

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



MAYOR CLAUDIA V. CUBILLOS  
VICE MAYOR OMARR C. NICKERSON  
COUNCILPERSON HAROLD E. MATHIS, JR.  
COUNCILPERSON AUBREY BRUNSON  
COUNCILPERSON ROXANNE ISAACS

Regular Village Council Meeting  
Tuesday, January 26<sup>th</sup>, 2016  
Minutes  
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, called the meeting for January 26, 2016 to order at 7:02 PM.

**B. SILENT MEDITATION & PLEDGE:** Mayor Claudia V. Cubillos asked all those present to stand for a pledge of allegiance and a moment of silence.

**C. ROLL CALL:** Mayor Claudia V. Cubillos asked the Village Clerk, Yenise Jacobi, for a **Roll Call**.

**Present:** Mayor Claudia V. Cubillos, Vice-Mayor Omarr Nickerson, Councilperson Harold Mathis, Councilperson Brunson, Councilperson Isaacs, Village Manager Jason Walker (Not voting), Jason Silver Sitting Village Attorney (Not voting), Chief Eugene Morales (Not voting), and Yenise Jacobi, Village Clerk (Not voting), Larry Spring, CFO (Not voting).

A quorum was declared.

**D. APPROVAL OF AGENDA:** Mayor Cubillos asked for a motion to approve the agenda with correction **Motion:** A motion to approve the agenda **Action:** Approve, **Moved by** Councilperson Isaacs, **Seconded by** Vice-Mayor Omarr Nickerson. . The motion passed by voice vote.

Da. Mayor Cubillos asked that G5. Form Based Code 1<sup>st</sup> reading to be changed for Form Based Code Conversation.

**E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING(S):**

## **Regular Council Meeting Minutes**

**January 26, 2016**

### **Meeting Agenda**

**E1.** Minutes for November 17<sup>th</sup>, 2015 Regular Council Meeting— Vice-Mayor Omarr Nickerson moved for approval of minutes. Councilperson Isaacs seconded the motion. **The motion carried by voice vote. Minutes Passed.**

**E2.** Minutes for December 15<sup>th</sup>, 2015 Regular Council Meeting-Vice-Mayor Omarr Nickerson moved for approval of minutes. Councilperson Mathis seconded the motion. The motion carried unanimously. **Minutes Passed.**

E2a. Mayor Cubillos asked that corrections to be made Page 3 out of 6, H2a replaced the word, “Resolution” with the word “Ordinance”.

E2b. Mayor Cubillos asked that corrections to be made Page 4 out of 6, H4b replaced the word, “Resolution” with the word “Ordinance”.

**F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:  
Mayor Cubillos acknowledge residents and thanked them for attending.**

**G. AGENDA ITEM:**

**G1.** CP Phone- Councilperson Aubrey Brunson

G1a. Mayor Cubillos explained the CP phone is the community police phone in which residents would call if you had anything unusual. The questions at the Public Safety meeting the chair had proposed eliminating the phone so the committee voted on bringing it to full council, so at this time she will let Councilperson Brunson to elaborate a little more on that before making a motion for yay or nay.

G1b. Councilperson Brunson, thanked Mayor Cubillos, he explained that it’s a safety hazard for the police officer, the police officer has that phone in hand responding to something not being recorded by 911. By calling 911 you allow the police officer to be tracked as well his or her location. He suggested to place that phone on the Citizen Patrol for nonemergency calls, so when you call you are calling a Captain of the Citizen Patrol. By calling the CP Phone you are placing the officer at risk with no back up and no recording of the incidents. That’s the main reason why I suggest the CP phone for the liability. He stated that the Chief agreed that it is a safety hazard.

G1c. Mayor Cubillos asked question regarding an email or call from resident, the resident called the CP Phone and therefore sent an email, thanking for coming out and she was advised your welcome call us again. So if she calls again is she to call 911 or CP phone?

G1d. Chief Morales explained it depends on what call she is calling. He explained that like Councilperson Brunson was saying people don’t know when to call the phone they are calling for emergencies, what happens when you call the regular dispatch number it is recorded.

G1e. Mayor Cubillos states that she doesn’t agree with the removal of the CP Phone but she does agree in reeducating the residents as to what 911 is and what is an emergency. She went on to explain that one of the values of being in a small community having that contact with the police department. However if someone was to break into your house I would hope they will not

**Regular Council Meeting Minutes**  
**January 26, 2016**  
**Meeting Agenda**

call the CP Phone. What needs to happen has not been clearly defined why they are calling the CP Phone.

G1d. Councilperson Brunson said speaking of experience because he was a former police officer, and consulting with the officers and chief it is a safety hazard. There is a mixed message residents call with nonemergency that can easily turn into an emergency situation the officer doesn't know the situation until he gets there and when he gets there the guy might have no intention than to break into her car but he might turn around to the officer with a firearm. That point it can turn into a shootout.

G1e. Chief Morales stated there is a number for nonemergency and they will call the police officer if needed they evaluate the call and this number is also recorded as well. They report to the officer what they are getting into. He also expressed and encourages residents to call 911.

G1f. Vice Mayor Nickerson asked if we could still have where we get rid of CP Phone and have an option for nonemergency phone.

G1g. Councilperson Mathis, Jr. explained when the CP Phone was initiated it was explained that if it was an emergency to call 911, he stated that CP Phone should be kept and have a recording before it goes to the officer to say if this is an emergency hang up and called 911. He stated he likes the CP Phone.

G1h. Councilperson Isaacs stated that people couldn't decide what is a emergency and nonemergency, it is very similar to Code Enforcement there is rules do people follow them no people do whatever they want to do. Proper documentation is needed not just for safety but for legal reasons with the world we live today everything needs to be documented not only for the safety of residents for officers as well.

Mayor Cubillos closes the council meeting and opens for public hearing,

Merlin Brooks- 400 NE 90<sup>th</sup> Street- Ms. Brooks said she needs to know the new number because there is different kind of situations she was left a box she had no idea what it had and she called the CP Phone to check what was on the box and that helped her.

Gunnar Mandrisch-312 NE 90<sup>th</sup> Street- Mr. Mandrisch said he thinks they are valid concerns on both side, he had a suggestion the call starts with a judgement of the person making the call. Maybe the phone should be retired and a new number and should be for short of calling the police and give new instructions.

Giovanni Ortiz-154 NE 90<sup>th</sup> Street- Mr. Ortiz said that the sprinkler system needs to be changed and he has reported it several times but he leaves at 6am and comes back at 7pm it is on N. Miami Avenue and 90<sup>th</sup>.

**Regular Council Meeting Minutes**

**January 26, 2016**

**Meeting Agenda**

G1i. Councilperson Brunson motioned for CP Phone to be eliminated. Councilperson Isaacs second the motion.

Roll call votes as follows: Councilperson Mathis, Jr. -----No  
Councilperson Brunson-----Yes  
Councilperson Isaacs-----Yes  
Vice Mayor Nickerson-----Yes  
Mayor Cubillos-----No

**Motion passes with a vote 3-2.**

**G2. Minutes-Councilperson Roxanne Isaacs**

G2a. Mayor Cubillos stated that Administration and Finance meeting the Village Manager suggested regarding a court reporter was hired to do the minutes and was agreed to bring up for full council. Councilperson Mathis asked where the funds will come from. Larry Spring stated that it will come from the reserve. Councilperson Isaacs stated that this would be moving forward from this meeting on and the new person would focus on moving forward.

G2b. Councilperson Mathis motioned to retain court reporter to transcribe the council meetings. Mayor Cubillos asked motion to include where funds will be taken from Larry Spring, CFO stated from reserve. Councilperson Isaacs second the motion.

Roll call votes as follows: Councilperson Mathis, Jr. -----Yes  
Councilperson Isaacs-----Yes  
Vice Mayor Nickerson-----Yes  
Mayor Cubillos-----No

**Motion passes with a vote 3-1.**

**G3. Gunnar Mandrisch-312 NE 90<sup>th</sup> Street**

Note: Mayor Cubillos acknowledges the presence of Tracy from Commissioners Edmonson's office and thanked her for attending.

G3a. Gunnar Mandrisch, 312 NE 90<sup>th</sup> Street-Mr. Mandrisch, provided exhibits regarding his discussion, the reason for the visit which relates to unlawful removal in front of his house, stated that it was poorly handled. Said several codes were violated asked council to look at the exhibits and all the removal of plant material. Mr Mandrisch also explained this is not the appropriate way of removal of material. He said that those plants were a bird sanctuary. He said the administration not appropriately reduced the landscaping to stumps. Mr Mandrisch is looking for a monetary compensation for the damage and a restoration of the area he asked council to come to an agreement as of how it will be handled.

Note: Mayor Cubillos stated for the record Councilperson Brunson arrived.

## **Regular Council Meeting Minutes**

**January 26, 2016**

### **Meeting Agenda**

G3b. Mayor Cubillos explained that this item was discussed at great length in Code Enforcement meeting, she said it became a public safety issues and residents complained that they felt unsafe walking and driving that they will get hit by a car because what had outgrown in the swale was blocking the view. That's when code enforcement advised Mr. Mandrisch of the issue. She mentioned that she was not happy, that a written notice should be given so there will be no miscommunication in the future. Mayor Cubillos suggested that it will be brought up again in the next Code Enforcement meeting to be placed on tracking report as Future Swale Maintenance.

G3c. The Village Manager said he made the decision because it was a public safety issues. He also went further to say this is not the first time this has been an issue he had several residents complaining and making scenes regarding this particular issue. That the plant was in the right of way. He explained that nothing could be planted in the right of way unless brought up for council and that within itself was a code violation.

#### **G4. CFO-Larry Springs**

G4a. Mr. Spring explained he gave a copy to each of the council a report of the summary Financial Reports for the Quarter that Ended 12-31-15 by in detail by department. The revenue side through December 31, 2015 on revenue a \$144,000 have been collected for the first quarter is very typical.

G4b. Mr. Spring explained on Franchise Fees \$2,000 have been collected of the budget of \$118,000.

G4c. Mr. Spring explained on License and Permits \$5,888 thousand out of the budget of \$86,950.

G4d. Utility Fees \$12,448 out of the 155,000 budget.

G4e. Mr. Spring explained on the Garbage budget of 297,000 the reallocation for assessment.

G4f. Mr. Spring explained on Judgement and Liens \$7,915 of the \$26,000 budget.

G4g. Mr. Spring explained on Misc Revenue \$1,203.

G4h. Mr. Spring explained on Village Council a total expenses overall to date is 19 percent. Roughly 6 percent for the 25 percent that should be, further explained that because the Village Clerk started late gives you level of expenditure there. Stated correction needs to be done between building and public works.

G4i. Village Commission \$3,575 was spent out of \$38,120 budget.

G4j. Finance & Administration \$70,417 was used out of \$308,112 budget.

**Regular Council Meeting Minutes**

**January 26, 2016**

**Meeting Agenda**

G4k. Mr. Spring explained Building Department is reflective \$54,178 out of the \$103, 522, we posted the first payment to the master plan consultant which was budgeted in Public Works adjustments needs to be done.

G4l. Village Clerk \$9,168 out of \$57,205 budget.

G4m. Public Affairs \$2,116 out of \$19,500 budget.

G4n. Police \$130,417 out of \$844,358 budget.

G4o. Code Enforcement \$5, 465 out of a \$25, 183 budget.

G4p. Public Works is \$95,621 of the \$552,567 so the 17 percent with the adjustment will go up to 21.6 percentage. Overall the village is operating lower than it should be.

G4q. Mr. Spring gave an update on the progress of the Audit, that process has been very protracted said has had many communications with Mayor and Village Manager, a lot of the details of where we are today, exchanging between himself and the external audit firm they have been in communication every single day. There is a need two schedules which are posting some correcting entries to end of year financial and reproduce one of the government schedules. By the end of the week said everything should be done and ready. To begin 2015.

G4r. Mayor Cubillos gave Mr. Spring a deadline of Friday, January 29, 2016.

**G5. Form Based Code Conversation**

G5a. Mayor Cubillos stated for the purpose of the meeting and addressed council that she had a long conversation with Mr. Geller and spoke to manager she will be requesting a special Planning & Zoning committee meeting where at that time it will be heard in great length what is coming is going to be important to the village.

G5b. Village Manager states that we are ready to go. The agreement was that will go ahead and pass the form base code as is and any conflicts that come up will be dealt with it at that time. To be cleared that it would be in the Agenda for this January. It has been officially zoned the annexed area it has been over two years. The longer it gets pushed, everyone gets pushed back. The church is also waiting on this.

G5c. Mayor Cubillos proposed to meet February 4, on Thursday at 6:30pm. Everyone agreed.

**H. RESOLUTIONS / ORDINANCES:**

**H1.**

**ORDINANCE NO.2015-49  
DOG TETHERING**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, TO AMEND PART II, CHAPTER 4 OF THE VILLAGE'S CODE OF ORDINANCES BY ESTABLISHING SECTION 4-10, ENTITLED "TETHERING OF DOGS", TO PROHIBIT THE TETHERING OF DOGS UNLESS CERTAIN CONDITIONS**

**Regular Council Meeting Minutes**

**January 26, 2016**

**Meeting Agenda**

**ARE SATISFIED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H1a. Luna Balzano**-69 NE 90<sup>th</sup> Street- Ms. Luna explained that she came to pass the law for dog tethering because there was a dog that was tethered outside the backyard of the owner with no shelter, food or water.

**H1b.** Councilperson Mathis suggested when codified to be under Luna Balsano name.

**H1c.** Mayor Cubillos stated this is the second reading. Ordinance was read into record by Yenise Jacobi, Village Clerk. Mayor Cubillos asked for a motion of approval for resolution 2015-60, **Moved by Councilperson Mathis, Jr. and Seconded by Councilperson Brunson.**

**Vote:** Motion carried by roll call vote of 5-0. (**Summary:** Yes=5, No = 0).

**No:** None. **Yes:** Councilperson Isaacs, Councilperson Brunson, Councilperson Mathis, Vice Mayor Nickerson and Mayor Cubillos.

**Passed by Vote of 5-0**

**H2.**

**RESOLUTION NO. 2016-XX  
ENGINEERING SERVICES**

**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 SMITH AND ASSOCIATES, FOR THE PURPOSES OF PERFORMING DESIGN ENGINEERING AND CONSTRUCTION INSPECTION SERVICES, FOR THE NE 87<sup>TH</sup> STREET FROM PARK DRIVE TO NE 4<sup>TH</sup> AVENUE STREET IMPROVEMENT PROJECT, ALLOCATING FUNDS FROM THE STORM WATER UTILITY SPECIAL REVENUE FUND, IN AN AMOUNT NOT TO EXCEED \$30,000; AND PROVIDING FOR AN EFFECTIVE DATE.**

**H2a.** Village Manager Walker, this item was discussed at Public Works, Mr. Werner who is present has severe flooding. He went on further to explain that we don't have enough money for the project the total project will run for \$120,000, we are short it is a decision that needs to be made by council. It is not included in the Tallahassee request.

**H2b. Werner Dreher** - 486 NE 87<sup>th</sup> Street – Mr. Dreher wants to reiterated that this has been going for the past two years, this problem is not only impacting his property but others as well. The problems only getting worse, he has sent pictures supplied evidence of the fluids because the intent was to go Tallahassee to ask for funding.

**Regular Council Meeting Minutes**

**January 26, 2016**

**Meeting Agenda**

**H2c.** Resolution was read into record by Village Clerk. Mayor Cubillos asked for a motion of approval for resolution 2016-XX, **Moved** by **Councilperson Isaacs** and **Seconded** by **Councilperson Mathis**.

**Vote:** Motion carried by roll call vote of 5-0. (**Summary:** Yes=5, No = 0).

**No:** None. **Yes:** Councilperson Isaacs, Councilperson Brunson, Councilperson Mathis, Vice Mayor Nickerson and Mayor Cubillos.

**Passed by Vote of 5-0**

**H3.**

**RESOLUTION NO. 2016-XX  
VARIANCE FOR A FENCE**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING AN APPLICATION FOR A VARIANCE FOR RESIDENTIAL PROPERTY LOCATED AT 275 NE 89th STREET, EL PORTAL, FL 33138.**

**H3a. Sergio Torres- 275 NE 89<sup>th</sup> Street** – Mr. Torres stated that he is here for the variance, because there has been a lot of issues where they have broken into his car and stole a firearm. He said is more of a safety concern at this point. Mr. Torres continues to say that his girlfriend is very afraid and strange people walking in and out of his property. He went back to speak regarding the CP Phone he said he likes the CP Phone that he is cutting the middle man. He added all he wants to be able to feel safe in his own home.

**H3b. Rosa Perez- 103 NE 89<sup>th</sup> Street-** Ms. Perez asks how tall would be. She states that her current neighbor covers her view and she doesn't feel safe that his fence covers also anyone looking around in her property and her driveway.

**H3c. Merlin Brooks- 400 NE 90 Street-** Ms. Brooks when she first bought her home she got an ordinance that it stated there could not be a fence in front of the house, a fence will not detour people from coming in to her property. Second she states that the realtors when selling homes or showing homes should have a copy of the ordinances and give to person who is purchasing so they are aware of what and where they are purchasing.

**H3d. Gusto Ascensio-386 NE 88<sup>th</sup> Street-** Mr. Ascensio stated that he approves for the fence, that he currently has a fence in front of his property. That he feels safe with the fence that in addition he has a gate that opens and closes. It is a huge safety feature for himself, his wife and daughter. It gives him peace of mind.

**H3e.** Village Manager stated that the code currently said that when you build a fence it has to be behind the building line it can't be in front of your property. There has been situations that residents have done it without a permit and they



## Regular Council Meeting Minutes

January 26, 2016

### Meeting Agenda

have violations on it. There are also fences that have been grandfathered in because they were placed before the code. What he is asking is for a variance to that particular area in the code to allow him to place a fence in front of his house. Village Manager suggested that this particular request is not uncommon that it should be more of an open discussion, his recommendation was to look at it as a total package there is many residents that feel strongly regarding the fence. It should be more of a village wide discussion on whether or not everyone should be allowed to place fences in front of their property.

**H3c.** Resolution was read into record by Yenise Jacobi, Village Clerk. Mayor Cubillos asked for a motion of approval for resolution 2016-XX, **Moved** by Vice Mayor Nickerson. Mayor Cubillos asked if there was a second.

**Resolution fails for lack of second motion.**

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

##### **II. Village Mayor Reports - Mayor Claudia V. Cubillos**

- a. Fence at Horseman on 87street & N.W. 2<sup>nd</sup> Avenue a sign for right or left.
- b. Transportation Seminar
- c. Proclamation for Tequesta Indian Mound

##### **12. Village Manager Reports - Manager Jason Walker**

- a. Meeting with the county on N.E. 2<sup>nd</sup> Avenue was postponed to discuss narrowing the lanes from two lanes to four lanes.
- b. Meeting with the county to discuss the foot bridge, it was cancelled due to rain.
- c. Legislative Tracking report
- d. Kitchen quotes for repair that was brought up on Committee meetings.
- e. Quote for under 5,000 dollars for the projector, waiting on the screen quote.
- f. Halfway house update
- g. Best Buddy hire (Delante)
- h. Permit Clerk hire (Kioka)

##### **13. Committee Chair Remarks -**

###### **a. Public Affairs**

Chairperson Claudia V. Cubillos

- a. Two added values, Village Clerk and Website, referring everyone to the website.
- b. Toy Drive was great to give back to the community

###### **b. Public Works**

Chairperson Omarr Nickerson

- a. Promote for residents to continue to come to the council meetings

###### **c. Public Safety**

## Regular Council Meeting Minutes

January 26, 2016

### Meeting Agenda

Chairperson Aubrey Brunson

- a. Body cameras for police officer
- b. Crime watch follow up meeting

**d. Code Enforcement Committee**

Chairperson Harold Mathis

- a. Introduced F.I.V.E

**e. Planning & Zoning**

Chairperson Claudia V. Cubillos

- a. Form Based Code

**f. Administration & Finance**

Chairperson Roxanne Isaacs

- a. Accountant states that we are right on Budget
- b. Audit deadline should be Friday, January 29,2016

**I4. Village Attorney Reports - Attorney Joseph Geller**

- a. Jason Silver on behalf of Attorney Geller, he stated that he was thankful to be here any major issues is to be referred to Mr. Geller.
- b. Village Manager explained that he is requesting that he is briefed regarding the decisions since his inquiries have gone unnoticed.

Note: **Adam Cook-25 NE 87<sup>th</sup> Street** -Mr. Cook stated that he was here for a variance, to paint his residence.

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

**J1. Little Farm**

- J1a. Mayor Cubillos stated that it is handled in court.
- J1b. Village Manager states that it is handled by the attorneys.

**K. NEW BUSINESS: None.**

**L. GOOD AND WELFARE:**

- La. South Florida Voices- In representation of the Little Farm residents, she questions what is being done for the residents. If they are giving them their fair share.
- Lb. Mayor Cubillos and Councilperson Mathis said it is currently being handled by the attorneys.
- Lc. Village Manager responded that when they do come looking for help they are housing them for a few days or weeks, however they can be helped.

**M. ADJOURNMENT:** Councilperson Mathis, Jr. motioned that the Regular Village Council meeting for January 26, 2016 be adjourned. Councilperson Brunson seconded the motion. The motion carried unanimously. The meeting was adjourned at 10:12pm.

**In accordance with the American With Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting due to that disability should contact the Village Clerk's Office at (305) 795-7880 no later than two (2) business days prior to such proceeding.**