



## TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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Official Minutes for the September 22, 2009  
Special Town Council Meeting &  
Final Budget Public Hearing called for 7:30 P.M.

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### A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:55 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 – Michael Popok, Police Chief – James Skinner, Finance Director – Maria Camacho, Building & Zoning Department Director – Linda Epperson, Assistant to the Town Manager/Human Resource Director – Lissette Perez, Director of Public Works – Riley Crews, Facilities & General Maintenance Director – Ken Jones, Town Clerk – Elizabeth Sewell.

### C. PLEDGE ALLEGIANCE

The Town Council led the Pledge of Allegiance.

### D. PRESENTATIONS / TOWN PROCLAMATIONS

#### *Recognition of Town Employee of the Month for August 2009*

Mayor Singer acknowledged Lissette Perez as the Employee of the Month for August 2009.

#### *Recognition of Town Officer of the Month for August 2009*

Mayor Singer acknowledged Acting Sergeant Lyndean Peters as the Police Officer of the Month for August 2009.

The Town of Golden Beach Police Department made a brief presentation regarding Crime Suppression in the Town of Golden Beach. The following crime suppression

strategies have been implemented to handle the increase in crime in the Town. An additional full-time officer has been added to the Police Department in order to provide additional patrol to the Town, the marine patrol has increased its hours of patrolling by adding night patrol of the Town's waterways, the K-9 Units are staggered to provide coverage in the day and at night. The Town's police department is also utilizing unmarked cars and undercover police officers to provide additional surveillance in the Town. The officers are also utilizing nighttime goggles to provide improved nighttime vision.

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

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

Item No. Q8 Resolution No. 2034.09 funds allocated from FY 2008-2009 operating budget.

Item No. Q12 Resolution No. 2038.09 amended to add Robert Smoley as an alternate committee member of the Security/Public Safety Advisory Committee.

Item No. Q14 Resolution No. 2040.09 amended to add Lisa Stein as an alternate committee member of the Beautification Advisory Committee.

Substitute Item for Item No. R 21.

The Town Council voted to approve the additions/deletions/removal of items from consent agenda and changes to agenda. Consensus vote 5 Ayes 0 Nays.

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

Beach Committee – No report for the month of September 2009.

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

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

Recreation Committee – No report for the month of September 2009.

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

## **G. GOOD AND WELFARE**

Alene Fishbein - Golden Beach Drive, sent a thank you letter on behalf of the Fishbein Family to the Mayor, Council and Staff in appreciation of the support of the family during the death of Mr. Fishbein.

Petition from some of the residents of the Town of Golden Beach to rename Rock Park to the ***Mayor Glenn Singer Park***.

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

- **Fiscal Year 2009-2010 Operating Budget**

Mayor Singer stated that he was pleased to announce that the Town Council would be approving a millage rate of 8.5 mills for the upcoming fiscal year. He explained that the Council has approved this millage rate for the past three fiscal years. Especially in a time when most communities are either increasing the millage rate and/or reducing services, but the Town is maintaining the same millage rate and at the same time increasing services from last fiscal year. He explained that the Town is adding another full-time Police Officer, changing the Town's transponder system at no cost to the residents, and installing curbs and gutters to North, Center and South Islands. He stated that the Town should be commended for being able to maintain the same millage rate while increasing services to the residents.

- **Capital Improvement Plan Update**

Mayor Singer recommended that the residents take a ride on Golden Beach Drive north of Navonna Avenue and see the work that has been done, it is not one hundred percent complete, but it is about eighty-five percent completed and it makes a big difference in the aesthetics of that area.

- **Crime Suppression Workshop**

Mayor Singer stated that the Police Chief and his department made a great Crime Suppression presentation and he urged all of the residents to watch it on the Town's television channel 35. He explained that there have been some incidences in the Town lately and the Town of Golden Beach is being very proactive in dealing with these incidences by implementing a Crime Suppression Program. The program included educating the residents, providing additional police manpower, and updating the Police Department's equipment by adding state of the art equipment and technology. He also stated that for a Town of this size having two K-9 Units and marine patrol is unheard of. He explained that although the Town has implemented this program, the Police Department needs the residents' assistance. He stated that residents should be watchful and lookout for each other and if they notice anything suspicious they should call it into the Police Substation.

- **Iguana Problem**

Mayor Singer stated that there have been several complaints from residents in reference to an infestation of iguanas on the islands. He stated that the iguanas are harmless but they are a nuisance. Therefore, the Town has hired an Iguana Catcher to capture the iguanas. The Iguana Catcher has started on North Island. He stated that this should alleviate the problem. He stated that if

residents see the traps on their property they are placed there to capture the iguanas.

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

Mayor Singer explained that the Medjool Palm Trees have been installed in the median of A-1-A north of the Strand, and the Medjool Palm Trees are been installed on the south side of the Town on A-1-A. He also stated that the sidewalks are being installed on the west side of A-1-A, they are beautiful and people walking to temple are using the sidewalks.

## **I. COUNCIL COMMENTS**

### **Councilmember Einstein**

- **Town of Golden Beach Budget Document**

Councilmember Einstein extended his best wishes for a happy and healthy new fiscal year. He commended the Town Manager for the work and effort put into creating the Town's 2009-2010 Fiscal Year Operating Budget.

### **Councilmember Rojas**

- **Stormwater Management System**

Councilmember Rojas stated that this year the flooding from the equinox in the north part of the town appears to be worse than it has ever been before. She stated that drivers are speeding through the water and creating huge waves, which makes the flooding worse for the residents living in that area. She also stated that several residents in the 600 block of Golden Beach Drive are very concern that the stormwater management system is not going to work. She is asking the Capital Improvement Program Team and staff to work on resolving this problem.

- **Capital Improvement Project Concerns**

Councilmember Rojas stated that in the past few weeks the residents in her area were very hopeful that the work in her area was going to be completed. She explained that this past week the driveways have been torn up and the asphalt has been torn up and work is being done that should have been done before the finishing work was done. This is happening because there were items that were forgotten before the finishing work was completed. She stated that this is not acceptable.

### **Councilmember Bernstein**

- **Glenn Singer Park**

Councilmember Bernstein stated that ever since Mayor Singer was serving on the Council as Councilmember Singer he could remember Councilmember Singer speaking to all the residents trying to get them excited about his vision for the Town and the improvements to its infrastructure. He stated that, as a result, of Mayor Singer's encouragement and enthusiasm he is serving on the Town Council today.

- **Home Security Alarm Monitoring**

Councilmember Bernstein asked administration if there was a way to have the alarm monitoring done by the Town's Police Department because there are so few homes in the Town.

**Vice Mayor Lusskin**

- **Pot Holes on Golden Beach Drive**

Vice Mayor Lusskin stated that there were many potholes in the streets because of the Capital Improvement Project, and she would like them to be filled in so that the residents would not damage their automobiles, or when the streets are flooded and residents are walking, they may step into the potholes and injure themselves.

- **Rental Property**

Vice Mayor Lusskin stated that the Code Enforcement needs to continue to monitor the rental properties in the town because those homes are not maintained properly.

- **Truck Drivers**

Vice Mayor Lusskin stated that the truck drivers should drive slowly through the flooded streets from the high tide because the tide has been so high that when the trucks drive through they are creating big waves.

- **Golden Beach Youth Leadership Group**

Vice Mayor Lusskin stated that she would like to start the Golden Beach Youth Leadership Group and she is asking some of the older children in the Town that need community service hours to participate in this group.

- **Curbing at Rock Park**

Vice Mayor Lusskin stated that the curbing at Rock Park appears to be continuous without a break in it for people to have access to get in and out of the park.

- **Mailboxes**

Vice Mayor Lusskin stated that there is a resident who lives on South Island, who had taken pictures of the mailboxes in the Town and the pictures are unbelievable.

**J. TOWN MANAGER REPORT**

- **Iguana Control Program**

The Town Manager stated that the Iguana Control Program has been implemented in North, Center and South Islands. The Iguana Catcher has captured fifty plus (50+) iguanas since the program has been implemented.

- **Public Work Department Uniforms**

The Town Manager stated that Public Works Department employees have been given new uniforms.

- **Grants for Bridge Replacement Funding**

The Town Manager stated that he and the Mayor worked to submit two grants to the Department of Transportation and to Washington, DC for both the Center Island and the North Island bridges. They are hoping that the grants would be considered favorable. He explained that they would be working with the Department of Transportation and the Metropolitan Planning Organization to finalize funding for the replacement of both bridges.

- **Maintenance at Beach Pavilion**

The Town Manager stated that the Town has done some extensive ongoing maintenance at the Beach Pavilion and he was encouraging the Council and residents to take a look at the enhancements at the Beach Pavilion.

- **Florida Inlet Navigation Grant**

The Town Manager explained that Chief Skinner has been work during this past fiscal year with Florida Inlet Navigation District to apply for a grant for the construction of the Marine Patrol Boat dock. He stated that the Town received notice last Thursday that the Town has received \$27,000 for the dock at the Strand.

- **Monitoring of Alarm Systems**

The Town Manager stated that Navarro Security the company that provides security services to the Town would residents to register their home security alarm systems with them.

- **Recognition of Attorney Harris Nizel**

The Town Manager introduced Attorney Harris Nizel who works with Town Attorney Stephen Helfman to the Mayor and Council. He commended Attorney Nizel for his assistance to him and the Town Clerk, with all of the Agenda Items.

- **Town Manager's Evaluation**

The Town Manager thanked the Mayor and Town Council for their evaluation. He stated that he would take their feedback and criticisms and look for ways to improve services to the Town's residents.

## **K. TOWN ATTORNEY REPORT**

None

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

The Town Manager stated that he is committed to taking another look at the intersections at Navonna Avenue and the Strand. He explained that when the design team designed the intersections they looked at the intersections without taking into consideration the existing landscaping. This caused some redundancy in landscaping especially in the north section of the intersections. Therefore, there is final installation of any planting in that northwest corner he would meet with Councilmember Rojas and the design team to look at ways they could accommodate the concerns that she has. He explained that Councilmember Rojas's concerns are valid because the northwest corner does look like a rainforest.

The Town Manager stated that in reference to the trucks driving through the flooding in the streets caused by the high tide is a concern. He stated that he has not been able to come up with a resolution of that problem, except for Paul Abbott to install some speed humps to help with the reducing the speed of vehicles driving through the flooded streets.

The Town Manager explained that the work Councilmember Rojas mentioned that was being torn up after that area seemed to be completed was being done by Teco People Gas. He explained that there were some conflicts identified by Teco People Gas and they tore two or three sections in order to fix their conflicts. He stated that the Capital Improvement Program team is working with Teco People Gas to move ahead of the project, not at the end of the restoration efforts.

The Town Manager explained that the installation of the Irrigation system have moved at a very rapid pace this week. The landscaper has started to plant some of the coconut palm trees in that area. He stated that there are some improvements to be made to Massini Avenue and Rock Park in the next few weeks.

The Town Manager stated that the CIP Team has authorized Southeastern Engineering Contractors to move forward with the installation of the Water Distribution System on Center Island and North Island. He reported that the installation of the Water Distribution System in Center Island has been completed and about 80% complete on North Island.

Town Manager Diaz stated that the undergrounding of the utilities has begun south of Novana Avenue and into the North Parkway area. Authorization has been given to Southeastern Engineering Contractors, Inc. to move forward with the installation of stormwater structures near Novana Avenue to North Parkway.

The Town Manager explained that there have been several concerns in regards to A-1-A. The Florida Department of Transportation engineers did not try to find out where there were potential conflicts with the sidewalk installation project. Since then the Town has discovered that there are two conflicts with the street lighting placement north of the Strand. He stated that the Capital Improvement Program Team would be meeting tomorrow with Florida Department of Transportation and their design team to look for solutions for this problem. He explained that currently

where the streetlights are being relocated, the existing water main and gas main are located. Therefore, they are meeting to find out what could be done to correct that conflict.

Paul Abbott explained that the high tide has been unusually severe and with the rising and falling of the tide and what it has done, to undermine not only the existing roads but also the areas that has been disturbed due to construction has been profound. He stated that tomorrow morning there will be twenty (20) tons of hot asphalt delivered to the Town to fill in the potholes.

Paul Abbott stated that the stormwater system north of Novana is not operational because there are two fittings that are missing that would be delivered tomorrow or on Friday, this would allow for the final installation and activation of the stormwater management system.

Mr. Abbott stated that the Capital Improvement Program has self imposed a speed limit on all of the contractor trucks in their authority. He stated that they have also spoken to Teco People Gas drivers in reference to a 10MPH speed limit.

Mr. Abbott stated that in regards to the finish work in the 600 block of Golden Beach Drive, Teco Peoples Gas did throw the Capital Improvement Program Team a curve ball. He explained that a day after the asphalt was installed Teco Gas said they had missed a valve. However, Teco Gas is paying for the work that is being done over. He explained that these types of issues are not unusual with projects that are involved as this project.

The Town Manager stated that before the Town takes delivery of any portion of the project that area is inspected, and if there are any cracks, chips or holes the contractors are asked to remove the damaged section and replace it. He explained that once the pedestals are installed for Florida Power & Light, AT&T and Atlantic Broad Band there will other cuts to sidewalks, curbs and asphalt for the installation of pull boxes and running conduit. There will also be directional drilling from property line to pull boxes. He stated that this additional work would not compromise the integrity of the project.

### **Golden Beach Drive Road Design**

The Town Manager stated that Councilmember Einstein wanted to bring to the Council for discussion the installation of islands on Golden Beach Drive. He explained that when the Capital Improvement Project was being discussed in 2006 prior to him becoming Town Manager and after he was Town Manager in 2007, the design team had contemplated installing islands on Golden Beach Drive. He stated that the ratification by Council of design for Golden Beach Drive called for speed tables instead of speed bumps. He explained that a speed table is a change in elevation of driving surface that has a texture. He explained that what you would see is asphalt, a two-inch elevation and a flat table made of decorative pavers and a two-inch slope down. The speed table is the length of a car if not longer with the exception of two because the length of the street is not as significant as where the



speed tables are. This is not a speed hump; it is a transition in elevation of the street that forces the driver to reduce their speed. He further explained that the Capital Improvement Project General Obligation Bond Referendum that the residents voted on did call for traffic calming devices. However, during the discussion of final design for Golden Beach Drive there was extensive discussion regarding what type of traffic calming devices were going to be installed. Whether they were medians, turnabouts, circles and speed humps. After extensive discussion, it was decided by the Council that the traffic-calming device in the final design was the installation of speed tables. He stated that the speed table is what the Council approved, it is what was put out to bid, and that is what would be installed.

### **Discussion of A1A**

- **Median Landscaping**

The Town Manager stated the Town Council asked Administration and the Capital Improvement Program Team to look at the landscaping design for the second, third, fourth and fifth islands in the median of A-1-A. He stated that there are three alternatives to design that are currently approved. The current design is a combination of sable and coconuts for the middle islands except for the islands north and south that approach the Strand, there are a series of date palms that would be installed at different elevations to give the Strand area a grander feel.

Ken Gardner of Rosenberg Gardner Design suggested three alternatives to the approved design. He stated that the first alternative is the removal and relocation of all of the existing sable palms and coconuts palms and replacing them with medjool date palms, this has a significant cost increase. The second alternative is to leave the medjool date palms at the northern and southern most median and at the Strand, removing all of the coconut palms and replacing them with sable palms in the second, third, fourth and fifth median. The third alternative is to leave the medjool date palms at the northern and southern most median and at the Strand, removing all of the sable palms and replacing them with coconut palms in the second, third, fourth and fifth median. He stated that the alternative with the coconut palms would cost \$311,000. The cost for the medjool date palms is \$793,000.

The Town Manager stated that with the installation of the medjool date palms it is more than just the trees, the cost also include the uplighting of the trees. He explained that with the addition of eighty-one (81) date palms it would require an additional one hundred and fifty-two (152) lights that would need to be installed. Therefore, with the medjool date palm option the cost of lighting fixtures is approximately quarter of a million dollars. The coconut palm option would include some lighting but not as much as the date palm option.

Vice Mayor Lusskin stated that although the Town is watching its expenses, the Town has some of the most expensive homes in South Florida along A-1-A and the Town only has one time to make a first impression. She believes that there

is a certain charm in having the same tree, the same size with the same spread of the leaf with uplighting on every single island. She stated that when she drives in other communities that have the same tree, at the same size and uplighting it is magnificent.

Mayor Singer stated that he agrees with Vice Mayor Lusskin one hundred percent. When driving into Town seeing the date palms that are already installed it makes a statement. Therefore, the same tree especially on A-1-A with the date palms makes a beautiful statement. He stated that this a one time expense and a long-term investment that would make a lifetime statement.

Councilmember Einstein stated that he had suggested Canary date palms, but Mr. Rosenberg, the Town Landscape Architect consultant had advised him that the Canary Palms had a fifty percent viability rate. However, he disagrees with Mr. Rosenberg's advice.

The Town Manager stated that the height of the Canary date palms is an issue because he contacted the Florida Department of Transportation and he was told that unless the Town purchases premature Canary date palms, which are cost prohibited. Therefore, the Canary date palms were not a viable option in terms of the reasonability of cost and the height requirements of FDOT.

Councilmember Bernstein stated that he would like to do what is aesthetically best for the community, but with all the hurricanes that come through South Florida, he is not sure that spending \$793,000 for landscaping would be the best decision. He did not know of a Town that insures its landscaping and the Town does not have any protection for this project.

The Town Manager explained that the State of Florida has a Canopy Assistance Program for reestablishing a community's canopy. The program is not a dollar for dollar but there is some assistance for after a storm provided by FEMA.

Councilmember Bernstein stated that if the Town has the funds available then he agrees with providing the best look for the Town.

Councilmember Rojas stated that the date palms are beautiful, but the date palms combined with the coconut palms are also beautiful.

The Town Manager stated that the Town has the reserve in hand to fund this project if it is this community desire to install medjool palms in all of the islands in the median of A-1-A.

Ken Gardner of Rosenberg Gardner Design stated that ground cover would be two or three types of shrubs switching in each median of northern and southern most points and then one continuous shrub in the remainder of the median.

The Town Manager asked Councilmember Einstein and Councilmember Rojas that if he had a preference in the type of shrub he wanted to work with him, the Landscape Architect and the Mayor in selecting the plants.

A motion was made to keep the medjool palm trees that are currently installed and to add medjool palm trees in the remaining islands in the median of A-1-A by Mayor Singer, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

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

A motion was made to approve a Change Order to the Metro Equipment A-1-A Improvement Agreement for an amount not to exceed \$795,000 by Mayor Singer, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

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

A motion was made to bring back to the Town Council renderings of the ground cover for A-1-A median by Vice Mayor Lusskin, seconded by Councilmember Rojas.

**Roll call vote was as follows:**

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

**M. ORDINANCES – SECOND READING**

**1. An Ordinance Granting to Florida Power & Light Company an Electric Franchise**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF GOLDEN BEACH, AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 538.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 538.09

The Town Manager stated that this is the renewal of the Town's Franchise Agreement with Florida Power and Light Company. He stated that this a favorable agreement to the Town and has financial advantages for the Town. He stated that there is a provision in the agreement that if another municipality has a more favored agreement that agreement would also be extended to the Town.

A Motion to approve Ordinance No. 538.09 on second reading 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.

**2. An Ordinance Amending Section 2-266 Entitled "Application Exceptions" and Section 2-275 Entitled "Waiver of Bid Procedure"**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTIONS 2-266 "APPLICATION, EXCEPTIONS" AND 2-275 "WAIVER OF BID PROCEDURE" OF CHAPTER 2 "ADMINISTRATION" OF THE TOWN OF GOLDEN BEACH CODE OF ORDINANCES, INCREASING DOLLAR THRESHOLD OF PURCHASES EXEMPT FROM BID PROCEDURES AND TOWN COUNCIL APPROVAL, AND PROVIDING ADDITIONAL AUTHORITY TO WAIVE BID PROCEDURES WHERE COMPLIANCE IS IMPRACTICAL AND NOT IN THE BEST INTEREST OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Ordinance No. 540.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 540.09

The Town Manager explained that at the first reading of this Ordinance the Town Council asked that some provisions be made requiring monthly reports of expenditures in excess of \$10,000.00. There is also

a provision for the ordinance to be repealed at the discretion of the Town Council.

A Motion to approve Ordinance No. 540.09 on second reading by Vice Mayor Lusskin, seconded by Councilmember Rojas.

**Roll call vote was as follows:**

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

The Motion carried.

**3. An Ordinance Amending Section 58-38 Entitled “Mailboxes”**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 58-38 ENTITLED “MAILBOXES” OF THE TOWN CODE OF ORDINANCES, REMOVING PROVISIONS FOR SELECTION OF MAILBOXES BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 3  
Ordinance No. 541.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 541.09

A Motion to approve Ordinance No. 541.09 on second reading by Councilmember Rojas, seconded by Councilmember Einstein.

**Roll call vote was as follows:**

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

The Motion carried

**O. ORDINANCES - FIRST READING**

None

## **P. QUASI JUDICIAL RESOLUTIONS**

### **4. Approval of a Variance Request for the Property at 180 Ocean Boulevard (RESOLUTION NO. 2032.09)**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 180 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT PLACEMENT OF A GENERATOR SIX FEET FROM THE SIDE LOT LINE AND FIVE FEET FROM THE REAR YARD LOT LINE IN LIEU OF THE CODE REQUIREMENTS THAT A GENERATOR BE LOCATED WITHIN FIVE FEET OF THE REAR OF THE PRINCIPAL BUILDING AND SETBACK TEN FEET FROM THE SIDE PROPERTY LINE; PROVIDING FOR CONDITIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4  
Resolution No. 2032.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2032.09

The Town Manager made a motion to waive the reading of the staff report.  
Consensus vote 5 Ayes 0 Nays.

A Motion to approve Resolution No. 2032.09 by Vice Mayor Lusskin, seconded by Councilmember Rojas.

#### **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.

## **Q. CONSENT AGENDA**

5. Minutes of August 26, 2009 Special Town Council Meeting.  
Minutes of September 16, 2009 Special Town Council Meeting and the First Budget Public Hearing.

**6. A Resolution of the Town Council Appointing Three Trustees to the Town of Golden Beach Employees Pension Plan Board**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING THREE TRUSTEES TO THE TOWN OF GOLDEN BEACH EMPLOYEES PENSION PLAN BOARD OF TRUSTEES; PROVIDING FOR TERM OF APPOINTEES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6  
Resolution No. 2020.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2020.09

**7. A Resolution of the Town Council Approving the Florida Money Laundering Strike Force Mutual Aid Agreement**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE TOWN AND THE STATE ATTORNEY'S OFFICE OF THE ELEVENTH JUDICIAL CIRCUIT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7  
Resolution No. 2033.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2033.09

**8. A Resolution of the Town Council Authorizing the Purchase of Two New Police Patrol Boat Motors**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) NEW POLICE PATROL BOAT MOTORS AND RELATED EQUIPMENT INSTALLATION COSTS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE

**Exhibit:** Agenda Report No. 8

Resolution No. 2034.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2034.09

**9. A Resolution of the Town Council Appointing Members to the 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. 9  
Resolution No. 2035.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2035.09

**10. A Resolution of the Town Council Appointing Members to the 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. 2036.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2036.09

**11. A Resolution of the Town Council Appointing Members to the 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. 11  
Resolution No. 2037.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2037.09

**12. A Resolution of the Town Council Appointing Members to the 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. 12  
Resolution No. 2038.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2038.09

**13. A Resolution of the Town Council Appointing Members to the 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. 13  
Resolution No. 2039.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2039.09

**14. A Resolution of the Town Council Appointing Members to the 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. 14  
Resolution No. 2040.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2040.09

**15. A Resolution of the Town Council Ratifying the Appointment of Rafael Saurez-Rivas, Esq. as Special Magistrate**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; RATIFYING THE APPOINTMENT OF RAFAEL SUAREZ-RIVAS, ESQ. AS SPECIAL MAGISTRATE; AUTHORIZING MAYOR TO ENTER INTO AGREEMENT ON BEHALF OF THE TOWN WITH MR. SUAREZ-RIVAS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 15  
Resolution No. 2041.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2041.09

A Motion to approve Items Q5 through Q15 on the Consent Agenda with amendments to the following items; Item No. R8, R12 and R14 by Vice Mayor Lusskin, seconded by Councilmember Rojas. Consensus votes were 4 Ayes 0 Nays.

The Motion carried.

**R. TOWN RESOLUTIONS**

**16. A Resolution of the Town Council Adopting the Final Millage Rate for Fiscal Year 2009/2010**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA ADOPTING THE FINAL MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 16  
Resolution No. 2042.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2042.09

The Town Manager stated that the Town's combined millage rate will be set at 8.5 mills of which 7.1525 will be dedicated for operating purposes and 1.3475 will be restricted for debt service as required by the Town's bonds. Therefore, the combined millage rate would be set at 8.5 mills.

Mayor Singer read into the that the final millage rate for the Town of Golden Beach for the fiscal year commencing October 1, 2009 through September 30, 2010, be and is hereby fixed at the rate of 7.1525 mills which is \$7.1525 dollars per \$1,000.00 of assessed property value within the Town of Golden Beach. That the rolled-back rate is 7.7154 and the proposed millage rate is 7.1525 mills, which is 7.2958% under the rolled-back rate. That the voted millage for the fiscal year will be 1.3475 mills.

A Motion to approve Resolution No. 2042.09 by Councilmember Rojas, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

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

The Motion carried.

**17. A Resolution of the Town Council Adopting the Final Budget for Fiscal Year 2009/2010**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGET FOR ALL TOWN FUNDS FOR THE 2009/2010 FISCAL YEAR COMMENCING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 17  
Resolution No. 2043.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2043.09

The Town Manager explained that because of the Town Council's action earlier in the meeting approving a Change Order to the Metro Equipment A-1-A Capital Improvement Project Agreement for an amount not to exceed \$795,000. A motion is needed to amend the Revenue portion of the 2009-2010 Operating Budget specifically Fund 330 the Capital Improvement Fund to approve an allocation of \$795,000 from the General Fund restricted fund balance.

A motion was made to amend the Revenue portion of the 2009-2010 Operating Budget specifically Fund 330 the Capital Improvement Fund to approve an allocation of \$795,000 from the General Fund restricted fund balance by Councilmember Einstein, seconded by Mayor Singer. The Consensus vote was 4 Ayes 0 Nays.

The Town Manager stated that with this action it would bring the Town's total revenues to \$23,501,182.00. He was proposing an amendment to the budget allocating \$795,000 from the General Fund Balance and authorizing the expenditure of \$795,000 from the Capital Improvement Fund Project No. 08-003 for a combined Capital Funded Budget to \$26, 267, 350.00

A motion was made to amend the budget by allocating \$795,000 from the General Fund Balance and authorizing the expenditure of \$795,000 from the Capital Improvement Fund Project No. 08-003 for a combined Capital Funded Budget to \$26, 267, 350.00 by Councilmember Einstein, seconded by Mayor Singer. Consensus vote was 4 Ayes 0 Nays.

Town Manager explained that as a result of the above action a motion is needed to amend the Revenue Expense Summary for total expenditures for fiscal year 2009 – 2010 to \$23,501,182.00

A motion was made to amend the Revenue Expense Summary for total expenditures for fiscal year 2009-2010 to \$23,501,182.00 by Councilmember Einstein, seconded by Vice Mayor Lusskin. The Consensus votes 4 Ayes, 0 Nays.

A Motion to approve Resolution No. 2043.09 as amended by Councilmember Rojas, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

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

The Motion carried.

**18. A Resolution of the Town Council Approving Amendment No. 3 to Fiscal Year 2008/2009 Operating Budget**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #3 TO THE 2008-2009 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 18  
Resolution No. 2021.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2021.09

Mayor Singer explained that given today's economy and the issues with the current and future years' budgets, it was decided that no cost of living raises or merit increases would be given to the Town's employees this past year. Instead, the Council would approve \$100,000 from the 2008-2009 Fiscal Year Budget for a one-time bonus town employees who have exemplified exceptional work ethics, positive attitude, and went beyond their job description. This bonus is for all non-union employees. The \$100,000.00 will be divided by allocating \$50,000.00 to town employees based on the Town Manager's review and his approval. The remaining \$50,000.00 will be allocated to the Town Manager as a one-time bonus for his exceptional work as the Town Manager for the past twelve months. He stated that the Town Manager has gone beyond the Town's expectations as Town Manager achieving all of the Town's goals and objective by securing \$9.6 million dollars grant, overseeing and directing the \$22 plus million dollar Capital Improvement Program within budget and timeframe, managing the town so that there was a surplus 2008-2009 fiscal year of \$1.2 million dollars and the fiscal year prior of \$1.6 million dollars surplus, bringing the town complaint with the Town's Comprehensive Master Plan, acquiring \$570,000 of decorative street lighting along A-1-A from Miami-Dade County at zero cost to the Town, assisted in upgrading the Town's Police Department and its assets with additional training and state of the art equipment.

Mayor Singer stated that the Town would not be in the financial position it is today had it not been for the Town Manager and the Capital Improvement Program would not be where it is without the Town Manager. He also stated that the Town staff would not be as efficient and as positive if it was not for the Town Manager.

The Town Council agreed with Mayor Singer in reference to his comments regarding the Town Manager.

A Motion to approve Resolution No. 2021.09 by Councilmember Einstein seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

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

The Motion carried.

**19. A Resolution of the Town Council Approving Change Order No. 4 to Southeastern Engineering Contractors, Inc. Agreement**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A CHANGE ORDER TO THE CONTRACT FOR CONSTRUCTION BETWEEN THE TOWN OF GOLDEN BEACH AND SOUTHEASTERN ENGINEERING CONTRACTORS, INC.; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 19  
Resolution No. 2044.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2044.09

The Town Manager explained that this Change Order to the Southeastern Engineering Contractors, Inc. Agreement in the amount of \$15,530.00 from their contract's contingency line item is for the installation of a relief system to the catch basin area north of Navonna; this basin area is not on a force main pump system and may be subject to tidal influence, in working with the Town's engineers we believe that this relief system would enhance our Stormwater Management System during tidal influence.

A Motion to approve Resolution No. 2044.09 by Councilmember Rojas, seconded by Vice Mayor Lusskin.

**Roll call vote was as follows:**

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

The Motion carried.

**20. A Resolution of the Town Council Assigning each Councilmember the Duty to Inquire into the Operation of a Particular Area of Governmental Responsibility**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA ASSIGNING EACH COUNCILMEMBER THE DUTY TO INQUIRE INTO THE OPERATION OF A PARTICULAR AREA OF GOVERNMENTAL RESPONSIBILITY; PROVIDING FOR CONFLICT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 20  
Resolution No. 2045.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2045.09

Mayor Singer explained that the Town Charter calls for each Councilmember to be assigned the duty to inquire into the operation of a particular area of governmental responsibility for a period of six months. The following assignments were approved:

Mayor Singer	Administration
Vice Mayor Lusskin	Police Department
Councilmember Einstein	Finance Department
Councilmember Bernstein	Public Works Department
Councilmember Rojas	Building & Zoning Department

A Motion to approve Resolution No. 2045.09 by Vice Mayor Lusskin, seconded by Councilmember Bernstein.

**Roll call vote was as follows:**

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

The Motion carried.

**21. A Resolution of the Town Council Authorizing the Issuance of Capital Improvement Refunding Revenue Note, Series 2009.**

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING THE ISSUANCE BY THE ISSUER OF \$900,000.00 CAPITAL IMPROVEMENT REFUNDING REVENUE NOTE, SERIES 2009 FOR THE PURPOSE OF REFUNDING THE OUTSTANDING TOWN OF GOLDEN BEACH, FLORIDA CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2008; PLEDGING TO SECURE PAYMENT OF THE PRINCIPAL AND INTEREST ON SUCH

NOTE WITH A COVENANT TO BUDGET AND APPROPRIATE NON-AD VALOREM REVENUES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH NOTE; FINDING THE NECESSITY FOR A NEGOTIATED SALE OF THE NOTE AND APPROVING THE SALE OF SAID NOTE TO NORTHERN TRUST BANK; APPOINTING A REGISTRAR; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING CERTAIN OTHER AGREEMENTS AND COVENANTS IN CONNECTION WITH THE ISSUANCE OF SUCH NOTE; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 21  
Resolution No. 2046.09

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 2046.09

The Town Manager explained that the Town acquired the A-1-A lots in 2006 with an interest only loan. Last year the Town received an extension of a construction loan, which is due to, expire on October 16, 2009. He has worked with the Mayor to determine the best available financing option and business decision as it relates to this property. Essentially the Town has two options, the first is to secure a fully amortized loan and the second is to secure an additional interest only loan. The fully amortized option is not a feasible option for the Town at the present time. The costs associated presently exceed our fiscal posture. The Town Manager and the Mayor have met with the current loan holders (Northern Trust) and have tentatively agreed to the following: Allow the Town to refinance the loan at a fixed interest rate of 2.75% (down from the current 3.75%) and with an initial principal payment of \$499,912.24.

A Motion to approve Resolution No. 2046.09 by Councilmember Bernstein, seconded by Councilmember Einstein.

**Roll call vote was as follows:**

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

The Motion carried.

**S. 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  
\*October Regular Town Council Meeting

The Town Manager requested that the Town Council move the October 20, 2009 Regular Town Council Meeting to a Special Town Council Meeting on October 27, 2009. This would allow for final negotiations with Sunny Isles Beach for the Record Management System. The Council Consensus vote 5 Ayes 0 Nays.

**T. ADJOURNMENT:**

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

The meeting adjourned at 10:45 PM

Respectfully submitted

*Elizabeth Sewell*

Elizabeth Sewell, CMC