

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 VIMARI ROMAN  
COUNCILPERSON ANDERS URBOM

**Regular Council Meeting  
Tuesday, October 22, 2019  
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 24<sup>th</sup>, 2019 Regular Council Meeting**
- F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
  - F1. Citizen of the Year Proclamation**
  - F2. Horace Mann Middle School 8<sup>th</sup> Grade-Essay Winner**
  - F3. Presentation of Certification Municipal Clerk Achievement-Yenise Jacobi, Clerk**
- 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:**

**I. RESOLUTIONS/ORDINANCES:**

**11. ORDINANCE 2019-04 2<sup>ND</sup> READING CODE AMENDMENT  
FOR WALLS, AND HEDGES STANDARDS ZONE 3**

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, SEC. 24-B.15.(G) – WALLS, FENCES AND HEDGES STANDARDS (Z3), PROVIDING FOR UPDATED SPECIFIC REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**12. ORDINANCE 2019-05 2<sup>ND</sup> READING CODE AMENDMENT  
FOR-RIGHT-OF-WAY VACATION PROCEDURES**

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, ARTICLE VI. – OTHER ADMINISTRATIVE PROVISIONS, PROVIDING FOR UPDATED SPECIFIC REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**13. RESOLUTION 2019-11 EASEMENT AGREEMENT  
MIAMI-DADE COUNTY SCHOOL BOARD**

A RESOLUTION OF THE EL PORTAL, FLORIDA VILLAGE COUNCIL, APPROVING A GRANT OF EASEMENT AGREEMENT BETWEEN THE VILLAGE AND THE MIAMI-DADE COUNTY SCHOOL BOARD IN FAVOR OF THE VILLAGE FOR THE INSTALLATION AND OPERATION BY THE VILLAGE OF A REGIONAL SEWAGE LIFT STATION; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.



1<sup>st</sup> Reading: September 24, 2019

2<sup>nd</sup> Reading: October 22, 2019

**VILLAGE OF EL PORTAL, FLORIDA**

**ORDINANCE NO. 2019-04**

**CODE AMENDMENT FOR WALLS, FENCES  
AND HEDGES STANDARDS IN ZONE 3**

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, SEC. 24-B.15.(G) – WALLS, FENCES AND HEDGES STANDARDS (Z3), PROVIDING FOR UPDATED SPECIFIC REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the Village of El Portal has established regulations for walls, fences and hedges for Zone 3 in Chapter 24, Appendix B, of the Code of Ordinances; and

**WHEREAS**, there have been a number of concerns raised regarding walls, fences, and hedges regulations in Zone 3, in particular about their location, materials permitted, and allowed heights; and

**WHEREAS**, the provisions for the regulations for walls, fences, and hedges may need revisions to address recurrent concerns; and

**WHEREAS**, the Village conducted a Town Hall on Saturday, February 23<sup>rd</sup> and an online survey where residents could express their concerns about the existing regulations for walls, fences, and hedges in Zone 3; and

**WHEREAS**, the Village of El Portal desires to amend Chapter 24: Zoning and Land Development Code, Sec. 24-B.15(g) – Walls, Fences and Hedges Standards (Z3), of the Village of El Portal Code of Ordinances in order to address the concerns raised regarding height, material and location of walls, fences and hedges.

1<sup>st</sup> Reading: September 24, 2019

2<sup>nd</sup> Reading: October 22, 2019

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: Zoning and Land Development Code, Sec. 24-B.15(g) – Walls, Fences and Hedges Standards (Z3), of the Village of El Portal Code of Ordinance is hereby amended to read as set forth in "Exhibit A" to this Ordinance.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

**SECTION 4.** 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 5.** It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2018-XX 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 6.** 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 7.** This ordinance shall become effective \_\_\_\_\_, 2019.

1<sup>st</sup> Reading: September 24, 2019

2<sup>nd</sup> Reading: October 22, 2019

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 Urbom \_\_\_(Yes) \_\_\_(No)  
Councilperson Roman: \_\_\_(Yes) \_\_\_(No)  
Councilperson Mathis: \_\_\_(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 Ordinance: 2019-\_\_\_ adopted on October \_\_\_, 2019, 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 \_\_\_\_\_, 2019.

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

1<sup>ST</sup> READING: SEPTEMBER 24, 2019

2<sup>ND</sup> READING: OCTOBER 22, 2019

**VILLAGE OF EL PORTAL, FLORIDA**

**ORDINANCE NO. 2019-05**

**CODE AMENDMENT FOR RIGHT-  
OF-WAY VACATION PROCEDURES**

AN ORDINANCE OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, ARTICLE VI. – OTHER ADMINISTRATIVE PROVISIONS, PROVIDING FOR UPDATED SPECIFIC REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, there are currently no provisions within The of El Portal Code of Ordinances regarding the procedures to request a public ROW vacation; and

**WHEREAS**, there are locations in El Portal where this process may be needed in the future, and future annexations may bring additional circumstances and/or locations where this may be needed; and

**WHEREAS**, the Village of El Portal desires to amend Chapter 24: Zoning and Land Development Code, Article VI. – Other Administrative Provisions, of the Village of El Portal Code of Ordinances in order include provisions to grant approval for abandonments and vacation requests.

1<sup>ST</sup> READING: SEPTEMBER 24, 2019

2<sup>ND</sup> READING: OCTOBER 22, 2019

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: Zoning and Land Development Code, Article VI. – Other Administrative Provisions, of the Village of El Portal Code of Ordinance is hereby amended to read as set forth in "Exhibit A" to this Ordinance.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

**SECTION 4.** 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 5.** It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2019-XX 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 6.** 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 7.** This ordinance shall become effective \_\_\_\_, 2019.



1<sup>ST</sup> READING: SEPTEMBER 24, 2019

2<sup>ND</sup> READING: OCTOBER 22, 2019

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

Florida, this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 Urbom    \_\_\_(Yes) \_\_\_(No)  
Councilperson Roman:   \_\_\_(Yes) \_\_\_(No)  
Councilperson Mathis:   \_\_\_(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.: 2019-05 adopted on October \_\_\_, 2019, 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 \_\_\_\_\_, 2019.

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

**RESOLUTION NO.: 2019-11**

**A RESOLUTION OF THE EL PORTAL, FLORIDA VILLAGE COUNCIL, APPROVING A GRANT OF EASEMENT AGREEMENT BETWEEN THE VILLAGE AND THE MIAMI-DADE COUNTY SCHOOL BOARD IN FAVOR OF THE VILLAGE FOR THE INSTALLATION AND OPERATION BY THE VILLAGE OF A REGIONAL SEWAGE LIFT STATION; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the Village of El Portal, Florida and certain adjacent portions of Unincorporated Miami-Dade County are currently served by a septic sewage system; and

**WHEREAS**, the Village, in coordination with Miami-Dade County, has secured grant funding to facilitate the conversion of the existing septic system to sanitary sewer service, and

**WHEREAS**, due to the volume of individual households to be connected to the proposed sanitary service, a new regional lift station is required; and

**WHEREAS**, there is a lack of available open space within the Village, and the proximity of Horace Mann Middle School ("School") is largely located in the center of the Village at 8950 N.W. 2<sup>nd</sup> Avenue; and

**WHEREAS**, the Village approached The Miami-Dade County School Board ("Board") to secure an easement from the Board to allow for the construction and operation of the lift station on the extreme southwest portion of the School;

**WHEREAS**, on October 2, 2019, the Board has agreed to the proposed easement and the Village has agreed to provide a Thirty Thousand Dollar (\$30,000.00) contribution to the Board, payable over a three (3) year period, to allow the School to develop educational initiatives and programs to serve its students and the Village community; and

**WHEREAS**, a true and correct copy of the Grant of Easement Agreement is attached to this Resolution and is incorporated herein by reference (Exhibit "A"); and

**WHEREAS**, the Council finds that it is in the best interest of the Village to enter into the Agreement with Miami-Dade County.

**NOW, THEREFORE, BE IT ORDAINED BY THE EL PORTAL VILLAGE COUNCIL;**

**Section 1. Recitals.** The foregoing recitals are true and correct and are hereby incorporated herein.

**Section 2. Approving Agreement.** The Village hereby approves the Grant of Easement Agreement between The Miami-Dade County School Board and Village of El Portal, Florida in favor of the Village to provide for the installation and operation by the Village of a regional sewage lift station and the Village's contribution of Thirty Thousand Dollars (\$30,000) to the Horace Mann Middle School over a three (3) year period.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this 22 day of October, 2019.

\_\_\_\_\_  
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.

**Vote:**

**Councilperson Urbom:**      \_\_\_\_ (Yes) \_\_\_\_ (No)

**Councilperson Roman:**      \_\_\_\_ (Yes) \_\_\_\_ (No)

**Councilperson Mathis:**      \_\_\_\_ (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.: 2019-11 adopted on October 22, 2018, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 22 day of October, 2019.

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Yenise Jacobi  
Village Clerk

**RESOLUTION NO.: 2019 -12**

**A RESOLUTION OF THE MAYOR AND EL PORTAL,  
FLORIDA VILLAGE COUNCIL, APPROVING FISCAL  
YEAR 2019/2020 POLICE FORFEITURE FUND  
EXPENDITURES; AND PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, Section 932.7055, Florida Statutes define the purpose and procedures for appropriation of funds from the Village of El Portal, Florida (the "Village") Police Forfeiture Fund; and

**WHEREAS**, forfeiture funds may be used for law enforcement purposes only including supporting community policing activities, law enforcement training, law enforcement operations, law enforcement equipment, crime awareness programs, and community-based initiatives or such other law enforcement purposes as the municipality deems appropriate (collectively, the "Forfeiture Initiatives"); and

**WHEREAS**, the Village's Chief of Police has determined that the appropriation and expenditure of forfeiture funds is necessary to support the Forfeiture Initiatives and in support of the expenditures has executed the Certification attached hereto as Attachment "A"; and

**WHEREAS**, the Village Council wishes to approve the use of \$6,308.00 of forfeiture funds to support the Forfeiture Initiatives as set forth in Attachment "A"; and

**WHEREAS**, forfeiture funds are available in the State of Florida Forfeiture Account within the Village's Police Forfeiture Fund; and

**WHEREAS**, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village,

**PASSED AND ADOPTED** by the Village Council of the Village of El Portal Florida, this \_\_\_\_ day of October, 2020.

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

**Section 1. Recitals.** That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Approval of Police Forfeiture Fund Expenditures.** That, based on the Certificate of the Chief of Police set forth in Attachment "A" hereto, the Village Council hereby approves the Police Forfeiture Fund expenditures for Fiscal Year 2019/2020 in the amount of \$6,308.00 to support Forfeiture Initiatives, all as set forth in Attachment "A."

**Section 3. Authorization.** That the Village Council hereby authorizes the Village Manager and Chief of Police to execute any purchase order or required documentation for the expenditures described in this Resolution, subject to approval by the Village Attorney as to form and legality, and to take any action which is reasonably necessary to implement the purpose of this Resolution.

**Section 4. Effective Date.** That this Resolution shall take effect immediately upon its adoption

**PASSED AND ADOPTED** on this 22 day of October, 2019.

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

[INTENTIONALLY LEFT BLANK]

**FINAL VOTE ON ADOPTION:**

Councilperson Urbom:     \_\_\_(Yes) \_\_\_(No)

Councilperson Roman:     \_\_\_(Yes) \_\_\_(No)

Councilperson Mathis:     \_\_\_(Yes) \_\_\_(No)

Vice Mayor Nickerson.:     \_\_\_(Yes) \_\_\_(No)

Mayor Cubillos:            \_\_\_(Yes) \_\_\_(No)

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

ATTEST:

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

Approved as to Form and Legal Sufficiency:

Law Office of Norman C. Powell

By: \_\_\_\_\_  
Norman C. Powell, Interim Village Attorney

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.: 2019-12 adopted on October 22, 2019, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this 22 day of October 2019.

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

**ATTACHMENT A**

**CERTIFICATE OF CHIEF OF POLICE**

I, DAVID MAGNUSSON, Chief of Police of the Village of El Portal, Florida, do hereby certify the following expenditures for \$6,308.00 from the State of Florida Forfeiture Account within the Village of El Portal Police Forfeiture Fund for the 2019/2020 Fiscal Year budget complies with Section 932.7055, Fla. Stat.:

(1) \$6,308.00 for the installation of two (2) vehicular radar speed detection devices.

Dated: 11 OCT 19

  
\_\_\_\_\_  
DAVID MAGNUSSON,  
Chief of Police