



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the October 20, 2020
Regular Town Council Zoom Virtual Meeting called for 7:00 P.M.

Zoom Room Meeting ID: 832 9789 9019 Password: 465292

For Dial In Only: Call 929.205.6099 Meeting ID: 832 9789 9019

THE PUBLIC MAY PARTICIPATE AT GOOD AND WELFARE; PLEASE HOLD ALL QUESTIONS AND COMMENTS UNTIL THEN! THE PUBLIC IS ENCOURAGED TO SUBMIT ALL COMMENTS VIA EMAIL TO LPEREZ@GOLDENBEACH.US BY 2:00 P.M. TUESDAY, OCTOBER 20, 2020.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:50 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Bernard Einstein, Councilmember Jaime Mendal, Councilmember Kenneth Bernstein, Councilmember Judy Lusskin

Staff Present: Town Manager Alexander Diaz, Town Attorney Steve Helfman, Town Clerk Lissette Perez, Finance Director Maria D. Camacho, Police Chief Rudy Herbello, Building & Zoning Director Linda Epperson, Resident Services Director Michael Glidden

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

None

E. MOTION TO SET THE AGENDA

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

F. GOOD AND WELFARE

None

G. MAYOR'S REPORT

Thanked the Town Manager and staff for putting on a first class presentation. Believes we were very smart as it relates to COVID distancing and providing masks and hand sanitizer. Stated the virus is not getting any better, urges everyone to take precautions,

wear a mask as much as possible, and keep social distancing. Unfortunately, we are not going to have our annual epic Halloween party. We have to be very cautious this year because of the virus. Urges the residents not to let their kids trick or treat, the town will be providing candy and cupcakes. He knows how important Halloween is to kids growing up, unfortunately due to these trying times we cannot do it this year. The Town will be having a virtual Halloween costume contest. Tonight we will award the Center Island Pump station, that is exciting and will alleviate some of the issues we are having on Center Island. Thanked the Chief for conducting the driver's license renewal for residents, he knows it made life easier for all of the residents.

H. CORONAVIRUS UPDATE

Town Manager stated that we provided all the homes masks and hand sanitizers. If you need more you can contact the substation or Town Hall. We have fifteen new cases of COVID since our last meeting. Two of our residents have been taken to the hospital. It is important for everyone to practice good hygiene and wear a mask. The tot lot has opened for you to return, parents please encourage you kids to always sanitize. At the beach, we are still only allowing guests if the resident is with them; we have started full service Monday-Friday. Keep in mind the surge is up and we need all residents and staff take care of themselves.

I. COUNCIL COMMENTS

Vice Mayor Einstein

Thanked everyone for a great groundbreaking event. Brought attention to the residents about the flooding, stated we are trying to do what we can but there are some things that we cannot do. Asked if the Town Attorney can speak about the options of different ways for holding the next town council meeting that we may have. Asked if we are closing access to the outside for Halloween.

Councilmember Mendal

Stated it was a great event today and great job Town Manager and Town staff. It is very exciting, and it is very encouraging seeing the process beginning to take place.

Councilmember Lusskin

Stated great event today, the Mayor's speech was great. It was a rainy day, the grass was soggy from all the rain, and the Manager managed to build a path for everyone to get through without getting wet. As far as the flooding goes, she knows that the Town staff has worked hard to drain it and it does drain quickly once it is drained. There are a few spots she saw the Town Manager put in temporary pumps, they worked very effectively, as many of those as we can get would be helpful.

Councilmember Bernstein

No comment

J. TOWN MANAGER REPORT

Thanked the staff, council and neighboring communities that joined us at today's event. We did everything we could to stop the spread of COVID-19. We did make the 7pm news on channel 4. As it relates to flooding in Town, tonight we will be awarding the contract for Center Island that should help alleviate some of the flooding. We are seeing flooding for the first time and we are looking at putting temporary pumps on Center

Island. Will remind the community these are seasonal tides, our pump stations are stormwater pump stations that means rainwater, although we have been using them to help with some of the intercostal flooding where we are seeing it. He understands that some of the residents are upset because these temporary pumps are messy and loud, however they are needed so we can prevent future loss and damage to vehicles and homes. Therefore, you have to bear with us as we start to put together a more robust and comprehensive stormwater and tidal water program. We are starting to more aggressively enforce our seawall ordinance and seawall repair. He is sad to inform you that the Town is also facing some seawall challenge ourselves. Two of our walls have slipped causing water to come over them. Our police department will be conducting a mandatory Town shut down on October 31st. We are implementing a local curfew, not allowing guests to come into our community. The Mayor will be issuing an Executive Order for the 31st, all of our homes will be provided with treats and goody bags for all of the children, and we are asking all residents to reach out if they need more than two goody bags. It is important to keep our small community with COVID cases to a minimum, we do not want to add to the spread. We are contemplating doing another COVID testing some time towards the end of the month. Thanked the Chief for pulling his resources and hosting the license renewal, he knows that there are people who cannot get them done for months.

K. TOWN ATTORNEY REPORT

Stated that Florida law requires that council, and local governments meet in the sunshine, the sunshine has generally meant that you meet in person and there be a full quorum in person at a physical location. Because of COVID early on in this pandemic the state issued an order which waived the requirement for in-person meetings. The indication from the Governor is that at the end of this month that waiver is going to lapse. A number of local governments are dealing with what they are going to do. There are different variations local governments are doing. Some of the local governments are actually taking action under their own municipal home rule power, and declaring their own state of emergencies and enacting a resolution or Emergency Order allowing for the continuation of virtual meetings. This is uncharted territory, never happened before, as to whether a local government can actually do that. They are of the opinion that you can and so he is working with at least one other local government in setting up a continued virtual meeting program. Depending on what the Council wants to do if the majority feel like you are ready to conduct meetings in person than we can set up a program where you alone are within the council chamber at least three of you to make up a quorum and then we can arrange for the public to participate by zoom. If you all feel that you want to continue virtual meetings through the end of the year, than their offices are prepare to support them with that decision and render the appropriate legal opinions that will allow that to happen. If you find that a decision you made is not workable than we can change it. However, you should make a decision whether you want to try to meet in person or continue the virtual meetings.

Mayor Singer stated that he recommends that they decide in the discussion part of the meeting

L. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

1. An Ordinance of the Town Council Terminating the Police Officers Retirement Fund.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 24, "PERSONNEL," ARTICLE II, "RETIREMENT," DIVISION 2 "POLICE OFFICERS" TO TERMINATE THE TOWN OF GOLDEN BEACH POLICE OFFICERS RETIREMENT FUND; TO ADOPT PROCEDURES AND CRITERIA FOR TERMINATING THE FUND BY AMENDING SECTION 24-63 "TERMINATION OF THE FUND"; PROVIDING FOR CONFLICTS; PROVIDING FOR STAFF DIRECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 595.20

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 595.20

A motion to approve was made by Councilmember Luskin, seconded by Councilmember Mendal.

On roll call, the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Bernard Einstein	<u>Aye</u>
Councilmember Judy Luskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

Town Manager stated this money comes from the State of Florida directly to the Town that is then passed on to our employee police officers. Currently there is a separate pension board that administers these funds and there are costs accosted with administering these funds. We have been working with the police union to try and find a way to reduce that cost and give more money to the members as the state has always intended. Our solution is the Town will receive that check and deposit it into the general employee and police fund to differ our cost. The Town will then write a check equal to the payment received from the state divided by the number of full time members. The date that check is received and deposited into the International City Manager Association retirement contribution, fund, a 457 fund for all of our police officers. Our police offers currently all have a retirement and health savings account, they will all now have a deferred compensation account. The existing plan members will be allowed to roll this money into a qualifying plan or cash it out with all of the IRS tax fees associated with closing of the fund. SO we will close the 185 fund, distribute those funds as legally allowed by the IRS, and on a moving forward basis when the state gets that check we deposit it into our retirement account, than a check for that amount is than distributed.

This is something the members have been asking for, for some time – they are in favor of this. We recommend this ordinance on first reading; it will not come back to you on second reading until the state retirement board signs off on it. This will allow the members to get more money in their pocket because they will not have the administrative costs associated with administering this fund.

N. QUASI JUDICIAL RESOLUTIONS

2. A Resolution of the Town Council Approving Variance Requests for 268 South Parkway to Permit A Boat Lift And An Elevated Boat to Encroach Into the Side Setback.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 268 SOUTH PARKWAY, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A BOAT LIFT TO BE INSTALLED AND TO ALLOW AN ELEVATED BOAT TO ENCROACH INTO THE SIDE SETBACK .

Exhibit: Agenda Report No. 2
Resolution No. 2703.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2703.20

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

On roll call, the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

Town Clerk swore in everyone speaking on the item

Town Manager stated this particular property has a slip in their backyard, they are asking to place a lift in the slip therefore they need a variance for a setback requirement. The variance is also asking that once the boat is parked and elevated, then that boat be allowed to encroach. The neighbor to the south who is most affected does not object and the BRAB approved both requests.

O. CIVIC CENTER COMPLEX MASTERPLAN UPDATE

Our plans at 80% are due on November 8th. Today he authorized that we begin the construction of the building without DERM. Because our building is on columns, we are going to be breaking ground and pouring pilings sometime in late December early

January so you will start to see actual physical construction going up. We all know that DERM can delay our project, but because our building is elevated, it allows for us to submit for DERM and still commence the building construction while we wait. DERM has been agreeable to that because all of our state work can be done after the building is started because all we have is the columns that are going in the ground. That is good news for us; we are on schedule and on task.

P. CONSENT AGENDA

- 3. Official Minutes of the September 8, 2020 Local Planning Agency Zoom Virtual Hearing**
- 4. Official Minutes of the September 8, 2020 Special Town Council Zoom Virtual Meeting**
- 5. Official Minutes of the September 8, 2020 First Budget Zoom Virtual Hearing**
- 6. Official Minutes of the September 15, 2020 Special Town Council Zoom Virtual Meeting**
- 7. Official Minutes of the September 22, 2020 Final Budget Hearing & Special Town Council Zoom Virtual Meeting**
- 8. A Resolution of the Town Council Amending the Employment Agreement with Ingrid Gooden.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE EMPLOYMENT AGREEMENT FOR CONTRACT EMPLOYEE INGRID GOODEN TO PROVIDE ACCOUNTING SERVICES; PROVIDING FOR IMPLEMENTATION AND FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2704.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2704.20

- 9. A Resolution of the Town Council Approving A Mutual Aid Agreement between the Town and Bal Harbour Village.**

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

Exhibit: Agenda Report No. 9
Resolution No. 2705.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2705.20

10. A Resolution of the Town Council Recognizing the Week of October 19-25, 2020 As Florida City Government Week.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RECOGNIZING CITY GOVERNMENT WEEK OCTOBER 19-25, AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.

Exhibit: Agenda Report No. 10
Resolution No. 2706.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2706.20

11. A Resolution of the Town Council Approving A Memorandum of Understanding (MOU) Between the Town and FOP To Provide A 1% Hazard Pay to First Responders.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RATIFYING AND APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF GOLDEN BEACH AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC. TO PROVIDE 1% HAZARD PAY TO FIRST RESPONDERS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 11
Resolution No. 2707.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2707.20

12. A Resolution of the Town Council Approving Amendment #1 to the 2019-2020 Fiscal Year Operating Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #1 TO THE 2018-2019 FISCAL YEAR OPERATING

BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 12
Resolution No. 2708.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2708.20

13. A Resolution of the Town Council Appointing A Member to the Police Officer's Retirement Fund Board.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPOINTING A MEMBER TO THE TOWN OF GOLDEN BEACH POLICE OFFICERS RETIREMENT FUND BOARD; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 13
Resolution No. 2709.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2709.20

Consensus vote 5 Ayes, 0 Nays. Items P3 – P13 pass.

Q. TOWN RESOLUTIONS

14. A Resolution of the Town Council Approving Work Authorization Agreement for Center Island Pump Station Project between the Town and Craig A. Smith & Associates.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING WORK AUTHORIZATION AGREEMENT FOR ADDITIONAL CONSTRUCTION AND ENGINEERING SERVICES FOR THE CENTER ISLAND PUMP STATION PROJECT BETWEEN THE TOWN AND CRAIG A. SMITH & ASSOCIATES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 14
Resolution No. 2710.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2710.20

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

On roll call, the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Bernard Einstein	<u>Aye</u>
Councilmember Judy Luskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

Town Manager stated that he mentioned to the Council that in his memo he stated that until they receive bids from the actual bidders we would not know what the construction timetable would call for. One of conditions set forth by the loan that we took out from FDP is the engineer of record has to provide us with engineering services throughout the project and through the certification. In addition, we do need construction management and oversight. Originally, he budgeted for three months of construction time in the original contract, now that we are awarding a contract this evening to Southeastern, their contract calls for six months, so we need to add three additional months of service.

Vice Mayor Einstein asked if we paid for some of this engineering yet.

Town Manager stated yes we have already paid for the bulk of the services. They have already designed it and we went out to bid. There is still a balance on their contract and the construction period is still there.

Vice Mayor Einstein stated that he was not on the previous Council that awarded this contract. However, he thinks it is a lot of money for engineering. After looking at the scope of the project when they did the whole Town and what they paid of engineering and for this part of the project, it is almost 30% of capital cost of what we are paying to build it.

Town Manager stated that because we are borrowing money from the state, the state has preset permits on what were allowed to pay for engineering and construction services. So typically, for projects this size you are looking at anywhere between 17% and 25% for both engineering and construction management. This additional \$65,000 puts us at 22% of the project cost. So we are well within the state regulatory guidelines for costs associated with this type of project.

Councilmember Mendal stated he does agree with the Vice Mayor, \$130,000 does seem like a lot for oversight for this particular project.

Stephen C. Smith, Craig A. Smith & Associates stated one component is the construction observation which is the daily inspection and one of our field inspectors being on sight to ensure the contractor is constructing in compliance with design plans. The other portion of the service is for the engineer of record to handle anything that comes up during construction. Also, his certification of the project to ensure that it is being constructed in compliance and meeting all regulatory compliant matters. It is actually multiple people that are going to have to be involved in this project.

Town Manager stated that he misspoke and that the total cost of the project will be \$234,000 making it 18% of the total project cost.

Mayor Singer asked if the construction observation services is about \$60,000 plus, do you have one or two people there full time.

Stephen Smith stated that \$60,000 plus is for both the construction observation and engineering services. The inspector that is there on a daily basis and the engineer of record will be in the office reviewing all of the shop drawings and making sure the contractor is staying on schedule, and all of the items that happen in the office and the certification of the project at the end.

Vice Mayor Einstein stated that we use this company for a lot of our projects, is this the best number they can do for us.

Town Manager stated that he is not sure how much Mr. Smith can negotiate the extension because the existing contract is the negotiated number so it would only be to the additional \$65,000, he would not be able to go back and renegotiate the contract amount.

Stephen Smith stated they do not want the Town to be dissatisfied, they will be satisfied when the project is done. They are always willing to work with us, in limiting what we do wherever we can.

Vice Mayor Einstein stated he is ok with that, he will leave it at the Mayor and Manager's discretion.

Town Manager stated that he will work with Craig A Smith to make sure they fall in line with what the Council's exceptions are. Stated that at this site the Towns seawall has slipped and separated from the cap, that is not part of their scope or Southeastern's scope to fix it. We will be working with Stephen and others on that.

Councilmember Mendal asked for clarification that the wording is not to exceed that amount.

Town Manager stated yes that is correct

Councilmember Lusskin stated she has no concerns with the quality of his work or of him working with us on the pricing.

15. A Resolution of the Town Council Approving An Agreement with Southeastern Engineering Contractors, Inc. For Stormwater Improvements to Center Island.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AN AGREEMENT WITH SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR STORMWATER IMPROVEMENTS TO CENTER ISLAND; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR

IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 15
Resolution No. 2711.20

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2711.20

A motion to approve was made by Councilmember Mendal, seconded by Councilmember Luskin.

On roll call, the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Bernard Einstein	<u>Aye</u>
Councilmember Judy Luskin	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

The motion passed.

Town Manager stated that we went out to bid, believes we had eighteen firms participate in the pre-bid meeting. We did have eight firms respond. Craig A Smith was tasked with putting together a selection criteria based on points and dollars. At the base price, Southeastern Engineering came in first under a sealed bid process. We have always been please with them and they have been very responsive with the Town. This project has three components; component number one is installing the pump station on Center Island; the second part is to mill and resurface Center Island Drive; the third part is the installation of our Veterans Memorial. No our loan does not cover the contract award price. We do have enough reserves in our stromwater fund to fund this project, the road fund will fund the milling and resurfacing and fund 519 will pay for the Veterans Memorial aspect of the project.

Councilmember Mendal asked about the time line.

Town Manager stated six months is the estimated construction timeline.

Town Manager recommended that we not have an internet funding discussion this late at night. Would rather ask the Council to allow the Town Clerk to circulate dates to set a special meeting for the purposes of discussing funding and financing and options for internet and cable services.

Mayor Singer stated he agrees, maybe look at something sometime next week

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Bernard Einstein:

None Requested

Councilmember Judy Lusskin:
None Requested

Councilmember Jaime Mendal:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Town Manager Alexander Diaz
None Requested

Mayor Singer asked the Council what their preferences on how they should conduct the November meeting.

Vice Mayor Einstein stated he would prefer via zoom.

Councilmember Lusskin stated we do not meet in December so that is one month left which is November, she would like to do zoom in November and reconsider for January.

Councilmember Mendal stated if the council does not feel comfortable doing it in person, he is perfectly fine doing it via zoom. His only concern is for something like the workshop with the topic of fiber it gets a little too complicated doing it via zoom

Mayor Singer asked if for the workshop we could do it somewhere outside like the pavilion

Town Attorney stated that workshop is still a public meeting and it's going to be very hard to exclude the public.

Town Manager stated that he does not have the capabilities to record it out there

Mayor Singer stated he agrees with the Attorney and Town Manager. They will have it via zoom on Tuesday October 27, 2020 at 6:30 p.m.

S. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Mayor Singer seconded by Councilmember Lusskin.

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 9:07 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk