



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the January 26, 2010
Regular Town Council Meeting called for 7:30 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:36 PM.

B. ROLL CALL

The Town Clerk called roll

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

Staff Present: Town Manager – Alexander Diaz, Town Attorney – Stephen Helfman, Police Chief – James Skinner, Finance Director – Maria Camacho, Building Official – Dan Neida, Executive Assistant to the Town Manager/HR Director – Lissette Perez and Town Clerk – Elizabeth Sewell

C. PLEDGE ALLEGIANCE

Councilmember Einstein led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

None

E. MOTION TO SET THE AGENDA

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

None

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee - June Krogoll made a report on behalf of the Beach Committee. She stated that the Beach Committee met and they

requested that the Town Attorney should draft an ordinance or resolution in reference to “no smoking” on the beach. The committee was concerned about the drainage system and hot water in the men’s bathroom. They were also concerned about the water coolers and the bathroom doors at the beach.

Beautification Committee - The Town Manager reported that the Beautification Committee met and discussed creating a beautification guideline pamphlet. He presented a draft copy of the pamphlet to the Mayor and Council for their review and feedback.

Comprehensive Planning Board – No report for the month of January 2010.

Recreation Committee - Ms. Cathy Szabo sent a report to be read on behalf of the Recreation Committee.

Security/Public Safety Committee – No report for the month of January 2010.

G. GOOD AND WELFARE

Sydell Herrick – 625 Ocean Boulevard, thanked the Council for the Medjools palm trees and lighting in front of her home on Ocean Boulevard. She also spoke in reference to revising the Town Code of Ordinances.

June Krogoll - 422 Golden Beach Drive, spoke in reference to a banner.

H. MAYOR’S REPORT

- **New Year**
Mayor Singer wished everyone a happy and healthy new year.
- **Haitian Relief Fund**
Mayor Singer stated that the Town was raising funds towards the Haitian Relief Fund. He stated that several of the Town employees have cashed in their sick or vacation leave to donate the funds to the Haitian Relief Fund.
- **Capital Improvement Project Update**
Mayor Singer reported that the A1A project is progressing and it looks phenomenal, especially at night with the trees and the lighting. He stated that it should be completed by the middle of March. He stated that he had received many compliments from not only residents but from people driving through the Town on A1A. He thanked the residents, the Council and staff for their support in making this project happen. He stated that the north side of the Town is getting closer to completion, while the south side of the Town is just beginning.

Therefore, he is urging all resident to be patient because the project is moving along on schedule and making tremendous progress. He stated that there would be an update of the Capital Improvement Project later on in the meeting from Paul Abbott.

- **Bridge Replacement Project Update**

Mayor Singer stated that he and the Town Manager have been working diligently with the Governor to raise funding for the replacement of the Center and North Island bridges. He stated that their goal is to start this project this year.

- **Smoking on the Beach**

Mayor Singer stated that he agrees with the residents that smoking on the beach is unsanitary and unhealthy. He stated that whatever the Town can do to resolve this issue will be done and it is being worked on. It is not going unnoticed. He asked the residents to have a little patience.

I. COUNCIL COMMENTS

Councilmember Rojas

- **Donated Palm Trees**

Councilmember Rojas stated that she had some residents expressed their concerns in reference to the new trees that the Mayor donated to Singer Park and the ones west of the new home being built. She stated that there were not any sprinklers in that area, therefore, the trees are suffering and the cold weather did not help. She stated that someone should be providing water frequently to those trees.

- **Capital Improvement Project Construction Garbage**

Councilmember Rojas stated that the construction workers for the Capital Improvement Project should move a little faster in cleaning up the construction garbage from the project. She stated that sometimes when areas of the work are being redone there are piles of garbage left in those areas and it is an eye sore.

- **No Smoking on the Beach**

Councilmember Rojas stated that she is in agreement with no smoking on the beach. She stated that the Council was waiting on information from the Town Attorney to find out what the Town can legally do to resolve this problem.

- **Beautification Guidelines**

Councilmember Rojas stated that the Council should be given time to review the list of guidelines from the Beautification Committee and it should be discussed at a later date.

Vice Mayor Lusskin

- **A1A Capital Improvement Project**

Vice Mayor Lusskin stated that she had received tremendous feedback in reference to the aesthetics of A1A with the work that is being done. She stated she was concerned about the open area in the west lot because anyone could enter the Town from that area.

- **Traffic In Construction Zone**

Vice Mayor Lusskin stated that now that the Capital Improvement Project is approximately ninety percent (90%) completed on the north side of the Town, she is asking that drivers be particularly careful about the speed limit in the area from Navona to Massini Avenue because there are about 10 to 12 cars going out of that area at the same time. She also expressed concern about parking on the sidewalks. She stated that she had spoken with the Chief in regards to creating a set of rules to address this issue.

- **Haitian Relief Fund Raising Project**

Vice Mayor Lusskin asked Mayor Singer to delay the deadline for raising funds for the Haitian Relief Fund until the next week because the Town of Golden Beach Youth Leadership Group would like to participate in the fund raising project but they would not be meeting until Thursday night. By extending the deadline by an additional week, it would give the Youth Group an opportunity to participate.

- **Construction Site Landscaping**

Vice Mayor Lusskin commended the Town Manager for the landscaping at the construction site at the north of Golden Beach Drive.

Councilmember Bernstein

- **Haitian Relief Fund**

Councilmember Bernstein stated that maybe the Council should consider doing the fund raising project in two parts as oppose to cutting it off.

- **A1A Project**

Councilmember Bernstein stated that A1A looks amazing, especially the uplighting of the Medjool palm trees in the median on A1A. He stated that the Town should consider the uplighting of trees in the interior of the Town.

- **Smoking on the Beach**

Councilmember Bernstein stated that he was in agreement with no smoking on the beach.

J. TOWN MANAGER REPORT

- **Capital Improvement Project Progress Report**

The Town Manager stated that the Town has made significant progress in the past two years. He thanked those residents that have worked with the Capital

Improvement Project team and staff in reference to the upheaval created by the project. He reported that the project is on track and it is on schedule. He stated that there has been \$3 million dollars worth of work added to the scope of the project, which is testing the time constraints. He stated that there were some emails from residents being concern about the mess on A1A and Golden Beach Drive where the sidewalks were installed. He stated that now that the sidewalks have been installed there would be a crew working to remedy the condition of the back of the sidewalk. He stated that it is his goal to deliver the completion of A1A by March 19, 2010.

He stated that he had received emails from residents in reference to what the next step is in the installation of the conduit for Florida Power & Light, Atlantic Broad Band and AT&T. The concern is regarding the fact that conduit will be required for not only for the undergrounding of Florida Power & Light but also for AT&T and Atlantic Broad Band. At the February council meeting, he will be providing a conduit packet on how to address this issue.

- **FEMA Funds**

The Town Manager stated that the Town received its first check from FEMA today in the amount of \$621,726.00

- **Town Parks Project**

The Town Manager stated that at the previous council meeting the Council directed him to find Park Designing firms that would work with the Town to provide designs for both the North and South parks. He stated that he met with three different firms, and would bring back a contract for these services at the February council meeting. One of the firms provided some renderings as to what the Town can do with these open spaces.

- **Signs for Waterfront Homes**

The Town Manager stated that the Public Works staff has installed 150 poles at the Town's waterfront homes. He explained that prior to him being hired the Council had issued a directive to staff to issue a number to each home on both the east side of Ocean Boulevard and the Intracoastal. These signs with the numbers were designed to address this directive.

- **Police Department Accreditation Process**

The Town Manager stated that he has directed the Chief of Police to commence the Town's Police Department accreditation process. This accreditation provides a uniform standard of practices in delivery of its services.

- **Miami-Dade Metropolitan Planning Organization**

The Town Manager stated that at the December Metropolitan Planning Organization meeting, the Town was successfully able to amend the MPO Plan adding the replacement of both its North Island and Center Island bridges. It means that both of the Town's bridges are eligible to receive both state and federal funding for their replacement. He reported that at the January County

Commission Meeting the commission approved \$300,000 they pledged for design of the Town's bridges. He thanked Commissioner Sally Heyman for her support.

K. TOWN ATTORNEY REPORT

None

L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE

- **A1A Project**

The Town Manager explained that the Town Council added \$1 million dollars to the project scope. The goal was to have this project completed by March of this year and it will be completed. He stated that the Town has been taking delivery of the Medjools palm trees and there is a crew in Town working on the back of sidewalk to add more landscaping to the back of the sidewalk. He stated that Mayor has directed him to provide protection for the street ends, which have been traditionally difficult to access. He stated that the monuments in the median of A1A have been a little difficult and by Thursday a decision will be made whether they will be taken down and start anew. Their design were a little more difficult than the Capital Improvement Team had anticipated to install. He stated that if the monuments are taken down and redone, it would not be at the expense of the Town. It will be at the expense of the contractor. He stated that he would not accept a temporary fix in this project. He stated that the project would be seriously impacting the flow of traffic on A1A during the next few weeks because they are going to begin the installation of the decorative bands at the County Line Road and the Terracina Ocean Boulevard for crossing and the installation of the crosswalk at the Strand. He strongly urged the residents to utilize the north and south gates during this period.

Paul Abbott stated that the trees at Singer Park are healthy. He stated that they do look battered. He explained that the trees were looked at by an Arborist and determined to be beaten but healthy. He stated that the trees are being watered daily, the sprinkler system is not hooked up automatically but there is a water source until they work with North Miami Beach to have a water meter installed. He stated that there have been a couple of issues with remedial work performed by the Capital Improvement Project team but they have been cleaned up. He stated that the entrance at the Strand would be closed on Friday and Saturday. All residents are asked to use Terrancina Avenue to come into the Town. He stated if the impatience is not thriving within four weeks they will be replaced at the contractor's cost.

The Town Manager stated that all residents are required to prepare their homes for the undergrounding of utilities. This means that if you have a meter can that is above the ground you are responsible for moving it. You are also responsible for the conduit from your service to point to the property line. He explained that

because Atlantic Broad Band and AT&T require a conduit instead of direct burial, staff has been looking at what it would cost for the Town to provide that conduit, if the cost is a number the Town feels comfortable with the Town might absorb that cost. He stated that staff would be putting a document for residents that would provide them with different options. He stated that when staff brought the undergrounding of the utilities to the residents the Town was not aware and was not ready to discuss if conduit was required by AT&T and Atlantic Board Band, but since it is required and it is something new, the Town will try to absorb the cost on its own.

M. ORDINANCES – SECOND READING

None

N. ORDINANCES - FIRST READING

None

O. QUASI JUDICIAL RESOLUTIONS

1. Approval of a Variance Request for the Property at 615 Ocean Boulevard (RESOLUTION NO. 2064.10)

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 615 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO ALLOW A FRONT WALL AND GATE WITH DECORATIVE COLUMNS, WITH TWO COLUMNS AT 7' IN HEIGHT, TWO COLUMNS AT 7'6" IN HEIGHT, TWO COLUMNS AT 8' IN HEIGHT, AND A DOUBLE ENTRY GATE WITH A MAXIMUM HEIGHT OF 9'6", IN LIEU OF THE HEIGHT RESTRICTIONS OF 6' SET FORTH IN THE TOWN CODE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 2064.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2064.10

Mr. Jose Merlo, Architect or record for this property spoke on behalf of the Applicants Kenneth & Rhonda Israel. The Town's Building Official, Daniel Neida read his comments and recommendations into the record. The Building Official stated that there was one letter of opposition submitted by the neighbor located at

605 Ocean Boulevard. The following residents of the Town spoke in opposition to this variance request: Sydell Herrick, Irene Archer and Alene Fishbein.

The applicant, Kenneth Israel explained the features of the fence and gate for this variance request.

Councilmember Einstein stated one of the conditions for granting this variance request would be to have tall landscaping type fencing behind the wall fence to soften the look.

The Building Official stated that according to the landscaping plan for this property, there are bamboo plants behind the wall and this should grow quickly and thick, which would meet Councilmember Einstein's requirement.

Mayor Singer stated that the house was already approved and it would not be aesthetically appropriate to put a shorter gate on such a big house. He stated that it is the Town's responsibility to work on the Town's Code of Ordinances because he would find it difficult to ask the applicant to install a 6-foot gate when a year ago the Council allowed the house to the south and many houses to the north to install walls that are much higher than 6 foot.

Councilmember Bernstein stated that although everyone agrees that the Code needs to be changed, he would find it difficult to deny this variance request when the Building Regulation Advisory Board went through this application and recommended it for approval.

Motion to approve Resolution No. 2064.10 by Councilmember Bernstein, seconded by Councilmember Einstein.

Roll call vote was as follows:

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

The motion carried.

P. CONSENT AGENDA

2. Minutes of December 15, 2009 Regular Town Council Meeting
3. **A Resolution of the Town Council Authorizing the Sale of Surplus Honda Boat Motors from the Town's Vessel Fleet**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE SALE OF SURPLUS HONDA BOAT MOTORS FROM THE TOWN'S

VESSEL FLEET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2065.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2065.10

4. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and Miami Shores Village

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND MIAMI SHORES VILLAGE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2066.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2066.10

5. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the City of Sunny Isles Beach

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE CITY OF SUNNY ISLES BEACH; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2067.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2067.10

6. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and the Miami-Dade County Police Department

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN

OF GOLDEN BEACH, FLORIDA, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE MIAMI-DADE COUNTY POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2068.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2068.10

7. A Resolution of the Town Council Approving a Mutual Aid Agreement between the Town and Drug Enforcement Agency

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A HIDTA TASK FORCE AGREEMENT BETWEEN THE TOWN AND THE DRUG ENFORCEMENT ADMINISTRATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2069.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2069.10

8. A Resolution of the Town Council Authorizing the Application for and Acceptance of \$2,457.00 in Federal Byrne Grant Funds

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF FEDERAL BYRNE GRANT FUNDS TOWARDS THE PURCHASE OF COMPUTERS AND A SOFTWARE PROGRAM TO PROVIDE FCIC/NCIC SERVICE, PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2070.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2070.10

Motion to approve Items P1 through P8 on the Consent Agenda by Vice Mayor Lusskin, seconded by Councilmember Rojas. Consensus vote was 5 Ayes 0 Nays.

Q. TOWN RESOLUTIONS

9. A Resolution of the Town Council Approving an Agreement between the Town and AT&T in Connection with the Conversion of Overhead Facilities to Underground Facilities

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN AND AT&T IN CONNECTION WITH THE CONVERSION OF CERTAIN OVERHEAD FACILITIES TO UNDERGROUND FACILITIES; AUTHORIZING THE MAYOR AND TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION; AUTHORIZING THE TOWN TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2071.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2071.10

The Town Manager explained that as part of the Capital Improvement Projects, the undergrounding of the Town's overhead utilities is one component of the project. During the last fifteen (15) months, the Town has been working with AT&T as they designed and we coordinated the installation of the undergrounding facilities and the eventual removal of the Town's existing overhead telephone facilities. He stated that there are a couple of terms in the contract that he wanted to make the Council aware of: (1) AT&T will be installing conduit boxes at Ravenna Avenue. (2) The contract calls for AT&T to bring the conduit to the home and this will provide the opportunity for residents to improve the quality of their service. (3) Their underground facilities are required to be in a conduit. During this time, the Town and AT&T have operated under the following premises: (1) AT&T would design and engineer the underground utilities in coordination with C3TS. (2) The Town through its contractors would install the undergrounding telephone facilities. (3) AT&T would be responsible for the conversion of the telephone utilities.

Motion to approve Resolution No. 2071.10 by Vice Mayor Lusskin, seconded by Councilmember Bernstein.

Roll call vote was as follows:

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

The motion carried.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:

Mayor Singer stated that the Town Attorney needed to schedule an Attorney Client Session for the Stormwater Phase I litigation.

Vice Mayor Judy Lusskin:

None Requested

Councilmember Ben Einstein:

None Requested

Councilmember Amy Rojas:

None Requested

Councilmember Ken Bernstein:

None Requested

Town Manager Alexander Diaz

None Requested

S. ADJOURNMENT:

A Motion to adjourn the Council Meeting by Vice Mayor Lusskin, seconded by Councilmember Einstein. Consensus vote 5 Ayes 0 Nays.

The meeting adjourned at 9:17 PM.

Respectfully submitted,

Elizabeth Sewell

Elizabeth Sewell, CMC
Town Clerk