



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the May 26, 2010 Special Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

B. ROLL CALL

The Town Clerk called roll.

Councilmembers Present: Mayor Glenn Singer, Vice Mayor Ben Einstein, Councilmember Ken Bernstein, Councilmember Judy Lusskin, Councilmember Amy Rojas

Staff Present: Town Manager Alexander Diaz, Town Attorney Steve Helfman, Police Chief James Skinner, Finance Director Maria D. Camacho, Interim Town Clerk/HR Director/Exec. Asst. to the Town Manager, Lissette Perez

C. PLEDGE ALLEGIANCE

Chief Skinner led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

Recognition of Town Employee of the Month for April 2010 – postponed until June 15th, 2010 meeting.

Recognition of Town Officer of the Month for April 2010 – postponed until June 15th, 2010 meeting.

Presentation by Residents Allison and Jillian Samowitz on Going Green Foundation for Golden Beach

E. MOTION TO SET THE AGENDA

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

Mayor called for a presentation from Mr. Scott Schlesinger related to the oil spill following his Mayor's report.

Town Manager called for presentation by resident Allison and Jillian Samowitz on a Going Green project for school related to Golden Beach to be made during Good and Welfare.

Concensus vote 5 Ayes 0 Nays.

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee – none

Beautification Committee – none

Comprehensive Planning Board – none

Recreation Committee – Councilmember Lusskin stated that she would discuss the committee during her report.

Security/Public Safety Committee – none

G. GOOD AND WELFARE

Presentation by Alyson and Jillian Samowitz about going green project they are going to work on in school related to Golden Beach. The sisters are interested in making this into a four year project for school with the help and support of the Town and administration. They're project would call for the Town's residents to make permanent lifestyle changes to reduce the Town's carbon footprint while saving the Town money by providing residents with information and education to preserve natural resources and reduce the Town's impact on the planet. The sisters have developed a non-profit foundation called Proseed-to-Green.

Chief Jim Skinner – spoke on Father's passing and the support and aid he received from the Town during that difficult time. Thanked the Mayor, Town Council, Town Manager and the Town for the kindness that was displayed, by sending two officers to Des Moines, Iowa to assist with funeral services and the wake.

H. MAYOR'S REPORT

Discussed Oil spill in the Gulf of Mexico and the effects it could have on our community and beaches both aesthetically and economically. Mayor Singer brought in Mr. Scott Schlesinger to speak on the subject, following the rest of his report.

North Island – should be complete by next week.

Mayor extended congratulations to the Council and the staff, but especially the Town Manager, Alexander Diaz for winning the Distinguished Budget Presentation Award for the Town for the first time.

Spoke on the approach of the Summer months – reminded residents to notify Town if they are going to be leaving and remember to set alarms and be pro-active. Mayor reminded residents to be very careful at night with construction sites and school being out.

Wished all residents a great summer and he is looking forward to CIP project almost being complete by the end of the Summer.

Schlessinger Presentation

Mr. Scott Schlesinger spoke about the oil spill near Louisiana that is threatening our waterways. He stated that the amount of oil that has already been spilled has exceeded the amount that was estimated. He spoke about the work that is being done at the City of Miami Beach and the Coast Guard with the booms that will be placed in the water that will soak up oil sheen and oil slick, which is the surface oil. However if there is a chop or wind oil can go over the boom or under the boom. Miami Beach representative, Lisa Botero spoke with Mr. Schlesinger and gave him a wealth of information on the spill. Schlesinger explained that there is a loop current in the Gulf of Mexico that puts the Town of Golden Beach at risk. He stated that this is an incomprehensible ecological disaster that if it continues threatens us more and more every day. (Mr. Schlesinger prepared a fact sheet for all in attendance). Spoke on 60 minutes piece on the oil spill that is very informative. He also spoke on the rights of all who are affected, sighting a state pollution act and the OPA-90 Act that came about after the Exxon-Valdes spill. If we have a hurricane in the Gulf of Mexico it will move that oil into the inland areas such as the Everglades. He mentioned that Ms. Botero is in close contact with Town Manager Diaz, who spoke with Diaz about the Town working with the County's Emergency Operations Center (EOC) should the Town be affected by the spill, because the Town does not have its own EOC. Incidental to the environmental catastrophe, Schlesinger mentioned the impact on home prices this crisis may have in causing a decline. He also mentioned that solvents that are being used are highly toxic and untested in waters of this depth. He stated that there is a state claim for ecological disasters like this and a Federal Claim, which is the OPA-90 claim. The Federal Claim covers economical losses pertaining to a disaster of this sort, but there is a question as to whether an economic loss claim only can be made in the state.

I. COUNCIL COMMENTS

Bernstein – offered condolences to Police Chief and his family. He commended Mr. Schlesinger and the Samowitz sisters for their presentations.

Einstein – thanked Mr. Schlesinger for informative presentation and extended condolences to Police Chief and his family. Commented on Town and the progress the CIP project is making both inside of town and on A1A.

Rojas – commended the Samowitz sisters for their proposal. She mentioned that the Town needs to get the recycling going as a first step to assist the girls with their project. Councilmember Rojas also mentioned that she has been getting calls from residents who are interested in getting information on the cat catching companies and the need for the Town to get information out to residents on this service so that residents can benefit from it. She also extended condolences to Chief Skinner for his loss.

Luskin – extended condolences for Chief's loss. She commended the Samowitz sisters for their presentation, Alex Goldstein for being mentioned in the newsletter, and

Ethan Addicott for being accepted to Harvard, MIT and winning the Silver Knight General Scholarship award for his school. She mentioned that the speed limit change on Golden Beach Drive is very, very slow – but the Town Manager reassured her that that is just a temporary change. She spoke about the Sunny Isles Beach Community School and an event they hosted recently that Ethan Addicott participated in. She commented on how beautiful Navona Avenue and Palermo Avenue look and spoke on how great the new sign at the Substation is. She also gave information about the Town's upcoming Memorial Day Event on May 31st beginning with a moment of silence at 5 p.m. on A1A at The Strand.

J. TOWN MANAGER REPORT

Thanked Mr. Schlesinger for his presentation and the Town's involvement with the oil spill. Golden Beach is unique because of a sand dune the Town has that may be affected by the booms. Spoke on Army Corps of Engineers meeting regarding canal dredging program. The Town is submitting a permit to the Army Corps specifically on the north inlet of North Island and on the north inlet of South Island there seems to be a canal maintenance issue. Thanked the Mayor and Council for recognizing the Town for winning the Budget award, mentioning that it is a staff-wide effort. Critter control program has begun. (At this point the Town Manager decided to segway into the CIP report and tie it into his report.)

CIP Update

A1A – substantially completed. Town has been receiving a lot of positive feedback for change of landscaping. The only pending issue is the lighting system that was installed on A1A (the lights on the medjools). The Town is working diligently with KIM Lighting, the provider of the lights. Discussions about ensuring a warranty bond from the contractor that would extend the life of the system for at least a 10-year period, to safeguard the system since it was not the system as specified in the bid, although the bid submittal did allow for substitutions. If KIM Lighting will not warranty the system, the Town will go out and replace fixtures and valance boxes. The lighting system is 100% safe and there is no hazard to residents or the traveling public. The lighting system on A1A is approximately \$170,000. The balance of the A1A project has been delivered, there are some punch list items that are being taken care of. The Town is in talks with DOT about negotiating the resurfacing of A1A. Our goal is to have some kind of agreement with them that will allow the Town to move forward with the project to get A1A resurfaced before the end of the Summer.

Vice Mayor Einstein inquired as to how and when the Town discovered that the valance of the lighting system wasn't what it was supposed to be? The Town Manager explained that the Town didn't discover it, however the Town hadn't accepted the system. The South Florida KIM Lighting representative called the Town and made the Administration aware of the valance not being a KIM Lighting valance. Although the Town did not know this at the time, the Town Manager reassured the Council that on final inspection, the Town would have discovered that the valances were not the right ones. He explained that the valance box works as an igniter of sorts for the lights. He also reminded the Council that product substitution is an acceptable practice in this industry, with prior approval.

Paul Abbott commented that the valance boxes go for about \$75-100 a box. The Town Manager re-affirmed that the Town would not allow delivery of the system if KIM Lighting does not sign off and warranty their system as installed and delivered.

Mayor Singer stated that before continuing with the discussion they should wait to hear from KIM Lighting before deciding how the Town would move forward, because at this point it is a mute point.

Golden Beach Drive – North Island is 90% complete. Still working on the pavers along the north side of The Strand, making sure color matches. Curb is into South Parkway along the Eastside of Golden Beach Drive. West side cannot be commenced until the road is shifted. There was a minor conflict as it relates to the stormwater system on the east side of Golden Beach Drive, leading to modifications of a couple of the structures that will cause a slight delay. To accommodate not slowing down the project, some sections of the curb have been left open. Project will move onto Center Island next. Four boxes for drainage left to be installed south of South Parkway on Golden Beach Drive. Anticipates bringing before Council the remedial work for Phase I work next month. Water is in everywhere except for South Island and work on North Park should commence shortly. Goal is for North Park to be delivered by the end of July. Asked Southeast to provide an additional crew. Hopefully by Tuesday of next week, north of Navona Avenue, Public Works employees will begin to excavate the trench for conduit installation for FPL, Atlantic Broadband, and AT&T, should take 45-60 days at the most.

Town Manager explained that the muck in the areas of the 500 block and 250 to 300 block of Golden Beach Drive is higher than in the rest of Town. Extra fill has been added to the road and which may assist with the issue.

Vice Mayor Einstein asked about the geogrid and the delays with getting it up and running. Paul Abbott ensured them that the time they are taking to install it is appropriate. It is a seeded product. After an eight-week growing period, it will look like grass, people can park on it and it will not receive such a beating.

Councilmember Lusskin inquired about FPL and the undergrounding in town. Paul Abbott explained that the north end of town will be converted in the Fall and the lines behind the homes on the east side of Golden Beach drive will come down next year. Phase 1 runs from Massini Avenue to The Strand, not including the islands which are part of Phase 4 of the project.

Councilmember Rojas asked about the FPL trenches, and who would supervise the public works team and letters that have or have not gone out to homes that may need the conduit. The Town Manager stated that soft digs will be done, and Paul Abbott will be managing this project. Paul stated that letters describing the owner's responsibility have been drafted, but are being held back until the appropriate time.

The Town Manager also mentioned that a fichus wall, lighting and backdrop will be added to the Police Department sign at the Substation to make it pop out more.

K. TOWN ATTORNEY REPORT

None

L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE

Delivered as part of the Town Manager's report.

M. ORDINANCES – SECOND READING

None

N. ORDINANCES - FIRST READING

None

O. QUASI JUDICIAL RESOLUTIONS

None

P. CONSENT AGENDA

1. Minutes of April 27, 2010 Special Town Council Meeting.
Minutes of May 4, 2010 Special Town Council Meeting
2. **A Resolution of the Town Council Approving Fee Agreement with Town Attorney In Connection with Town of Golden Beach v. RLI Insurance Company**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING FEE AGREEMENT WITH TOWN ATTORNEY IN CONNECTION WITH THE CASE STYLED TOWN OF GOLDEN BEACH V. RLI INSURANCE COMPANY, AND WILIAMS, HATFIELD & STONER, INC., CASE NO. 04 02417 CA 10; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2094.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2094.10

Concensus vote 4 Ayes 0 Nays. (Councilmember Lusskin had stepped out of the room and did not participate in vote.)

Q. TOWN RESOLUTIONS

3. A Resolution of the Town Council Approving a contract with THL Landscaping, Inc. for landscaping services for the Town

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A CONTRACT FOR LANDSCAPE MAINTENANCE WITH THL LANDSCAPING, INC.; PROVIDING FOR EXEMPTION FROM COMPETITIVE NEGOTIATIONS AND WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2095.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2095.10

A motion to approve was made by Councilmember Rojas, seconded by Vice Mayor Einstein.

Town Manager Diaz mentioned that A1A landscaping is under a one-year warranty and Town did not want to have one company warranting and another company maintaining it, so this was a way to waive competitive bidding. THL agreed to honor the Acosta Nursery contract from year's past with the added benefit of providing a staff member who will be in Town at least three days a week to service the Town as needed. Councilmember Bernstein mentioned that in the future the Town should probably go out to competitive bid. Vice Mayor Einstein commented and asked about maintenance after THL is gone.

Roll call vote was as follows:

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

The motion passed 5 - 0

4. A Resolution of the Town Council Accepting the general purpose Financial Statements for Fiscal Year 2008/2009 ending September 30, 2009

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE GENERAL PURPOSE FINANCIAL STATEMENTS FOR FISCAL YEAR 2008/2009 ENDING SEPTEMBER 30, 2009 PREPARED BY KEEFE, MCCULLOUGH & CO., LLP; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2096.10

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2096.10

Roll call vote was as follows:

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Bernstein.

The Town Manager explained that the Council was approving just the financials because the final audit was not complete. At the June Council Meeting, the Management controls would be presented for approval and the other item that will be approved is the single audit. He emphasized that tonight the Council was not approving the audit, just approving the financial statement, with the final audit being approved at next month's meeting. One of the highlights of the audit is that last year the Town was able to save \$1.1-million in operating expenditures.

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

The motion passed 5-0.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Ben Einstein:
None Requested

Councilmember Judy Lusskin:
None Requested

Councilmember Amy Rojas:
None Requested

Councilmember Ken Bernstein:
None Requested

Town Manager Alexander Diaz
None Requested

Town Manager Diaz reminded the Council that casual wear for the Summer will begin as of June, and employees will be dressing much more casually.

S. ADJOURNMENT:

Motion to adjourn the meeting made by Vice Mayor Einstein and seconded by Councilmember Lusskin. Concensus vote 5 Ayes 0 Nays

Meeting adjourned at 8:30 PM.

Respectfully submitted,

Lissette Perez

Lissette Perez
Interim Town Clerk