

Regular Village Council Meeting  
Meeting Minutes  
Tuesday, April 26, 2011  
7PM

- A. **CALL TO ORDER:** Mayor Daisy Black called the Regular Council meeting of Tuesday, April 26, 2011 to order at 7:04pm.
- B. **SILENT MEDITATION & PLEDGE:** Mayor Black asked all to stand for a moment of silent meditation followed by the pledge of allegiance.
- C. **ROLL CALL:** The Clerk was asked to read the roll call sheet. The following were noted at present / absent:

Present: Mayor Daisy Black  
Vice Mayor Harold E. Mathis, Jr. (arrived after roll call-7:25pm)  
Councilperson Claudia V. Cubillos (arrived after roll call -1)  
Councilperson Linda Marcus  
Councilperson Omarr C. Nickerson

Also present: Jason Walker, Villager Manager  
Joseph S. Geller, Village Attorney (arrived after roll call)  
Eugene Morales, Chief of Police  
Irwin Williams, Village Chief Financial Officer  
Albertha W. Patterson, Village Clerk

Absent: None

- D. **APPROVAL OF AGENDA:** Mayor Black added under Acknowledgment of visitors and/or special presentations--item F2: Presentation by Mr. Ed Haynes of Congresswoman Frederica Wilson's office. Mayor Black moved item: H3--Waste Collection Presentation to H4. Mayor Black moved I2: Resolution No.2011-010 Contract with Distreebutors Inc. up to H3. Councilperson Nickerson 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:**  
E1. Minutes for January 22, 2011 Regular Council Meeting – Councilperson Marcus stated Mr. Leo Connell's last name was not spelled correctly. Councilperson Nickerson moved that the minutes for January 22, 2011 Regular Council meeting be approved with the noted correction. Councilperson Marcus seconded the motion. The motion carried unanimously.
- F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**  
F1. Presentation by Mr. Ed Haynes of Congresswoman Frederica Wilson's Office  
Mr. Edward Haynes introduced himself as the staff member assigned to El Portal. Mr. Haynes stated Congresswoman Frederica Wilson has scheduled a meeting to address the concerns in an article stating "District 17's Liberty City is the most suffering in America". This information

F. Acknowledgment of Visitors and/or Special Presentations: (continued)

was stated as a result of a survey taken by the “Well-Being Index” Gallup poll. The article stated the information was “gathered by polling 1000 Americans”. Mr. Haynes informed all the importance of the meeting that will be held on April 28, 2011 at 10:30am in the Miami Gardens City Hall – City Council Chambers. The City Hall address is 1515 NW 167<sup>th</sup> Street, Suite 200. Mr. Hayes stated flyers with this information are on the piano by the door to village hall. Mayor Black asked Mr. Haynes to provide Congresswoman Wilson’s office address and contact telephone number for those not present. Mr. Haynes stated the address is: 18425 Northwest Second Avenue, third floor. The telephone number is 305-690-5905.

Mr. Haynes stated Congresswoman Wilson is also putting together a briefing on where the grants are so that the municipalities can apply for them and obtain assistance.

F2. Mayor Black recognized newly elect Councilperson Jeff Waters of Miami Shores visiting with us tonight.

F3. Proclamation: Childhood Cancer Awareness Week 4/17-23/11 Mayor Black  
Mayor Daisy Black read the proclamation for the Childhood Cancer Awareness into record.

G. GOOD AND WELFARE: Mayor Black asked if anyone would like to speak on any issue on the agenda.

G1. Ana More’ asked has anything been done about the neon color house? Mayor Black explained to Ms. More’ the subject question is not on the agenda. This time period is reserved to discuss concerns citizens have about items on the agenda. Mayor Black stated she will allow Village Manager Walker to answer Ms. More’s question quickly this time.

Village Manager Walker stated the committee chaired by Mrs. Kim Flower are trying to get the owner assistance to have the house repainted. Mr. Danny Reyes has volunteered to allow his employees paint the house for the owner.

H. AGENDA ITEMS:

H1. **Council meeting date for May 2011**

The Mayor and Council unanimously agreed to move the May Council meeting date to May 17, 2011 at 7pm to allow for Miami-Dade County Mayoral Primary election to be held on May 24<sup>th</sup> in the Village Hall. Vice Mayor Mathis was not present.

**H2. Mid-Year Budget Adjustment**

**Resolution No.:2011-008**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, ADOPTING A MID-YEAR BUDGET AMENDMENT AND APPROVING THE TRANSFERS FROM STATED BUDGETED LINE ITEMS; TO TAKE EFFECT IMMEDIATELY.**

Village Manager Walker asked Irwin Williams, CFO, to explain the Mid-year budget adjustment. Irwin Williams read some of the items on the report.

Village Manager Walker stated the \$3,000 is for a water tank to water the grass recently placed. Mr. Douglas will put the tank on the back of the truck to water the grass. Mr. Walker stated this water tank will be a new tank with a motor and pump that Manny researched.

The \$23,000 is to cover the following Carolina Montealegre: her salary for the balance of this year until September 2011; to pay FRS at a 9.5 percent; and Carolina Montealegre insurance. Village Manager Walker stated Carolina Montealegre has been on full time since January 2010. He did not know that he had to pay her FRS. Village Manager stated the cost to replace the banners is \$5,000. Manager Walker stated he is not recommending replacing the banners at this time.

Village Clerk Patterson asked that the itemized expenditure summary page be corrected to read Village Clerk Department.

Mayor Black asked that the clerk read Resolution No.:2011-008 into record.

Village Manager Walker stated he is pulling \$6,000 to hire someone to review the application and plans of a person who would like to buy the Radar Church for a school.

CFO Irwin Williams stated the next year budget process will began in another month.

Vice Mayor Mathis moved that Resolution No.:2011-008 be approved. Councilperson Marcus seconded the motion. Resolution No.:2011-008 was approved by roll call vote of 5-0.

**H3. Resolution No.: 2011-010 Sponsor: Village Manager**

**Contract with DisTREEbutors Inc. for the Urban Forestry Grant**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING THE EXECUTION OF THE URBAN AND COMMUNITY FORESTRY (U&CF) MEMORANDUM OF AGREEMENT FOR PROFESSIONAL ARBORIST SERVICES WITH DISTREEBUTORS, INC.; AND AUTHORIZING THE VILLAGE MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN, AND TO TAKE EFFECT IMMEDIATELY.**

Village Manager explained the need for this Resolution stating it has been approved two or three times before. Village Manager stated the trees are under warranty for a year including the watering.

Vice Mayor Mathis moved that Resolution No.:2011-010 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2011-010 was approved by roll call vote of 5-0.

#### **H4. Waste Collection Presentations (5 minutes each)**

Mayor Black stated each company will give a five minute presentation followed by a two minutes questions and answers period.

The following gave their presentation:

1. Southern Waste – - not present
2. Waster Service of FL – Jorge Rickers
3. Waste Management – Jason Neal
4. Waste Pro – Tim Bowers
5. Choice Environmental – Willie Hernandez

After the presentations, Mayor Black thanked all that came to provide the information for the waste services to the Village.

#### **Public Forum**

Mayor Black opened the floor for public forum. The following comments were made:

1. JR Rickers 269 NE 90<sup>th</sup> Street stated he feels Waste Pro provided the best information for the Villagers. Mr. Ricker stated the other contributions are not important.
2. Florence Chamberlain 221 NE 89<sup>th</sup> Street stated she feels villages are with what they have.
3. Douglas Cunningham – 129 NE 87<sup>th</sup> Street stated he does not like the way Waste Management got in to the Village.
4. Dr. Anna Ward-Garmon- 415 NW 88<sup>th</sup> Terrace stated, as a committee member, it was a lot of work. Dr. Ward-Garmon stated she scored the way she did because the information was not provided in a way that it could be identified and readily comprehended. Dr. Ward-Garmon stated she feels Mayor and Council should give the Manager the authority to negotiate the contract.

Councilperson Marcus stated she would like to hear who Village Manager Walker recommends since he will be the one to manage the service of the village.

Village Manager Walker stated his recommendation would be to stay with Waste Management due to his past experiences have been positive. Village Manager Walker stated that Waste Management was servicing the Village when he came to the Village as the Manager.

The Village Clerk was asked to read the roll call sheet so that Mayor and Council would vote on the company they would like to provide service to the Village.

As a result of roll call, the vote was 4-1. Four members of the council voted for Waste Management and one voted for Choice. The one vote for Choice was Mayor Black.

**I. RESOLUTIONS / ORDINANCES:**

**Resolution No.: 2011-009**

**Waste Collection Contract**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING EXECUTION OF AGREEMENT FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD TRASH, AND BULK WASTE; AND AUTHORIZE THE VILLAGE MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND TAKE EFFECT IMMEDIATELY.**

Councilperson Marcus moved that Resolution No.:2011-009 be approved. Councilperson Cubillos seconded the motion.

**J. REPORTS:**

J1. Village Manager – Jason M. Walker

J1a. Proposal for School at Radar Church with 400 plus students.

J1b. Seawall

J1c. Trailer park meeting to deal with registry of residents and code violations  
Manager Walker stated they will be meeting monthly with the Trailer Park representatives. The Trailer Park Management plans to send their team here in another month.

J1d. Red light camera up on North bound 2<sup>nd</sup> Avenue

J1e. Audit update behind one month

J1f. 87<sup>th</sup> Street improvement received five comments

J1g. North Miami Avenue property reclaiming of right-of-way

J2. Village Mayor – Mayor Black

J2a. 5K run/ walk on Saturday, May 21, 2011 early morning. Mayor Black stated Councilperson Cubillos will provide additional information at a later date, however, tonight she was not feeling well and had to leave.

J2b. Representative Daphne Campbell will hold a senior's day .

J3. Village Clerk -- A. Patterson, CMC - none

J4. Legal Matters – Attorney Joseph S. Geller

Attorney Geller stated he only has the Oliva incident to report on.

Village Manager Walker stated he received another case of which the Attorney has not been informed of. It involves an off duty police officer. It falls under the other insurance and they have been informed.

K. **UNFINISHED BUSINESS AND GENERAL ORDERS:** None noted.

L. **NEW BUSINESS:** None noted.

M. **GOOD AND WELFARE:**

M1. Jalil-Rezapour – 389 NE 85<sup>th</sup> Street expressed his concern for his area.

M2. John King 133 Northwest 88<sup>th</sup> Street stated his concern is one of his neighbors has decided to pave from his door up to the street. Mr. King stated he does not want to have a concrete jungle in El Portal. Mr. King stated he took pictures of Hialeah who have no trees in the yard and pavement to the street. Mr. King stated no other home is paved up to the street in El Portal. Mr. King stated he was informed that the citizen applied for a variance to install a variance.

Village Manager Walker stated he will speak with Raul Rodriguez on tomorrow to determine why it was approved to do that much pavement.

Mr. King stated he did not receive a notice of this hearing.

M3. Joyce Davis 181 NW 87<sup>th</sup> Street stated the mid-year budget should be copied for all villagers.

M4. Florence Chamberlain 221 NE 87<sup>th</sup> Street stated she and Sadri Medina recently toured the village and identified more than 35 different species of birds. Ms. Chamberlain stated her concern is the trees in the area will be illuminated. Trees add value to the property. Ms. Chamberlain stated she can help if villagers need help in selecting plants that would beautify their property that would not require a lot of work.

M5. Mr. Biscombe 135 Northwest 89<sup>th</sup> Street apologized for the pavement becoming an issue. He feels it is difficult for his wife and children to walk through the yard when it rain as it did last week. Mr. Biscombe stated the area is not completed yet. He will plant a palm tree and another tree donated by the Village will be planted. Mr. Biscombe stated there are no trees on his side of the street. Mr. Biscombe stated after the trees are planted on his property, he will return to the village hall and present a picture of the area improvements.

M6. ...Ray on Northeast 85<sup>th</sup> Street stated he would like to thank the police for stopping someone from trying to steal his vehicle from his year. He would like to know if something can be done to improve the lighting in the area.

M7. Jairo Ribero (JR) 225 NE 86<sup>th</sup> Street - stated he has some concerns. He was informed there was suppose to be a newsletter for the village. Manager stated it is coming.

JR stated Ray and he were outside and a silver car, whose owner, lives on the other side of the village came speeding through the area. JR stated he called the community phone because cars were parked in the area that blocked his driveway and he did not receive an answer.

Councilperson Marcus stated she has witnessed the speeding and has had a speeding car nearly hit her. Councilperson Marcus stated this is the eight persons who have complained about the speeding.

Village Manager Walker stated he has tried to get the street closed and an approval to put speed bumps in that area but both were denied. Councilperson Marcus stated only the closure was denied. Village Manager Walker stated he has a letter stating both were denied.

Councilperson Marcus asked the attorney who is liable if someone is hit by a car. Attorney Geller stated it is the responsibility of the Village to protect the people but we cannot tell the

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commissioners to approve a street closure but we could petition our commissioner to get speed bumps installed.

Mayor Black asked the manager to send a copy of the letter he has denying the street closure and the speed bumps to the full council.

N. **ADJOURNMENT:**

Vice Mayor Mathis moved that the Regular Council meeting of April 26, 2011 be adjourned.

Councilperson Marcus seconded the motion. The motion carried unanimously. The Regular Council meeting was adjourned at 9:23pm.

Respectfully submitted,

*Albertha W. Patterson, CMC*

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Albertha W. Patterson, MSM, CMC

Received recording from Comcast June 2, 2011

Date transcribed: June 6, 2011

Date approved: June 22, 2011