



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Minutes for the November 18, 2008
Regular Town Council Meeting called for 7:30 P.M.**

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:40 PM

B. ROLL CALL

The Town Clerk called roll.

Councilmembers Present: Mayor Singer, Vice Mayor Rojas, Councilmember Einstein, Councilmember Bernstein, Councilmember Lusskin.

Staff Present: Town Manager – Alexander Diaz, Town Attorney – Stephen Helfman, Police Chief – James Skinner, Finance Director – Maria Camacho, Executive Assistant to the Town Manager – Lissette Perez, General Facilities and Maintenance Manager – Ken Jones and Town Clerk – Elizabeth Sewell

C. PLEDGE ALLEGIANCE

Chief Skinner led the pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Recognition of Town Employee of the Month for October 2008

Mayor Singer acknowledged Johnny Lucien as the Employee of the Month for October 2008.

Recognition of Town Officer of the Month for October 2008

Mayor Singer acknowledged Officer Lambert as the Officer of the Month for October 2008.

E. MOTION TO SET THE AGENDA

**ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT
AGENDA/ AND CHANGES TO AGENDA**

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee – No report for the month of November 2008.

Beautification Committee - No report for the month of November 2008.

Comprehensive Planning Board – No report for the month of November 2008.

Recreation Committee – Councilmember Lusskin reported the Veteran's Day Event was a very lovely ceremony. She thanked the Town Manager and staff for their assistance. She reported that there would be a New Year's Event consisting of a champagne and desert bar on New Year's Eve from 10:00 PM to 1:00 AM, everyone is invited.

Security/Public Safety Committee – No report for the month of November 2008.

G. GOOD AND WELFARE

Sydell Herrick – 625 Ocean Boulevard spoke in reference to the construction at 615 Ocean Boulevard.

Al Herrick – 625 Ocean Boulevard requested a stop order on the construction at 615 Ocean Boulevard.

Debra Kaye – 605 Ocean Boulevard spoke in reference to issues with the construction at 615 Ocean Boulevard.

Bruce Kaye – 605 Ocean Boulevard spoke in reference to the construction at 615 Ocean Boulevard.

Fred Chouinard – 421 Ocean Boulevard spoke in reference to parking on public Property and beach erosion.

Norman Gaylis – 179 Ocean Boulevard spoke in reference to the erosion of the beach

Oded Meltzer – 122 Golden Beach Drive spoke in reference to the construction project at 615 Ocean Boulevard.

Robert Smoley – 390 Golden Beach Drive stated that there are people working in the Town on the Capital Improvement Project that are not wearing the appropriate identification.

H. MAYOR'S REPORT

- **Town Manager's Visit to Washington D.C.**

Mayor Singer explained that the Town Manager went to Washington to meet the Miami-Dade Delegates in reference to obtain funding from the Federal Government to replace both the Center and North Island bridges. He also thanked Councilmember Bernstein for his assistance with setting up some of the meetings with the delegates for the Town Manager.

- **Capital Improvement Project Update**

Mayor Singer stated that the Town had received the Storm Water Permits and the DERM Permits, and construction will begin in a couple of weeks.

- **Beach Erosion**

Mayor Singer stated that he was out with the Police Department about a week ago on the north side of town on the beach and he saw the beach erosion. The erosion took about ten (10) feet of the beach and a couple of palm trees. He is going to pursue with the Town Manager different options to address the beach erosion issue.

- **Beach Pavilion**

There was some vandalism at the beach pavilion but thanks to the Security Guard at the Police Substation who noticed someone suspicious entering the men's bathroom and with a quick response from the Police Department, the person was arrested. He commended the Police Department for their quick response.

- **Residence at 615 Ocean Boulevard**

Mayor Singer stated that at the residence of 615 Ocean Boulevard there were no special variances granted for the construction at this property. The construction of this property is being built to code. He stated that he understands the residents concerns because the building is very big but to his knowledge, the residence is built to code.

- **Parking at Public Property**

The Town Manager and the Police Chief are monitoring the parking when there are photo shoots.

I. COUNCIL COMMENTS

Vice Mayor Rojas

- **Beach Renourishment**

Vice Mayor Rojas stated that at the Council's visit to Tallahassee during Dade Days, there was a discussion regarding the renourishment of Sunny Isles Beach, which will help the southern end of Golden Beach, and the renourishment of Hallandale Beach would help the northern end of Golden Beach. She asked if these projects would be done in the near future and Golden Beach would benefit from both.

Councilmember Einstein

- **Issues with 615 Ocean Boulevard**

Councilmember Einstein addressed the residents' issues regarding the residence located at 615 Ocean Boulevard. He explained that if the building conforms to the Building Code it does not come to the Council unless there a variance is required.

Councilmember Lusskin

- **Capital Improvement Project Update**

Councilmember Lusskin stated that with the commencement of the Capital Improvement Project it is an exciting time in the Town. She would like to remind everyone to keep the children away from the construction sites because of the children's safety.

- **Residents' Concerns**

Councilmember Lusskin asked the residents to work with the Town's Administration to resolve the problems. She asked staff to monitor the construction project at 615 Ocean Boulevard to make sure that the project being built is according to the building plans that were permitted.

- **Beach Erosion**

Councilmember Lusskin stated that the beach erosion is an important issue for the Town.

Councilmember Bernstein

- **Funding for Bridges**

Councilmember Bernstein commended the Mayor, Town Manager and staff for the work that is being accomplished on the bridge replacement project.

- **Beach Erosion**

Councilmember Bernstein suggested contacting the Dade League of Cities for some assistance with this issue.

J. TOWN MANAGER REPORT

- **Residents Concerns**

The Town Manager stated that he agrees with residents concerns that there may be a conflict in regards to the survey. He has pledged to the residents

that he would hire at their expense an independent surveyor to perform an independent survey to ensure that the survey the Town is receiving as part of the review process are adhered to. After the survey of the independent surveyor, he would meet with the residents regarding the findings.

- **Washington, D.C. Visit**

The Town Manager stated that he was able to meet with every Congressional Delegate from Miami-Dade County, as well as our two Senators, Committee Chairperson for Transportation and Appropriations and Sub-Committee Chairperson for Appropriations. He explained that it does not appear that there would be a Special Lane-Duck Bill introduced this week. However, there are some resources that the Federal Government has allocated as part of the economic stimulus package for the State of Florida, and both Senator Nelson and Congressman Meeks has directed the Secretary of the Florida Department of Transportation to reach out to the Town in reference to the Bridge Replacement Project. The Town did receive a strong commitment from Congresswoman Debbie Wasserman-Schultz's office to help the Town through the appropriations process. The district secretary has pledge some financial support for the Bridge Replacement Project.

- **Beach Renourishment**

The Town Manager stated that the beach erosion is an important issue to him. He explained that there has been some rapid deterioration on the beach at the north end of the town. He thanked Miami-Dade County that has provided some immediate temporary relief. They provided some preliminary restoration to offset any future deterioration. In April of 2008, he and Vice Mayor Rojas met with the section chief in charge of beach renourishment for the State of Florida. He discussed with them how Golden Beach is affected by the State's Beach Renourishment Program, but more importantly by the Army Corps of Engineers of Bridge and Beach Renourishment. Unfortunately, the Town of Golden Beach opted out of being a part of the Army Corps of Engineers National Beach Erosion Control Line. If the Town is not a part of the National Beach Erosion Control Line and does not agree to all of the stipulations of the Control Line then the Town is not eligible by Federal Law for Beach Renourishment funding, but that does not mean that the Town is not eligible for State Funding that may one day be available. The Town has been looking for ways to address this issue and it is one of the Town's priorities to be address by finding ways to set aside some funding in the Town's budget for a Beach Renourishment Fund. He also stated that is a small beach renourishment project scheduled for Hallandale Beach in the not too distance future that may help a bit with the beach erosion on the north end of the beach.

Mayor Singer asked staff to find out why the Town opted out of the National Beach Erosion Control Line and if there is a possibility of becoming a part of that organization for the Council Meeting in January.

- **Special Town Council Meeting**

The Town Manager asked that the Council schedule a Special Town Council Meeting in December and possibly cancel the Regular Town Council Meeting.

- **Florida City Spirit Award**

The Town Manager reminded the Council that this Friday, the Town Manager and staff would be traveling to Orlando to the Florida League of Cities Annual Awards Competition on behalf of the Town. The Town was selected as one of the five finalists for the Florida League of Cities "Florida City Spirit Award".

K. TOWN ATTORNEY REPORT

None

Mayor Singer recessed the Town Council Meeting to call the Local Planning Agency Meeting to order at 8:45 p.m. The Local Planning Agency Meeting adjourned at 8:50 p.m. Mayor Singer reconvened the Town Council Meeting at 8:51 p.m.

L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE

a. Discussion on report by Town Manager and Design Team

The Town Manager stated that over the past couple of months the Staff and the Design Team has been designing, building, reviewing and applying for permits for the Capital Improvement Program. The Town had a great Groundbreaking Ceremony that was very well attended by the Town's residents.

b. Financial Report

The Town Manager explained the Summary of Expense for the Capital Improvement Program. As of today, the Town has spent \$1,346,313.28 over the past four years. The report reflected the contracts that were awarded, and the expenditures to date for each contract.

c. Presentation and discussion for Ocean Boulevard marquee and entrance features

After the presentation of the entryway features for Ocean Boulevard by Javier Salman of C3TS, Mayor suggested the Lion feature with the solid wall on the west of Ocean Boulevard. A Motion was made by Mayor Singer to approve the Lion feature in the median with the solid wall on the west. The Council voted unanimously in favor of this Motion.

- d. **Presentation and discussion of the Rock Park area, specifically the installation of six (6) Florida Power and Light transformers/conduit boxes above ground**

That in order for the Town to have sufficient power supply to feed the entire Town Florida Power and Light requires a conduit box station that will consist of six (6) major transformers so that the entire Town will be supplied with power. These boxes have to be contiguously located. Staff went through all of the open spaces owned by the Town to see where the best location for these boxes would be. After reviewing, the available locations Mr. Abbott suggested abandoning the smaller turn at Rock Park, and locating all of the boxes there, still leaving enough room for emergency vehicles and school buses to turn. He also stated that there could be the possibility of extending the footprint for recreational space. The elevation of Rock Park will not change; it will remain at the same elevation. Administration is asking for the approval of the Council to place the conduit boxes at Rock Park and the design of Rock Park. The Council voted unanimously to locate the conduit boxes at Rock Park.

M. ORDINANCES – SECOND READING

1. **An Ordinance Amending the Town Code by Amending Chapter 42 "Utilities".**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA; AMENDING THE TOWN CODE BY AMENDING CHAPTER 42 "UTILITIES", BY AMENDING SECTION 42-1 AND CREATING SECTIONS 42-2 THROUGH 42-7 PROVIDING FOR NOTICE OF TERMINATION OF ABOVE GROUND UTILITIES SERVICE AND REQUIRED LATERAL CONVERSION AND CONNECTION, NOTICE OF FAILURE TO CONVERT; AND RELATED PROCEDURES AND PROVISIONS; ENFORCEMENT AND RIGHT TO ENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 534.08

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 534.08

Motion to approve Ordinance No. 534.08 on second reading by Vice Mayor Rojas, seconded by Councilmember Lusskin.

Roll call vote was as follows:

Mayor Singer - Aye; Vice Mayor Rojas - Aye; Councilmember Einstein - Aye; Councilmember Bernstein - Aye; Councilmember Lusskin - Aye.

The Motion carried.

N. ORDINANCES - FIRST READING

2. An Ordinance Related to the Comprehensive Plan Update and Evaluation & Appraisal Report Based Amendments.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN TO INCLUDE NEW, REVISED AND/OR UPDATED DATA, TEXT, TABLES, MAPS, FIGURES AND ANALYSIS, AS WELL AS GOALS, OBJECTIVES AND POLICIES IN THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, CAPITAL IMPROVEMENTS ELEMENT AND INTER-GOVERNMENTAL ELEMENT; ALL IN RELATION TO CERTAIN ITEMS IDENTIFIED IN THE TOWN'S 2005-06 EVALUATION AND APPRAISAL REPORT (EAR); FURTHER AMENDING THE TOWN'S COMPREHENSIVE PLAN TO PROVIDE FOR AMENDMENTS RELATING TO WATER SUPPLY PLANNING AND ADOPTION OF RELATED WATER SUPPLY PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 535.08

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 535.08

The Town Manager reported that the Comprehensive Plan was reviewed by the Comprehensive Planning Board. The Board's recommendations were included into the Comprehensive Plan and the Town Manager's comments in reference to the Town's Capital Improvement Program were included into the Plan.

Motion to approve Ordinance No. 535.08 on first reading by Councilmember Lusskin, seconded by Councilmember Bernstein.

Roll call vote was as follows:

Mayor Singer - Aye; Vice Mayor Rojas - Aye; Councilmember Einstein - Aye; Councilmember Bernstein - Aye; Councilmember Lusskin - Aye.

The Motion carried.

O. QUASI JUDICIAL RESOLUTIONS

None

P. CONSENT AGENDA

3. Minutes of October 21, 2008 Regular Town Council Meeting.

4. A Resolution of the Town Council Accepting the proposed Employee Manual for the Town of Golden Beach.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE TOWN'S NEW EMPLOYEE MANUAL AS PRESENTED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 1963.08

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1963.08

5. A Resolution of the Town Council Accepting an Award from the Florida Department of Environmental Protection for the Town's Water Distribution Capital Improvement Project

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING STATE FINANCIAL ASSISTANCE AGREEMENT FOR \$200,000 MATCHING GRANT BETWEEN THE TOWN AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 1964.08

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1964.08

Motion made to approve items on the Consent Agenda by Councilmember Lusskin, seconded by Vice Mayor Rojas. The consensus vote was 5 Ayes 0 Nays. The Motion carried.

Q. TOWN RESOLUTIONS

6. A Resolution of the Town Council Awarding the Auditing Services Agreement.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AWARDING THE AUDITING PROJECT TO KEEFE, MCCULLOUGH & CO., LLP; CERTIFIED PUBLIC ACCOUNTANTS; APPROVING ENGAGEMENT OF KEEFE, MCCULLOUGH & CO., LLP, FOR AUDIT SERVICES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 1965.08

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1965.08

Mayor Singer explained that staff met with the town's current auditors and negotiated a fee that would save the town approximately \$10,000 less than the prior year's audit fees. This year's audit would be completed in a timely manner. He explained that after meeting with each firm he and the Town Manager based on their review and their meetings with the firms they felt that it was in the best financial interest of the Town to renew the Letter of Engagement with the current auditors.

The Town Attorney stated that the Resolution would be modified to reflect a renewal of the Letter of Engagement with Keefe, McCullough & Co., LLP; Certified Public Accountants.

A Motion to approve Resolution No. 1965.08 by Councilmember Lusskin, seconded by Vice Mayor Rojas.

Roll call vote was as follows:

Mayor Singer – Aye; Vice Mayor Rojas - Aye; Councilmember Einstein - Aye; Councilmember Bernstein - Absent; Councilmember Lusskin - Aye.

The Motion carried.

7. A Resolution of the Town Council Approving a Professional Services Work Agreement with Craig A. Smith for Surveying Services

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING WORK AUTHORIZATION AGREEMENT FOR PROFESSIONAL CONSTRUCTION SURVEYING, LAYOUT, AND RECORD DRAWINGS BETWEEN THE TOWN AND CRAIG A. SMITH & ASSOCIATES; PROVIDING FOR IMPLEMENTATION OF AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 1966.08

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1966.08

The Town Manager explained that the survey during construction and related services, as well as the as-built survey and related services, be combined and bid as one packet as part of the construction contract. Following receipt of the proposals for construction, it was evident to him and the Capital Improvement Program team that the range in costs for surveying was too great and that they would have to re-evaluate the scope of services needed as provide to the bidders. Survey costs came in ranging from \$66,000 to \$490,000. That is why at the September 17th Council Meeting he informed the Council that he was rejecting the survey proposal from Southeastern Engineering, Inc. In negotiations with Southeastern Engineering, Inc, they agreed to discount their bid amount by \$66,000 allowing the Town to draft and prepare a comprehensive scope of services and ask firms within the survey community to provide the Town proposals for services. The Capital Improvement Program team received proposals from three firms and after an in-depth evaluation and a series of discussions with each of the firms, the Mayor and the Town Manager felt most comfortable with the lowest bidder, the surveying arm of Craig A. Smith & Associates.

A Motion to approve Resolution No. 1966.08 by Councilmember Lusskin, seconded by Vice Mayor Rojas.

Roll call vote was as follows:

Mayor Singer – Aye; Vice Mayor Rojas - Aye; Councilmember Bernstein - Aye; Councilmember Einstein - Aye; Councilmember Lusskin – Aye.

The Motion carried.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Amy Rojas:
*Town's Recycling Program

The Town Manager stated that Waste Services, Inc. took over the previous company that provided the Town with recycling services. The pick-up day was changed from Wednesday to Tuesday. As part of the franchising agreement with the new company that allows the Town to renegotiate the different types of recycling programs they have to offer. He has met with the Town's area representative and the principal of the company to discuss renewing the agreement and to provide the Town's residents with additional recycling canisters.

Councilmember Ben Einstein:
None Requested

Councilmember Judy Lusskin:
None Requested

Councilmember Ken Bernstein:
None Requested

Town Manager Alexander Diaz

*Cancel Regular Town Council Meeting in December

The Town Manager was recommending that the Town Council the Regular Town Council Meeting in December. He also recommended that the Town Council schedule a Special Town Council Meeting in the first week of December. He explained that there are not any action items for the Council in December; however, in as part of his efforts in reference to the Bridge Replacement project, in all of his meetings with the Federal and State level of government the Town needs to have plans ready for submittal to Federal and State funding agencies. He has somewhat

negotiated an agreement with a firm and he need to bring the agreement to the Council for action in the first week of December.

A Motion was made to cancel the Regular Town Council Meeting of December 16, 2008, and to schedule a Special Town Council Meeting on December 2, 2008 at 7:00 PM., and reschedule the Regular Town Council Meeting from January 20, 2008 to January 13, 2008 at 7:30 PM by Councilmember Lusskin, seconded by Vice Mayor Rojas. The Consensus vote was 5 Ayes 0 Nays. The Motion carried.

The Town Manager announced that the qualifying period for the 2009 General Election begins on December 29, 2008 through January 5, 2009. The Qualification Packages will be available on December 8, 2008.

S. ADJOURNMENT:

A Motion was made to adjourn the Council Meeting by Councilmember Einstein, seconded by Councilmember Lusskin. Consensus votes 5 Ayes 0 Nays. The Motion carried.

The meeting was adjourned at 9:50 PM

Respectfully submitted,

Elizabeth Sewell

Elizabeth Sewell
Town Clerk