



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Agenda for the September 27, 2011 Special Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:20 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Kenneth Bernstein, Councilmember Judy Lusskin, Councilmember Amy Isackson-Rojas, Councilmember Bernard Einstein

Staff Present: Town Manager Alexander Diaz, Interim Town Clerk Lissette Perez, Police Chief Don De Lucca, Finance Director Maria D. Camacho, Town Attorney Brett Schneider (in for Steve Helfman)

C. PLEDGE ALLEGIANCE

Done during the Final Budget Hearing

D. PRESENTATIONS / TOWN PROCLAMATIONS

Mayor Singer read list of all the special guests in the audience.
Mayor Singer presented Chief Tom Hunker from Bal Harbour with a Town of Golden Beach globe.

E. MOTION TO SET THE AGENDA

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

The Mayor asked that item P2 be moved up to right after the Town Attorney report.
Consensus vote 5 Ayes, 0 Nays

The Town Manager mentioned that the Council received two resolutions this evening at the dais, pertaining to the SEC authorization and the payment to Landscape Associates. Also, requested to add a discussion item for Vice Mayor Bernstein regarding the D5 triangle.

A motion to approve was made by Councilmember Isackson-Rojas seconded by Councilmember Lusskin.
Consensus vote 5 Ayes, 0 Nays

F. TOWN BOARD/COMMITTEE REPORTS

Beach Committee – None
Beautification Committee – None
Comprehensive Planning Board – None
Recreation Committee – None
Security/Public Safety Committee – None

G. GOOD AND WELFARE

None

H. MAYOR'S REPORT

Welcomed everyone to the meeting and the swearing in of new police chief Don De Lucca and thanked him for coming onboard. He spoke about bagels on the beach last Sunday and what a nice event it was, thanking the Recreation Committee for putting it together. The street lights and camera projects he briefly mentioned. Also mentioned the bridge projects, stating that the Town Manager would go in-depth on all three of those items. He briefly mentioned the South Florida pension issues that have been in the media – stating that he and the Town Manager plan to bring something before the council within the next few months pertaining to the town's pension plan. Stated that next council meeting, Town Attorney Steve Helfman will review the issues with the south gate. Wished all of the residents a happy and healthy jewish new year.

I. COUNCIL COMMENTS

Councilman Einstein

Commended the staff on the budget book and welcomed the new police chief. Encouraged residents to read the budget book to see everything that the administration has been able to do with the Town's limited resources. And also wished jewish residents a happy and healthy new year.

Councilwoman Rojas

Asked two questions: (1) Inquired about the picnic tables under the pavilion in North park and when they would be delivered? – The Town Manager responded that the order had already been placed and delivery would be made shortly; (2) Also stated that the sprinklers in north parkway were on one day when it was raining, and asked why don't they have sensors for that? – Town Manager advised that they should be on a timer and staff would verify to make sure why it was not working.

Councilwoman Lusskin

Stated that she is still concerned about the danger between bicyclist and car drivers at The Strand and A1A. Chief Hunker interjected that what Bal Harbor has done is install mirrors at certain intersections so that travelers can see what's coming. Stated that she sat in on some of the CCTV presentations, and how impressed she was by the

presentations. Also mentioned that the landscapers are parking their trucks all day long on the streets of Town, and it is really becoming difficult to maneuver around them. (Town Manager mentioned that it was an issue he would address with the new Chief)

Vice Mayor Bernstein

Commented on how great the budget book looked and how great the substance of it is. Commented on how little revenues Golden Beach actually drives from traffic infractions and citations, and wanted to know if there was any way to increase the revenues that come in to the Town from that. – The Town Manager advised that the majority of the revenues go to the State and to the Court system.

Welcomed new police chief Don De Lucca. He requested that the south gate be the top issue for the next meeting, and mentioned how disappointed some of the members of the BRAB were that the code issues were not at this meeting. Commended the administration on how great the North park field looks as well.

J. TOWN MANAGER REPORT

Stated that he would be combing the CIP update with his report to save on time. Stated that South Park will be ready for full use within the next 2 weeks. Final lift of asphalt on Golden Beach Drive will be in place before the 2nd week of November. Tweddle Park is the Town's next project and the Town will be working on it the next few months, receiving some enhancements and amenities. The signage program in town has started. The CCTV project will hopefully come before the council at the October meeting for approval and award. The streetlight RFP is out and the cone of silence has been issued, he advised councilmembers not entertain any questions as they relate to this project. Paul Abbott stated that the Town has made really significant progress with the FPL. there are about 12 homes remaining to completely tie in FPL power from the Strand to the north end of Town. The CIP team has begun preparatory work with FPL for work south of the Strand.

The Town Manager spoke on the bridges and where the Town is with them. The LAP agreement has been approved by FDOT. The Town now needs to go out to bid with the CEI and the engineering firms for the bridges. The administration is now contemplating pushing the letting of the bridges until after the 1st of the year, to not disturb residents during the holidays and to try and squeeze out another 2 million dollars in stimulus money from FDOT or FEMA.

Councilman Einstein inquired about the cracking in the road and what type of warranty the Town receives with setting the coats of asphalt. The Town Manager advised that the Town receives a 12 month warranty once the final coat has been placed.

K. TOWN ATTORNEY REPORT

None

L. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

1. A Resolution of the Town Council Approving a Joint Project Agreement with the State of Florida Department of Transportation for Turf and Landscape Maintenance

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING A JOINT PROJECT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR TURF AND LANDSCAPE MAINTENANCE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AUTHORIZING THE MAYOR AND TOWN MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 2198.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2198.11

Consensus vote was 5 Ayes and 0 Nays.
The motion passed.

P. TOWN RESOLUTIONS

2. A Resolution of the Town Council Appointing Donald W. De Lucca as Chief of Police

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING DONALD W. DE LUCCA AS CHIEF OF POLICE AND APPROVING THE EMPLOYMENT AGREEMENT ATTACHED TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2201.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2201.11

A motion to approve was made by Councilmember Lusskin seconded by Councilmember Einstein.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

The Mayor read a brief biography on Chief De Lucca before discussing the item. The Town Manager interjected on the item and the interview process to choose De Lucca as the Town's new police chief. He also mentioned that there is a portion of the employment agreement that needs to be reviewed after passing the resolution. Attorney Brett Schneider stated that page 3 section 7 of the employment agreement needed language added to it that the Chief will not participate in any Town defined benefit plan.

Mayor Singer swore-in Chief De Lucca after the passage of the resolution.

Councilmember Einstein made a quick comment.

Chief De Lucca thanked everyone for this opportunity. Also thanked Chief Skinner and Rudy Herbello for everything they have done for the department and the Town. He stated that he is going to try to streamline things to make them more effective. The organizational structure of the department will be changing, breaking up into two functions: operations and administration.

3. A Resolution of the Town Council Providing for Ratification of the Collective Bargaining Agreement between the Town and the Fraternal Order of Police

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA ("TOWN"), PROVIDING FOR RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE; AUTHORIZING THE TOWN MAYOR TO SIGN THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE TOWN; PROVIDING FOR IMPLEMENTATION OF THE COLLECTIVE BARGAINING AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2196.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2196.11

A motion to approve was made by Councilmember Rojas seconded by Councilmember Lusskin.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

The Town Manager broke down the difference in this 3-year contract from the previous one year contract. Provisions of longevity payments were changed and this contract has a one year freeze in salary increases and steps, year 2 calls for 2.5% increases and year 3 calls for a 3.5% increase. Mayor interjected that the contract is fair and fiscally responsible for the Town. The Town Manager thanked the Mayor for his leadership and active role in negotiating the contract. The Manager also mentioned that because of the town's part-time program, the town has been able to minimize overtime expenditures and costs. The contract has caps and ceilings on salaries as well as caps on sick time and vacation.

4. A Resolution of the Town Council Ratifying and Affirming the Town Manager's Performance Bonus

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA RATIFYING AND AFFIRMING THE TOWN MANAGER'S PERFORMANCE BONUS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2202.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2202.11

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

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>

Councilmember Einstein Aye
Councilmember Lusskin Aye
Councilmember Isackson-Rojas Aye

The motion passed.

Mayor spoke on the Town Manager's hard work and dedication to the Town. Done a great job balancing the Town's budget and receiving federal funds. The CIP would not have been as success had it not been for the Town Manager, and he is always actively seeking additional funds for the Town. Councilmember Lusskin stated that it is well deserved.

5. A Resolution of the Town Council Assigning each Councilmember the Duty to Inquire into the Particular Area of Government 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 FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
 Resolution No. 2203.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2203.11

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

On roll call, the following vote ensued:
Mayor Singer Aye
Vice Mayor Bernstein Aye
Councilmember Einstein Aye
Councilmember Lusskin Aye
Councilmember Isackson-Rojas Aye

The motion passed.

Councilmember Lusskin asked for Law Enforcement
Councilmember Einstein asked for Finance
Councilmember Isackson-Rojas asked for Public Works
Vice Mayor Bernstein asked to keep Building & Zoning
Mayor Singer asked to keep Administration

Resident Fred Chouinard asked if anyone was in charge of the BRAB? The Town Manager explained that Vice Mayor Bernstein would not be overseeing the BRAB, he would just be overseeing the Department of Building & Zoning. Mr. Chouinard stated that someone from the Council should be attending the BRAB meetings. The Town Manager stated that if the councilmembers get involved in the preliminary hearings at the BRAB meetings they may not be ethically able to participate in the council meeting when those items come up for action. The Town Manager suggested that the administration could look at the rules that govern the BRAB and require that that committee have a representative present at the Council meetings when items they hear come up for a vote. Attorney Brett Schneider advised that councilmembers can sit in on the BRAB meetings and listen, but cannot make any public comments or state any opinions on the matter.

6. A Resolution of the Town Council Approving Amendment #3 to the 2010-2011 Fiscal Year Operating Budget

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #3 TO THE 2010-2011 FISCAL YEAR OPERATING BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2204.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2204.11

A motion to approve was made by Councilmember Isackson-Rojas seconded by Councilmember Lusskin.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

The Town Manager interjected stating that this is consistent with what the town has done in the past, giving one-time bonuses to the General Employees as well as the Police Department (the Police Department have not received bonuses in the past). The total for the bonuses, including the Town Manager's bonus is \$57,350 maximum, dependent on how the employees do on their performance evaluations – will not affect the pensions of the employees.

7. A Resolution of the Town Council Approving a Change Order to the Contract between the Town and Landscaping Associates, Inc.

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

Exhibit: Agenda Report No. 7
Resolution No. 2205.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2205.11

A motion to approve was made by Councilmember Lusskin seconded by Councilmember Isackson-Rojas.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

The Town Manager stated that the next two items are similar. He stated that his spending authority is capped at \$25,000, and this resolution provides a legal means for the Town to pay the vendor, for final installation of grass.

8. A Resolution of the Town Council Approving a Change Order to the Contract between the Town and Southeastern Engineering Contractors, Inc.

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

Exhibit: Agenda Report No. 8
Resolution No. 2206.11

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2206.11

A motion to approve was made by Councilmember Isackson-Rojas seconded by Councilmember Einstein.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Isackson-Rojas	<u>Aye</u>

The motion passed.

The Town Manager thanked the town attorney's for assisting the Town in preparing this item. He stated that FPL's engineers failed to engineer certain aspects of the capital improvement project. FPL realized that they needed to add certain aspects to the Town. FPL agreed to pay for the additional work, as long as it was done by the Town, with the Town serving as a pass-through conduit. Southeast has performed the work for FPL, they have agreed to this price, the Town is agreeing to pay for the work, with FPL reimbursing the Town for it.

Mayor Singer took this moment to thank Rudy Herbello for all of the work that he did for the Town during this transitional period, and the quick and vast improvement he made to the department in a short period of time.

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
Added discussion item pertaining to the Vessels moored at resident's homes.

The Town Manager interjected to explain this discussion item to the Council. He discussed the ordinance related to vessels moored at people's home. The Town is recommending to add a section to the dock ordinance that says, within 5 feet of your property line nothing can be tethered, tied or stationed in that area.

Fred Chouinard commented on this item, stating that his opinion is that the footage should be based on the footage of the lot.

Council agreed to move forward on this item as recommended by the Administration and bring it back on first reading at the October council meeting.

Councilmember Judy Lusskin:
None Requested

Councilmember Amy Rojas:
None Requested

Councilmember Bernard Einstein:
None Requested

Town Manager Alexander Diaz

*Ordinance related to regulations for boat docks

The Town Manager stated that the Administration would like to defer that Ordinance and draft a new Ordinance pertaining to this. He stated that Vice Mayor Bernstein wants to propose that the all of the D5 triangles begin at the same place, regardless of lot size because he feels that residents with bigger lots are being penalized by how the D5 triangle is currently set. Vice Mayor Bernstein proposed that the D5 triangle begin at 5 foot setback, irrespective of the size of the lot. Building Official Dan Neida presented some illustrations to show visually what the Vice Mayor was proposing. Mr. Neida stated that he would not recommend having a uniform setback for all lots irrespective of size, because he feels the way the code reads now takes into account how to construct the D5 triangle in accordance with the lot. The Town Manager recommended that the code be changed to read that there be a minimum 5 foot setback for all lots, with some language that will allow for flexibility with the larger lots. The Town Manager suggested that Vice Mayor Bernstein sit with Dan Neida to rework the Ordinance to be brought for first reading at the October council meeting, where the Ordinance could still have changes made to it if need be.

S. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Mayor Singer, seconded by Councilmember Isackson-Rojas.

Consensus vote 5 Ayes 0 Nays. Motion passed.

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Lissette Perez

Lissette Perez
Interim Town Clerk