



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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**Official Minutes for the October 27, 2009  
Special Town Council Meeting called for 7:30 P.M.**

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### A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:34 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, Facilities & General Maintenance Director – Ken Jones, 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 September 2009*

Mayor Singer acknowledged Gene Scott of the Public Works Department as the Employee of the Month for September 2009.

*Recognition of Town Officer of the Month for September 2009*

Mayor Singer acknowledged Officer Edward Pickering as the Officer of the Month for September 2009.

## **E. MOTION TO SET THE AGENDA**

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

The Town Manager stated that was an addition made to the Agenda, Item No. N6 was added to the Agenda.

## **F. TOWN BOARD/COMMITTEE REPORTS**

Beach Committee – No report for the month of October 2009

Beautification Committee – No report for the month of October 2009.

Comprehensive Planning Board – No report for the month of October 2009.

Recreation Committee – Cathy Szabo sent an announcement from the Recreation Committee to be read into the record.

Security/Public Safety Committee – No report for the month of October 2009.

## **G. GOOD AND WELFARE**

Joelle Kheel – 407 Golden Beach Drive spoke in reference to her concern regarding the flooding in front of her house.

Phyllis Samowitz – 250 South Island Drive sent a letter to be read regarding Health Insurance benefits for the Council.

Alene Fishbein - She thanked the Mayor, Council, Staff and the Town's residents for making it evident that everyone really cares for her and Mr. Fishbein. She commended the Town Manager for his performance as the Town of Golden Beach's Town Manager.

## **H. MAYOR'S REPORT**

- **Donation to Sunny Isles Community School**

Mayor Singer stated that the Sunny Isles Community School is doing a fundraiser to raise funds for school supplies, scholarships and Teachers and Students activities. He stated that the school is in the Town of Golden Beach's district and the Town has approximately twenty-five (25) children that attend that school. He stated that the school was asking for a donation in the amount of \$10,000.00. He stated that this is a request that need to be discussed further.

- **New Sign at the Strand**  
Mayor Singer commended the Town Manager and the staff for the new sign at the Strand. He stated that the sign was very attractive. It is a great addition to the Town and he explained that it will be used for notification of Town events.
- **Capital Improvement Project Update**  
Mayor Singer stated that the Capital Improvement Project is progressing as planned. He asked the residents to drive north on Golden Beach Drive in the area of Novana Avenue and they would see the Capital Improvement Project in that area nearing completion. He stated that the A-1-A project is progressing and that portion of the Capital Improvement Project should be completed by the end of the year.
- **Halloween**  
Mayor Singer stated that Saturday was Halloween and he asked the residents to be very careful when driving in the Town because the Town's children will be out in the streets going from one residence to another, especially with the Capital Improvement Project in the north side of the Town.

## I. COUNCIL COMMENTS

### Councilmember Rojas

- **Halloween**  
Councilmember Rojas asked the Town's residents to consider foregoing trickier treating in the Town because of the dangerous conditions of the streets in the Town.
- **Capital Improvement Project Concerns**  
Councilmember Rojas stated that several residents has approached her regarding moving the staging area from the North Park area to South Park as the Capital Improvement Project moves south of the Strand on Golden Beach Drive.
- **Contribution to Sunny Isles School**  
Councilmember Rojas stated that the contribution to the school was a good gesture on the part of the Town, however, she was concern that this contribution could encourage other request for donations from other organizations that the Town may not be able to manage financially.

### Councilmember Einstein

- **Capital Improvement Project**  
Councilmember Einstein stated that he has had an opportunity to speak with the Town's Owner Representative for the Capital Improvement Project and he stated that Mr. Abbott was very available to the residents in reference to the project. He stated that the Capital Improvement Project construction workers are very courteous and hard working.

- **Expression of Condolences**

Councilmember Einstein expressed his sympathy to Mrs. Fishbein and stated that Mr. Fishbein would be missed by everyone.

### **Councilmember Bernstein**

- **Halloween**

Councilmember Bernstein asked if there could be designated areas in the Town for the children to tricker-treat.

- **Donation**

Councilmember Bernstein stated that he is in favor of giving the donation to the elementary school but he stated that the Town should find out if there are other schools that need donations before giving to the elementary school.

- **Expression of Condolences**

Councilmember Bernstein expressed his condolences to Mrs. Fishbein.

### **Vice Mayor Lusskin**

- **Donation to Sunny Isles Community School**

Vice Mayor Lusskin stated that the Golden Beach Youth Leadership will be meeting on Thursday, and they have to come up with a fundraising project for the year. She stated that the youth leadership group could do a fundraising project to raise funds for the donation from the Town of Golden Beach to the school.

- **A-1-A Capital Improvement Project**

Vice Mayor Lusskin stated that she was very pleased with the work performed on the sidewalks. She stated that she has seen residents using the sidewalks.

- **Moisture Sensor**

Vice Mayor Lusskin stated that a resident informed her that the North Miami Beach Water Department had informed her that there is a new policy that all automatic water system are required to have a moisture sensor.

- **Rental Properties**

Vice Mayor Lusskin stated that Code Enforcement need to keep monitoring the rental properties in the Town.

- **Flag Pole**

Vice Mayor Lusskin asked the Town Manager to have a flagpole at the Police Substation by Memorial Day.

- **Police & Security**

Vice Mayor Lusskin stated that on October 1, 2009 the Town's Chief of Police held a supervisory meeting with the Police Officers and residents. She stated that the Police Officers said they were working very hard to get to know the

residents and their children. She also stated that the Police Officers would be working on their attitudes. She explained to the residents that Detective Tammy Valdez's office is located at the Police Substation. She also explained that the Security/Public Safety Committee spoke with the Police Department in reference to speeding in the Town.

- **West Parking Lot**

Vice Mayor Lusskin stated that there use to be some little trees and shrubs there but with all of the construction, there are not any plants there. She also stated that there is an overloaded dumpster in that parking lot.

## **J. TOWN MANAGER REPORT**

- **LCD Sign**

The Town Manager stated that sign at the Strand was operational. He stated that it is the Administration intent to have a welcome to Golden Beach message on the sign and community sponsored events. He stated that he has received positive responses from some of the residents. He also stated that staff is working on manicuring that area by bringing in more sea grape trees and some annual plants to improve that area. He stated that he has contacted Acosta Nursery to do some work at the West Parking Lot.

- **School Donation**

The Town Manager stated that he would look into where in the budget the Town would be able to make a donation in the excess of \$3,000.00 because that is the amount that is set-aside in the budget for community donations annually.

- **Marine Patrol**

The Town Manager informed the Council and residents that the Marine Patrol boat will not be on patrol this weekend because the boat is undergoing major renovations, but the Town of Golden Beach Marine Officers will be patrol the Town's waterways with the City of Aventura and the City of Sunny Isles Beach Marine Patrol.

- **Temporary Mailboxes**

The Town Manager stated that staff had received numerous telephone calls from residents on the west side of Ocean Boulevard in reference to the temporary mailboxes that were installed behind the sidewalk. He stated that these were not the mailboxes that the Town Council authorized for purchase they are just temporary mailboxes.

- **Town Parks**

The Town Manager explained that the Town Council approved in the Fiscal Year 2009-2010 Operating Budget to set-aside approximately \$700,000 to remodel the parks. The Town's Parks Program includes Massini Avenue, the Strand and North and South Parks. He stated that due to the Capital

Improvement Program the park space in both north and south parks are limited. He explained that there is very limited staging area. He stated that he anticipates that the Capital Improvement Project will be out of the north area by February 2010 but additional staging area would be needed for the bridge replacement project. Therefore, he cannot commit to the Council to give up the staging area in north park because it is needed for the bridge replacement project. He stated that staff would look at ways to scale down the size of the staging area on north parkway, but in reference to the Town's staging area needs the Town is at a critical point.

- **Halloween Event**

The Town Manager announced that Halloween Event would be on Saturday at the Beach Pavilion from 7:00 to 11:00 PM. He encouraged all children if they were going to tricker-treat that they should do so between the hours of 6:00 and 7:00 PM while there is still some daylight. He stated that there would be additional Police coverage on Golden Beach Drive for the tricker-treaters.

- **Veterans' Day Event**

The Town Manager announced that the Town of Golden Beach Veterans' Day Event is scheduled for Wednesday, November 11, 2009 at the Beach Pavilion.

- **Town Manager Trip**

The Town Manager stated that he would be out of the country from November 6 through November 22, 2009. He stated that he was designating the Town Clerk as Acting Town Manager and he asked Mr. Paul Abbott the Town's Owner's Representative to be more accessible during his absence to ensure that no problems arise as it relates to the Capital Improvement Program or power outages or flooding in the streets.

## **K. TOWN ATTORNEY REPORT**

None

## **L. CAPITAL IMPROVEMENT PROJECT PROGRESS REPORT & UPDATE**

The Town Manager provided an explanation regarding the standing water on the north end of the Town. He stated that the Stormwater Management System from Navona north has not been fully delivered to the Town. He explained that the Town is still waiting on the installation of the flap gates required to put that basin area into service. He also stated that there is a manhole that has to be constructed to put section north of North Parkway into the ground. He stated that there is a concern with the standing water especially from the Strand and in the 400 and 500 block of Golden Beach Drive, which has been considerably deeper. He stated that the manholes in that area have been covered to meet our NPDES mandates, which requires that where there is an active construction zone that the catch basins and

manholes be covered to allow only the minimal pollutants to enter the waterways, such as Biscayne Bay.

The Town Manager explained that in reference to the installation of the underground utilities the Capital Improvement Team is ahead of schedule with the installation of conduits for the utilities. In reference to the Water Replacement System, the water main has been installed almost everywhere except for South Island, and connections are pending in about 20% of the areas that have been installed. He stated that pressure testing and health inspection testing would be conducted south of the Town during the next couple of weeks. He also stated that the connections to the homes on North, Center and South Islands would not happen until after the first of the new year.

The Town Manager explained that the Town has designated area where there is active construction to be one-way traffic, which allows a bigger footprint to work in order to expedite the project.

The Town Manager stated that he has been receiving many telephone calls from residents regarding the landscaping on the north end of town, why old coconut trees are been planted. He stated that from the commencement of the Capital Improvement Project it was always understood that the coconut trees would be removed, planted in the nursery area, and then be replanted as part of the installation of the landscaping project from where they were removed. He explained that this was done to help keep down the cost of the landscaping portion of the Capital Improvement Project. He stated that once the total project is delivered the team would look at areas that they feel that are not as hearty as other areas and install additional coconut palm trees.

The Town Manager explained that by the Council's action at the last council meeting all of the coconut palm trees and sable palm trees will be removed from A-1-A and replacing them with date palm trees. He stated that the sable palm trees that are removed from A-1-A would represent a tremendous saving in the landscaping project for Golden Beach Drive design because they will be planted on Golden Beach Drive.

The Town Manager explained that one of the reasons they have not removed the sidewalk samples from Rock Park because there are areas in the sidewalk that may have to be replaced and if there are any questions as to what was approved he would like to have the sidewalk samples on hand. He stated that they will move them and store them somewhere else but he does not want to get rid them yet. He stated that he and Mayor Singer walked the sidewalk south of the Strand on A-1-A and that area looks a little hard and cold with the limited landscaping installed on the west side of Ocean Boulevard, therefore, in order to soften the environment a little they would consider adding some more landscaping along the west side of Ocean Boulevard.

Paul Abbott stated that the sable palms would be installed at the north end of Golden Beach Drive.

Mr. Abbott stated that this year the flooding has been difficult because the tide is higher than normal and unfortunately the flooding that the Town is experiencing along Golden Beach Drive is tidal water. He stated that the deepest excavation that has to be performed in the Town is at the Strand in order to tie the new water main to the 18" North Miami Beach water line going across the Intracoastal.

The Town Manager explained that the construction of the Capital Improvement Program would shut down from December 23, 2009 through January 3, 2010. Before December 23, 2009, the Capital Improvement Project construction workers will be doing some massive cleaning of the Town. Due to the shut down of the project for the holidays, he has authorized Southeastern Engineering Contractors to work every Saturday except for Thanksgiving weekend.

The Town Manager explained that the Florida Power & Light Company outages that the Town had experienced in the last couple of weeks were not related to the Capital Improvement Project. He stated that he had met with Aletha Player, Manager of Florida Power & Light Company in reference to the outages and they are looking at their system to find out what is causing the problem. He also stated that Ms. Player has asked the Area Manager for Golden Beach come out and do a walk through of their system for this area.

The Town Manager stated that the Town has received a significant gift as it relates to landscaping. He stated that Mayor Singer was donating several Royal Palm trees that are in excess of 20 feet, and several Coconut Palm trees. He explained that these trees would cost the Town significant funds. He thanked Mayor Singer for his contribution to the Town.

### **Discussion of A1A Landscape Design**

The Town Manager stated that at the last council meeting the Council by their action authorized him an allowance of \$795,000 to redesign the landscaping for the median of A-1-A. He stated that the Town has placed an order for 68 bare trunk 35 feet high Medjool Palm trees for A-1-A median. These trees will be delivered between the next 6 to 8 weeks. He explained that the current design plan is that every median with the exception of the northern most and the southern most median, which is already installed, will have 35 feet Medjool Palm trees space at 35 to 37 feet intervals. He stated that the direction Administration needed from the Council at this meeting was in reference to ground cover.

Mr. Ken Gardner of Rosenberg Gardner Design presented the new landscaping design for A-1-A. He explained that the State of Florida Department of Transportation is very concern with traffic safety and have created a very stringent set of standards for sight visibility, which is based on the design speed and how many lanes of traffic that is involved as traveler make left turns. This has an impact on the spacing of the trees and the height of the ground cover, in order for travelers to have clear sight. He stated that the northern and southern most islands would be



covered with seasonal plantings and the islands between would be covered with to different types of green masses of shrubs, being alternated between islands.

Councilmember Rojas stated that she felt it would be better if the ground was the seasonal plantings on the ends and the other islands ground cover was only one shrub.

The Town Manager stated that the type of shrubs that are selected should be the heartiest, because once the shrubs are chosen, those are the shrubs that would be planted. He explained that the design intent is that in between the trees from curb to curb no sod whatever. He also explained that the Town's recurring maintenance of cutting back and shaping the islands would offset the cost of the ongoing maintenance of mowing, watering and mulching of the sod areas.

A motion was made to select the Dwarf Fire Bush and Fichus Green Islands for the median for inside islands alternating the masses every 70 feet and allowing the Town Manager in the future years to bring annuals for consideration when it is time to plant them by Vice Mayor Lusskin, seconded by Councilmember Bernstein. Consensus votes 4 Ayes 1 Nay. The Motion passed.

A motion was made to select the Fakahatchee Grass and Schefflera Trinette from back of curb to back of curb for the northern and southern entry islands with Impatiens and Dwarf Oyster plants on the outside by Councilmember Bernstein, seconded by Vice Mayor Lusskin. Consensus votes 5 Ayes 0 Nays.

## **M. CONSENT AGENDA**

1. Minutes of September 22, 2009 Special Town Council Meeting and the Final Budget Public Hearing.
2. **A Resolution of the Town Council Authorizing the use of Funds from the Law Enforcement Trust Fund for Previously Approved Purchases**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF THE FUNDS FROM THE TOWN'S LAW ENFORCEMENT TRUST FUND IN CONNECTION WITH CERTAIN PREVIOUSLY-APPROVED PURCHASES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Resolution No. 2047.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2047.09

**3. A Resolution of the Town Council Approving a Memorandum of Understanding Agreement Between the Town and Mount Sinai Medical Center**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE TOWN AND THE MOUNT SINAI MEDICAL CENTER; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Resolution No. 2048.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2048.09

**4. A Resolution of the Town Council Recognizing October 17 through October 25 as National Red Ribbon Week.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RECOGNIZING OCTOBER 17th THROUGH OCTOBER 25th AS NATIONAL RED RIBBON WEEK; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2049.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2049.09

**5. A Resolution of the Town Council Approving a Joint Participation Agreement with Miami-Dade county for Bridge Design Services**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY FOR BRIDGE DESIGN SERVICES IN CONNECTION WITH THE REPLACEMENT OF THE CENTER ISLAND BRIDGE AND NAVONA AVENUE BRIDGE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 5  
Resolution No. 2050.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2050.09

A Motion to approve Items M1 through M5 on the Consent Agenda by Vice Mayor Lusskin, seconded by Councilmember Rojas. Consensus vote was 5 Ayes 0 Nays.

The motion carried.

## **N. TOWN RESOLUTIONS**

### **6. A Resolution of the Town Council Authorizing Health Insurance for the Mayor and members of the Town Council**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PROVISION OF HEALTH INSURANCE BENEFITS FOR TOWN COUNCILMEMBERS AND THEIR ELIGIBLE DEPENDANTS UNDER THE TOWN'S GROUP HEALTH INSURANCE PLAN; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO INCLUDE TOWN COUNCILMEMBERS IN THE GROUP HEALTH INSURANCE PLAN AT THEIR ELECTION; AUTHORIZING THE EXPENDITURE OF BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2051.09

**Sponsor:** Councilmember Einstein

**Recommendation:** Motion to Approve Resolution No. 2051.09

The Town Manager stated that in order to provide Comprehensive Health Insurance benefits for the Town Council and their dependents would cost the Town \$87,572 annually.

Councilmember Einstein explained his sponsorship of this Resolution. He stated that he wanted the Town to provide Comprehensive Health Insurance for the Town Council as a benefit to the Councilmembers. He also stated that in comparison to other municipalities in Miami-Dade County, the Town of Golden is financially more stable than other municipalities and they provide compensation to their elected officials. He stated that when the Town provides Health Insurance coverage for an employee's dependents the Town does not cover the cost.

The Town Manager explained that the Town covers 100% of the cost for Health Insurance coverage for the town employee and 50% of the cost for dependents.

Councilmember Einstein stated that his consideration was for the Town to cover the Health Insurance Coverage cost for only the Councilmember.

Mayor Singer stated that the Town's Health Insurance Plan may not cover pre-existing conditions.

The Town Attorney explained that there are Health Insurance Plan policies that are tailored for municipalities to extend coverage to retirees under certain circumstances. The Town Attorney stated that if this Resolution should be adopted and if members of the Council do decide to take the Town's health insurance coverage be very careful about whether or not they can continue coverage in the Town's health insurance plans once they retire. He stated that he does not want anyone to believe that somehow there is a guarantee that once a Councilmember leave, they forever are entitled to insurance under the Town's plan. He wanted the Council to consider the risk.

Councilmember Rojas agreed that the Council works hard. If the Town can afford to extend health insurance benefits to the Council, it should because the Council is deserving of these benefits. However, on a personal level she would not be willing to take the risk of taking the Town's health insurance benefits.

Vice Mayor Lusskin stated that she could not take the risk of taking the Town's health insurance benefits unless the coverage was guaranteed, even after she has retired.

Councilmember Bernstein stated that this was a very reasonable request and he is in support of making the health insurance benefits available at the Councilmember's' costs.

Fred Chouinard is in support of providing something whether or not it is health insurance to the Mayor and Council.

Robert Smoley is in support of compensation for the Councilmembers. He suggested a nominal salary or fee of \$500.00 per month that the Councilmembers can use to purchase their own health insurance.

Sydell Herrick stated that this matter should be brought to the Town's residents for a vote.

A Motion to offer Councilmembers to purchase the Town's Health Insurance Plan at their sole costs by Councilmember Bernstein, seconded by Councilmember Rojas. A Motion was made by Councilmember Bernstein to withdraw his foregoing Motion.

**O. DISCUSSION & DIRECTION TO TOWN MANAGER**

Mayor Glenn Singer:  
None Requested

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  
\*November Regular Town Council Meeting  
remained scheduled for Tuesday, November 17, 2009 at 7:00 Pm

**P. ADJOURNMENT:**

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

The meeting adjourned at 10:10 PM.

Respectfully submitted

*Elizabeth Sewell*

Elizabeth Sewell, CMC  
Town Clerk