



**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

**Mayor Omarr Nickerson:** All right, everybody. Let's get started. Good to see everybody here tonight. The regular council meeting for Tuesday, February 22nd, 2022 is called to order at 7:00 PM. Right now, we're going to stand for silent meditation and the pledge of allegiance.

**[pause 00:00:25]**

**All:** I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty, and justice for all.

**Mayor Omarr Nickerson:** Thank you very much. Madam Clerk, may I please have a roll call.

**Village Clerk Yenise Jacobi:** Roll call. Mayor Nickerson.

**Mayor Omarr Nickerson:** Here.

**Village Clerk Yenise Jacobi:** Vice Mayor Urbom.

**Vice Mayor Anders Urbom:** Present.

**Village Clerk Yenise Jacobi:** Councilperson Pirela.

**Councilperson Luis Pirela:** Here.

**Village Clerk Yenise Jacobi:** Councilperson Lightfoot-Ward.

**Councilperson Dr. Anna E. Lightfoot-Ward:** Here.

**Village Clerk Yenise Jacobi:** Councilperson Martin.

**Councilperson Darian Martin:** Present.

**Village Clerk Yenise Jacobi:** Also present for the record, Yenise Jacobi, Village Clerk; Christia Alou, Village Manager; and By phone, Joseph Geller, Village Attorney, and the CFO.

**Mayor Omarr Nickerson:** Thank you very much. CFO Harry is here. Good to see you, my brother.

**?Speaker:** CFO is here. [laughs]

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**Mayor Omarr Nickerson:** For next is approval of the agenda. For this right here, I do want to hold off on E, E1 and E2. Something came up to where they couldn't be here tonight. We want to recognize them in their full form. I'm going to move that to next month, to March. I'm going to strike for today E1 and E2, which is recognizing Sanon and Vives as their Corporal positions that they obtained. With that being said, do I have approval of the agenda? Do I have a motion to approve?

**Councilperson Dr. Anna E. Lightfoot-Ward:** I'll move.

**Mayor Omarr Nickerson:** Moved by Councilperson Lightfoot-Ward. Do I have a second?

**Vice Mayor Anders Urbom:** I'll second.

**Mayor Omarr Nickerson:** Seconded by Vice Mayor Urbom. All in favor say, "Aye."

**Councilpersons:** Aye.

**Mayor Omarr Nickerson:** All opposed say, "Nay." Hearing none, moving along. Good and welfare, right here. If anybody wants to come up and talk about anything that's on the agenda, you can come up here three minutes and do so. I'm seeing nobody right here in the audience, so I'm moving on. Consent agenda, this right here has the minutes, and part of the consent agenda. Do I have a motion to approve the consent agenda?

**Councilperson Darian Martin:** I move.

**Mayor Omarr Nickerson:** Motion moved by Councilperson Martin. Second by Councilperson Lightfoot-Ward. All in favor say, "Aye."

**Councilpersons:** Aye.

**Mayor Omarr Nickerson:** All opposed say, "Nay." Second agenda is approved. Moving on to the agenda items. The first one is H1, Potholes/Street Repair. This was here because you guys, we did phase 1. We repaired some potholes/street repairs. I want to do a phase 2 because in the CITT funds Madam Manager, we still have [silence].

**Village Manager Christia E. Alou:** Yes, we still have a few thousand left in it, but we are hold-- It's not enough to do road repair throughout the village. We have to be very judicious with our phase 2, whatever that will be. We have done an assessment on the village, and we

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have no potholes. I've spoken with members of the council. None have been identified. What has been identified are road resurfacing needs that if done with those CITT funds, we would use up all of our funds very quickly.

We do have some flooding issues we need to address before we start doing road reconstruction or resurfacing on some of those roads. My recommendation is to not start repairing roads, especially like NE, 89th, and 90th until we can address the flooding issue. Otherwise, we're just paving over road to road that will erode in the next two years.

**Mayor Omarr Nickerson:** Thank you very much, Madam Manager. That being said, Madam Manager, we should hold off and address the flooding issues first, and then come back and bid this another time when--

**Village Manager Christia E. Alou:** Absolutely. Councilperson Pirela and I did an assessment of some concerns or some complaints from residents. We have some residents who have some - they would like their swells paved. Swells are the responsibility of village residents, not of the village itself, and these are not road reconstruction issues or potholes in the way that we are addressing our potholes with these limited funds.

Until we can address that flooding concern on some of these streets, putting money or investing in road reconstruction is ill-advised. We actually have our engineering contractor here who can attest to these are matters related to pervious pavement that would not be satisfied with paving over until we can address the flooding.

**Mayor Omarr Nickerson:** Yes, I was remembering of the pervious pavement next because NE 2nd, and 89th, I know right there is terrible. Whenever I'm up out there, there's holes that are so deep [chuckles] it can almost go up until your knee, almost if it feels like. Right there, I know, Madam Manager, we were looking at pervious paving there.

**Councilperson Luis Pirela:** Exactly, but if I may remember, this is a commercial property. They're the ones using that easement as a parking. It was permitted by the village from the previous owner to use it as a parking, but it's something that I don't feel taxpayers should pay for a commercial property that's taking advantage of a parking. If it's something that has to be addressed with that easement used as a parking, the owners will have to address it. We have to make them fix it.

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**Mayor Omarr Nickerson:** Yes, I hear you, Councilperson Pirela. You know this comes CITT funds though?

**Village Manager Christia E. Alou:** Right. This is our surtax CITT funds, yes.

**Mayor Omarr Nickerson:** It's the surtax CITT funds.

**Councilperson Luis Pirela:** This too is not enough to fix all the roads that really need, not easement, but roads that need to be resurfaced and stuff like that.

**Mayor Omarr Nickerson:** I understand. I just want to also you guys, also keep in mind that we're talking about our business corridors. Like the Village Manager said, tonight we shouldn't go forward with any type of street repair or anything like that because we needed to take care of flooding first, but we're talking about our business corridors. Understand that those business corridors is going to be the economic stronghold of the future of the village. Keep that in mind also.

**Vice Mayor Anders Urbom:** I did.

**Mayor Omarr Nickerson:** Okay, keep that in mind also, Vice Mayor Urbom.

**Vice Mayor Anders Urbom:** Additionally, in terms of planning for timing, let's say we did want to do that, that property right, that swell parking where the significant pothole is, let's say we did want to do that, we still I think would want to find out if we're going to get funding, for example, from our efforts in Tallahassee towards the septic [unintelligible 00:07:06] along the NE 2nd corridor. If the roads are going to get torn up anyway, then the idea would be to have a plan in place for what to do once the roads are repaired after septic [unintelligible 00:07:19] goes in.

Councilperson Martin, Chair Martin of Planning and Zoning, I'm going to be sending you an e-mail asking for permission to bring [unintelligible 00:07:30] for a presentation at the committee in March for an updated concrete idea of a phase 1 for resilient streets which would also speak to all of these that we're talking about.

Again, putting the plan in place so that we don't have to redo work or do work twice or pay for things twice. I think we're all on the same page as wanting to get some of those issues

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addressed, but I think we're definitely still needing to get some planning done so that we don't do things twice.

**Mayor Omarr Nickerson:** Very good, Vice Mayor Urbom. Yes, Councilperson Lightfoot-Ward?

**Councilperson Dr. Anna E. Lightfoot-Ward:** Let's be clear because once this gets out, they're going to say, "They said they're going to do the new potholes." Any potholes that on residents' sides, the city does not pay for this. Let's be very clear. If I understand, it's on the resident's side. I got it all right.

**Mayor Omarr Nickerson:** Councilperson Lightfoot-Ward is saying any of the right of way is the responsibility of the resident is what she's saying.

**Vice Mayor Anders Urbom:** Well, specifically the swells. Once you're into a swell, whether it's parkway, whether it's parking or greenery, it doesn't matter. Once you're into a swell, it is the responsibility of the property owner.

**Councilperson Luis Pirela:** I know there's one resident, who came in on her driving approach, actually to be resurfaced. That's not part of village roads. Unfortunately, it is the property owner's responsibility.

**Councilperson Dr. Anna E. Lightfoot-Ward:** Well, Mr. Mayor, it may just be an educational thing that we haven't done for years that we need to let the residents know just because they have a pothole on their side, it doesn't mean that we do potholes. I didn't want to go passive because like my colleague here got a phone call, they're vicious regarding potholes and why haven't we paved it. When I went out and looked, of course, it's not on the public right of way. It's in the actual yard. [inaudible 00:09:44]

**Mayor Omarr Nickerson:** Thank you very much, Councilperson Lightfoot-Ward. I did want to bring this up you guys, only because I put this on the agenda so that we can have this discussion out in the open because all of us get a lot of phone calls about this.

We only have a certain amount of the CITT funds. It's not like it's something that renews every year.

**Councilperson Luis Pirela:** \$59,000 to be exact.

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**Mayor Omarr Nickerson:** It's not something that renews every year. I did want to bring this out in the open forum and discuss it. As we're coming out of this, we understand that there is still flood work to be done, which is way more important. All right, you guys, any last questions before we move on? I'm hearing none. Let's move on to H2. H2 is the village manager contract, her salary, and PTO. Right here, you guys, this is part of what I'm trying to do as far as correcting things from the past and just catching up.

I'm just catching up with all this stuff. There's a lot of administration situations that I'm catching up on. The rest, I'll leave for next time, which you'll hear about. There's a lot of stuff in the past that have just been outdated and just not been taken forth throughout the years and we've fallen way behind on a lot of things, administratively. This is one of those things, which is the manager PTO and the manager payments, as far as her salary. If you guys remember last year, we did some of her PTO last year. Her PTO is her personal time-off payout.

**Village Manager Christia E. Alou:** If I may, just a correction. It was from 2020, not 2021.

**Councilperson Luis Pirela:** [inaudible 00:11:33] last year.

**Mayor Omarr Nickerson:** It was from 2020.

**Village Manager Christia E. Alou:** There was half of the payout.

**Mayor Omarr Nickerson:** Partial PTO.

**Village Manager Christia E. Alou:** A partial payout and there was an increase of 8% at that time. It was November 2020.

**Mayor Omarr Nickerson:** You guys saw the spreadsheet. This is here to get her current because just for so many years the council fell behind and didn't address this and just let it slide over year after year, after year, after year. We have to bring this up and bring this current. We have to show that El Portal does right by its contracts. It doesn't make any sense if El Portal doesn't follow the contracts that it gets involved in and follow the contracts that it agrees to in the past, so I just want to bring this current. Any questions or comments from the council?

**Councilperson Dr. Anna E. Lightfoot-Ward:** Yes.

**Mayor Omarr Nickerson:** Councilperson Lightfoot-Ward.

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**Councilperson Dr. Anna E. Lightfoot-Ward:** First of all, she's an employee. Our manager is an employee. Why she's been held to contracted salary and PTO stuff as opposed to it being part of the budget is very worrisome to me. She's an employee and a very good one at that. This is well worth doing whatever we need to do to bring her up to speed because I was totally appalled to see that it's called contracted salary when I know that she's a civil servant, and a very good one, for the past four years.

Why are we still dealing with contracted salary? Because as you said, you're trying to clean up stuff, I do not expect to see this kind of thing on this agenda after today. I seem to have recall sitting in the audience and having the same type of discussion. Again, this is not a contract to city manager. This is an employee city village manager.

I'm with you. Let's clean it up. Let's make it so that whenever she has expenses, it's already written in the budget and we don't have to be going through this every year. I think everybody agrees with me, we do a pretty lengthy thing with the budget and to know that this is not part of it, really gave me a stomachache being a former city manager myself.

**Mayor Omarr Nickerson:** Very well said, Councilperson Lightfoot-Ward. I agree wholeheartedly. Any last questions or comments from the council before I ask for a motion?

**Councilperson Darian Martin:** I will say this to chime in. I also think that when we look at the contract, you have to zoom in on Section 4, which talks about performance. In our estimation as a council, the city manager has outperformed our expectations. If you want good employees to stay with you and stay with the city, you have to do right by that when it comes to the perks that come along with the job. I think your efforts are wholeheartedly supported by the council and I can definitely say it's supported by me.

**Mayor Omarr Nickerson:** 100%. I agree with you wholeheartedly, Councilperson Martin. Thank you very, very much for that. Any last questions or comments before I ask for a motion to make manager Alou current?

**Councilperson Luis Pirela:** Yes, I do have a question because going by the estimate or the projected that we have here on this little format you guys sent, where you're talking about bringing the manager current, are you talking about the 115 or going from the last increase of last of 2020? Because you're going way back, even passing whatever it was already passed, which was on October 2020 to increase it 8% percent, it will have been \$91,800. That's from year 2020 and on.

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**Mayor Omarr Nickerson:** That's from 2018.

**Councilperson Luis Pirela:** No, that was 2020, when we agreed to go from 85 to \$91,800.

**Mayor Omarr Nickerson:** If 8/21/2020 would have been 107.

**Councilperson Luis Pirela:** Forget about what should have been. We agreed to whatever it was. On 2020, we agreed to increase the salary to 8% from \$85,000 to \$91,000 that past council on 2020.

**Mayor Omarr Nickerson:** No, we did PTO last time.

**Councilperson Luis Pirela:** And salary increase.

**Mayor Omarr Nickerson:** We did PTO when there was the Zoom meeting when it was myself, you--

**Councilperson Luis Pirela:** If you look at the October meeting, October 27th of 2020, that's when the council agreed to increase the salary to 8% from \$85,000 to \$91,800.

**Mayor Omarr Nickerson:** To 8%.

**Councilperson Luis Pirela:** We should start from there. You're going to increase it to 8% for this year, it should go from the \$91,800.

**Mayor Omarr Nickerson:** I disagree because you're ignoring all the years where we just bypassed her and didn't do anything. Because we try to catch up one year out of five years, doesn't mean that we should--

**Councilperson Luis Pirela:** I'm sorry, Mayor. Out of three years from then. Unfortunately, we couldn't do it before, apparently. I wasn't on the council. I just joined the council right when that happened on March of that very same year. The discussion was about the salary because it wasn't increased the prior two years. The agreement was to then increase it to 5%, plus cost of living 3% so it was at 8% from that point on and it was very clear. Now, if we were going back, overwriting what it was done so I don't know what are we doing here.

**Councilperson Darian Martin:** Mr. Mayor.

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**Mayor Omarr Nickerson:** Go ahead.

**Councilperson Darian Martin:** Do you have any guidance for me as to what the average salary of a city manager is in a similarly situated city?

**Councilperson Luis Pirela:** There's no average.

**Councilperson Darian Martin:** No, our city manager is grossly underpaid.

**Councilperson Luis Pirela:** I know it is.

**Councilperson Darian Martin:** To the extent that we might want to keep it at that \$91,000. If our city manager does decide to leave and go to another city, which she's well qualified to do, and we'll probably get a tremendous amount more, we'd be losing our city manager and we will be hard-pressed to find another person to agree to do this amount of work for \$91,000.

**Councilperson Luis Pirela:** I'm not disagreeing with that.

**Councilperson Darian Martin:** I'm just saying, when we're thinking about the analysis, the analysis doesn't only start with, what 8% should we give based on whatever number? We need to think about, globally, we're underpaying our city manager. We need to do everything that we can to get her up to market rate so we can keep her in the city. I think that's something that's valuable for us to think about.

**Mayor Omarr Nickerson:** Thank you very much, Councilperson Martin. I'm in full agreement. Because we correct it one year out of all her years, doesn't mean we should ignore the other years.

**Councilperson Luis Pirela:** I don't agree with that but you can agree all you want. I think something was set on that year moving forward. Then, moving forward, we should recognize last year's, probably, and this coming year, but to go all the way back to 2018, I think it's just not right.

**Mayor Omarr Nickerson:** Thank you very much, Councilperson Pirela. I appreciate that. I do want to say for the record that our manager is the lowest paid manager in all of Miami-Dade County.

**Councilperson Luis Pirela:** We also have the lowest budget in the whole Dade County.

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**Councilperson Dr. Anna E. Lightfoot-Ward:** Don't go there.

**Mayor Omarr Nickerson:** Do I have a motion to approve the village manager to bring her current?

**Councilperson Darian Martin:** I move.

**Mayor Omarr Nickerson:** Motion moved by Councilperson Martin. Do I have a second?

**Councilperson Dr. Anna E. Lightfoot-Ward:** Second.

**Mayor Omarr Nickerson:** Second by Councilperson Lightfoot-Ward. Madam Clerk, may I please have a roll call, please?

**Village Clerk Yenise Jacobi:** Roll call. Councilperson Martin?

**Councilperson Darian Martin:** Yes.

**Village Clerk Yenise Jacobi:** Councilperson Lightfoot-Ward?

**Councilperson Dr. Anna E. Lightfoot-Ward:** Yes.

**Village Clerk Yenise Jacobi:** Councilperson Pirela?

**Councilperson Luis Pirela:** No.

**Village Clerk Yenise Jacobi:** Vice Mayor Urbom?

**Vice Mayor Anders Urbom:** Yes.

**Village Clerk Yenise Jacobi:** Mayor Nickerson?

**Mayor Omarr Nickerson:** Yes.

**Village Clerk Yenise Jacobi:** Motion passes four to one.

**Mayor Omarr Nickerson:** Thank you very much. Moving on, next agenda item.

**Village Manager Christia E. Alou:** Thank you very much.

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**Village Attorney Geller:** The resolutions.

**Mayor Omarr Nickerson:** Next agenda item is the resolution. The first one is resolution 11, attorney Geller.

**Village Attorney Geller:** A resolution of the village council of the Village of El Portal, Florida, of Miami-Dade County, Florida maintaining a Title VI non-discrimination policy and plan in accordance with the Civil Rights Act of 1964 to the Village of El Portal

Miami-Dade County providing for incorporation of recitals providing for an effective date.

**Mayor Omarr Nickerson:** Thank you very much Attorney Geller. I appreciate it. Is this here something that we do annually. Madam Manager, I don't know if you want to explain it. It says something annually about non-discrimination and non-gender discrimination.

**Village Manager Christia E. Alou:** Absolutely. This is a resolution related to Title VI, not title V1, report of the Miami-Dade County Department of Transportation and Public Works. It just certifies that the village continues to not discriminate based on race, religion, gender, national origin. We have posters hanging in the village hall. We also do all orientations related to EEOC rights. To continue the work that we have the MOUs we have with Miami-Dade County, we have to show that we continue to honor the Title VI requirements of non-discrimination. This is your lead requirement from the county.

**Mayor Omarr Nickerson:** It's a basic requirement. Do I have any questions or comments from the council before I ask for a motion? Hearing none. Do I have a motion to approve resolution 11? Motion moved by Councilor Lightfoot-Ward. Do I have a second?

**Vice Mayor Anders Urbom:** I second.

**Mayor Omarr Nickerson:** Second by Vice Mayor Urbom. Madam Clerk, may I please have a roll call, please?

**Village Clerk Yenise Jacobi:** Roll call. Councilperson Martin.

**Councilperson Darian Martin:** Yes.

**Village Clerk Yenise Jacobi:** Councilperson Lightfoot-Ward.

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**Councilperson Dr. Anna E. Lightfoot-Ward:** Yes.

**Village Clerk Yenise Jacobi:** Councilperson Pirela.

**Councilperson Luis Pirela:** Yes.

**Village Clerk Yenise Jacobi:** Vice Mayor Urbom.

**Vice Mayor Anders Urbom:** Yes.

**Village Clerk Yenise Jacobi:** Mayor Nickerson.

**Mayor Omarr Nickerson:** Yes.

**Village Clerk Yenise Jacobi:** Motion passes. Five to zero.

**Mayor Omarr Nickerson:** Thank you very much. Appreciate that.

**Attorney Geller** Resolution of the village council, the village of El Portal, Miami-Dade County Florida approving change order number one for El Jardin Stormwater Improvements, CAS Project number 17-1970 to the village of El Portal, Miami-Dade County, providing for incorporation of recitals providing for an effective date.

**Mayor Omarr Nickerson:** Thank you very much. Madam Manager, this is for outstanding, I believe it's a little over \$5,000. We do have Southeastern here. We also have our engineering firm, Craig A Smith here. Are there any questions or comments? Does anybody from the county need clarification? I'm not going to invite them up just to do a presentation for nothing. Madam Manager, if you want to take it away.

**Village Manager Christia E. Alou:** I'd like to just describe the project. Once the El Jardin Phase I Stormwater Improvement Project was completed in January, there was a little residual funding still remaining in the account, in the grant. We saw fit to utilize those funds for repaving of the roads to put them back. In fact, to improve them more than what it was. We were to restore the roads. They were in such dire need of resurfacing that we chose to use those additional funds, the funds that we hadn't expended to repair those roads.

With that, we had to use a little bit of our surtax funds, our road repair funds to supplement that to do a change order with Southeastern Construction to repair those roads. They've been

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paved. They look fantastic. We got the change order and the numbers from Southeastern. Thereafter, maybe a week or two ago, we got a contact that there was additional funds expended.

They were not brought to us, to me or to Craig A Smith Associates Senior Engineer Orlando Rubio as project manager but they were brought after the fact, after the work was done. They are here to request the additional funding. I stated that it exceeded my spending authority and thought that it'd best be addressed at the council level so that he can explain what those funds are needed for. I don't know what they are. I have not seen any documentation from Southeastern about these additional funds. I want to invite them to come and speak about it.

**Mayor Omarr Nickerson:** Councilperson Pirela. Councilperson Pirela?

[silence]

**Mayor Omarr Nickerson:** If you may say your name and address for the record first.

**Ferddie:** My personal address?

**Mayor Omarr Nickerson:** Yes. Your name and your personal address.

**Freddie Vargas:** My name is Freddie Vargas. I work for Southeastern Engineering Contractors. I live in 9581 Fontainebleau Boulevard Apartment 608, Miami, Florida.

**Mayor Omarr Nickerson:** Freddie, Mr. Vargas, if you may, please explain to us the additional \$5522, why did it come up, and where does it come from?

**Freddie Vargas:** Basically, I just want to have cleared that our company made a mistake on quoting for that job. We're just kindly asking for assistance if possible. Having that said, we should have stated the possibility incurring of additional asphalt to be as a zero layer or a leveling layer underneath the back then proposed asphalt. Now we installed two inches of asphalt.

The change order was proposed to [unintelligible 00:25:49] take out the, back then, existing two inches which weren't on the best conditions, let's say, and placed a new one. Now, when you cannot guarantee the conditions of an existing road base, where you have no idea, it's good to have to state there's a possibility of incurring of additional asphalt for leveling before placing the two inches of asphalt.

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

We failed on presenting that to our customer. Having that said, we're just here, kindly asking, if possible, for assistance on covering that additional \$5200 cost which comes from the about two 20-ton truck and something else of asphalt. I can give the right numbers and submit the right quantities to the engineer for its approval, if approved.

**Mayor Omarr Nickerson:** Thank you very much, Mr. Vargas. Council. Yes, Councilperson Lightfoot-Ward.

**Councilperson Dr. Anna E. Lightfoot-Ward:** [inaudible 00:27:06]

**Freddie Vargas:** Vargas.

**Councilperson Dr. Anna E. Lightfoot-Ward:** [inaudible 00:27:14]

**Freddie Vargas:** The thing is that it's also true that we had to notify the engineer's office. Our crew on site to the call in order to guarantee a better outcome for the city and we just decided to have the road on the best conditions [unintelligible 00:28:13]

**Councilperson Dr. Anna E. Lightfoot-Ward:** I yield.

**Mayor Omarr Nickerson:** Thank you very much Councilperson Lightfoot-Ward. Anybody else from the council? Vice Mayor Urbom.

**Vice Mayor Anders Urbom:** This is where I certainly don't have expertise. All I have is my own personal experience. My own personal experience is not in this industry. My own personal experience is in hospitality. Throughout my life, I've just been amazed at how many other industries, other than hospitality, specifically restaurants for, not so much hotels but more restaurants.

I've been consistently amazed throughout my life at how many industries are able to, I don't know, get subsidized, ask for assistance. Say mea culpa and have everything fixed. The one thing that about COVID that was not surprising to me at all was that the hospitality industry was completely hung out to dry. Nobody on this planet has ever valued a hospitality worker.

I can tell you that from 25 years of experience starting as a dishwasher in the business. What my point in all this is, I'm not sure what the prudent thing to do is because I am partially exhausted from watching other industries getting bailed out for mistakes. Has anybody heard of a restaurant getting money from the government to keep them afloat? Has everyone said,

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

"Oh, man. You know, I like that place. I'm sorry it's not there anymore" Personally, I just continue to be astonished at how

businesses are able to get bailed out. It's beyond frustrating. To me, I appreciate that the work was done correctly. I appreciate councilperson Dr. Lightfoot-Ward's comments to that effect. I agree with her comments to that effect. I'm glad that that was a decision that was made even at the risk, right risk, of not being made whole in that decision, right?

I certainly weigh that heavily, but I cannot sit in front of this microphone and not bring it to everyone's attention that, are you responsible for your business or are you not? This might be a little personal for me, which is why my words are probably felt to be a little bit harsh this evening because way before COVID, when I was, what you call a child, at age 19, 20, 21, I witnessed this behavior of industries being able to just be saved from decisions while you watch, anyone who's ever worked in food service, just completely be left out in the cold, naked and homeless really.

If you really analyze the poverty level in this country you'll find a great many people who exist on that border, one foot on poverty, one foot outside of poverty, working in the hospitality industry. Again, I say that the one thing about COVID, that was not surprising, was watching the hospitality industry get smashed in the face and nobody think twice about it or anything else. My question, I guess, is really for the council, maybe for the legal representation we have. What is the prudent thing to do, not just historically but legally possibly?

Do we have an obligation to make them whole? Is there any negotiating room in this? Say, "We'll offer to get you this far." Personally, sometimes I am truly baffled at the brazenness of businesses to say, "Oops, can you fix it for me," when I'm just telling you I've witnessed people put on the street and made homeless overnight with people who patronize that business saying nothing more than, "Gee, that place was nice. I'm sorry it's not there anymore."

I'm a deeply empathetic person. I want to help everybody, I really do, but at the same time, I come from a business where you sink or you swim. You don't have anybody handing you a parachute or fixing your books for you. You get it right, you do the correct work and on top of that I've seen a lot of businesses that were put out of business by **[unintelligible 00:33:29]**, but that's a whole other situation.

My question I guess is to the council, or perhaps to our legal council here tonight, what would be advised that we do? I agree with Dr. Lightfoot-Ward's comments. I am also very glad and I

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

do weigh that heavily that a correct decision to do a job properly was made. I would just like to know what advice we would have to say, "Okay, this is how far we should go to make a whole for them."

**Mayor Omarr Nickerson:** Did you want attorney Geller to respond?

**Attorney Geller:** Repeat the question, please?

**Vice Mayor Anders Urbom:** Attorney Geller, do we have an obligation to make this company whole for their business decisions? That's as succinctly as I can put it. Do we have any obligation to do this for this company?

**Attorney Geller:** The work that they're asking is, as I understand it, is not for the contracted work it's for extra work. Now, if it's for extra work, that wasn't contemplated by the original contract, and we don't want the work done, we should be able to decline unless for some reason they've actually already done the work. Now, if they did the work with our permission that would be different, but if not my understanding is this is not an overrun for the work that was contracted for. This is additional work not contemplated in the original contract. That's my understanding.

**Mayor Omarr Nickerson:** Excuse me, Councilperson Pirela?

**Councilperson Luis Pirela:** Where's it kind of an overwrite?

**Village Manager Christia E. Alou:** This is additional work.

**Attorney Geller:** Can you repeat that?

**Councilperson Luis Pirela:** In a way, it's an overwrite because the work was contemplated. We got a quote, we actually got two quotes. We worked with them, it was a little less than the one we used prior, and it was for the same scope of work. It was just that it needed an extra work that the contractor didn't contemplate?

**Village Manager Christia E. Alou:** Let me add a little bit of clarity. The original grant was for the stormwater improvement and to restore the road to the way it was before, but the way that the road was before was abysmal. We had a little extra money, we thought, "Let's utilize it best for our residents.," as opposed to giving it back. We added to those funds to get this additional work. This was not a part of the original contract. We have our engineer here, our

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

engineer and consultant Orlando Rubio, who can add a little more engineering expertise to this.

I also want to add Mr. Harry Topenfield is here. He's our new CFO, he's not the village attorney but I asked him to sit up here close and personal to us. I'll introduce him a bit later. I know Mr. Geller is here via phone and can address this. If Mr. Rubio can come forward and maybe speak to the actual engineering aspect of what was anticipated, and what was expected of the original grant.

**Vice Mayor Anders Urbom:** I'll just clarify my question and to say, is this strictly a matter of missing something in the bid? I guess that's what I'm asking. In the original bid of this job, is this simply a matter of missing, "Oh, we didn't realize that that would be a step in the project and we just missed something in the bid," or is this something that's a little bit different. Its own kind of thing and beyond that.

**Councilperson Luis Pirela:** Can I put an example? The engineer is going to talk. I was going to ask him to come up because you have more experience of working with contractors and what needed to be done on that road. To make it clear, my point is there was a supervisor in that project that the contractor was working directly with. It was Cass and then the Village. They didn't notify none of them to go ahead and do whatever they did. I appreciate it, again, the work--

**Orlando Rubio:** I'm Orlando Rubio from Craig, Smith & Associates, senior engineer from the firm and the project manager for the El Jardin phase one improvement projects. Basically, any additional work where they'd be owner-directed or for unforeseen conditions, there's a process. That process starts with the contractor finding something in the field, contacting us, the engineering record, through my field reps.

We sit down we try to figure out a solution, we come back to the owner, "This is what we found. This is the solution. This is what it's going to cost, or it's not going to cost anything," or whatever. That process gets approved, it goes to the proper channels. That's in the contract. Again, this is a good outfit; they've done work for us in the past. I mean, they understand this.

On this job, yes, the asphalt was in pretty bad shape. We had monies left over from the original stormwater grant that we could use for the pavement work, and we had a little bit more. We needed CITT funds to cover the additional monies for that. We got three prices. SEC still had the best price so we went forward with that, with the two-inch mill and the two-inch asphalt.

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

My field rep was in the field. He wasn't notified of any additional service that needed to create the quality of product that SEC is claiming. Again, I'm not saying what they're claiming is illegitimate but he wasn't asked and I didn't get an RFI. If you want to say, they proactively did something to cover the warranty of the product, but it didn't go through proper channels. I can't sit here and tell you to approve something that didn't go through proper channels.

That's why it has to go around us now because we couldn't say it needed the work, but it's just something that just didn't go through us so I can't tell you to approve it when we didn't say it needed it.

**Mayor Omarr Nickerson:** Thank you very much, Mr. Rubio. Anyone else from the council?

**Vice Mayor Anders Urbom:** In all of this, how much exactly are we talking about here?

**Mayor Omarr Nickerson:** \$5,522.

**Vice Mayor Anders Urbom:** Okay. This coming from now needed from general funds. Is that right?

**Mayor Omarr Nickerson:** It will be coming from the general funds.

**Vice Mayor Anders Urbom:** Okay, because there was another amount but we were able to cover that with the existing grant money that would have only been able to be used for this project anyway, is that right?

**Village Manager Christia E. Alou:** Absolutely.

**Vice Mayor Anders Urbom:** Okay, so we were able to max out the grant, right?

**Village Manager Christia E. Alou:** Add from CITTs.

**Vice Mayor Anders Urbom:** I don't know if I like, but I appreciate what you're saying in terms of warranty of the product, right? To make the product meet the standard of what was the expectation, right? That's what you're saying, is the company took proactive-- That's what they did proactively. Whether it went through the right channels or not, as far as the work itself, they proactively did what was necessary to ensure that the product was up to the standard of what the expectations were. Is that right?

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

**Orlando Rubio:** Yes.

**Vice Mayor Anders Urbom:** Okay. Then we're talking about 5,000 and change coming from the general funds. Now, what was the additional amount that came? The grant was not fully realized, with a little bit of money left over? How much was it?

**Mayor Omarr Nickerson:** 25. I believe it was 25.

**Vice Mayor Anders Urbom:** 25,000?

**Village Manager Christia E. Alou:** Right.

**Vice Mayor Anders Urbom:** Now, there's still an additional five in change?

**Village Manager Christia E. Alou:** 5000.

**Vice Mayor Anders Urbom:** Out of 32, I think I saw, right?

**Mayor Omarr Nickerson:** 31.

**Vice Mayor Anders Urbom:** 31? Okay. They were able to at least already to get to 25, is that right? We're looking for that last five and a half.

**Village Manager Christia E. Alou:** Yes. Okay. All right. Thank you for the clarification.

**Vice Mayor Anders Urbom:** No problem.

**Councilperson Darian Martin:** I have one question.

**Mayor Omarr Nickerson:** Yes, Councilperson [unintelligible 00:42:09].

**Councilperson Darian Martin:** You made the statement, and you said that you couldn't verify that they actually did work that was necessary to warranty the product because your outfit wasn't notified that there was an issue. We have no real concrete third-party verification that some work was necessary to account for that additional \$5,000 outlay.

**Orlando Rubio:** Right. What we would do with asphalt work. To compare notes, we'll get the truck tickets and they'll give us the tonnage of the asphalt that was brought to the job. Mind

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

you, their pricing was based on square yardage, but as we have formulas to back-calculate what the total tonnage was, what the total square yardage was to figure out what was done for that. We can verify that, but again we were never told of that until everything was done.

**Councilperson Darian Martin:** Okay. I think the fear for me is that we've all heard of businesses where their business practice is to come in low and then just change order of the municipality to [unintelligible 00:43:31] What I want is some sort of confirmation or comment from you as to whether or not this is the only thing that needs to be changed, or was miscalculated, or whether a month down the road something else would have popped up. How certain are you now that this is the only thing that needs to be changed?

**Freddie Vargas:** Well, the installation of the asphalt already took place on February 1. We performed the mailing the day before. Because the job it's already completed, we're certain that there's no additional costs. This is something that when we removed the original layer, that's something that you find out.

**Councilperson Darian Martin:** Was there any particular reason why the process that are representative. Could you remind me of your last name, please?

**Rubio:** Rubio?

**Councilperson Darian Martin:** Mr. Rubio. thank you so much. Nice to meet you. Is there any reason that you can articulate as to why the proper procedure that Mr. Rubio outlined wasn't followed by the representative from your company to let us know that there was something that needed to be changed?

**Freddie Vargas:** I can say that a decision had to take place back then fast because you have the pressure of your subcontractor which is something that entails to the contractor. The engineer has done a great job through this project, and between just installing the two inches of asphalt and not having a level road, or just doing the right thing even though we had the chance to take the bullet, which we don't mind because I just want to say that we've been working since the '80s, the company.

It's just taking care of the relationships with our customers. Either way, we just felt that the right thing was to do that leveling layer, and whatever the outcome we don't regret, and we foresee to have a long relationship with the Village of El Portal and the engineer's office.

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

**Orlando Rubio:** Back to your question. They've been on our jobs before, and they've been low bidders. We like to work with contractors that are solution-oriented, not change order-driven. I don't think SEC is change order-driven. We try to stay away from those outfits.

**Councilperson Darian Martin:** Okay. Well, that's a good piece of information to know.

**Orlando Rubio:** That's how we look at it.

**Village Manager Christia E. Alou:** I'd like to add something too about SEC Southeastern. They've stayed on target. They were responsive every time I called. Every time a resident had an issue. They had a lot of issues, and I don't know that everything was resolved, but they would be out there talking with residents and trying to do their best to resolve all issues. They were responsive, they were timely, and they got the work done. Never many complaints.

I know there had been complaints, but I think that was just based on the-- We're in COVID times and material and all the things that come with that play a big part of that, but they were easy to work with. I'm not against them at all, but I just feel like we'd already made such a change in terms of just adding the extra. I didn't feel comfortable and obviously, our engineer didn't either in that we weren't consulted about additional funds. That's why it's important to bring that to you all.

**Mayor Omarr Nickerson:** Absolutely. I just want to say also for the record that, from the very first meeting, Madam manager and Mr. Rubio, we had with them when we are here, they were always open, and they always were accepting of whatever we said. Madam manager, you know you and I get all the phone calls after hours. Even when we get phone calls from the gas line situation that happened. We were getting phone calls late about that, and we had to deal with that type of stuff.

You guys stayed there on the job on the site. Into the night when we're dealing with a gas line situation things like that. You guys didn't leave until everything was done. Everything was taken care of, and I do appreciate that. For those reasons, your customer service aspect to it I really do appreciate throughout this entire project.

**Vice Mayor Anders Urbom:** Then I would move to meet him halfway and support 2750.

**Mayor Omarr Nickerson:** Is that a motion you're making?

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

**Vice Mayor Anders Urbom:** It is.

**Mayor Omarr Nickerson:** All right, before I ask for a second for that motion. Anybody else in the council have anything else that you want to say or ask? Any other questions or comments?

**Councilperson Luis Pirela:** Actually, yes. As a matter of fact, there was an issue that I called the manager for. It's after they left the construction site, on 86 where they were fixing that triangle thing. I noticed that they actually broke some of the border on the south side of the street. I guess with the machinery turning it around, or something that.

There's like some pieces missing. They are still there cracked on the road and the easement on the house north of 87, west of Northeast first where they put all the pipes in equipment and all that, they left the grass all dead over there and that was a nice piece of grass that they have there. They need to come back and fix that then they should do it.

**Orlando Rubio:** We have not done a final walkthrough on the project. We're still working on getting record drawings to review, to verify what was built was in accordance to our plans. They're working on that but once they do that, we'll review that, do a walkthrough on the job, and create a punch list of items to do but thank for letting us know that.

**Vice Mayor Anders Urbom:** On that, I'll say that I noticed there's a house there on the corner of first court and 87th where they have pavers as a driveway, so they've got these pavers, and one of the pavers, from the previous roadway, was out in the right of way, and actually, it seemed like they took care to not just asphalt over the paver. Actually, driving by, I did notice that somebody who was laying the asphalt on that street, did seem to take care and notice that this person, they incorporated the job basically into the driveway so it didn't look janky or otherwise just pave over someone else's work that they had done. Then just in general driving through there it certainly is pleasant to be driving through there now.

**Mayor Omarr Nickerson:** Yes, Councilperson Lightfoot-Ward.

**Councilperson Dr. Lightfoot-Ward:** The decision is pay or not to pay? That is the question, and the last few comments have said that they've taken strides to do jobs correctly. I'm with-- Your name is?

**Orlando Rubio:** Orlando Rubio.

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

**Councilperson Dr. Lightfoot-Ward:** Orlando, for the sake of processes, I agree. I agree with the sake of processes. I don't think they were thinking about processes as well as it should have been. This is a lesson learned for sure, but we don't have to be the one to punish. They did something they thought was right. They came back here and said, "Would you all consider that we didn't just do it, just because we want, we did it because it was the right thing to do at that time."

With that, to me, that's the ball that I'm holding. They didn't just walk away from it. They didn't just say, "We couldn't fix that because it wasn't part of--" None of that. They didn't make excuses for it. They made us whole. I would say to you depending on how we vote, remember processes and procedures from this day forward, but what you did was not wrong, it was just expedient so that we would not be coming back here trying to decide on \$5,200, it's already done. My heart goes out to your company.

**Orlando Rubio:** Thank you very much.

**Councilperson Dr. Lightfoot-Ward:** I'm ready for the vote, sir.

**Mayor Omarr Nickerson:** Thank you very much, Councilperson Lightfoot-Ward. I also do want to say that we have a lot of infrastructure things coming up, and we want to keep in mind that we will run across them again and we'll probably be working with them again so let's just keep that in mind, you guys. That's it from the council. Council, you guys good? No more questions, comments, you guys good? Anybody from the audience have anything they're going to come up and say? No? We do have a motion. We have two choices, you guys. We have the original choice of \$5,522. We do have a motion from Vice Mayor Urbom, and that motion was for how much? Or do you want to amend it to the full amount?

**Vice Mayor Anders Urbom:** No, 2,750 was the amount, yes.

**Mayor Omarr Nickerson:** Vice Mayor Urbom has a motion for 2,750. This is how I can go, I can either get the second for that motion, if I get a second for that motion, we go to a vote, or if I don't get a second for that motion, that motion fails and I'll ask for a separate motion. Do I have a second for Vice Mayor Urbom's motion of 2,750?

**Councilperson Darian Martin:** I think that's fair and I do second that motion.

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

**Mayor Omarr Nickerson:** Second by Councilperson Pirela. Madame clerk, may I please have a roll call for 2,750, half of it.

**Village Clerk Yenise Jacobi:** Roll call. Councilperson Martin.

**CouncilPerson Martin:** No.

**Village Clerk Yenise Jacobi:** Councilperson Lightfoot-Ward.

**Councilperson Dr. Lightfoot-Ward:** No.

**Village Clerk Yenise Jacobi:** Councilperson Pirela

**Councilperson Darian Martin:** Yes.

**Village Clerk Yenise Jacobi:** Vice Mayor Urbom.

**Vice Mayor Anders Urbom:** Yes.

**Village Clerk Yenise Jacobi:** Mayor Nickerson.

**Mayor Omarr Nickerson:** No.

**Village Clerk Yenise Jacobi:** Motion fails, three to two.

**Mayor Omarr Nickerson:** No problem. I got to let you know I love you Vice Mayor Urbom. Do I have another motion for the full amount of 5,522? Motion moved by Councilperson Lightfoot-Ward, do I have a second?

**CouncilPerson Martin:** Second.

**Mayor Omarr Nickerson:** Second by CouncilPerson Martin. Madam clerk now if you have a roll call, please?

**Village Clerk Yenise Jacobi:** Councilperson Martin.

**CouncilPerson Martin:** Yes.

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

**Village Clerk Yenise Jacobi:** Councilperson Lightfoot-Ward.

**Councilperson Dr. Lightfoot-Ward:** Yes.

**Village Clerk Yenise Jacobi:** Councilperson Pirela.

**Councilperson Darian Martin:** No.

**Village Clerk Yenise Jacobi:** Vice Mayor Urbom.

**Vice Mayor Anders Urbom:** That's fine, yes.

**Village Clerk Yenise Jacobi:** Mayor Nickerson.

**Mayor Omarr Nickerson:** Yes.

**Village Clerk Yenise Jacobi:** Four to one, motion passes.

**Mayor Omarr Nickerson:** Thank you very much, you guys, I appreciate it. Thank you very much, Mr. Rubio.

**Orlando Rubio:** You're welcome. Thank you.

**Mayor Omarr Nickerson:** Thank you

**Orlando Rubio:** Thank you.

**Mayor Omarr Nickerson:** We're moving on, you guys, the next one is police department computers and printers such as police department equipment. As soon as you get a chance, Madam clerk, Attorney Geller needs to read that into the record if he's still there. Resolution I3, Geller, police department.

**Attorney Geller:** Hey Council, the Village of El Portal Florida, Miami-Dade County, Florida providing for the purchase of essential police equipment for the Village of El Portal Miami-Dade County providing for incorporation of recitals, providing for an effective date.

**Mayor Omarr Nickerson:** Thank you very much, Attorney Geller, I appreciate that. We do have the Chief here. We had choices for the computers laptops, the cheaper one is the Dell,

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

and that was the one that's \$57,942. Let me just say for the record this is not taxpayer dollars besides this 5,000 we just spent. Madam manager, we rarely use any taxpayer. Everything we've done pretty much since I've been mayor has been all funding. It has been all grants or state funding or federal funding. We haven't even touched except for this 5,000 we just spent, we haven't even touched taxpayer dollars. This is another example of funding that was up in the manager, went out and got. This will not be touched by taxpayer dollars. We actually have of this \$1.2 million that we got from Washington DC. We actually have to spend it or we're going to lose it, Madam Manager.

**Village Manager Alou:** Absolutely.

**Mayor Omarr Nickerson:** We need to spend this money, this money can only be spent on certain things. This is one of the type of things that it can be spent on, this type of police equipment. The police department, you guys remember they're all getting the new cars, at least that Phase 1, but they're having problems, and the Chief if he wants to expand on, he can, but the police department is having problems with doing the actual work because they're in their in-car laptops and printers are so old most of them don't even work.

That's a huge problem that the police department is going through right now. As I said you had different quotes here. One was for the Dell laptops was \$57, that was the cheapest one. The other one was like \$70 something thousand. I would say let's go for the cheapest one which is the \$57,942, and then there's also the mounting on that. Any questions or comments from the council for the Chief as far as a better understanding about the laptops or printers or mounting?

**Councilperson Dr. Lightfoot-Ward:** Yes, Mr. Mayor.

**Mayor Omarr Nickerson:** Yes, Councilperson Dr. Lightfoot-Ward.

**Councilperson Dr. Lightfoot-Ward:** I'm going to vote for it no matter what it turns out, I just need a little clarity going on here. I looked past all of the numbers and got down to the subtotals, and they all say, "don't need". Does this say the subtotals not being a number there that they don't need it or that we can't afford it right now?

**Chief:** As far as the subtotals or?

**Councilperson Dr. Lightfoot-Ward:** This last page doesn't show me anything.

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

**Mayor Omarr Nickerson:** You're talking about-- What are you--

**Councilperson Dr. Lightfoot-Ward:** Where it stops down there where it says "Dell Latitude 7330 Rugged". All these numbers and the next page, they don't have any numbers toward it. Does that tell me that you don't need those things right now?

**Chief:** No, that means that that's included there.

**Councilperson Dr. Lightfoot-Ward:** It does?

**Chief:** If not, it tells you "no". Like it says the mouse--

**Councilperson Dr. Lightfoot-Ward:** No mouse and no-- Oh, I saw the "no" stuff.

**Chief:** No the carrying case, so on and so forth.

**Councilperson Dr. Lightfoot-Ward:** You're getting some of this? You're getting this stuff, you just--

**Chief:** We're getting what we need, correct.

**Mayor Omarr Nickerson:** Yes.

**Councilperson Dr. Lightfoot-Ward:** That's fair. It answers my question, Chief.

**Mayor Omarr Nickerson:** Again this is not taxpayer dollars, you guys, this is the funding that we have to spend.

**Councilperson Dr. Lightfoot-Ward:** No problem.

**Mayor Omarr Nickerson:** Use it or lose it. Are there any other questions or comments from the Council?

**Vice Mayor Anders Urbom:** My one real only question is, do we have a clear picture of which company is going to provide the best service in terms of warranty fulfillment and things like this? My biggest question is, do we have a clear picture of which of these companies will provide the best service?

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

**Mayor Omarr Nickerson:** Chief will tell you this. Chief can jump in if he wants to, but the reason why I was going for the Dell is because even though the other one was more expensive,-

**Chief:** Correct.

**Mayor Omarr Nickerson:** -the Dell warranty is much better. It was cheaper and better with the Dell. You know what I mean? That's another reason why we were going for the Dell. Any other questions or comments from the Council?

**Councilperson Dr. Lightfoot-Ward:** I just want to make sure I know what I'm voting for. Chief you just told me everything below \$44,475.28 cents, or everything below here is part of the bid. Yes or no?

**Chief:** That's correct.

**Councilperson Dr. Lightfoot-Ward:** That it is part of the bid?

**Chief:** Correct that includes the printers and the tough books and all the licensing and the service.

**Councilperson Dr. Lightfoot-Ward:** Where I see it says no express card, no fingerprint, no carrying case, no resource, that it says no.

**Chief:** I didn't find the need for the fingerprint. It's in the car [unintelligible 00:59:39].

**Councilperson Dr. Lightfoot-Ward:** All right, so if it's no, it's no.

**Chief:** Yes, correct.

**Councilperson Dr. Lightfoot-Ward:** All right. I'm there.

**Mayor Omarr Nickerson:** All right.

**Councilperson Dr. Lightfoot-Ward:** I'm there. Thank you. Thank you, Mayor.

**Mayor Omarr Nickerson:** Thank you very much, Councilperson Lightfoot-Ward. Vice Mayor Urbom.

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

**Vice Mayor Anders Urbom:** One other question I had as I was looking at this, were the portable printers-- is that going to open up the possibility of us to do things like speeding tickets

**Police Chief Alejandro Mendez:** In reality, ultimately, it's going to be a requirement by the county where you're going to have that on there. We just got lucky it hasn't been implemented until now, but yes.

**Mayor Omarr Nickerson:** We do have a speeding plan taking place soon. We just had a great meeting, actually.

**Village Manager Christia E. Alou:** Keep it hushed.

**Mayor Omarr Nickerson:** We can't tell people when we're doing the speeds.

**Vice Mayor Anders Urbom:** It's not the locals we're worried about.

**Mayor Omarr Nickerson:** We can't tell the people when we're doing the speed traps. Other people will watch this though, Urbom. It's the prize because on those days people will actually drive right. We have to keep it secret, but we are bringing back the speed traps really soon. If I have no more questions or comments from the council, you guys good? Any questions or comments, you good? Any questions from the audience? We're good. All right, do I have a motion to approve Resolution I3, you guys?

**Councilperson Dr. Anna E. Lightfoot-Ward:** You do.

**Mayor Omarr Nickerson:** Motion to approve by Councilperson Lightfoot-Ward. Do I have a second?

**Vice Mayor Anders Urbom:** I'll second.

**Mayor Omarr Nickerson:** Second by Vice Mayor Urbom. Madam Clerk, may I please have a roll call, please.

**Village Clerk Yenise Jacobi:** Councilperson Martin.

**Councilperson Darian Martin:** Yes.

**Village Clerk Yenise Jacobi:** Councilperson Lightfoot-Ward.

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

**Councilperson Dr. Anna E. Lightfoot-Ward:** Yes.

**Village Clerk Yenise Jacobi:** Councilperson Pirela.

**Councilperson Luis Pirela:** Yes.

**Village Clerk Yenise Jacobi:** Vice Mayor Urbom.

**Vice Mayor Anders Urbom:** Yes.

**Village Clerk Yenise Jacobi:** Mayor Nickerson.

**Mayor Omarr Nickerson:** Yes.

**Village Clerk Yenise Jacobi:** Motion passes five to none.

**Mayor Omarr Nickerson:** Thank you very much.

[applause]

**Mayor Omarr Nickerson:** Thank you very much, Chief. I appreciate you, my brother. Chief Mendez is doing a great job, by the way, everybody. Great job. Thank you very much. Moving on to the reports, Madam Manager. You are first for your report.

**Village Manager Christia E. Alou:** Thank you. I want to just take a little bit of my time to share with our new Chief Financial Officer. His name is Harry Taubenfeld. After doing an exhaustive county-wide search, or not even county-wide, state-wide search for a qualified CFO, we were graced with Mr. Taubenfeld, and made a great relationship. We're still working on the contract, but things are working well, and we're happy with that. I want to give Mr. Taubenfeld just a moment to give you all an update on where he is in the big, big issue of the audit.

**Harry Taubenfeld:** Good evening, Mayor, and Councilmen and women. My name is Harry Taubenfeld. First, I'd like to thank the Village Manager for the opportunity, as well as the Mayor, and all of you for the opportunity to work with you. As it relates to the audit, I'd be happy to report that the audit for the fiscal year of 2019 is in full swing again. Since I started in mid-December until now, I've been communicating with the auditors and trying to find out what needed to get done in order to facilitate it. One thing that was holding us up was them

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

putting us on their calendar, which they were able to do. The audit actually started last week. The continuation of the audit for fiscal 2019 have begun last week.

I'm being told, if everything was smoothly, that the audit should be completed by mid-March. The goal is to have that completed then. They've informed us that they want to move right into the fiscal year 2020 audit. They have us on the calendar for May of this year. Don't have a completion date yet, but the target date is to get us started for the fiscal 2020 audit in May of this year. The other thing I want to share with the council is the status of the loan with Synovus Bank. I'm happy to report that the bank is working with us and not defaulting the note. They are patiently waiting for the 2019 audit. They are happy to hear that the audit is now in full swing. They requested a draft of financial in order to keep the loan from defaulting, which was provided to them this morning.

Unaudited, obviously not completed, but at least it gives them some comfort in knowing that something is being done. In my discussions with the bank today, they did inform me that they're putting a plan in place to work with the Village, in working with the outstanding balance that's owed to them. I'm not at liberty to say just yet because I do not get confirmation from them as to the route that they want to go, but it appears that they are going to work with the Village. They're not here to hurt the Village. They understand the situation. They're going to do everything I believe in their power to work with us. Is there any questions? I'm here to answer them for you.

**Vice Mayor Anders Urbom:** Welcome.

**Harry Taubenfeld:** Thank you.

**Vice Mayor Anders Urbom:** Thank you. Look, if you could just tell a little bit of a background about yourself. Just out of curiosity, how did you get into this process and understanding what was needed? Just if you could speak to a little bit about why you chose to take the job and help us out.

**Harry Taubenfeld:** Sure. I love the challenge. I do some consulting work for other municipality. Truth be told, similar situation. The municipality was multiple years behind in their audit. Actually, let me back up a little second. I actually came from the private sector, looked for an opportunity, and became the consultant for the municipality in Broward County. Took on the challenge similar to what you have here. Happy to report, at least, that it got them to the point where they've been able to clean up their challenges and issues.

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

That's quite one of the reasons why I chose this opportunity. I see it as a challenge, one that I've done before. One that I know how to execute, and feel confident that I can get the Village back to respectability, and get the credibility back to the Village so that we could move forward with no issues.

**Vice Mayor Anders Urbom:** Thank you. Just to report this evening already on having a timeline for 2019, and even already some manner of schedule for 2020 is news that we've been waiting for [chuckles] 18 months, or so. Yes, so sincerely thank you and welcome.

**Harry Taubenfeld:** My pleasure. Thank you, again.

**Village Manager Christia E. Alou:** Thank you, Harry. Just to piggyback on what Mr. Taubenfeld said, he came to us from another municipality. He's still working with that municipality as a consultant. He had great relationships, and people really recommended him and thought he was fantastic. Synovus Bank even reached out and were like, "Oh, you were working with Harry Taubenfeld, perfect. He had done great work with other municipalities, and he'll help you with this one."

That excellent reputation and just to follow through with everything. The answered calls, the answered e-mails, the results that we've been seeing over the last few weeks. It's been astounding, and so I really appreciate that, and the relationships again, even with JLAC reaching out, being proactive, and talking to these people instead of waiting for them to come find us. That's been refreshing for us all. Also, we are told by Mr. Taubenfeld that he wants to help us digitize the finance department. Again, any kind of technological advances we can put in place in this village helps us with our service delivery. It would be amazing if we can just get there. I know once we get through audit, then we're going digital. That's great.

**Harry Taubenfeld:** If I may, just to add to the JLAC because I forgot to mention. I did reach out to JLAC, which is the Joint Legislative Accounting Committee based in the State of Florida. We did receive notification that there was a possibility of them withholding state funds due to not producing the 2019 audit, but just with communicating them and giving them the timeline for 2019, 2020, it appears that for now we should be fine, and no funds will be withheld from the State of Florida.

**Councilperson Dr. Anna E. Lightfoot-Ward:** Mr. Mayor.

**Village Manager Christia E. Alou:** This is really good news to the naysayers

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

**Mayor Omarr Nickerson:** Councilperson Lightfoot-Ward?

**Councilperson Dr. Anna E. Lightfoot-Ward:** The job is not done, but I applaud you for bringing us at least somewhere out of the trenches that we were in. When do you think that finality will come?

**Harry Taubenfeld:** It's hard for me to answer that question. Unfortunately, we're tied to the auditors and their scheduling. Due to the lack of communication with the auditors-- Actually, thankfully, they put us on their books. That's how we were able to get the dates for '19 and '20 confirmed. Ideally, the next thing we have to worry about is, obviously, the fiscal year 2021 that needs to be-- the state deadline for the audits are June 30th and of the following years. That will be the next thing to focus on.

My goal is to get it done as fast as I possibly can. I'd like to call myself a problem fixer, solver. I don't mind getting my hands dirty and doing whatever has to be done to get the job done. As soon as we can get to 2020 at least rolling, I think at that point in time I could communicate with the auditors and start scheduling 2021. At that point, I should have a better answer for you. You're probably looking at, if I had to guess, figured June of this year before I have any indication as to when the audit for 2021 will start.

**Councilperson Dr. Anna E. Lightfoot-Ward:** You certain that we will complete the delinquent audits?

**Harry Taubenfeld:** I feel confident that 2019 will be done, the deadline that Dave imposed on themselves is mid-March. I would like to say by mid-March, we'd have 2019 complete. 2020, again, they're starting in May. I'm not sure how long it will take them to complete it. I figured two-three months, ideally. I think it should be ample time for them to get it complete. That would take us into July-August, at that point I'd like to get us rolling right away into 2021. I don't know what their calendar and schedule looks like, I don't have a definitive answer yet, but I could definitely reach out to them and get back to you.

**Councilperson Dr. Anna E. Lightfoot-Ward:** 18 is completed?

**Harry Taubenfeld:** 18 is completed. Yes.

**Councilperson Dr. Anna E. Lightfoot-Ward:** Shall we wait for next month to see how things are going? I like Village Manager, I like a monthly on how we're doing. I believe in you, you

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

got me already. I'm there, I'm with you, but we need to know that we're caught up because I'm thinking more of the CAFR than I'm thinking about anything else. You know what the CAFR is?

**Harry Taubenfeld:** Absolutely.

**Councilperson Dr. Anna E. Lightfoot-Ward:** That's what I'm thinking more about and that's not good. My past experience as the city mayor, that's not good when we can't present a CAFR that makes sense and is publishable to the public. My hat's off to you. The movement you've given thus far, I commend you.

**Harry Taubenfeld:** Thank you.

**Councilperson Dr. Anna E. Lightfoot-Ward:** Bring us up-to-date as best as you can.

**Harry Taubenfeld:** Absolutely. My goal is to have it done hopefully within the next 12 months. I have all 3 done within the next 12 months but if anything changes, I will definitely let you know, but again it's really contingent on the auditors but by next month's meeting I should hopefully have a more definitive answer for you.

**Councilperson Dr. Anna E. Lightfoot-Ward:** Thank you.

**Village Manager:** Thank you CFO Taubenfeld. I'm going to go right to my report and I'll just truncate it because I know we're moving fast today. I want to thank the Council and my colleagues, Village Clerk Jacobi and Mr. Geller for the 2022 legislative session the Mayor and the Clerk and the Vice-Mayor, and our public works committee chair, Councilperson Pirela and I traveled to Tallahassee to advocate for the Village of El Portal's needs. We have three bills that we are trying to promote, trying to seek funding in areas related to the village hall building itself and renovations, to our parks renovation as well as our northeast 2nd avenue business corridor septic to sewer conversion.

Though we've got some good traction for two, the water project is always of issue, we're still going to push for it. The Northeast 2nd Avenue septic to sewer conversion will still push always that's on our list, because that affects our economic development. It affects our infrastructure. It's key and critical to even our resiliency and our sustainability. We will continue to push for that but it was a very good, very productive trip. I'm happy that we were able to bond and really work together as a team and it was a great meeting. I thank you all for

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

working with me and Mayor Nickerson and just really advocating for us, all of you. We got to celebrate the Clerk's birthday while we were there.

Also, this month, Village is pursuing our parks renovation project. Councilperson Pirela and I held a kickoff meeting just last week with Craig A Smith and Associates and sub-contractors, OrchidMan, artisan, landscaping, comcast, FPL. We had a full cadre for our parks renovation project here at the Village hall as a kickoff to just discuss the projects, what we want to see in each of the parks, just from a design level and also from a sustainability level. We really want to make these parks sustainable and usable and something friendly for all villagers. We rounded out that meeting with an actual village walk-through.

We put some miles on our shoes, I wore down some heels walking, but it was a really productive meeting as a good kickoff. Our next steps for this park's renovation plan is to have our landscaping architect finalize some plans that will be submitted to the public works committee and to the village council for approval and review. We're really going to keep a lot of the big footprints that are in the park presently but two parks need some special care and those are on the west side. We really want to see something good and productive for our blueway-greenway project and the sustainability of our parks.

Also, we want to put internet or WiFi in those parks that residents can utilize them in all levels. It's a good project, we're excited about what comes next and you'll hear more from us. We do continue with our transportation circulator pilot project, the shuttle to downtown Miami. I've submitted, in fact, our CFO and I have submitted some quarterly reports and a reimbursement request of, FDOT, and of particular concern is us getting enough ridership to sustain the project. I really encourage our Village residents to utilize it. I do have some good news, though, for our January monthly report, we have 54 completed rides with 60 passengers already.

We're excited about that, keep up the good work El Portal, decrease that carbon footprint as best as you can. That little trolley goes, it's amazing. I've been downtown and seeing it, I'm like I need to be on that shuttle. We've been riding it and our staff has, too. Continue the good work, utilize it, it's here for a reason. We want to continue to see that working for us. Mayor Nickerson and I have been meeting with the sanctuary property management team. They are very excited about what's coming next, they were hoping that our septic to sewer conversion project was a little sooner than it's coming to fruition because that also affects their use of the property but we're going to continue to work with them.

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

I think they're very interested, they want to do what they can to partner with us. We're going to be meeting with them in the coming week. Actually, we have a few days outlined for the beginning of March where we're going to meet with them to talk about next steps because they're ready to start putting plans together as to how they're going to utilize and develop the project. We are continuing with the pedestrians first and resiliency and sustainability adaptation area and areas of collaboration with departments from Miami-Dade County including the economic development, transportation and planning, and water and all of those.

We continue to work with them because we really need their guidance, assistance, and whatever funding we can shake loose to bring to the village we do that. Just an update on the skateboard park, they have a grand opening, I know the Mayor will speak about that but I do want you to know they have a temporary certificate of occupancy. They're in business, again, temporary, certificate of occupancy. It's all contingent upon them getting their kitchen equipment in and pass through inspection but for now, they are able to operate. We're excited about their grand opening. We continue to look for viable code enforcement options.

We did have a code enforcement officer who started in January and then quit two weeks later. We are in need of a code enforcement officer. He just was not a good fit, he didn't like the village or it wasn't for him and we weren't able to replace him immediately. I've reached out again to a staffing agency. They've given me a proposal, I'm trying to negotiate with them with that proposal. CAP Government is doing a great job with the public works. If you review my manager's report, you'll see they've been hustling with the public works and maintenance department. Also with the building department, they're digitizing things are moving very quickly.

They continue to work on the transition into digital document maintenance for our resident files and that's going to be a tremendous assistance to the residents and to the village staff. I know you may see different faces here but we always have someone here in the building department. Thanks to CAP Government and the contract that you all approved and saw fit to invest in the Village in that way so that we don't have that drop or that lag in service providing. I don't remember the last time I got a complaint over the last month about the building department.

I'm happy to report that they're very attentive and they're quick and they're digitizing all while attending to our residents. Again, the Freebee Shuttle, please drive along, ride along and look out for a March 2022 movie night here at El Portal tot lot because there will also be a blood

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**Village of El Portal**  
**Regular Council Meeting**  
**Date: 02/22/22**  
**Meeting Start: 7:00 PM**  
**Meeting End: 8:27 PM**  
**Meeting Length: 01:27:45**

drive and as all of you know there's a shortage in plasma. We really are pushing to get people to donate blood where possible. That concludes my report.

**Mayor Omarr Nickerson:** Thank you very much. I'm going to get us out of here. On February 11th it was a Friday, I attended a meeting and a press conference with Congressman, Frederica Wilson, that was good. I met-- I'll find her name Councilperson Martin but I met one of your friends there who said it was funny because me and her were going back and forth. I was like, "There's no way you can appreciate Councilperson Martin as much as I appreciate. She was like, "There's no way you can love her more than me." We were fighting like that but she was wonderful by the way, she's wonderful. She's actually a commissioner, I want to say-- I don't want to get it wrong so I'm not going to say but I'll let you know next time because I have her card, so that was a wonderful event. \$18 billion for the state of Florida and we're going to see how much of that comes to El Portal. [laughs] Me and Martin was talking about that but it was a good event.

The 12th we had the February Women's Club Movie Night, I'm going to let Vice-Mayor Urbom talk about that in a second. The 13th, I attended for the Florida Association for Chinese Americans, it was the Chinese New Year. I went and I spoke in that event, of course, you guys know I speak Mandarin, I speak Arabic and stuff so I spoke Mandarin at that event so that was a great event that I went to that was on the 13th representing El Portal. Myself and Village manager, we had our first meeting. Madam manager, we had our first meeting and we're going to be meeting with banks because I want to start to do things like Zoom meetings and stuff like that on like a Saturday morning things like that for financial literacy.

Just calm and general financial literacy. First Bank was the first one that we had a meeting with, that reached out to us so we had a meeting with them. It'll just be like a general type of thing, like a town hall type of thing, they can answer your questions and stuff like that. It's not promoting any bank over another bank but all the banks are reaching out to us saying, "You guys can offer us free financial literacy like a town hall, things like that because everybody needs to know more which is just about financial literacy so we have that coming up. Vice-Mayor Urbom might bring that to your committee we'll talk about that.

Shout out to Virginia Emmons there. There's an organization in El Portal that focuses on STEM education for minority girls, for minority females, and for females as a whole, but actually focusing on minority females so that was a great thing that happened recently. Tomorrow, Madam manager I speak at University of Miami on behalf of El Portal talking about infrastructure and resiliency and sustainability, so I speak there as a guest lecturer tomorrow

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

at University of Miami for El Portal as mayor of El Portal on that. Tomorrow, Madam manager, you do have your ethics training at 11 o'clock AM.

**Village Manager Christia E. Alou:** That's right, via Zoom, if you want to attend please do.

**Mayor Omarr Nickerson:** Which is through Zoom.

**Clerk Jacobi:** Sorry, I don't want to interrupt but has anybody completed this year's ethic training yet?

**Mayor Omarr Nickerson:** I'm good, but I don't know--

**Clerk Jacobi:** If you can, it might be a good opportunity, if not-- for your training.

**Councilperson Dr. Anna E. Lightfoot-Ward:** No, no, no, I've heard a lot of stuff and I didn't hear a date, time, place.

**Clerk Jacobi:** Tomorrow at 11 AM.

**Village Manager:** 11 AM via zoom, I sent it out, I will send it again.

**Clerk Jacobi:** There will be other opportunities for you guys because you guys have to take two, but it was just that this would be a good opportunity if you have the time or if you can attend. This is mainly for the employees but you are more than welcome to attend and it will count towards your credits.

**Mayor Omarr Nickerson:** When I speak it's more than staff. On Thursday, the 24th, you guys, I'm going to be doing with the Village Manager Alou, we will be doing the B305 Challenge luncheon and that's because of the way we move forward with our infrastructure this year and the way we moved forward with being resilient and sustainability in our aspects as far as environment goes and our work for the environment that we've been doing and so we have that on Thursday morning. We also have County Commissioner Hardeman has a new assistant we will meet with her at 12:30 and that is also on Thursday where we will be meeting with her.

We have a meeting with, of course, the mayor of North Bay Village, a couple of individuals from Miami Shores, and sometimes you know we might have-- if so, we might have the Miami Garden, you never know. We might have Palmetto Bay so that will be on Friday. That's the

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**Village of El Portal  
Regular Council Meeting  
Date: 02/22/22  
Meeting Start: 7:00 PM  
Meeting End: 8:27 PM  
Meeting Length: 01:27:45**

meeting we have on Friday. On Saturday is the grand opening of the skateboard park, it's a grand opening for all of the residents for the entire public as the manager explained on that. Then on Saturday evening myself and I believe the clerk is probably going to go. We have an event kind of a meeting an event with Hialeah's full commission. Hialeah's mayor and full commission and we'll probably be attending that Saturday afternoon Madam Clerk. Vice Mayor Urbom just quickly if you want to just say because it was a huge turnout for the Women's Club Movie Night which took place on the 11th. It was Saturday the 11th.

**Vice Mayor Anders Urbom:** We think part of the-- there's two reasons probably why the turnout was so great. One, it was the first movie night since COVID so it had been a successful event before COVID and I think people have just been really waiting for it to come back, and here it was. I think the other factor was that they put out the \$25 and *Sing 2* was the movie. [laughs] I think they even had another little movie going on before but then *Sing 2* was there, so that was a draw also, but the Women's Club always do a good job.

This event was a little bit different because we did have access to the restrooms inside here as far as I can tell, it went reasonably well, no issues. There's certainly is some concern in terms of liability and allowing that, so far so good. Mirabelle obviously, was great in terms of coordination as well. The Women's Club are excited to continue it in March. It's kind of a winter-specific because we need the darkness right at an early time. Because it will be lighter later, we're not sure about April yet but March certainly it's going to take place but everybody certainly was glad to see it again and we had a huge turnout so it was great.

**Mayor Omarr Nickerson:** Thank you very much, I appreciate that Vice Mayor Urbom and thank you very much to the Women's Club. Attorney Geller, if you have any report.

**Attorney Geller:** There was some concern at one point about some public records that we were supposed to provide and we provided them and they were found to be satisfactory so we're square on that. That's really all I have to report.

**Mayor Omarr Nickerson:** Thank you very much, Attorney Geller, I appreciate that. Hearing nothing else as far as reports, you guys, any questions or comments about the reports? Everybody good? Good. Hearing no more. Good and Welfare anybody right now can come up and talk about anything at all, doesn't matter what it is, doesn't have to be only on the agenda anything at all, just come up and say your name and address for the record. Hearing, seeing none. Do I have a motion to adjourn?

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**Lightfoot-Ward:** So moved.

**Councilperson Lightfoot-Ward:** Motion to adjourn, moved by Councilperson Lightfoot-Ward. Do I have a second?

**Vice Mayor Anders Urbom:** I'll second.

**Mayor Omarr Nickerson:** Second by Vice Mayor Urbom. The regular council meeting for Tuesday, February 22, 2022 is adjourned at 8:28 PM.

**[01:27:45] [END OF AUDIO]**

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