



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Minutes for the December 18, 2007
Regular Town Council Meeting called for 7:30 P.M.**

A. MEETING CALLED TO ORDER

Meeting called to order by Mayor Singer at 7:35 PM

B. ROLL CALL

The Town Clerk called roll

Council Members Present: Mayor Singer, Vice Mayor Bernstein, Council Member Einstein, Council Member Lusskin and Council Member Rojas.

Staff Present: Town Manager – Alexander Diaz; Town Attorney – Stephen Helfman, Police Captain – Joe Barasoain; Finance Director – Maria Camacho; Executive Assistant/ HR Director – Lissette Perez; Facilities & General Maintenance Director – Ken Jones; Town Clerk – Elizabeth Sewell.

C. PLEDGE ALLEGIANCE

Vice Mayor Bernstein led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Recognition of Town Employee of the Month Sheila Pirrone

The Town Manager explained that Mrs. Pirrone has been working endless hours after work and on weekends to organize the Police Department records and evidence room. He thanked her for all of her hard work.

Recognition of Town Officer of the Month Officer Orlando Martinez, the Town Manager stated that Officer Martinez was not able to attend this Council Meeting because he was away getting the dog certified.

E. MOTION TO SET THE AGENDA

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

The Town Manager stated that items 5 through 10 were replaced with new items that were available on the dais for the Council.

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee - None

Beautification Committee - None

Comprehensive Planning Board - None

Recreation Committee - None

Security/Public Safety Committee - None

G. GOOD AND WELFARE

Lea Carmona – 410 Ocean Boulevard spoke in regards to the Water Distribution System issue and in opposition to the Variance Request for 407 Ocean Boulevard.

Stanley Feinman – 475 Ocean Boulevard read a letter into the minutes regarding the Town's seawall and landscaping issues.

Neil Leff – 48 Terracina Avenue spoke on the Water Distribution System issue.

Alene Fishbein – 256 Golden Beach Drive spoke in regards to the implementation of an Ordinance regarding solicitation of vendors in the Town.

Cathy Szabo – 601 Golden Beach Drive – sent a letter to be read into the record and to be attached permanently to the minutes of the December 18, 2007 Regular Town Council Meeting.

H. MAYOR'S REPORT

- **Holidays**
Mayor Singer wished everyone a happy, healthy and safe holiday and New year. He asked the residents to be careful when driving through the Town because the children are out of school and will be out playing. He stated that temporary speed humps will be installed during this time.
- **Beach Pavilion Renovation Project**
Mayor Singer stated that the beach pavilion renovation project is moving quickly, and it will be completed by the middle of March and it is on target for the completion date.

- **Close Circuit Television Project**
This project is on schedule to be completed by February 1, 2008.
- **Capital Improvement Plan**
Mayor Singer reported that he and the Town Manager have met with several financial institutions and project managers regarding the Capital Improvement Plan.
- **Water Distribution System**
Mayor Singer apologize if residents misunderstood regarding the water system, it was not his intention to deceive anyone. He reiterated that no one knew the actual condition of the water system. He explained that this issue had been going on for about thirty years and he is excited that the Town will be able to fix the water distribution system along with the Capital Improvement Plan and save the Town approximately \$3 million dollars on the cost of replacing the Town's water distribution system.
- **Parks Master Plan**
Mayor Singer stated that the Town Manager will be presenting to the Council within the first quarter of 2008 a plan to remodel all of the parks in the town.

I. COUNCIL COMMENTS

Council Member Einstein

- Council Member Einstein asked the Town Manager for weekly updates be provided to the Mayor and Council regarding the Beach Pavilion Renovation Project.

Council Member Rojas

- Council Member Rojas stated that she was in agreement with Mrs. Fishbein in adopting an ordinance regarding solicitation within the Town Limits.
- Council Member Rojas asked the Town Manager if residents were prohibited for bringing in their Tennis Pro after the agreement with Mr. Goldfine.
- Council Member Rojas stated that at this point in time, the Town should move forward with the replacement of the water distribution system project. At the water distribution system workshops it was made very clear that the financial responsible course of action is to keep the financing of this project separate from the Capital Improvement Plan because the Town can acquire funds at a cheaper rate of interest for the water project.
- Council Member Rojas wished everyone a Happy New Year.

Council Member Lusskin

- Council Member Lusskin wished everyone a Happy New Year.
- Council Member Lusskin stated that she had received many telephone calls from residents regarding homes that are under construction sites that are not maintained properly.
- Council Member Lusskin asked for the plants along Massini Avenue to be watered.
- Council Member Lusskin stated that residents with waterfront properties were concerned with the identification system for their homes facing the water. The residents wanted to know how the homes were going to be identified.
- Council Member Lusskin asked the Police Department to increase the beach patrol for residences on the beach.

Vice Mayor Bernstein

- Vice Mayor Bernstein stated that he was in favor of adopting an ordinance regarding solicitation in the Town.
- Vice Mayor Bernstein stated he was not sure what decision he would have made in regards to the Town's Water Distribution System prior to the workshop. However, after the discussions at the workshops the council realized that the system needed to be replaced instead of being repaired. He stated that the time to move forward with replacing the water distribution system is now because the cost for the project will be less by doing this project simultaneously with the Capital Improvement Plan.

J. TOWN MANAGER REPORT

• Mosquito Problem

The Town Manager stated that he had received numerous calls from the residents complaining about the spraying of chemicals to get rid of the mosquitoes. He explained that the Town has a contract with Clark Mosquito Company. He stated that the chemicals they use to spray has to be applied in the early evenings when the mosquitoes are most active in order to be effective. If these chemicals are sprayed at other times the spraying would not be effective. He also stated that the chemicals used are not harmful. He explained that when the company is spraying the chemicals if there are residents in the area they have to turn off the sprayer until they have cleared the area. He added that there was late spraying this year because the Town had wet weather in late November.

• Temporary Curbs

The Town Manager explained that the reason the temporary curbs were installed to protect the Town's property. He stated that Town's easements are damaged by delivery, construction and cement trucks. Once the Capital Improvement Plan project is completed the temporary curbs would not be needed.

- **Temporary Speed Humps**

The Town Manager stated that the Town is installing temporary speed humps in the month of December. They will out for a couple days and then removed. This is just to remind the residents that the speed limit on Golden Beach Drive is 25 miles per hour, and 35 miles an hour on Ocean Boulevard.

- **FOP Contract**

The Town Manager reported that there was a tentative negotiated contract with the FOP. The contract will be brought to Council for ratification at the January 2008 Regular Town Council Meeting.

- **Parks and Recreation Master Plan**

The Town Manager stated that at the July 2007 Regular Town Council Meeting he had presented a Parks and Recreation Master Plan. He stated that this plan will be brought to the January or February Regular Town Council Meeting for approval by the Council, so that he can move forward on enhancing the park facilities.

- **Town's Fiscal Year 2007/2008 Operating Budget**

The Town Manager stated that the Town operating Budget was submitted to the Government Financial Officers Association for an award.

- **Part-Time Police Officers**

The Town Manager reported that the Town has hired four (4) part-time officers that is saving the Town \$28.00 per hour whenever the Town had to pay Officers overtime or off-duty details.

- **Capital Improvement Plan**

Mr. Diaz stated that since the November 6, 2007 Special Election he and the Mayor have been meeting with different lenders and financial institutions, owner representative firms and constructions management companies. They will be bringing the information back to the Council by the January Regular Town Council Meeting.

K. TOWN ATTORNEY REPORT

The Town Attorney provided a report on the status of Kassal's litigation. Mr. Helfman explained that at the end of the Strand there is a public piece of land, which abuts the waterway. He explained that the Kassal would dismiss their law suit, will waive any claim to any right to the piece of property immediately behind their home so long as the town does not build any structure on that property during their lifetime. He stated that this would not preclude the building of a boat dock along the seawall, it would not preclude the construction of any building along the majority of the property as long it is not on the small portion that is behind their home. He also explained that dating back almost forty (40) years they had poured their concrete pool that actually goes into the Town's public land

by five (5) feet and it is fenced in, and the Kassal does not want to dig up the five (5) feet of pool that extends into the Town's property during their lifetime.

The Town Attorney read the caption of Resolution No. 1883.07 into the record granting a settlement agreement with the Kassal.

A Motion to approve Resolution No. 1883.07 by Council Member Lusskin, seconded by Vice Mayor Bernstein.

Roll call vote was as follows:

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

L. ORDINANCES – SECOND READING

No Ordinances for second reading.

M. ORDINANCES - FIRST READING

No Ordinances for first reading.

N. QUASI JUDICIAL RESOLUTIONS

1. A Resolution of the Town Council Approving a Variance Request for The Property Located at 407 Ocean Boulevard to Permit a 7.5 Foot North and South Side Setback, First Floor Level Where 10 feet is Required

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 407 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT A 7.5 FOOT, NORTH AND SOUTH SIDE SETBACK, FIRST FLOOR LEVEL WHERE 10 FEET IS REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 1880.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1880.07

The Building Official explained that the applicant is seeking a variance requesting a reduction of two feet six inches (2' 6") in the minimum side yard setback where a ten foot (10') setback is required by Section 66-136

of the Town's Code of Ordinances. Mr. Neida stated that the Building Regulation Advisory Board at the December 11, 2007 meeting voted 4 to 1 in favor to recommend this variance petition. Mr. Ralph Choeff, Architect, stated that the current residence has a five foot (5') set-back on the north side and five and a half feet (5.5') on the south side. The current residence size is over 5,000 square feet and they are reducing the proposed residence size by 300 square feet and enlarging the set-backs.

Mrs. Lea Carmona - 410 Ocean Boulevard spoke in opposition of this variance petition.

The Building Official stated that residents within a three hundred foot (300') radius were notified of this variance request, and staff did not receive any negative feedback. He added that this was the first time any opposition to this request was presented.

Mrs. Alene Fishbein - 256 Golden Beach Drive, spoke in opposition of this variance request.

A Motion to approve Resolution No. 1880.07 by Mayor Singer, seconded by Council Member Einstein.

Roll call vote was as follows:

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

2. A Resolution of the Town Council Approving a Variance Request for the Property Locate at 407 Ocean Boulevard to Permit a 7.5 foot side setback, Second Floor North Side Where 9.5 Feet is Required

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 407 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT A 7.5 FOOT SIDE SETBACK, SECOND FLOOR, NORTH SIDE WHERE 9.5 FEET IS REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 1881.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1881.07

The Building Official explained that Mr. Chouinard was requesting to reduce the required second story side yard setback by two feet (2') relative to the proposed 20 foot building height at the northwest corner of

the side, with a resulting seven and a half (7.5) foot setback where nine and a half (9.5) feet is required. He also explained that Section 66-69(3) of the Code, requires that the second floor setback be increased by one foot for each one foot of building height above the first eighteen (18) feet. He stated that at the December 11, 2007 Board Meeting the Board voted unanimously 4 to 0 in favor of the variance petition, and there were no objections file on record at the time of hearing.

A Motion to approve Resolution No. 1881.07 by Vice Mayor Bernstein seconded by Council Member Rojas.

Roll call vote was as follows:

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

3. A Resolution of the Town Council Approving a Variance Request for the Property Located at 407 Ocean Boulevard to permit a 31.58 Feet for the Roof Top Elevator where 27.5 Feet in Height is Required

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 407 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160. TO PERMIT 31.58 FEET FOR THE ROOF TOP ELEVATOR (110 SQUARE FEET) WHERE 27.5 FEET IN HEIGHT IS REQUIRED BY CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 1882.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1882.07

The Building Official explained that this variance request was for a roof terrace elevator override. He stated that the applicant has requested an increase in building height of 4'-2" above the maximum building height of 27'-6" above finished floor permitted by Section 66-69(9) of the Town Code of Ordinances. He explained that the variance petition is seeking relief from the maximum twenty seven and a half (27.5) feet building height per Section 66-69(9) of the Code, where thirty-one and seven inches is provided. The roof terrace elevator override is a minor structure of 110 square feet in floor area and offset 21'-6" from the side property line and 4'-2" taller than the Code allows. The elevator structure is modest in size and not intrusive to adjacent properties. At the December 11, 2007

Building Regulation Advisory Board Meeting this variance petition was recommended by the Board with a unanimous vote of 4 to 0 in favor of this request, and there were no objections to this petition on file.

A Motion to approve Resolution No. 1882.07 by Council Member Lusskin, seconded by Council Member Rojas.

Roll call vote was as follows:

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

O. CONSENT AGENDA

4. Minutes of November 20, 2007 Regular Town Council Meeting

A Motion to approve the Minutes of the November 20, 2007 Regular Town Council Meeting by Council Member Lusskin, seconded by Vice Mayor Bernstein. All voted in favor the motion was carried.

P. TOWN RESOLUTIONS

5. A Resolution of the Town Council Appointing Members to the Town's Beautification Advisory Committee

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH BEAUTIFICATION ADVISORY COMMITTEE PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 1884.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1884.07

Resolution tabled until the January 2008 Regular Town Council Meeting.

6. A Resolution of the Town Appointing Members to the Town's Beach Advisory Committee

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA;

APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH BEACH ADVISORY COMMITTEE PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 1885.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1885.07

Resolution tabled until the January 2008 Regular Town Council Meeting.

7. A Resolution of the Town Council Appointing Members to the Town's Recreation Advisory Committee

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH RECREATION ADVISORY COMMITTEE PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 1886.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1886.07

Resolution tabled until the January 2008 Regular Town Council Meeting.

8. A Resolution of the Town Council Appointing Members to the Town's Security and Public Safety Advisory Committee

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH SECURITY AND PUBLIC SAFETY ADVISORY COMMITTEE PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 1887.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1887.07

Resolution tabled until the January 2008 Regular Town Council Meeting.

9. A Resolution of the Town Council Appointing Members to the Town's Building Regulation Advisory Board

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH BUILDING REGULATION ADVISORY BOARD PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 1888.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1888.07

Resolution tabled until the January 2008 Regular Town Council Meeting.

10. A Resolution of the Town Council Appointing Members to the Town's Comprehensive Planning Board

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; APPOINTING MEMBERS TO THE TOWN OF GOLDEN BEACH COMPREHENSIVE PLANNING BOARD PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
Resolution No. 1889.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1889.07

Resolution tabled until the January 2008 Regular Town Council Meeting.

11. A Resolution of the Town Council Authorizing a Donation to Women of Character Professional Sorority, Inc.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING THE PAYMENT OF \$600.00 TO THE WOMEN OF CHARACTER PROFESSIONAL SORORITY INC.; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11
Resolution No. 1890.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1890.07

Town Manager explained that Administration wanted to make the Town's Halloween Event extra special this year, therefore, he engaged Florida Memorial College to recommend two organizations to help with this event. He stated that these two organizations, the Men and Women of Character Professional Sorority, Inc. spent three full days decorating the town and coordinating the event. In exchange for their services he made a commitment to donate \$300.00 to the Men's organization and \$300.00 to Women's organization.

A Motion to approve Resolution No. 1890.07 by Council Member Rojas, seconded by Council Member Lusskin.

Roll call vote was as follows:

Mayor Singer - Aye; Vice Mayor Bernstein - Aye; Council Member Einstein - Aye; Council Member Lusskin - Aye; Council Member Rojas - Aye.

12. A Resolution of the Town Council Approving a Change Order to the Construction Agreement Between Bejar Construction, Inc. and the Town of Golden Beach

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A CHANGE ORDER TO THE CONSTRUCTION AGREEMENT BETWEEN BEJAR CONSTRUCTION, INC. AND THE TOWN OF GOLDEN BEACH IN ORDER TO PROVIDE FOR THE FURNISHING OF LABOR AND MATERIALS TO COMPLETE THE WORK ENTITLED "FLAG POLE CHANGE ORDER" AS DESCRIBED IN EXHIBIT "A"

INCLUDING THE INSTALLATION OF THREE FLAG POLES, CONCRETE BENCH AND STOOLS, BRICK PATH, REMOVAL AND REPLANTING OF EXISTING LANDSCAPE, REPAIR OF EXISTING IRRIGATION LINES, PAINTING OF BENCH AND STOOLS AND FURNISHING AND INSTALLATION OF STEEL LETTERS PER DRAWINGS; FOR AN AMOUNT NOT TO EXCEED \$40,000.00; PROVIDING FOR APPROVAL OF THE CHANGE ORDER TO THE CONSTRUCTION AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12
Resolution No. 1891.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1891.07

Resolution pulled.

13. A Resolution of the Town Council Authorizing the Immediate Withdrawal of Town Funds from the State of Florida Board of Administration

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING THE IMMEDIATE WITHDRAWAL OF TOWN FUNDS FROM THE STATE OF FLORIDA BOARD OF ADMINISTRATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

Exhibit: Agenda Report No. 13
Resolution No. 1892.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1892.07

The Town Manager explained that recently the State Board has been having issues with some of the investments they have selected for some of the State Board funds and as of three weeks ago a large number of investors have pulled all of their funds before the State Board took action. The State Board froze all deposits and withdrawals in Miami-Dade County. He also explained that after a week of meetings the State Board have agreed to allow cities to withdraw funds. However, the State Board split the funds into two funds, a pool "A" and pool "B". He stated that the State Board have allowed investors to withdraw

up to \$2,000,000. per account from pool "A" and the Town has six accounts with the State Board, but the Town is not allowed to withdraw any funds from pool "B". The Town Manager's recommendation was since the Town does not know where the future of the State Board is headed, does not know the condition and the investments of the Board. To move forward and exercise its right to withdraw the Town's funds in pool "A", a total of \$2,004,187.63 and invest it into a secured money market or CD with Northern Trust Bank or a competitive lender to guarantee the Town the most competitive rate of return on the funds. Then in six months decide if the Town would want to rejoin the State Board or not. He further explained that the State Board investments are not guaranteed or secured.

The Town Attorney stated that the Town can withdraw all of its funds from both pool "A" and pool "B" but it will have to pay a penalty of about \$36,000.

Council Member Einstein suggested withdraw all of the Town's funds from the State Board of Administration.

Mayor Singer stated that the Town should withdraw all of its funds from the State Board and pay the penalty because the money in the State Board could be frozen for a long time.

A Motion to approve Resolution No. 1892.07 by Council Member Rojas, seconded by Council Member Lusskin.

Roll call vote was as follows:

Mayor Singer - Aye; Vice Mayor Bernstein - Aye; Council Member Einstein - Aye; Council Member Lusskin - Aye; Council Member Rojas - Aye.

14. A Resolution of the Town Council Approving the Mayor and Town Manager to Negotiate an Agreement with the City of North Miami Beach

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING THE MAYOR AND TOWN MANAGER TO NEGOTIATE AN AGREEMENT WITH THE CITY OF NORTH MIAMI BEACH FOR THE CONTINUED SUPPLY OF POTABLE WATER; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 14
Resolution No. 1893.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1893.07

The Town Manager stated that when this matter was brought to his attention it was from a letter from the City of North Miami Beach and Attorney Stephen Helfman within his first month of being hired. His course of action was to engage the City of North Miami Beach and he met with them. He brought the experts and discussed global solutions to the problem and many options were presented to him. However, the extent of the cost of the project at that time was still unknown. Although, the cost known today is very solid is still not guaranteed because there have been no soil sample or know the actual condition of the lines, and there are a lot of unknowns. He explained that the systems available to pay back this type of loans it makes financial sense to apply where the interest rate is capped a 2.75% versus the interest rate for the Capital Improvement Plan which is estimated at 4.5%. He stated that there was never any intention by himself or his staff to deceive or hold this information back from the public. He said that in one or two of the Newsletter issues he mentioned this water issue that would have to be addressed. He stated that the recommendation makes fiscal sense to address this matter today. This matter could be passed on to another Council and Administration, which has been done for the last thirty years. At this time, he was willing to recommend that the Town could absorb half of the cost of the project and offset the cost in future years to the residents, in order to mitigate the monthly contributions that the residents would have to make. There is also a scenario where the residents would not have to make any contributions by pledging \$100,000. per year out of the Town's budgets. He apologized to any resident that felt that Administration was keeping, misleading or holding back any information. The resolution is to allow the Mayor and himself to negotiate a short and a possible long-term contract for the City of North Miami Beach to continue to provide the Town with potable water through the construction phase of the Capital Improvement Plan and to take on this \$3,000,000. Water Distribution System project and include it in the overall Capital Improvement Plan.

A Motion to approve Resolution No. 1893.07 by Council Member Lusskin, seconded by Council Member Einstein

Roll call vote was as follows:

Mayor Singer - Aye; Vice Mayor Bernstein - Aye; Council Member Einstein - Aye; Council Member Lusskin - Aye; Council Member Rojas - Aye.

15. **A Resolution of the Town Council Authorizing the Mayor and Town Manager to Select and Negotiate the Terms of an**

Agreement with an Owner's Representative for the Town's Capital Improvement Plan

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING THE MAYOR AND TOWN MANAGER TO SELECT AND NEGOTIATE THE TERMS OF AN AGREEMENT WITH AN OWNER'S REPRESENTATIVE FOR THE TOWN'S CAPITAL IMPROVEMENT PLAN; PROVIDING FOR TOWN COUNCIL APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 15
Resolution No. 1894.07

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 1894.07

The Town Manager stated that this item is one part of the overall structure that staff is going to bring before the Council at the January Regular Town Council Meeting. This Resolution requests that the Council authorize himself and the Mayor to meet with various companies and or individuals to speak about the function of an Owner's Representative. The Owner's Representative will serve as an extension of the Town's staff and is responsible for the day to day coordination of activities, reviewing plans and working with the Construction Management Company as the plan progresses.

A Motion to approve Resolution No. 1894.07 by Council Member Rojas, seconded by Council Member Lusskin.

Roll call vote was as follows:

Mayor Singer - Aye; Vice Mayor Bernstein - Aye; Council Member Einstein - Aye; Council Member Lusskin - Aye; Council Member Rojas - Aye.

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Ken Bernstein:
None Requested

Councilmember Ben Einstein:
None Requested

Councilmember Judy Lusskin:
None Requested

Councilmember Amy Rojas:
None Requested

R. ADJOURNMENT:

A Motion made to adjourn the Council Meeting by Mayor Singer, seconded by Council Member Lusskin. Consensus votes 5 Ayes 0 Nays.

Meeting adjourned at 10:40 PM

Respectfully submitted,

Elizabeth Sewell
Elizabeth Sewell, CMC