

VILLAGE HALL  
500 NE 87<sup>TH</sup> ST  
EL PORTAL, FL 33138  
CHRISTIA ALOU  
VILLAGE MANAGER



MAYOR CLAUDIA V. CUBILLOS  
VICE MAYOR OMARR C. NICKERSON  
COUNCILPERSON HAROLD E. MATHIS, JR.  
COUNCILPERSON WERNER DREHER  
COUNCILPERSON VIMARI ROMAN

Regular Council Meeting  
Tuesday, November 27, 2018  
Agenda  
7:00 PM

Statement of Decorum

Any person making a racial or slanderous remark or who becomes boisterous while addressing the Village Council, Staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. No signs or placards shall be allowed in the Village Hall. Person exiting the Village Hall shall do so quietly.

“Pursuant to Florida Statutes, Chapter 286.0105: If a person decided to appeal any decision made by the Board, Agency or Committee with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

- A. **CALL TO ORDER**.....Mayor Claudia V. Cubillos, Presiding
- B. **SILENT MEDITATION & PLEDGE**.....Salute American Flag in Unison
- C. **ROLL CALL**.....Yenise Jacobi, Village Clerk
- D. **APPROVAL OF AGENDA**
- E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING (S):**
  - E1. Approval of the Minutes for September 25<sup>th</sup> Regular Council Meeting
  - E2. Approval of the Minutes for October 23<sup>rd</sup> Regular Council Meeting
- F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
  - F1. Swearing in of elected officials
  - F2. Introduction of Interim Chief Jose Perez
  - F3. Pancreatic Proclamation
- G. **GOOD AND WELFARE**

(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the 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 should keep to only issues on the agenda.)
- H. **AGENDA ITEM:**
  - H1. Selection of Vice Mayor

**Regular Council Meeting  
November 27, 2018  
Meeting Agenda**

**I. RESOLUTIONS / ORDINANCES:**

**I1. RESOLUTION NO. 2018-29                      FISCAL YEAR 17/18 FINAL OPERATION  
BUDGET ADOPTION**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, ADOPTING A FINAL YEAR BUDGET AMENDMENT, FOR FY 2017/2018, AND APPROVING THE TRANSFERS FROM BUDGETED LINE ITEMS; PROVIDING FOR AN INCORPORATION OF RECITALS; TO TAKE EFFECT IMMEDIATELY.**

**I2. RESOLUTION NO. : 2018-30                      GENERAL ELECTION RESULTS**

**A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL FLORIDA, AUTHORIZING THE MIAMI-DADE CANVASSING BOARD TO SERVE AS CANVASSING BOARD FOR THE GENERAL ELECTION OF EL PORTAL HELD ON NOVEMBER 6, 2018; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YENISE JACOBI)**

**I3. RESOLUTION NO. 2018-31                      CANDIDATES ELECTED  
TO OFFICE**

**A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL FLORIDA, CONCERNING THE VILLAGE GENERAL ELECTION OF NOVEMBER 6, 2018; DECLARING QUALIFIED CANDIDATES ELECTED TO OFFICE; ACCEPTING AND ADOPTING THE RESULTS FOR THE OFFICES OF MAYOR AND COUNCILPERSON AS CERTIFIED BY MIAMI-DADE COUNTY CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YENISE JACOBI)**

**I4. ORDINANCE 2018-06                      MEDICAL MARIJUANA  
2<sup>nd</sup> READING                                      DIPENSARIES**

**AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 24, APPENDIX B, "FORM-BASED CODE", ARTICLE III "USES", TABLE 1: SPECIFIC FUNCTION AND USE, SECTION 24-B.8 "DEFINITIONS OF BUILDING FUNCTIONS:USES", AND ARTICLE VI "SPECIFIC TO ZONES", SECTION 24-B.17 "ZONE 5 (Z5) URBAN CENTER", AND ARTICLE X "DEFINITIONS OF TERMS", IN ORDER TO PROVIDE THE CONDITIONS AND REQUIREMENTS FOR THE USE OF MEDICAL MARIJUANA DISPENSARIES, AND MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR INCORPORATION OF**

**Regular Council Meeting  
November 27, 2018  
Meeting Agenda**

**RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**J. MAYOR, MANAGER, COMMITTEE & ATTORNEY REPORTS:**

**J1. Village Mayor Report - Mayor Claudia V. Cubillos**

**J2. Village Manager Report – Christia Alou**

**J3. Committee Chair Remarks -**

- a. Public Affairs**  
Chairperson Harold Mathis
- b. Public Works**  
Chairperson Werner Dreher
- c. Code Enforcement Committee**  
Chairperson Omarr Nickerson
- d. Administration & Finance**  
Chairperson Vimari Roman
- e. Public Safety**  
Chairperson Claudia V. Cubillos
- f. Planning & Zoning**  
Chairperson Claudia V. Cubillos

**J4. Village Attorney Reports – *Interim Attorney Norman Powell***

**K. UNFINISHED BUSINESS AND GENERAL ORDERS:**

**L. NEW BUSINESS:**

**M. GOOD AND WELFARE**

(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for the 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 should keep to only issues on the agenda.)

**N. 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.**

Adopted:

**RESOLUTION NO. 2018-29**

**FISCAL YEAR 17/18 FINAL  
OPERATION BUDGET  
ADOPTION**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, ADOPTING A FINAL YEAR BUDGET AMENDMENT, FOR FY 2017/2018, AND APPROVING THE TRANSFERS FROM BUDGETED LINE ITEMS; PROVIDING FOR AN INCORPORATION OF RECITALS; TO TAKE EFFECT IMMEDIATELY.**

WHEREAS, the Village Chief Financial Officer has advised the Village Manger of certain accounting entries that need to be made on the books of the Village, in accordance with proper accounting principles.

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

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The 2017-2018 El Portal Adopted General Fund Expenditure Budget will be amended as follows: Decreases from: 1) Planning & Zoning \$10,000, 2) Building Dept/Code Enforcement, \$20,000, to the General Fund Reserve

**Section 3.** The 2017-2018 El Portal Adopted General Fund Expenditure Budget will be amended as follows: Increases to: 1) Administration & Finance, \$94,350; 2) Village Clerk \$8,750; 3) Public Affairs \$1,600; 4) Police \$18,100; 5) Public Works \$2,204,300, from the General Fund Reserve

**Section 4.** The 2017-2018 El Portal Adopted General Fund Revenue Budget will be amended as follows: 1) Increase to: Developer Fees \$23,000; 2) Proceeds from Line of Credit \$1,250,000 3) State Grants \$111,625; 4) County Grants \$11,000; 5) Miscellaneous Revenues-Events \$11,525; 6) Miscellaneous Revenues Police \$7,000; 7) Interest Earnings \$2,000; 8) Proceeds from sale of vehicles \$8,810, to the General Fund Reserve

**Section 5.** Net amount to be transferred to 2017-2018 General Fund Operating Budget from General Reserve is \$872,140

**Section 6.** The 2017-2018 El Portal Adopted Special Revenue Funds Revenue Budget will be amended as follows: Decrease to: 1) FEMA Reimbursement \$425,000, from the Storm Water Reserve.

**Section 7.** The 2017-2018 El Portal Adopted Special Revenue Fund Expenditure Budget will be amended as follows: Decrease to: 1) Contractual Services -Irma Clean Up \$500,000, to the Special Revenue Reserve.

**Section 8.** Net amount to be transferred from 2017-2018 Special Revenue Fund Budget to Special Revenue Reserve \$75,000

**Section 9.** The 2017-2018 El Portal Adopted Storm Water Fund Revenue Budget will be amended as follows: Increase to: 1) Proceeds State Loans Storm Water Facility Plan \$175,000 ; 2) Proceeds State Grant Septic to Sewer Project \$270,500; 3) Transfer in from general fund reserves \$327,500, to the Storm Water Reserve.

**Section 10.** The 2017-2018 El Portal Adopted Storm Water Fund Expenditure Budget will be amended as follows: Increase to: 1) El Jardin design \$115,000 ;2) Planning Storm Water Facility Plan \$55,555; 3) Design Storm Water Facility Plan \$ 132,650; 4) Planning Septic to Sewer Project \$5,000; 5) Design Septic to Sewer Project \$435,000 6) Storm Water Sewer annual fee \$1,223 , from the Storm Water Reserve.

**Section 11.** Net amount to be transferred from 2017-2018 Storm Water Fund Budget to Storm Water Reserve \$28,572.

**Section 12** The 2017-2018 El Portal Adopted Parks Fund Revenue Budget will be amended as follows: Decrease to: 1) Transfer In from Park Fund Reserves \$20,000 from the Parks Fund Reserve.

**Section 13** The 2017-2018 El Portal Adopted Parks Fund Expenditure Budget will be amended as follows: Decrease to: 1) Landscaping capital improvements \$20,000 to the Parks Fund Reserve.

**Section 14.** Net amount to be transferred from 2017-2018 Parks Fund Fund Budget to Storm Water Reserve \$0.

**Section 15.** The transfers are hereby authorized by the Village Council and the Village Chief Financial Officer is hereby authorized to make said transfers.

**Section 16.** This Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida, this 27<sup>th</sup> day of November 2018

\_\_\_\_\_  
Claudia Cubillos, Mayor  
Village of El Portal

ATTEST: \_\_\_\_\_

Yenise Jacobi  
Village Clerk

Approved as to Form and Legal sufficiency:

\_\_\_\_\_  
Norman Powell, Village Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:

Councilperson Mathis:        \_\_\_\_ (Yes) \_\_\_\_ (No)  
Councilperson Nickerson:    \_\_\_\_ (Yes) \_\_\_\_ (No)  
Councilperson Roman:        \_\_\_\_ (Yes) \_\_\_\_ (No)  
Councilperson Dreher:        \_\_\_\_ (Yes) \_\_\_\_ (No)  
Mayor Cubillos:                \_\_\_\_ (Yes) \_\_\_\_ (No)

Resolution No.: 2018-29 Passed by roll call vote of \_\_\_\_\_.

I, Yenise Jacobi, 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.: 2018-29 adopted on November 27, 2018, 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 \_\_\_\_\_, 2018.

**VILLAGE OF EL PORTAL FLORIDA**

**RESOLUTION NO. 2018-30**

**A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL FLORIDA, AUTHORIZING THE MIAMI-DADE CANVASSING BOARD TO SERVE AS CANVASSING BOARD FOR THE GENERAL ELECTION OF EL PORTAL HELD ON NOVEMBER 6, 2018; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YENISE JACOBI)**

**WHEREAS**, on November 6, 2018, Miami-Dade County conducted its General Election at which time the Village of El Portal authorized the holding of its General Election; and

**WHEREAS**, Miami-Dade County is charged with the full responsibility to conduct the November 6, 2018 election, except for accepting the Miami-Dade County Department of Election's certificate concerning the results of the Village of El Portal General Election; and

**WHEREAS**, the Miami-Dade County Canvassing Board is charged with the statutory responsibilities relating to the conduct of elections for the election and authorized to act as Canvassing Board for the Village of El Portal's November 6, 2018 General Election.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL FLORIDA:**

**Section 1.** That the Miami-Dade County Canvassing Board is hereby authorized to act as Canvassing Board for the Village of El Portal for its November 6, 2018 General Election.

**Section 2.** **Severability.** That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect notwithstanding the invalidity of any part.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this \_\_\_\_ day of November, 2018.

\_\_\_\_\_  
Claudia Cubillos, Mayor

ATTEST: \_\_\_\_\_  
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:  
Interim Village Attorney

Law Office of Norman C. Powell

By: \_\_\_\_\_  
Norman C. Powell, Esq.

Motion: 2<sup>nd</sup>.

Vote:

Councilperson Mathis:	____(Yes) ____ (No)
Councilperson Dreher:	____(Yes) ____ (No)
Councilperson Roman:	____(Yes) ____ (No)
Vice Mayor Nickerson.:	____(Yes) ____ (No)
Mayor Cubillos:	____(Yes) ____ (No)

I, Yenise Jacobi, 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.: 2018-\_\_ adopted on November \_\_, 2018, 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 November, 2018.

\_\_\_\_\_  
Yenise Jacobi  
Village Clerk



**\*\*\* Official Results \*\*\***  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**MIAMI-DADE COUNTY**

We, the undersigned, VICTORIA FERRER, County Judge, Chairperson, CHRISTINA WHITE, Supervisor of Elections, Member, TANYA BRINKLEY, County Judge, Substitute Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Seventeenth day of November, 2018 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **General** held on the Sixth day of November, 2018 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For United States Senator, the whole number of votes cast was 801,547 of which

Rick Scott (REP)	received	316,020 votes
Bill Nelson (DEM)	received	485,496 votes
Lateresa L.A. Jones (WRI)	received	17 votes
Howard Knepper (WRI)	received	4 votes
Michael S. Levinson (WRI)	received	2 votes
Charles Frederick Tolbert (WRI)	received	0 votes
David Weeks (WRI)	received	8 votes

For Representative in Congress, District 23, the whole number of votes cast was 23,881 of which

Joseph "Joe" Kaufman (REP)	received	10,160 votes
Debbie Wasserman Schultz (DEM)	received	12,778 votes
Don Endriss (NPA)	received	123 votes
Timothy A. "Tim" Canova (NPA)	received	820 votes

For Representative in Congress, District 25, the whole number of votes cast was 134,069 of which

Mario Diaz-Balart (REP)	received	80,846 votes
Mary Barzee Flores (DEM)	received	53,223 votes

For Representative in Congress, District 26, the whole number of votes cast was 199,497 of which

Carlos Curbelo (REP)	received	96,371 votes
Debbie Mucarsel-Powell (DEM)	received	103,126 votes

For Representative in Congress, District 27, the whole number of votes cast was 252,586 of which

Maria Elvira Salazar (REP)	received	115,588 votes
Donna Shalala (DEM)	received	130,743 votes

**\*\*\* Official Results \*\*\***  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**MIAMI-DADE COUNTY**

Mayra Joli (NPA) received 6,255 votes

For Governor and Lieutenant Governor, the whole number of votes cast was 799,024 of which

Ron DeSantis and Jeanette Nuñez (REP)	received	311,581 votes
Andrew Gillum and Chris King (DEM)	received	478,958 votes
Darcy G. Richardson and Nancy Argenziano (REF)	received	3,684 votes
Kyle "KC" Gibson and Ellen Wilds (NPA)	received	1,907 votes
Ryan Christopher Foley and John Tutton Jr (NPA)	received	1,240 votes
Bruce Stanley and Ryan Howard McJury (NPA)	received	1,652 votes
Piotr Blass and Paul Edward Harju (WRI)	received	0 votes
Hal Johnson and Tim Hayes (WRI)	received	2 votes

For Attorney General, the whole number of votes cast was 780,329 of which

Ashley Moody (REP)	received	307,638 votes
Sean Shaw (DEM)	received	457,283 votes
Jeffrey Marc Siskind (NPA)	received	15,408 votes

For Chief Financial Officer, the whole number of votes cast was 780,409 of which

Jimmy Patronis (REP)	received	315,335 votes
Jeremy Ring (DEM)	received	465,060 votes
Richard Paul Dembinsky (WRI)	received	14 votes

For Commissioner of Agriculture, the whole number of votes cast was 781,139 of which

Matt Caldwell (REP)	received	305,196 votes
Nicole "Nikki" Fried (DEM)	received	475,943 votes

For State Senator, District 36, the whole number of votes cast was 122,756 of which

Manny Diaz Jr (REP)	received	66,361 votes
David Pérez (DEM)	received	56,395 votes

**\*\*\* Official Results \*\*\***  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**MIAMI-DADE COUNTY**

For State Senator, District 40, the whole number of votes cast was  
169,992 of which

Marili Cancio (REP)	received	79,068 votes
Annette Taddeo (DEM)	received	90,924 votes

For State Representative, District 103, the whole number of votes cast  
was 35,100 of which

Frank Mingo (REP)	received	19,600 votes
Cindy Polo (DEM)	received	15,500 votes

For State Representative, District 105, the whole number of votes cast  
was 26,002 of which

Ana Maria Rodriguez (REP)	received	13,280 votes
Javier Estevez (DEM)	received	12,722 votes

For State Representative, District 108, the whole number of votes cast  
was 48,064 of which

Dotie Joseph (DEM)	received	44,085 votes
Riquet Caballero (LPF)	received	3,979 votes

For State Representative, District 111, the whole number of votes cast  
was 34,478 of which

Bryan Avila (REP)	received	21,434 votes
Rizwan Ahmed (DEM)	received	13,044 votes

For State Representative, District 112, the whole number of votes cast  
was 54,369 of which

Rosa Maria "Rosy" Palomino (REP)	received	23,079 votes
Nicholas Xavier Duran (DEM)	received	31,290 votes

For State Representative, District 113, the whole number of votes cast  
was 41,130 of which

Jonathan "J.P." Parker (REP)	received	15,430 votes
Michael Grieco (DEM)	received	25,700 votes

**\*\*\* Official Results \*\*\***  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**MIAMI-DADE COUNTY**

For State Representative, District 114, the whole number of votes cast was 60,731 of which

Javier Enriquez (REP)	received	28,570 votes
Javier Fernandez (DEM)	received	32,161 votes

For State Representative, District 115, the whole number of votes cast was 62,531 of which

Vance Aloupis (REP)	received	31,555 votes
Jeffrey Solomon (DEM)	received	30,976 votes

For State Representative, District 116, the whole number of votes cast was 55,516 of which

Daniel Anthony Perez (REP)	received	31,824 votes
James Alexander Harden (DEM)	received	23,692 votes

For State Representative, District 118, the whole number of votes cast was 54,402 of which

Anthony Rodriguez (REP)	received	27,828 votes
Robert Asencio (DEM)	received	26,574 votes

For State Representative, District 119, the whole number of votes cast was 52,887 of which

Juan Fernandez-Barquin (REP)	received	28,077 votes
Heath Rassner (DEM)	received	22,486 votes
Daniel E. Sotelo (NPA)	received	2,324 votes

For State Representative, District 120, the whole number of votes cast was 24,149 of which


Holly Raschein (REP)	received	11,433 votes
Steve Friedman (DEM)	received	12,716 votes

**\*\*\* Official Results \*\*\***  
**CERTIFICATE OF COUNTY CANVASSING BOARD**  
**MIAMI-DADE COUNTY**

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

  
\_\_\_\_\_  
COUNTY JUDGE, CHAIRPERSON

  
\_\_\_\_\_  
SUPERVISOR OF ELECTIONS, MEMBER

  
\_\_\_\_\_  
COUNTY JUDGE, SUBSTITUTE MEMBER

**VILLAGE OF EL PORTAL FLORIDA**

**RESOLUTION NO. 2018 - 31**

**A RESOLUTION OF THE VILLAGE COUNCIL OF EL PORTAL FLORIDA, CONCERNING THE VILLAGE GENERAL ELECTION OF NOVEMBER 6, 2018; DECLARING QUALIFIED CANDIDATES ELECTED TO OFFICE; ACCEPTING AND ADOPTING THE RESULTS FOR THE OFFICES OF MAYOR AND COUNCILPERSON AS CERTIFIED BY MIAMI-DADE COUNTY CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE CLERK YENISE JACOBI)**

**WHEREAS**, a General Election was held on Tuesday, November 6, 2018 in El Portal, Florida for the purpose of electing a Mayor and Councilpersons to Seats Numbers 1, 2, 3, and 4, pursuant to Section 2.01 of the Village Charter; and

**WHEREAS**, the Miami-Dade County Canvassing Board has canvassed the election returns and has certified the results as set forth in Exhibit "A" attached hereto.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL FLORIDA:**

**Section 1.**     **Recitals.**       The above Recitals are true and correct and incorporated herein by reference.

**Section 2.**     **Acceptance of Certification.** The Village Council hereby accepts the certification of the Miami-Dade County Elections Department for the November 6, 2018 General Election as set forth in Exhibit "A" attached hereto.

**Section 3.**     **Declaration of Election.**    The Village Council does declare and determine that the following candidates have been duly elected to the following offices as members of the Village Council of El Portal for the terms set forth below:

Mayor Claudia V. Cubillos (unopposed)  
(Two-year term – November 2018 to November 2020)

Werner Dreher – Councilperson Seat Number 1 (unopposed)  
(Two-year term – November 2018 to November 2020)

Vimari Roman – Councilperson Seat Number 2 (unopposed)  
(Two-year term – November 2018 to November 2020)

Omarr C. Nickerson – Seat 3 (unopposed)  
(Two-year term – November 2018 to November 2020)  
Harold E. Mathis, Jr. – Councilperson Seat Number 4 (unopposed)

(Two-year term – November 2018 to November 2020)

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal

Florida, this \_\_\_ day of November, 2018.

\_\_\_\_\_  
Claudia Cubillos, Mayor

ATTEST: \_\_\_\_\_  
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:  
Interim Village Attorney

Law Office of Norman C. Powell

By: \_\_\_\_\_  
Norman C. Powell, Esq.

Motion:	_____	2 <sup>nd</sup> .
Vote:		
Councilperson Mathis:	_____(Yes) _____(No)	
Councilperson Dreher:	_____(Yes) _____(No)	
Councilperson Roman:	_____(Yes) _____(No)	
Vice Mayor Nickerson.:	_____(Yes) _____(No)	
Mayor Cubillos:	_____(Yes) _____(No)	

I, Yenise Jacobi, 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.: 2018-\_\_\_ adopted on November \_\_\_, 2018, 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 November, 2018.

\_\_\_\_\_  
Yenise Jacobi  
Village Clerk

**VILLAGE OF EL PORTAL, FLORIDA**

**ORDINANCE NO. 2018-06**

**CODE OF ORDINANCES: LAND DEVELOPMENT AMENDMENTS**

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 24, APPENDIX B, "FORM-BASED CODE", ARTICLE III "USES", TABLE 1: SPECIFIC FUNCTION AND USE, SECTION 24-B.8 "DEFINITIONS OF BUILDING FUNCTIONS:USES", AND ARTICLE VI "SPECIFIC TO ZONES", SECTION 24-B.17 "ZONE 5 (Z5) URBAN CENTER", AND ARTICLE X "DEFINITIONS OF TERMS", IN ORDER TO PROVIDE THE CONDITIONS AND REQUIREMENTS FOR THE USE OF MEDICAL MARIJUANA DISPENSARIES, AND MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

**WHEREAS**, Section 381.986(8)(b), Florida Statutes, provides that "A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries."; and

**WHEREAS**, On November 8, 2016, Florida voters approved an amendment (Amendment 2) to Article X of the Florida Constitution excluding from criminal or civil liability or sanctions under Florida law the use of medical marijuana by a qualifying patient and certain activities of caregivers, physicians or Medical Marijuana Treatment Centers, their agents or employees, in compliance with Amendment 2; and

**WHEREAS**, the Village of El Portal has a substantial and significant public interest in regulation the siting of Medical Marijuana Dispensaries (MMD) and Medical Marijuana Treatment Center (MMTC) dispensing facilities to promote the public health, safety, and general welfare; and



**WHEREAS**, there exists the potential for misappropriation and diversion of medical marijuana to non-medical uses; and

**WHEREAS**, the Marijuana Policy Group has published a memorandum called “Municipal Dispensary License Allocation: Florida,” which evaluated the market need for medical marijuana dispensaries and the harmful consequences and secondary effects of over-saturation of medical marijuana dispensaries within the marketplace and that memorandum, in part, concludes that an overabundance of medical marijuana treatment center dispensing facilities can affect the viability of such facilities, result in compliance issues and increased regulatory costs, lead to the improper diversion of products, and accentuate threats to the public health, safety, and welfare; and

**WHEREAS**, pharmacies licensed under Chapter 465 are not similar to MMTC dispensing facilities in many respects; and

**WHEREAS**, significant safety and security concerns have been documented in states where MMD and MMTC are permitted; and

**WHEREAS**, MMD and MMTC’s are inherently attractive targets for criminals and criminal activity, it is essential for the City to limit the permissible scope and regulate such uses to ensure their compatibility with surrounding businesses, the community, and to protect the public health, safety, and welfare; and

**WHEREAS**, Special Exception uses may be permitted with certain stipulated conditions that will serve to insure that the use will assimilate properly into its surrounding neighborhood without deleterious effects; and

**WHEREAS**, the Mayor and Village Council find the proposed amendment is consistent with the Village of El Portal Comprehensive Plan and is in the best interests of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA:

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof

**SECTION 2.** The provisions and language currently contained in Chapter 24, Appendix B: Form-Based Code, entitled "Uses", of the Village of El Portal Code of Ordinance is hereby amended to read as set forth below:

**ARTICLE III: USES**

**ARTICLE III. TABLE 1: SPECIFIC FUNCTION AND USE.** A parcel or Building shall be occupied by only the land uses allowed by Table 1 within the zone applied to the site by the Zoning Map. The land uses listed in Table 1 are defined in Section 24-B.8. Definitions of Building Function: Uses.

\*\*\*

I. COMMERCIAL	Z3	Z4	Z5	C	
Medical Marijuana Treatment Center			o		• BY RIGHT
Medical Marijuana Dispensary			o		• BY SPECIAL EXCEPTION

**Sec. 24-B.8. Definitions of Building Function: Uses**  
\*\*\*

**(d) COMMERCIAL**  
\*\*\*

(11.) Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers and is registered by the Department of Health or its successor agency.

(12.) Medical Marijuana Dispensary means a business that sells or otherwise distributes marijuana through one (1) or more primary caregivers to six (6) or more patients for medical use, along with any cultivation of marijuana associated with such sale or distribution. The term "medical marijuana dispensary" shall not include any person or entity that distributes marijuana for medical use exclusively to five (5) or fewer patients, and shall not include the private possession and medical use of marijuana by an individual patient or caregiver to the extent permitted by any applicable state of Florida law or regulation.

**SECTION 3.** Article VI of the Village of El Portal Code of Ordinances Chapter 24, Appendix B: Form-Based Code, entitled "Specific to Zones", is amended as follows:

**ARTICLE VI: SPECIFIC TO ZONES**  
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(H) SPECIAL REGULATIONS (Z5)

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(3) Medical Marijuana Treatment Centers/ Medical Marijuana Dispensaries. Permitted by process of special exception. When considering an application for medical marijuana dispensaries/medical marijuana treatment centers the approving body must consider the special exception criteria listed below, in addition to that criteria listed in Section 17-59.-Requirements and procedures for site plan and special exceptions.

a. Whether the request will cause damage, hazard, nuisance or other detrimental impacts to persons or property.

b. Any parking demand created by a medical marijuana dispensary/medical marijuana treatment center shall not exceed the parking spaces located or allocated on site, as required by the Village's parking regulations. An applicant shall be required to demonstrate, with a current traffic and parking study prepared by a certified professional, that on-site traffic and parking attributable to the medical marijuana dispensary/medical marijuana treatment center will be sufficient to accommodate the traffic and parking demands generated by the medical marijuana dispensary/medical marijuana treatment center.

c. No medical marijuana dispensary/medical marijuana treatment center shall be located closer than 1,000 feet of another medical marijuana dispensary/medical marijuana treatment center, whether it is located in the Village or in another jurisdiction; closer than 1,000 feet of an elementary, middle or secondary school, child day care facility, county or municipal park, or place of worship. Locations. Distances shall be measured by drawing a straight between the closest point of the medical marijuana dispensary/medical marijuana treatment center structure to the closest property line of edge of leased space, whichever is closer, of the school, day care center, place of worship, residentially zoned property, or other medical marijuana dispensary/medical marijuana treatment center.

d. Medical marijuana dispensaries/medical marijuana treatment centers shall ensure that there is no queuing of vehicles in the rights-of-way.

e. No medical marijuana dispensaries/medical marijuana treatment centers shall have a drive-through or drive service aisle.

f. Medical marijuana dispensaries/medical marijuana treatment centers may be required to appear before the Village Council for annual progress reports prior to the issuance of business tax receipts and/or renewals.

g. Medical marijuana dispensaries/medical marijuana treatment centers shall, at all times, be in compliance with federal and state regulations, Miami-Dade County Code of Ordinances, and the Village of El Portal Code of Ordinances, as may be amended.

SECTION 4. Article X of the Village of El Portal Code of Ordinances Chapter 24, Appendix B: Form-Based Code, entitled "*Definitions of Terms*", is amended as follows:

**ARTICLE X: DEFINITIONS OF TERMS**

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**Marijuana.** Marijuana has the meaning given cannabis in Section 893.02(3), Florida Statutes, as amended and in addition, "Low-THC cannabis" as defined in Section 381.986(1)(e), Florida Statutes, as amended, shall also be included in the meaning of the term "marijuana".

**Medical Marijuana Dispensary.** See Sec. 24-B.8 Definitions of Building Functions. d. Commercial.

Medical Marijuana Treatment Center. See Sec. 24-B.8 Definitions of Building Functions. d. Commercial.

**SECTION 5.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 6.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 7.** It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of Ordinance No. \_\_\_\_\_ as amended and known as the “Code of Ordinances” of the Village of El Portal, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

**SECTION 8.** If the Official Code of Ordinances of the Village of El Portal Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 9.** This ordinance shall become effective \_\_\_\_\_, 2018.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Claudia Cubillos, Mayor

ATTEST: \_\_\_\_\_  
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:  
Interim Village Attorney

By: \_\_\_\_\_  
Norman C. Powell, Esq.

Vote:

Councilperson Mathis: \_\_\_\_ (Yes) \_\_\_\_ (No)  
Councilperson Dreher: \_\_\_\_ (Yes) \_\_\_\_ (No)  
Councilperson Roman: \_\_\_\_ (Yes) \_\_\_\_ (No)  
Vice Mayor Nickerson.: \_\_\_\_ (Yes) \_\_\_\_ (No)  
Mayor Cubillos: \_\_\_\_ (Yes) \_\_\_\_ (No)

I, Yenise Jacobi, 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.: 2018-\_\_ adopted on October \_\_, 2018, 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Yenise Jacobi  
Village Clerk