


VILLAGE HALL
500 NE 87TH ST
EL PORTAL, FL 33138
JASON M. WALKER
VILLAGE MANAGER



MAYOR DAISY M. BLACK
VICE MAYOR HAROLD E. MATHIS, JR.
COUNCILPERSON LINDA MARCUS
COUNCILPERSON CLAUDIA V. CUBILLOS
COUNCILPERSON OMARR C. NICKERSON

Regular Village Council Meeting
Tuesday, March 27, 2012
MINUTES
7PM

- A. CALL TO ORDER:**  Councilperson Linda Marcus called the meeting for March 27, 2012 to order at 7:08 PM.
- B. SILENT MEDITATION & PLEDGE:** Councilperson Linda Marcus asked all those present to rise and give a pledge of allegiance followed by a moment of silent meditation.
- C. ROLL CALL:** Councilperson Marcus asked Interim Village Clerk, Carolina Montealegre for a **Roll Call. Present:** Councilperson Linda Marcus, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting), Chief Eugene Morales (Not voting), Irwin Williams, CFO (Not voting), Interim Village Clerk Carolina Montealegre (Not voting).
Absent: Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr..
- D. APPROVAL OF AGENDA:** Councilperson Linda Marcus recognized the Mayor's absence and recused herself from Item G3 and as such cannot propose and vote on said item. **Motion: to table item G3, move to April Regular Council Meeting and approve agenda as amended. Action: Amend and approve, Moved by Councilperson Linda Marcus, Councilperson Cubillos seconded.**
- E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**
E1. Minutes for January 15 24, 2012, Regular Council Meeting
E2. Minutes for February 20 28, 2012, Regular Council Meeting
Motion to approve made by Councilperson Linda Marcus and seconded by Councilperson Omarr Nickerson. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Councilperson Linda Marcus, Councilperson Omarr Nickerson Councilperson, Claudia V. Cubillos. **Absent:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr.
- F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
F1. Irwin Williams – Monthly Financial Report. (Report available upon request.)
F2. Village Manager, Jason Walker, recognizes Basil A. Binns, Legislative Analyst and Community Affairs, from Commissioner Audrey Edmonson's office during item G2.

Regular Council Meeting

March 27, 2012

Meeting Agenda

G. RESOLUTIONS / ORDINANCES:

G1. Councilperson Linda Marcus asked the preamble be read into the record.

RESOLUTION NO. 2012-004

INTERGOVERNMENTAL AGENCY AGREEMENT

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, TO ENTER INTO AN INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (AGREEMENT), BY AND BETWEEN THE VILLAGE OF EL PORTAL, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, HEREINAFTER REFERRED TO AS THE VILLAGE AND MIAMI-DADE COUNTY (COUNTY), A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Manager Jason Walker provided a background and history of the Village administration's actions leading to this resolution. Councilperson Omarr Nickerson moved that Resolution No.:2012-004 be approved. Councilperson Claudia V. Cubillos seconded the motion. Resolution No.:2012-004 passed by roll call vote of 3-0. Vice Mayor Harold Mathis and Mayor Daisy Black were absent.

G2. Councilperson Linda Marcus asked the preamble be read into the record.

RESOLUTION NO. 2012-005

**TRAFFIC CONTROL DEVICE
INSTALLATION**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO INSTALL TRAFFIC CONTROL DEVICE(S) (SPEED HUMPS), ON NORTHEAST 85TH STREET AND ON NORTHEAST 86TH STREET, BETWEEN NORTHEAST 2ND AVENUE AND NORTHEAST 3RD AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

G2a. Open to Public Hearing

1. Claudia Hessels, 200 NE 85th ST, El Portal, FL - In favor of the street closure and has had several conversations regarding this topic with the Village Manager. Prefers closure to speed humps. Does not feel safe walking on her street and is asking for support. Have signatures of neighbors who desire to petition street closure. (Village Manager Jason Walker stated that speed bumps proposed from the county, to set the record straight)
2. Reginald Richardson, 333 NE 86th ST, El Portal, FL – Asked if the bumps will be permanent or portable. Suggested portable speed bumps. Manager Walker said he doesn't know the type of devices that will be put down, waiting to speak with the county. Believes that the residents should know what the "package" is before voting on this resolution. Mr. Walker stated that we can't proceed with *any* discussion until this resolution is passed. Mr. Richardson continues to suggest that portable speed bumps are a better solution. The Manager reiterated

- that “before we do anything” all pertinent issues go back to the council to approve, or not approve, the design. Councilperson Marcus addressed Mr. Richardson’s concern and asked if the resolution could be amended? Attorney Geller gave the language. Mr. Richardson is asking that we push this resolution, as well (as Item G3) to the April meeting. Mr. Walker restated that nothing will be done without the council’s consent and that “they” (the County) will not talk to the Village without the previous resolution. Mr. Walker also mentioned that the commissioner is willing to take the road closure issue to the county. Councilperson Marcus restated that the Manager will not move forward without consulting the council.
3. Lauren Kitsos, 398 NE 86th ST, El Portal, FL, thanking the council for their efforts on this investigation for the installation of speed bumps. The outcome is a safe Village. Gave a history of her involvement with road closure. Pointed out that residents speed as well. Supports the resolution as an investigation to further the safety of our Village.
 4. Claudia Hessels, 200 NE 85th ST, El Portal, FL, thanks Mr. Walker for his efforts. She has been on the street closure since 2009. Disappointed that the Resolution (G3) will not be addressed.
 5. Heather McIntyre, 379 NE 86th ST, El Portal, FL, feels that if we get the speed bumps “they” (the County) will not even consider street closure. Thanks manager and council.

Councilperson Cubillos added that even if this Resolution gets approved, it will not hinder the street closure request. It should be one or the other. The Village does not need both speed bumps and street closure. Village Manager is simply responding to the email requests from the Villagers. Road closure is not simple. Concurrence letters are needed from several departments for this to happen. This issue needs to be viewed as the community as a whole.

6. Florence Chamberlin, 221 NE 89th ST, El Portal, FL, thanks council for addressing the issue of speeding. Street closure is much more complicated than speed bumps. Cites city planning issues. Sherwood Forest does not only belong to the residents directly surrounding the park. Finds blocking streets, as in Miami Shores, offensive.
7. Dawn Wellman, 203 NE 86th ST, El Portal, FL, street closure is a long shot. Speeding issue needs to be addressed quickly. Would like to see the Village move forward as opposed to dropping the issue.

The Village Manager points out the actions already taken by the Village that address the speeding situation in Sherwood Forest. Among these actions are: the Village requesting (and approved) that the speed limit is reduced, speeding trailer monitor spends 90% of its time in that area and during peak hours the Police have been instructed to park in the area to show presence.

8. Claudia Hessels, 200 NE 85th ST, El Portal, FL, the speed humps and street closure is a village wide problem. She has reached out for support to all residents, not only those in Sherwood Forest.

Motion: Councilperson Marcus amends Resolution No. 2012-005 by adding the following preambular clause after ‘Speed Humps ...’ “With final design approval by council,” **Action:** Amend, **Moved by** Councilperson Linda Marcus, **None seconded.** No objection. Village Manager clarifies that in order to move forward with the design process, the only thing needed was Resolution No. 2012-004.

Motion: Councilperson Marcus requests a motion to approve amendment to the preamble, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Omarr Nickerson. Councilperson Linda Marcus asked the preamble be read into the record as amended.

RESOLUTION NO. 2012-005

**TRAFFIC CONTROL DEVICE
INSTALLATION**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO INSTALL TRAFFIC CONTROL DEVICE(S) (SPEED HUMPS), WITH FINAL DESIGN APPROVAL BY COUNCIL, ON NORTHEAST 85TH STREET AND ON NORTHEAST 86TH STREET, BETWEEN NORTHEAST 2ND AVENUE AND NORTHEAST 3RD AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: to approve Resolution, **Action:** Approve, Moved by Councilperson Omarr Nickerson, Seconded by Councilperson Claudia V. Cubillos. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 3).

Yes: Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Absent:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr.
Resolution No.:2011-005 passed by roll call vote of 3-0

~~**G3. RESOLUTION NO. 2012-006 — PERMANENT STREET CLOSURE**~~

G4. Councilperson Linda Marcus asked the preamble be read into the record.

**RESOLUTION NO. 2012-007 CHANGE ORDER 001 TO HORIZON
CONTRACTORS AGREEMENT**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA AUTHORIZING THE VILLAGE MANAGER TO ACCEPT CHANGE ORDER 001 TO THE CONTRACT WITH HORIZON CONTRACTORS, INC., FOR NE 87TH STREET FROM NE 5TH AVENUE TO NW 2ND AVENUE WITH EXCEPTION OF NE 2ND AVENUE; AND TO TAKE EFFECT IMMEDIATELY UPON ADOPTION.

Village Manager gives background on road resurfacing project and need for this change order. Councilperson Marcus asks for guarantee. Village Manager says 25 years. LBR40 is the lifetime (standard) of what the road should be. The subsoil material currently found is not up to that standard. The proposed change order meets the standard; avoiding previous issues with the current road conditions.

G4a. Public Hearing

Motion: Councilperson Marcus asks for a motion to approve., **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Omarr Nickerson. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Absent:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr.
Resolution No.:2011-007 passed by roll call vote of 3-0

Village Manager asks Village Attorney if we would need to come back to the council with a different change order if the engineer on record does not sign off on this new proposed method. Village Attorney said yes. The only other option would be to change engineer of record. The issue is that there is a liability issue due to open

hole on avenue for a month and a half now. A special council meeting will be needed if this change order is not approved by the engineer on record to push this project forward.

G5. Councilperson Linda Marcus asked the preamble be read into the record.

RESOLUTION NO. 2012-008 FORESTRY GRANT

A RESOLUTION BY THE VILLAGE OF EL PORTAL, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY; PROVIDING FOR INCORPORATION OF RECITAL; PROVIDING FOR AN EFFECTIVE DATE.

Village Manager reminds council of the awarding of last years' grant. This year we're going after the grant money for maintenance and possibly purchase a "real" water truck.

G5a. Public Hearing

Motion: Councilperson Marcus asks for a motion to approve, **Action:** Approve, **Moved by** Councilperson Omarr Nickerson, **Seconded by** Councilperson Claudia V. Cubillos. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Absent:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr.
Resolution No.:2011-008 passed by roll call vote of 3-0

G6. RESOLUTION NO. 2012-009 CANDY FLAVORED TOBACCO

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, TO URGE RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS IN MIAMI-DADE COUNTY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

G6a. Public Hearing

Village Manager reminded council of the student who presented this Resolution to Council at last month's meeting.

Motion: to approve Resolution No. 2011-009, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Omarr Nickerson. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Absent:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr.
Resolution No. 2011-009 passed by roll call vote of 3-0

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

H1. Village Manager Reports– Jason Walker (full report on file)

- Donation of 6 cars to the Village from North Bay Village, approval to be had at next agenda meeting. Thanks Chief of Police for acquiring them.
- Irrigation portion to start on NE 87th ST entryway. Miami Shores permitting issues have slowed progress.
- Insurance adjustment, audit of payroll showed a shortage of approx. \$15,000. Negotiated down to \$9,000.
- Dead oak trees to be replaced at no cost to the Village. Under one year warranty.
- Homestead exemption violation investigation started. Loss of revenue for the city when claiming duplicate homestead exemptions.
- Fee structure in terms of building permits was revisited at the last Administration & Finance committee meeting. Last one done approx. 6 years ago.
- We have been receiving complaints of FPL hat racking of trees. Working with FPL to trim trees the way the Village wants them to be trimmed over the next three years.
- Bus Shelter design approval.
- Annexation discussion.
- Elderly kitchen project for those who go hungry in El Portal.
- Triangle Park/Sherwood Forest project break ground Monday. Expected to be completed in the next two months. Sherwood Forest Park name approval for next meeting. Councilperson Marcus asked that the old bird sanctuary signs be saved due to historical significance.

H2. Committee Chair Reports

a. Public Affairs

Chairperson Omarr C. Nickerson – Date reminders. Recognition of two events: Village wide yard sale and Elements of Culture celebration. First meeting for the 75th Anniversary on Thursday, May 3, 2012 at 7PM. Easter egg hunt discussed. Armed Forces Day 5K reminder.

b. Public Works

Chairperson Harold E. Mathis, Jr. – Councilperson Marcus gave report in the Vice Mayor’s absence. Seawall funding reverted at last legislative meeting so council has instructed the Manager to look into a “per property” solution vs. a C7 canal wide one. The Mayor is going to Tallahassee to request more funds. Village wide lighting study discussion.

c. Public Safety

There wasn’t a Public Safety Committee Meeting in March.

d. Code Enforcement Committee

There wasn’t a Code Enforcement Committee Meeting in March.

e. Planning & Zoning

Chairperson Daisy M. Black – Councilperson Marcus gave report. Trailer park discussion. Workshop date needs to be set. Clerk to send out meeting requests.

f. Administration & Finance

Chairperson Claudia V. Cubillos – Charter amendments on Council pay will be presented by the Attorney at the next meeting.

H3. Village Mayor Reports – Mayor Black ABSENT.

H4. Village Attorney Reports – Attorney Joseph Geller – Fixing compensation for council and placing the Village Clerk as reporting to the Village Manager. Deadline for the August 14th primary is Friday, May 25th. Aiming for the first reading to be done in April. Council instructs the Attorney to draft an Ordinance.

Trailer Park workshop discussion:

Motion: TO APPROVE ATTORNEY PERFORM A TITLE CHECK ON THE LITTLE FARM PROPERTIES, **Action:** Approve, **Moved by** Councilperson Omarr Nickerson, **Seconded by** Councilperson Claudia V. Cubillos.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3). **Yes:** Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Absent:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr.

Motion: TO RUN A CREDIT CHECK ON CURRENT OWNERS OF THE TRAILER PARK, **Action:** Approve, **Moved by** Councilperson Omarr Nickerson, **Seconded by** Councilperson Claudia V. Cubillos.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).

Yes: Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Absent:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr.

J. UNFINISHED BUSINESS AND GENERAL ORDERS:

K. NEW BUSINESS:

L. 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.)

1. Florence Chamberlin, 221 NE 89th ST, El Portal, FL, upset as a villager because she doesn't answer the liens that have been allowed to accumulate on the trailer park. She asked the manager or council what legal action could have been taken on enforcement of those liens. The attorney explained the procedure for the code enforcement of liens. Asked the attorney to advocate more, legally, on what has been happening in the Trailer Park. Need more solutions to address the humanitarian and financial problems occurring in the trailer park. Implored that the council find a way to make it happen. Thanked the council and the commissioner's office for supporting the festivals. Encouraged more residents to come to the ALE meetings.
2. Claudia Cubillos, 335 NE 87th ST, El Portal, FL, an idea was presented to her and as a resident, citing closure of libraries around the country, she wants to place a wooden mailbox on the ROW to start a program called “Little Free Library”. Will follow building permit procedures and request a variance. Manager explained the reason why the councilperson is presenting as a resident. Our code states that anything placed in ROW will need to be approved by the council.

M. ADJOURNMENT:

Motion: Councilperson Marcus requests for a motion to adjourn, **Action:** Adjourn, **Moved by** Councilperson Omarr Nickerson, **Seconded by** Councilperson Claudia V. Cubillos. 9:13PM