

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



MAYOR DAISY M. BLACK  
VICE MAYOR LINDA MARCUS  
COUNCILPERSON CLAUDIA V. CUBILLOS  
COUNCILPERSON OMARR C. NICKERSON  
COUNCILPERSON ADAM OLD

Regular Village Council Meeting  
Tuesday, December 20, 2012  
MINUTES  
7:00PM

**A. CALL TO ORDER:** Mayor Daisy Black, presiding, called the meeting for December 20, 2012 to order at 7:07 PM.

**B. SILENT MEDITATION & PLEDGE:** The Mayor asked all to stand for a moment of silent meditation followed by the Pledge of Allegiance.

**C. ROLL CALL:** Mayor Black asked the Interim Village Clerk, Carolina Montealegre, for a **Roll Call**.

**Present:** Mayor Daisy M. Black, Vice Mayor Linda Marcus, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson, Councilperson Adam Old, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting), Chief Eugene Morales (Not voting) and Interim Village Clerk Carolina Montealegre (Not voting).

**Absent:** None.

**D. APPROVAL OF AGENDA:** Mayor Black requested any additions or deletions to the agenda. Councilperson Claudia Cubillos requested that Item F3 be moved up to F1. Councilperson Nickerson motioned to make the amendment and Vice Mayor Marcus seconded the motion. Motioned carried by a unanimous aye vote.

**E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**

**E1.** Minutes for October 23, 2012, Regular Council Meeting – The Mayor requested a motion to approve the minutes as presented. Councilperson Nickerson motioned for approval and Vice Mayor Marcus seconded the motion. The minutes were approved by a unanimous “aye” vote.

**E2.** Minutes for November 27, 2012, Regular Council Meeting – The Mayor requested a motion to approve the minutes as presented. Councilperson Nickerson motioned for approval and Vice Mayor Marcus seconded the motion. The minutes were approved by a unanimous “aye” vote.

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**F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**

- F1. Claudia Cubillos, Councilperson** – *Historical Presentation w/ or on Libby Bowen.* The Councilperson said that in lieu of the 75<sup>th</sup> Anniversary Senior Luncheon, she put together a small five (5) minute video of the last seventy-five (75) years. She played the video. The DVD is available for viewing at anytime and is on file with the clerk.
- F2. Dr. Hugh Gladwin, ALE Committee Member/ El Portal Resident** – *Update On Charrette.* The Mayor introduced Prof. Gladwin. He gave an update on the Village of El Portal Charrette. He explained that the situation that's making this Charrette critical is that there are investors interested in the Trailer Park and the owners would like to sell and they don't care to whom. The timing is critical because we don't have a lot of control over what happens at the site other than Planning & Zoning and site plan use controls. That's just a yes or no answer. The problem also is that even though the Village is in good financial shape, that land is worth a lot and the Village is responsible for police protection. It's something that could bankrupt the Village if it doesn't generate revenue. He went on to talk about the history of the last Charrette that was done thirteen (13) years ago. The lay of the land was very different then. That Charrette looked at El Portal as a gateway. The City of Miami has put in zoning requirements affecting the types of businesses that will generate value but it also restricts land use. A Charrette is designed to produce an end plan for zoning and for land use; similar to Miami21. The Charrette back then wasn't geared towards El Portal; it was more general. This Charrette has to go further and gives us the opportunity to pace it as "we" want. Development is phased to El Portal's needs. The outcomes of this Charrette will give much more control over what happens on Biscayne Blvd. It's also designed to get more input from the community versus a small Public Hearing. It's a true collaboration between village residents, village administration and the designers. The last Charrette was a success in some respects; i.e. NE 87<sup>th</sup> ST. We are taking a huge financial risk if we don't do this. He then addressed the cost of the Charrette. He wanted to make sure he had the correct figure. The Manager explained the total cost is \$30,000. He budgeted \$5,000 and transferred \$17,000 from the realized savings on the Insurance premium. The remaining \$8,000 would have to come from the reserve. An amendment to Resolution No 2012-034 is needed for that to happen. Hugh has the floor again and he said that because we're incorporated we have to pay something. If we were unincorporated, the County would pay for it. He pointed out that the fact that the planners work for the County also makes it less expensive than hiring an architectural company. The previous Charrette was funded by a grant from the Regional Council and he believes the cost was around \$25,000-\$30,000. The normal price is well over \$100,000. He believes we're getting a break because this corner is so critical to their (the County) railroad planning that it's important to them. This isn't the only expense because we may need some specialized legal advice. That will come later. We want to be sure that it generates a stream of revenue and that it's in the

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spirit of the Village. It needs to enhance the Village and not be separate from the Village. The Mayor asked if it was written up in phases. She's asking because Hugh said that down the line we would need more money. Prof. Gladwin answered by saying that the Charrette creates the plan/design for a new code and new ordinances, but they still have to be executed. A lot may be the Village Attorney, but some may be outside the Attorney's field; i.e. planning specialists. The Mayor asked how we would pay for it because if we have to keep going into the reserves, it would be problematic. Hugh said that all he knows is that the Charrette gives a plan but to put it into action will take additional steps. That part is out of his area. Councilperson Cubillos asked how it's paid out. The Manager said one lump sum to MDC. She asked if that means there's a final product. Prof. Gladwin wanted to rephrase. There is a very definite end product with this Charrette. It has typical drawings and land uses and it has a plan for implementing at the very end. All he's saying is that once we get to that point it's something the Village has to do. The Manager added that it would be good to have a business analyst on board during the Charrette and it was recommended by the County, but the cost would be too much. He could possibly have someone come in and do it pro bono. He also said that a private developer has already approached him and suggested that they would pay for a business analyst themselves to help the Village through the process. The goal of using an analyst is to maximize the use of the property to the fullest financial benefit of the Village. Right now it's not something he's presenting to the Council because it is an additional cost of \$20-25,000. He agrees with what Mr. Gladwin said; we'll cross that bridge when we get there. Hugh added that the County has a lot of business sense. At their (ALE and the County) meeting the County kept showing examples of things that people thought they wanted, but didn't make sense in terms of development. When the Charrette is done and developers start coming in there is a big probability that they will pay for a business analyst. The Manager added that when he thinks about this project he thinks about the Midtown Miami project. What the Village is trying to do at the Trailer Park is along that same line. They will come up with a community consensus and shop out to developers once it's done. Councilperson Old interjected by saying that the last Charrette that was done did produce a product and that product had suggestions like the NE 87<sup>th</sup> ST enhancements and that does cost money but it's money well spent. Hugh said it was a grant that was won by the Village and we didn't pay money for that Charrette. Councilperson Old said we did pay to do the improvements. Hugh said that's correct. Councilperson Old said that is a cost that, if accepted, the Charrette will be there to back up those decisions. The Mayor asked about fees. She said the amount wasn't there. She was looking at the draft. The Village Attorney said that the Mayor should probably wait until the Resolution to ask about funds. She said she will and the council thanked Hugh for his presentation.

**F3. Jason Walker, Village Manager - *Discussion Regarding the Tree in the Circle.***

The Manager started by saying that it was brought back to the Council after the report regarding the choice of tree was mailed to everyone. He just wants a

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consensus so he can purchase and plant the tree in the circle. The Mayor said she saw someone doing work on the lighting in the circle and when she asked the man he said that there would be some concern about the roots damaging the electrical wiring. Vice Mayor Marcus said Ms. Bulbin made some very helpful suggestions. She wanted to thank her for her time. Councilperson Marcus suggested two types of trees, but is still partial to a live oak. She brought up concerns about the sidewalk buckling due to the size of the tree roots and said that she has one on her property for years and it never raised the brick patio. She looked at as many trees as she could and wasn't able to find one that doesn't produce some sort of blossom or fruit. The Mayor asked for anymore discussion. Councilperson Old said he looked at trees as well and the only concern he has is with the roots. Greg Walton, a resident of El Portal, made some recommendations but he wasn't a fan. He thinks we need to pay special attention to allow the roots access to water. Councilperson Marcus agreed. Her only concern is the occlusion of vision. The Manager asked if we could have a decision. The Mayor's last comment was about the roots. Councilperson Old said it shouldn't be a problem because they may destroy plumbing and not electrical. The Mayor was still concerned. Vice Mayor Marcus agreed with Councilperson Old and explained that wires aren't exposed underground. The Mayor still sees problems with the electrical. The Vice Mayor asked what she would like to see in the circle. She said she would like to see a palm tree. Councilperson Old asked what type of palm tree. She said she would have to look at it. Councilperson Old asked if we delay the vote again. The Mayor asked what the urgency of putting a tree in there now is. The Vice Mayor said she would like to see the street finished. Councilperson Nickerson suggested bringing out an electrician. Councilperson old asked if we should let the people speak. Councilperson Nickerson asked if a motion to approve the type of tree needed to be made first. The Manager said yes. The Councilperson made a motion to approve the placement of a live oak tree in the circle.

**Motion:** to approve the placement of a live oak tree in the circle, **Action:** Approve, **Moved by** Councilperson Omarr C. Nickerson, **Seconded by** Vice Mayor Linda Marcus

The Mayor invited comments from the audience.

1. Merlin Brooks, 400 NE 90<sup>th</sup> ST, El Portal, FL – She asked what the resident that was supposed to look into the tree placement said. The Manager read the end of the report made by the resident. Mrs. Brooks asked if we were ready to pay attention to the roots and watering. Vice Mayor Marcus said we have to because it's in the ROW. Mrs. Brooks said that some trees require more maintenance than others. The Manger said that because the point of the tree is to beautify the Village we will maintain it.
2. Hugh Gladwin, 400 NE 85<sup>th</sup> ST, El Portal, FL – At this point a decision has to be made. He has never seen a tree that doesn't have things that fall off of it. The

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Village is doing a good job of taking care of our trees and this will be no exception.

**Vote:** Motion carried by roll call vote (**summary:** Yes = 3, No=2).

**Yes:** Councilperson Omarr C. Nickerson, Councilperson Old, Vice Mayor Linda Marcus

**No:** Councilperson Claudia V. Cubillos, Mayor Daisy M. Black

**Absent:** None.

**G. RESOLUTIONS / ORDINANCES:**

**G1.** Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

**RESOLUTION NO. 2012-034**

**Charrette & Planning Services  
Miami Dade County**

**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 ENTER INTO A INTERLOCAL AGREEMENT WITH MAIMI DADE COUNTY PUBLIC WORKS DEPARTMENT, FOR THE PURPOSES OF PERFORMING CHARRETTE PLANNING SERVICES, AMENDING THE 2012-2013 BUDGET; TO TRANSFER FUNDS IN THE AMOUNT OF \$17,064 FROM THE PUBLIC SAFETY DEPARTMENT TO THE PLANNING AND ZONING DEPARTMENT AND AN ADDITIONAL \$8,000 FROM THE GENERAL RESERVE FUND TO THE PLANNING AND ZONING DEPARTMENT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Manager added that if the Council wants to amend the Resolution by taking \$8,000 from the Reserve to add up to \$30,000. Councilperson Cubillos asked if Section 2 should be changed as well. It should say \$30,000 and not \$22,000. The Manager said yes. The Clerk asked if it changed the short title. The Mayor said the Clerk needs to read the new amount. He instructed Councilperson Nickerson to make a motion to amend the Resolution to include \$8,000 taken out of the Reserve. Councilperson Nickerson made the motion to amend the Resolution to include \$8,000 taken out of the reserve, totaling \$30,000.

**G1a.** The Regular Council meeting was closed at 8:00 PM and opened to public comments. Hearing none the Regular Council meeting was reopened at 8:00 PM.

**Motion:** to approve Resolution No. 2012-036 as amended, **Action:** Approve, **Moved by** Councilperson Omarr C. Nickerson, **Seconded by** Vice Mayor Marcus

**Vote:** Motion carried by roll call vote (**summary:** Yes = 5).

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**Yes:** Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson, Councilperson Old, Vice Mayor Linda Marcus, Mayor Daisy M. Black

**Absent:** None.

**G2.** Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

**RESOLUTION NO. 2012-038**

**CAS Stormwater Design and  
Construction Services (Phase V)**

**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 ENTER INTO A CONTRACT WITH CRAIG A. SMITH AND ASSOCIATES, FOR THE PURPOSES OF PERFORMING PROFESSIONAL ENGINEERING, DESIGN, PERMITTING, SURVEYING, UTILITY LOCATING AND CONSTRUCTION SERVICES FOR PHASE V, COVERING A PORTION OF BASIN 2 OF THE STORMWATER MASTER PLAN, AND AMENDING THE CURRENT C.E.I. SERVICES CONTRACT, ALLOCATING FUNDS FROM THE STORMWATER IMPROVEMENT SPECIAL REVENUE FUND, RAISING THE PREVIOUS AMOUNT IN AN AMOUNT NOT TO EXCEED \$48,525.00; PROVIDING FOR AN INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

The Mayor asked if there was any discussion from the Council. The Manager said that the Council previously approved to move the money \$205000 from the SFWMD. They have approved it on their side already and this will get the ball rolling to start the design and bidding. The project should be completed in about four (4) months.

**G2a.** The Regular Council meeting was closed at 8:01 PM and opened to public comments. Hearing none the Public Hearing was closed and the Regular Council meeting was reopened at 8:01 PM.

**Motion:** to approve Resolution No. 2012-037, **Action:** Approve, **Moved by** Councilperson Omarr C. Nickerson, **Seconded by** Councilperson Adam Old.

**Vote:** Motion carried by roll call vote (**summary:** Yes = 5).

**Yes:** Councilperson Claudia V. Cubillos, Councilperson Omarr C. Nickerson, Vice Mayor Linda Marcus, Councilperson Adam Old, Mayor Daisy M. Black

**Absent:** None.

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

**H1. Village Manager Reports: Jason Walker**

- a. **NE/NW 87<sup>th</sup> ST repaving project** – 95% complete. The sod was laid yesterday and the striping was done.
- b. **Stormwater drainage** – Phase IV is complete and SFWMD approved. All three locations have been completed. Phase V is started with the Resolution approved earlier.
- c. **Bus Shelter** – He didn't want to bring this up with the Church until after their issue, but we will need an easement with church council in order to receive our bus shelters.
- d. **E-Civis** – He met with a grant writer and they want to set up a Council Training/Informational in January. Each Councilmember has different areas of interest and Councilperson Old has already signed on. The Mayor has an interest in children and the elderly. There's something in the online program for everybody. There are many grants the Village qualifies for.
- e. **Florida Constitutional Amendment XI** – This amendment will give an additional property tax exemption to low-income seniors who have lived in their home for more than 25 years. They will be completely exempted from paying 2013 property taxes. There is a total of impact on the Village of \$1300.
- f. **Unsafe Structure Board Meeting** – The Manager attended the hearing regarding the unsafe structure located at 136 NW 90<sup>th</sup> ST. It was very successful. The Village was given the right to demolish the building if they didn't come into compliance within 90 days. It's been a problem for the residents on that street.

**H2. Village Mayor Reports** – The Mayor thanked the Council for all the programs they put on over the last month. She mentioned Councilperson Nickerson and the Little River Festival and Councilperson Cubillos for the 75<sup>th</sup> Anniversary presentation and the Senior Luncheon's. They had the toy drive yesterday. She thanked Jason Neal for donating toys to the children's toy drive and for bringing CYCLER the robot for the kids. The kids were very happy. She then asked Councilperson Nickerson if he wanted speak about the Little River Festival. He thanked everyone for coming out and for all the help from the A.L.E. Committee. He thanked the Manager, the Mayor, Councilperson Cubillos, the residents and the Police Department. He thinks it's easier to piggy back off an event that already exists than to start a new one is harder and he hopes every year it gets better. The Mayor then asked Councilperson Cubillos if she wanted to speak. She said she had a great time at the Festival.

**H3. Village Attorney Reports** – Attorney Geller said he had nothing to report and congratulated the Council for deciding to move forward with the Charrette process.

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

**II. General Orders** – *Committee Chair and Member appointments as per Section 4.01 (e) of Article IV of the Village Charter, setting the Council and Committee Calendar for the*

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*New Year.* The Mayor said she hadn't received many responses from the Councilmember regarding their committee preference. The Clerk stated that she had not forwarded the individual responses (emails) of the Council for to the Mayor because we were going to address the item tonight. She said one of them did have a specific request for committee appointments, but most of them said they didn't care or have a preference. The Mayor said she would have the appointments to the Clerk by January's meeting. Vice Mayor Marcus said that the Council does care, but they just left it up the Mayor. The Clerk agreed. Councilperson Cubillos said that they usually get the appointments by email anyway. The Clerk asked if she could set the dates for the January Committee Meetings by email and the Mayor said yes.

#### **J. NEW BUSINESS:**

**J1. Jason Walker, Village Manager** – *Discussion regarding sponsorship of Horace Mann College tour for \$1500.* The Manager said that he was approached by a teacher from Horace Mann Middle School because she wanted to take 50 of her student's on a tour of Florida's colleges. She is requesting a donation of all surrounding municipalities to achieve this. He and the Mayor donated to a fundraiser she held. They were only able to raise about \$900. The tour would be in the spring and he wanted to bring it to the Council's attention. Vice Mayor Marcus asked which college's they would be touring. The Mayor listed some schools and Vice Mayor Marcus pointed out that they were all in state schools. The Mayor said yes they would only be in state schools. Vice Mayor Marcus said in state is good. The Manager said that the donation for the FCAT breakfast is already budgeted, but he's sure the Principal wouldn't be too happy if this takes away from that, so this would be an additional donation. Without objection he will go ahead and make the donation. There was no objection.

The Mayor brought up a letter she just received from a Camile Merilus asking for help. She said we couldn't do it because the Village passed a Resolution prohibiting any donations to anyone outside of the Village. The Clerk explained that Mr. Merilus was not asking for money but for help from the Mayor to get Customs to release some food that is being prevented from entering Haiti. He's afraid it's going to spoil. She said she will write a letter to help. She wanted to announce the passing of Ms. Ethel Carr. Ms. Carr was a poll worker for El Portal and was always present. She was a long time resident who passed last Friday. Councilperson Nickerson also announced the passing of the husband of Mrs. Martha Jackson. Vice Mayor Marcus suggested that we send a sympathy card from the Village. The Mayor agreed. The Clerk passed out Emergency Contact Forms for the Council to fill out.

#### **K. 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. Merlin Brooks, 400 NE 90<sup>th</sup> ST, El Portal – She thinks that the corner of 90<sup>th</sup> Street and 5<sup>th</sup> Avenue needs a stop sign because she was almost hit. There is a stop coming from Biscayne but there isn't a yield sign. The Manager asked if she was saying the



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problem is at 90<sup>th</sup> Street going North and South. She said ye and that she needed to bring this issue to the Council's attention. She thanked the Council and said Merry Christmas and a Happy New Year to all.

The Mayor gave each councilmember an opportunity to give their own Christmas/Holiday greeting to the residents.

**L. ADJOURNMENT:** Mayor & Council

**Motion:** motion to adjourn, **Action:** Adjourn, **Moved by** Vice Mayor Marcus, **Seconded by** Councilperson Nickerson. Meeting Adjourned at 8:20 PM.

*To listen to the full recording of the December Regular Council Meeting, you can click on the link below and download it for your convenience. The link may expire at any time. If you are experiencing difficulty accessing the file, please email your request to the Clerk's office at [cmontealegre@villageofelportal.org](mailto:cmontealegre@villageofelportal.org).*

<https://www.dropbox.com/s/nso4e6bh7ntpggw/2012-12-20%20Regular%20Council%20Meeting.MP3>