

Regular Village Council Meeting
Tuesday, December 21, 2010
7PM
Meeting Minutes

- A. **CALL TO ORDER:** Mayor Daisy Black, Presiding, called the Regular Council meeting of December 21, 2010 to order at 7:10pm.
- B. **SILENT MEDITATION & PLEDGE:** Mayor Black asked all to stand for a moment of silent mediation followed by the pledge of allegiance.
- C. **ROLL CALL:** The Village Clerk was asked to read the roll call sheet. The following were noted as present/absent:
Present: Mayor Daisy M. Black
Vice Mayor Harold E. Mathis, Jr.
Councilperson Linda Marcus
Councilperson Claudia Cubillos
- Also present: Jason Walker, Village Manager
Irwin Williams, CFO
Eugene Morales, Chief of Police
Joseph S. Geller, Village Attorney
Albertha Wilks-Patterson, Clerk
- Absent: None
- D. **APPROVAL OF AGENDA:**
Vice Mayor Mathis added two items to the agenda under F: Acknowledgment of Visitors and /or Special Presentations:
F1. Presentation to Former Mayor Joyce Davis.
F2. Presentation to the Village as a whole from MDCLC.
Vice Mayor Mathis moved that the agenda be approved as amended. Councilperson Marcus seconded the motion. The motion carried unanimously.
- E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**
Special Council Meeting Minutes November 18, 2010: Councilperson Cubillos moved that the Special Council meeting minutes for November 18, 2010 be approved. Vice Mayor Mathis seconded the motion. The motion carried unanimously.
- Regular Council Meeting Minutes November 23, 2010. Councilperson Cubillos asked under "I" in the minutes, a question was asked about the cost of the Swearing-in Ceremony. The Clerk stated the Village only paid for the plaque for the former mayor. Councilperson Cubillos stated she would like to have the answer as part of the minutes. Councilperson Cubillos stated she would like a letter of appreciation be sent to those who donated to the Swearing-in Ceremony.
Vice Mayor Mathis moved that the Regular Council meeting minutes of November 23, 2010 be approved with the stated additions. Councilperson Cubillos seconded the motion. The motion carried unanimously.
- Special Council Meeting Minutes November 29, 2010. Councilperson Cubillos moved that the Special Council meeting minutes of November 29, 2010 be approved. Vice Mayor Mathis seconded the motion. The motion carried unanimously.
- F. **ACKNOWLEDGMENT OF VISITORS AND / OR SPECIAL PRESENTATIONS**
F1. Vice Mayor Mathis presented former Mayor Joyce Davis with an appreciation of service plaque for her term of 2008-2010.
Former Mayor Davis stated she appreciated the plaque and it was an honor to have served.
F2. Vice Mayor Mathis presented a plaque from the Miami Dade County League of Cities to council for the village having maintained perfect attendance during the year 2010 at the Board of Director Dinners.

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G. GOOD AND WELFARE:

Mayor Black thanked those who had volunteered for the Mayor's Task force. Mayor Black introduced Mrs. Merlin Horne as a member of the Mayor's Taskforce and stated others on the Task force are not present. Mayor Black stated they had a very good turnout for their last meeting.

H. AGENDA ITEM(S):

H1.	Second Reading of Ordinance No.: 2010-001	Sponsor: Village Manager
	Ordinance No.: 2010-001	Zoning Change with a Covenant

Mayor Black asked the Clerk to read Ordinance No.:2010-001 into record.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, GRANTING THE REQUEST FOR A REZONING FROM RO (RESIDENTIAL OFFICE DISTRICT) TO RSF (RESIDENTIAL SINGLE-FAMILY) DISTRICT FOR THE PROPERTY LOCATED AT 200 NORTHEAST 85TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A" CONSISTING OF APPROXIMATELY 10,577 SQUARE FEET; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Walker explained the purpose of this Ordinance. The resident (Mr. & Mrs. Kasper Hessels) needs the change before December 31, 2010 to revise the taxes on their property. The Ordinance was advertised as required by law. Mayor Black opened the floor for public hearing. Hearing no comments, Mayor Black closed the public hearing. Councilperson Marcus moved that Ordinance No.: 2010-001 be approved. Vice Mayor Mathis seconded the motion. Ordinance No.:2010-001 was approved by roll call vote of 4-0.

H2.	ATS Resolution deferred from October 2010	Sponsor: Village Manager
	RESOLUTION 2010-031	ATS American Traffic Solutions, Inc.

Mayor Black asked the Clerk to read Resolution No.:2010-031 into record.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS, INC. (HEREIN "ATS"); PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Mathis moved that Resolution No.:2010-031 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2010-031 was approved by roll call vote of 3-1. The one no vote was Councilperson Marcus.

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- H3. Justice Assistance Grant (JAG) Sponsor: Village Manager
RESOLUTION NO.: 2010-040 E-Citation Device Justice Assistance Grant (JAG)

Mayor Black asked the Clerk to read Resolution No.2010-040 into record.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF EL PORTAL TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO, RECEIVE, EXPEND AND AMEND BYRNE / JAG FORMULA PROGRAM FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Councilperson Marcus moved that Resolution No.:2010-040 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2010-040 was approved by roll call vote of 4-0.

- H4. Annual Audit Services Sponsor: Village Manager
Resolution No.: 2010-041 Auditing Services for 2009-2010

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, RANKING AUDITING FIRMS TO PERFORM AUDITING SERVICES FOR 2009-2010; AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF EL PORTAL, FLORIDA, TO NEGOTIATE FOR SAID SERVICES; AND PROVIDING AN EFFECTIVE DATE.

Irwin Williams, Village CFO, stated the panel to decide the firm for the audit consisted of Chief Morales, Village Manager Walker and himself. Mr. Williams stated the selection was difficult due to both firms being very qualified. Mr. Williams stated the request was for a three year period. Mr. Williams stated the one area that allowed firm Alberni Caballero & Company, L.L.P. , to received a total score of 100 points and firm Sharpton, Brunson & Company, P.A. received 98 points was the cost. The difference was a \$12,000 cost difference for the three years that resulted in 100 points being awarded to the Alberni firm.

Mr. Tony Brunson, a partner in firm Sharpton, Brunson & Company, stated he feels the Alberni firm is a very competent firm. Mr. Brunson stated that Alberni firm replaced his firm from completing the audit for the village some years ago. Had he known of the difference in cost, he would match firm Alberni cost.

Village Manager Walker stated the Resolution was drafted with no name in the award area so that the Mayor and Council would vote on who would receive the contract. Village Manager stated any delay in the selection of a firm would cause a further delay in the completion of the audit.

Mr. Nestor Caballero, of Alberni Caballero & Company, L.L.P., stated his firm had completed the audit for the Village for the past five years. It was his recommendation that the village should go out for a bid to have fresh eyes to review the financials. However, he has selected a new team with fresh eyes who will be able to come and do a good job.

Mayor Black stated she would prefer seeing the name of the firm receiving the contract in the Resolution.

Attorney Geller stated the vote could be completed tonight and the name added to the Resolution tomorrow.

Councilperson Cubillos moved that firm Alberni Caballero & Company, L.L.P. be awarded the contract.

Councilperson Marcus seconded the motion. Resolution No.:2010-041 passed by roll call vote of 3-1 on awarding the auditing contract to firm Alberni Caballero & Company, L.L.P. Mayor Black was the no vote.

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- H5. Council / Committee Meeting Dates for 2011 Sponsor: Councilperson Marcus
Councilperson Marcus stated she would like to setup a calendar with the anticipated dates.
Mayor Black stated she would like to have the same committees and chairperson serve until after the election. This would allow the new councilperson and the present council an opportunity to make a selection at the same time.
Attorney Geller stated the present calendar has a meeting being held after the holiday. Attorney Geller stated whatever changes are made the holiday schedule should be addressed to avoid a repeat from last year.
Councilperson Cubillos suggested that the January 2011 calendar of meetings be maintained and the calendar be added to the agenda for the February meeting. She stated the new councilperson would have been elected at that time. Councilperson Cubillos suggestion was unanimously accepted. The Clerk was asked to add the calendar to the February Council meeting agenda.
- H6. MLK Breakfast, Parade and Ad Sponsor: Mayor Black
Mayor Black stated in the past, the Village has been one of the sponsors of the breakfast and participated in the parade. Mayor Black stated she received a request for an ad for the Gospel Truth. She informed them she could not make that decision. It had to come before the council.
Village Manager stated he had on his report to mention the sponsor of the Gospel Truth.
Mayor Black stated the Gospel Truth is doing a special coverage on all of the Black Mayors in Dade County as a salute to the Martin Luther King Day.
Village Manager asked that the council approve allowing him up to \$1200 to take care all of the ads and tables.
Councilperson Cubillos moved that the Village Manager be allowed to handle the process needed with the \$1200. Vice Mayor Mathis seconded the motion. The motion passed by a roll call vote of 4-0.
- H7. Third Annual 2011 Armed Forces 5K Walk/Run in El Portal Sponsor: Councilperson Cubillos
Councilperson Cubillos stated she wanted to put this event on the agenda for May 21st, 2011 at 7am. She is looking to put a committee together as well as sponsors. Please have them contact her. Councilperson Cubillos stated Vice Mayor Mathis has also been working on this event.
- H8. Review of Village Hall Rental Agreement Sponsor: Councilperson Marcus
Councilperson Marcus stated her reason for bringing this issue to the council is because of the meeting the council had with the Village Manager. She stated she recalls the Manager mentioned requiring hiring an officer for the events. Councilperson Marcus suggested that the open container policy be addressed.
Village Manager Walker stated he and his staff have been working on the contract revision and recommends that he bring this back to the council once they get to that point. Councilperson Cubillos asked is the \$30,000 the total amount earned from the hall rental clear money. Village Manager Walker stated he reviewed the records and it was \$20,000 not \$30,000. Manager stated they are recommending increasing the cost for renting the hall to \$500. If we increase the cost, the rental request may decrease.
Councilperson Cubillos suggested that the requirement to hire an El Portal police officer be maintained. She would not object to change the time until 11pm on the weekends. Village Manager Walker stated he feels that Management needs to be allowed to use some discretion. Many villagers meet here. He feels we should not have one rule for everyone.
Councilperson Marcus suggested that, while the contract is being reviewed, have a police officer on duty that night, as a routine, check on the hall. She stated her husband and she walked past the village hall one evening and the people who had rented the hall were very rude to them. They were involved in activity on the tot lot which she stated she does not think we want to have here.
Attorney Geller suggested that if the rental policy is being revised, maybe the village needs to contact our insurance company or the agent, just to make sure our existing policy is covering these people. If we do get a claim, it would not wipe us out.
Village Manager Walker stated the village just changed its insurance company and a copy of this rental policy was provided to the insurer. The only thing that the insurer asked is if the rental parties are going to have rides and ponies for birthday parties or things like that –the village should get a copy of that company’s insurance policy. Village Manager Walker stated his staff is doing that already. Village Manager Walker stated the insurance company is aware.

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- H9. Resolution No. 2010-043 Let's Move Campaign Sponsor: Mayor Black

Mayor Black asked the Clerk to read Resolution No.:2010-043 into record.

Resolution No.:2010-043 Let's Move Campaign

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, AGREEING TO SUPPORT THE LET'S MOVE CAMPAIGN AS RECOMMENDED BY THE FLORIDA LEAGUE OF MAYORS BY FORMING POLICIES THAT FOCUS ON HEALTHY LIFE STYLES, PROMOTING YOUTH AND SENIOR ACTIVITIES, MAKING THIS COMMUNITY A WALKABLE COMMUNITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Mathis moved that Resolution No.2010-043 – Let's Move Campaign be approved.

Councilperson Cubillos seconded the motion.

Mayor Black opened the floor for discussion. Mayor Black stated she feels this would be good for our community. As in the walk that Councilperson Cubillos organizes, it helps to get the people out.

Resolution No.:2010-043 passed by a roll call vote of 4-0.

- H10. Resolution No.:2010-044 Calling for a Special Election for Councilperson, Seat 3
DATE CHANGE

Mayor Black asked the Clerk to read Resolution No.:2010-044 into record.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, CALLING FOR A SPECIAL ELECTION OF ONE COUNCILPERSON FOR SEAT THREE; PROVIDING FOR THE CLOSING OF REGISTRATION BOOKS; DESIGNATING HOURS AND THE VILLAGE HALL AS THE VOTING PLACE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilperson Marcus moved that Resolution No.:2010-044 be approved. Councilperson Cubillos seconded the motion. Mayor Black opened the floor for discussion.

Attorney Geller stated he distributed to the councilpersons a copy of the lawsuit that he is planning to file tomorrow asking the Judge for permission to allow the Village to push back the election to piggyback on the State Representative, District 33 election on February 8, 2011. If a run-off is required—in the event one candidate does not get 50 percent plus one of the votes, it would be held on March 1, 2011 along with the run-off for District 33. This piggyback would save the village about \$10,000 on this election. Attorney Geller stated, although, the council is approving this Resolution tonight, it will not take effect until the Judge signs the paperwork. We will move forward as soon as the Judge signs the paperwork. However, we have to get the judge to approve this move. Attorney Geller thanked the Village Clerk for her part in getting this approval.

Mayor Black thanked all three candidates (Sadri Medina, Calixto Navarro, and Omarr Nickerson) for their support in moving this election back allowing the village to realize this saving. Resolution No.:2010-044 passed by roll call vote of 4-0.

I. REPORTS:

I1. Village Manager Walker Report

Village Manager reported on the following:

- a. Seawall – We have a contractor here tonight on the seawall who was the lowest bidder. We have \$750,000 in the state grant that would provide service for 17 homes. The Manager stated he received two bids. We cannot sign the contract until we know where we are going to get the additional money for the contract.

Village Manager stated the village has the following options:

1. Take the difference from the reserve account.
2. Ask the engineers to go back and do a less proposal for homes.
3. Put a hold on the project until we get the money from the state or some other funds.

Mayor Black asked for the total amount needed to complete the contract.

Village Manager Walker stated it would probably be \$200,000 to complete the contract.

Village Manager Walker stated he feels he can keep this agreement alive for another few months.

Mr. Steve Mack, president of the lowest bidder company stated he feels the bid is good for about 90 days.

- b. The bids for 87th Street resurfacing and placing two or three medians in the road way are due to be received tomorrow. We are under pressure from DOT to get this tabulated. Village Manager stated he would like to have a special meeting the first or second week in January. Councilperson Cubillos stated she will be out of town January 13-18, 2011.
- c. Traffic calming device plans are completed awaiting county approval. This project will be funded with the CITT funds.
- d. White Fly concern on some of the trees in the Village and other areas in Miami-Dade County.
- e. MDCLC request received for the annual gala for \$1500 to purchase a table.
- f. Broken sidewalks survey completed. Will have all repaired.
- g. First fiscal year report—received some tax dollars that is almost what was received last year.
- h. Will need to have a follow-up on the Shadetree meeting.
- i. Trailer park news coverage – four trailers have burned. No permits were issued due to illegal connections. Manager stated he estimated that it is about 800 people living in the trailer park.

I2. Mayor Black Report:

Mayor Black stated she had a Turkey give-away in which about 40 turkeys were given away. The Village had a walk-a-mile and raised about \$450 for the Christmas toy give-away. Mayor Black thanked the police officers who they were asked to identify children for the toy give-away. The police officers identified about 100 children. Mayor Black stated she would like for every child to receive a toy—hopefully two toys.

Mayor Black thanked the Taskforce for coming out on a very cold night and discussing some of their issues of concern. Some people are not comfortable talking on the camera but they are concerned. This is our village.

Councilperson Cubillos asked is there a way that she can find out what is happening on the committee. Mayor Black stated yes. Mayor Black stated she will have the meetings posted on the marquee.

I3. Clerk Patterson Report – All information was provided during the Resolution on the election.

I4. Attorney Joseph S. Geller Report – Legal Matters

- a. The draft of the suit is before council tonight.
- b. Mediation was held on the Olivia issue. We expect to hear back from the other side very soon. We will call another executive session unless we need to move more quickly.

J. UNFINISHED BUSINESS AND GENERAL ORDERS

J1. Roof Ordinance

Councilperson Linda Marcus

Councilperson Marcus asked that this issue be moved to the Planning and Zoning meeting.

Councilperson Marcus stated she received a call from a villager on this issue and she would like to act on.

K. NEW BUSINESS

K1. Historic District

Co-Sponsor: Mayor Black

Mayor Black asked to suspend with this item due to the time.

K2. Village Homes Painted Co-Sponsor: Vice Mayor Mathis
Vice Mayor Mathis stated he would like to suspend with this item also due to time.

L. GOOD AND WELFARE

Mr. Cody stated he needs a new garbage can because of the way the waste people handle them.
Barbara Fuechsl of 220 Northeast 85th Street stated she called and obtained another garbage container. She did not have to pay to replace the container.
Village Manager Walker stated he will make a call for Mr. Cody. He should not have to pay for another container.
Deborah Tomkinson mentioned the plant group that would like to meet at the Village Hall on Sunday at 9am on January 23, 2011. Mrs. Tomkinson stated her trees have the white fly on them.
Village Manager stated there are three active groups that are looking at the church including a charter school. The charter school group would like to form a partnership with the village. The Village would be allowed to rent out the area of the church like we do the village hall.
Mrs. Tomkinson stated a group of over two hundred people met at the church. Afterwards, they emptied their cars of garbage in the parking lot.
Mrs. Tomkinson stated we have a petty thief in the area-- a little girls bicycle was stolen.
Jalil Rezapour of 389 Northeast 85th Street – stated he would like to see that pole removed near his home.
Village Manager Walker stated the sign was placed there as a result of residents in Sherwood Forest concerns on speeding in the area. Village Manager Walker stated he will call the county to see if the sign can be put in another location.

M. ADJOURNMENT: It was motioned by Vice Mayor Mathis and seconded by Councilperson Cubillos that the Regular Council meeting of December 21, 2010 be adjourned. Motion carried unanimously. Regular Council meeting was adjourned at 9:31pm.

Respectfully submitted,
Albertha W. Patterson, cmc

Albertha Wilks Patterson, CMC

Transcribed date: February 16, 2011
Approved date: March 22, 2011