER OFFICE BEFORE DUE DATE OF AUGUST 4, 2014, AND PROVIDING FOR AN EFFECTIVE DATE.

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

G2. RESOLUTION NO. 2014-018 PROPOSED MILLAGE RATE
Sponsor: Manager Walker

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES MILLAGE RATE OF 8.3 OF AD VALOREM TAXES FOR THE VILLAGE OF EL PORTAL, FLORIDA, AND IN ACCORDANCE WITH THE CHARTER, SECTION 4.05, FOR THE BUDGET FOR FISCAL YEAR 2014-2015; THE FIRST BUDGET HEARING WILL BE HELD ON WEDNESDAY, SEPTEMBER 10, 2014 AT 6:30PM AND THE SECOND BUDGET HEARING WILL BE HELD ON TUESDAY, SEPTEMBER 23, 2014 AT 7:00PM AT THE VILLAGE HALL, 500 NORTHEAST 87TH STREET; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER OFFICE BEFORE DUE DATE OF AUGUST 4, 2014, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

H1. Village Manager Reports – Manager Jason Walker

- a. CRA discussion
- b. Budget Hearing dates (09/10 and 09/23)

H2. Village Attorney Reports – Attorney Joseph Geller

**Regular Council Meeting
July 22, 2014
Meeting Agenda**

H3. Committee Chair Remarks -

- a. Public Affairs**
Chairperson Claudia V. Cubillos
- b. Public Works**
Chairperson Adam Old
- c. Code Enforcement Committee**
Chairperson Omarr C. Nickerson
- d. Public Safety**
Chairperson Daisy Black
- e. Planning & Zoning**
Chairperson Daisy Black
- f. Administration & Finance**
Chairperson Linda Marcus

H4. Village Mayor Reports – Mayor Daisy Black

I. UNFINISHED BUSINESS AND GENERAL ORDERS:

II. Charter Committee Memo for August 5th ballot deadline, Clerk and Attorney

J. NEW BUSINESS:

J1. Discussion RE: future zoning of annexed areas, Vice Mayor Marcus

J2. Discussion RE: legal representation on Code Enforcement liens, Councilperson Old

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 & Councilpersons

In accordance with the American With Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting due to that disability should contact the Village Clerk’s Office at (305) 795-7880 no later than two (2) business days prior to such proceeding.

Regular Council Meeting

July 22, 2014

Meeting Agenda

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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, June 24, 2014
MINUTES
7:00 PM

A. CALL TO ORDER: Vice Mayor Linda Marcus, presiding, called the meeting for June 24, 2014 to order at 7:20 PM.

B. SILENT MEDITATION & PLEDGE: Vice Mayor advised that the pledge and moment of silence was done at the start of the executive session

C. ROLL CALL: Vice Mayor Marcus 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), Sitting Village Attorney Joseph Geller (Not voting), Chief Eugene Morales (Not voting), CFO Irwin Williams (Not voting), and Interim Village Clerk (Not voting).

Absent: Mayor Daisy Black

D. APPROVAL OF AGENDA: Vice Mayor Marcus requested a motion to approve the agenda. Councilperson Old made a motion to approve the agenda and Councilperson Nickerson seconded the motion. Motion passed by unanimous "aye" vote.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1. Minutes for May 27, 2014 Regular Council Meeting – Vice Mayor Marcus asked for a motion to approve the minutes as presented. Councilperson Old made a motion and Councilperson Nickerson seconded the motion. Motion passed by unanimous "aye" vote.

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1. May Unaudited Financials – Irwin Williams, CFO – Mr. Williams gave a breakdown of the chart/graph he provided to the Council

G. RESOLUTIONS / ORDINANCES:

G1. ORDINANCE NO. 2014-002

AMEND Qualifying Ordinance

**Regular Council Meeting
June 24, 2014
Meeting Minutes**

Sponsor: Village Clerk

Second Reading

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING SEC. 6-4 OF THE CODE OF ORDINANCES RELATING TO QUALIFYING PERIODS; PROVIDING FOR SEVERABILITY; REPEALER OF ALL ORDINANCES IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

G1a. Public Hearing (Public Comment 2 minute/person) Vice Mayor Marcus opened up public hearing.

G1a.1 Harold Mathis (420 NE 90th St) asked the clerk to clarify qualifying days. The Clerk stated the days were August 18th through the 29th.

Motion: adopt ORDINANCE No. 2014-002, **Action**, Adopt, **Moved** by Councilperson Adam Old, and **Seconded** by Councilperson Claudia V. Cubillos.

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

Absent: Mayor Daisy Black

G2. RESOLUTION NO. 2014-013

Sponsor: Manager Walker

**WASTE MANAGEMENT
CONTRACT EXTENSION**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING AN EXTENSION OF THE VILLAGE'S CONTRACT WITH WASTE MANAGEMENT, INC., AND AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR INCORPORATION OF RECTITALS AND TO TAKE EFFECT IMMEDIATELY.

G2a. Attorney Geller asked that the third whereas be delete. Attorney Geller clarified that it is the first one year extension of the contract. The expiration date would be by July 31, 2015

G2b. Public Hearing (Public Comment 2 minute/person) Vice Mayor Marcus opened up public hearing. No Public Comments

Motion: adopt RESOLUTION No. 2014-2013, **Action**, Adopt, **Moved** by Councilperson Adam Old, and **Seconded** by Councilperson Omarr Nickerson.

**Regular Council Meeting
June 24, 2014
Meeting Minutes**

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

Absent: Mayor Daisy Black

G3. RESOLUTION NO. 2014-014

Sponsor: Manager Walker

**MIDYEAR BUDGET
AMENDMENT**

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING TRANSFERS FROM CERTAIN BUDGETED LINE ITEMS; PROVIDING FOR AN INCORPORATION OF RECITALS; TO TAKE EFFECT IMMEDIATELY.

G3a. CFO Irwin gave an update of the mid-year budget amendment

Councilperson Old asked about the demolition cost. Manager Walker explained that it was for the demolition of the house on NW 90th Street. It is cost that will be recouped by lien placed on property.

Vice Mayor Marcus asked is this would reduce our reserve balance to under \$800,000. CFO Williams responded that it would be lower when we get to the end of the year. Further, he explained the capital improvement fund will owe the general fund over \$200,000 at the end of year.

CFO Williams also clarified that we never had \$800,000 in reserve as most of those dollars were restricted money.

Vice Mayor Marcus asked about the copy overage. The Village Clerk clarified the there was no overage. The item was simply under budget.

CFO Williams asked about the refund of Humana billing mistake.

Councilperson Cubillos asked about the \$7000 for IT services. The Manager explained that the contract was signed after the budget. Councilperson Cubillos asked if this would be recurring cost. The Village Manager advised that we intend to out for RFP next year for IT services.

Councilperson Old stated that most of the items are recurring cost. CFO Williams clarified that most of them were actually grants and are one time cost.

Regular Council Meeting

June 24, 2014

Meeting Minutes

- G3a.** Public Hearing (Public Comment 2 minute/person) Vice Mayor Marcus opened up public hearing. No Public Comments

Motion: adopt RESOLUTION No. 2014-2014, **Action**, Adopt, **Moved** by Councilperson Claudia Cubillos, and **Seconded** by Councilperson Adam Old.

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

Absent: Mayor Daisy Black

H. REPORTS OF THE VILLAGE MANAGER, MAYOR & COMMITTEE

CHAIRS:

H1. Village Manager Reports – Manager Jason Walker

- a. 455 NW 88 Terrace. Several neighbors have been complaining about the house at this address. We have numerous code enforcement liens on the property. Neighbors are saying that their property values are being impacted. The Building Official has made contact with owner in an effort to get it deemed unsafe. The Manager assured the residents that he will bring their concerns to the Council. The Attorney said that he will review the file and see what other options the Village may have to address this problem. He did explain that there may be limited options for the Village to deal with this issue.
- b. Stormwater Phase VI NW 89th street is almost complete. The last pipe went into the ground on June 24. They should be complete by the end of the week depending on weather
- c. Surveillance Signs.. Four signs were place on the NE side at certain entrances. The installer had stop and will continue the installation of four signs on the NW side.
- d. Update of surveillance cameras –Manager informed the Council that the two cameras we tested by the company. The Chief and Manager came to the conclusion that these particular cameras were of poor quality. In addition, we would need to install a tag reader. An idea was brought up by Councilperson Cubillos and the Manager to give grants to certain homeowners to install at their homes. The cameras would only be in control of the homeowners. The police would only request for access when needed. Manager explained that home CCTV cameras are less expensive and of good quality. Councilperson Nickerson said that his home CCTV work very well, especially at night. Manager advised that we can do a great deal with \$10,000
- e. Milleage rate discussion. Manager asked for direction in forming next year’s budget. The Manager noted that the values went up and asked the Council if they wanted to meet to discuss the mileage. The Council declined and asked the Manager to base the budget on 8.3 mills. Manager also told the Council that the administration has started contract negotiations with the Police union.
- f. CRA meeting on July 18th with Commissioner Edmonson Office

Regular Council Meeting
June 24, 2014
Meeting Minutes

H2. Village Attorney Reports – Mr. Geller will look into the matter of 455 NW terrace. Received his direction regarding trailer park from Executive Session.

H3. Village Mayor Reports – No Report

I. UNFINISHED BUSINESS AND GENERAL ORDERS:

I1. Charter Review Committee – 2014 BALLOT ISSUES DEADLINES Memo – Village will get the report on the two items recommended by committee. The two items included were 3.06 and 3.09 August 5 is the deadline for item to be put on the ballot. The Clerk advised that she will have the memo to the Council outlining the items. One item was to ask if the Village Clerk would report to the Manager and the other was raising amount of money the Manager can spend prior to going the Village Council. Councilperson Old asked if it would be an ordinance and Attorney Geller advised that it would be a resolution. Attorney Geller advised that Chairperson of the committee would make a formal report at the July meeting

Councilperson Old asked if there was a financial cost to having items on the ballot. Attorney Geller advised that it was minimal. If it was a standalone questions, it would be expensive.

J. NEW BUSINESS: None.

K. GOOD AND WELFARE: Anna Ward (415 NW 88th Terrace) Wanted to says something about solid waste, however, walked in late. Anna Ward said she lives on the same street as the Sandra Osborne. She says the Sandy is a nice person. She advised that she serves on the CITT board and CITT board will begin to sweep funds. Ms. Ward said that we need bus benches. The Manager stated that we have benches at all MDT locations in EL Portal. Nature trails filthy, someone does not cleaning, edging. Thank police for having gate open. Budget for green space along NW 3 ave. Manager advised that the project has been put on hold for budgeting. Ana Ward asked about bidding out position of Auditor. The Attorney explained that the CFO is not the Auditor. CFO Williams explained that he is a contract employee. The CFO advised that the audit would be bid out next year. Dr. Ward advised about the perils of deteriorating financial condition. She also advised that she agrees with the CRA for the trailer park. Dr. Ward offered her services if needed. She then went to explain that she is happy to serve on the CITT. Councilperson Old thanked Dr. Ward for her work on charter review committee.

Harold Mathis (420 NE 90th Street) Congratulations to Marva Wiley to the 11th judicial circuit. Manager send condolences on behalf of Village on Marva's mother's passing and the former wife of Chief Marvin Wiley

L. ADJOURNMENT: Vice Mayor & Council - **Motion:** motion to Adjourn, **Action:** Adjourn, **Moved by** Councilperson Cubillos, **Seconded by** Councilperson Old. Motion passed unanimously. Meeting Adjourned at 8:29 PM.

Regular Council Meeting
June 24, 2014
Meeting Minutes

of members in audience: 4

To listen to the full recording of the April 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.

DRAFT

Proposed: July 22, 2014
Adopted:

(See ATTACHMENT A)

RESOLUTION 2014-017

NON-AD VALOREM TAX RATE

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE RATE FOR SOLID WASTE AND RECYCLING SERVICES IN THE VILLAGE OF EL PORTAL; (AS INDICATED IN ATTACHMENT A) IMPOSING SOLID WASTE AND RECYCLING ASSESSMENT FOR PROPERTY LOCATED WITHIN THE VILLAGE OF EL PORTAL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; APPROVING THE RATE OF ASSESSMENT FOR THE BUDGET FOR FISCAL YEAR 2014-2015; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER OFFICE BEFORE DUE DATE OF AUGUST 4, 2014, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of El Portal desires that Non-Ad Valorem Assessment for solid waste and recycling be printed on the TRIM notice sent out by the Miami-Dade Property Appraiser Office for fiscal year commencing on October 1, 2014; and

WHEREAS, the Mayor and Village Council of the Village of El Portal, met on July 22, 2014, to review and consider recommendations pertaining to the proposed Non-Ad Valorem Tax Rate; and

NOW, THEREFORE, BE IT RESOLVED THAT, BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA the rates on “Attachment A” are hereby adopted.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 22nd day of July, 2014.

Daisy M. Black, Mayor
Village of El Portal

ATTEST: _____
Carolina Montealegre
Interim Village Clerk

Approved as to Form and Legal sufficiency:

Joseph S. Geller, Village Attorney

Moved by:

Seconded by:

Vote:

Councilperson Old: ___ (Yes) ___ (No)

Councilperson Nickerson: ___ (Yes) ___ (No)

Councilperson Cubillos: ___ (Yes) ___ (No)

Vice Mayor Marcus: ___ (Yes) ___ (No)

Mayor Black: ___ (Yes) ___ (No)

Resolution No.: 2014-017 Passed by roll call vote of ____.

I, Carolina Montealegre, Interim Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2014-017 adopted on July 22, 2014, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of _____, 2014.

Carolina Montealegre
Interim Village Clerk

MEMO

Date: July 19, 2014

To: Honorable Mayor Daisy Black
and Members, El Portal Village Council

From: Jason Walker
Village Manager

Subject: Setting of Proposed FY 2014-15 Millage and Non Ad Valorem fees
ATTACHMENT A

Recommendation

It is recommended that the Village Council approve the millage rate detailed below for use in preparing the "Notice of Proposed Property Taxes" to be mailed to all owners in August.

Scope

State law requires that all property owners be advised of proposed property taxes along with notification of public budget hearings. The Property Appraiser will mail required notices to all property owners in August using proposed tax rate adopted by the Village of El Portal.

Fiscal Impact/Funding Source

The millage rate recommended will generate \$780,477 in for the El Portal General Fund. The non-ad valorem rates will generate \$297,362 to the El Portal General Fund.

Background

It is recommended that the following millage rate and special assessment rate be approved for FY 2014-15.

- Village advalorem : 8.3
- Special Assessment:
 - F0650 El Portal Waste \$320
 - F0651 El Portal Waste \$702
 - F0652 El Portal Waste \$1243
 - F0653 El Portal Waste \$1784
 - F0654 El Portal Waste \$914
 - F0655 El Portal Waste \$209
 - EF0656 El Portal Waste \$228

The rates set for millage rates and for special assessments will be used in the notice and will effectively represent the ceiling for all Village of El Portal taxes and fees that will appear on the tax bill.

Proposed: July 22, 2014
Adopted:

RESOLUTION 2014-18

PROPOSED MILLAGE RATE

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES MILLAGE RATE OF 8.3 OF AD VALOREM TAXES FOR THE VILLAGE OF EL PORTAL, FLORIDA, AND IN ACCORDANCE WITH THE CHARTER, SECTION 4.05, FOR THE BUDGET FOR FISCAL YEAR 2014-2015; THE FIRST BUDGET HEARING WILL BE HELD ON WEDNESDAY, SEPTEMBER 10, 2014 AT 6:30PM AND THE SECOND BUDGET HEARING WILL BE HELD ON TUESDAY, SEPTEMBER 23, 2014 AT 7:00PM AT THE VILLAGE HALL, 500 NORTHEAST 87TH STREET; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER OFFICE BEFORE DUE DATE OF AUGUST 4, 2014, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, F.S. 200.065 requires the Village of El Portal to provide specific budgetary information to the Miami-Dade Property Appraiser within thirty-five (35) days of certification of taxable value by the Property Appraiser (July 1, 2014) including its proposed millage rate, its rolled-back millage rate and of the date, time, and place of the First and Final public hearings to be held to consider the proposed millage rate and the tentative budget for Fiscal Year commencing on October 1, 2014; and

WHEREAS, the Mayor and Village Council of the Village of El Portal, met on July 22, 2014, to review and consider the proposed budget, including recommendations pertaining to the proposed millage rate, rolled-back millage rate and the date, time and place of the First and Final public hearings to be held to consider the proposed millage rate and the tentative budget for the Fiscal Year commencing October 1, 2014; and

WHEREAS, the Village of El Portal has scheduled the first budget hearing to be held on Wednesday, September 10, 2014 at 6:30 pm and the final budget hearing to be held on Tuesday, September 23, 2014 at 6:59 pm at the Village Hall, 500 Northeast 87th Street; and

WHEREAS, the gross taxable value for operating purposes not exempt from taxation within Miami-Dade County has been certified by the County Property Appraiser to the Village Manager of El Portal as \$98,982,587.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:

Section 1. The Fiscal Year 2014-2015 proposed operating millage rate is 8.3 mills which is **more** / less than the rolled-back rate of 7.2846 mills by 13.94%.

Section 2. This Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 22nd day of July, 2014.

Daisy M. Black, Mayor
Village of El Portal

ATTEST: _____
Carolina Montealegre
Interim Village Clerk

Approved as to Form and Legal sufficiency:

Joseph S. Geller, Village Attorney

Moved by: _____

Seconded by: _____

Vote:
Councilperson Old: ___ (Yes) ___ (No)
Councilperson Nickerson: ___ (Yes) ___ (No)
Councilperson Cubillos: ___ (Yes) ___ (No)
Vice Mayor Marcus: ___ (Yes) ___ (No)
Mayor Black: ___ (Yes) ___ (No)

Resolution No.: 2014-018 Passed/Failed by roll call vote of ____.

I, Carolina Montealegre, Interim Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Resolution No.: 2014-018 adopted on July 22, 2014, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of _____, 2014.

Carolina Montealegre
Interim Village Clerk