



**Town of Surfside
Town Commission Meeting
AGENDA
July 16, 2013
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**
- G. Presentation from State Representative Joe Gibbons - Mayor Daniel Dietch**
- H. Presentation from Town’s Lobbyist Fausto Gomez – Mayor Daniel Dietch**
- I. Outstanding Student Award to Gabriel Coto– Mayor Daniel Dietch**
- J. Exemplary Student Award to Lawrence “Larry” Frishberg – Commissioner Joe Graubart**
- K. Presentation of Employee of the Quarter to Hector Rodriguez, Harold Lacroix and Kenny Chaviano – Randy Stokes, Capital Improvements Project Manager**
- L. Presentation to Priscilla Krutules and Marisol Rodriguez for 10 Years of Service to the Town of Surfside – Michael P. Crotty, Town Manager**
- M. Presentation to Officer Loxeley Arch III for 20 Years of Service to the Town of Surfside – Michael P. Crotty, Town Manager**
- N. Recognition of Lifeguards Erik Fernandez and Jose Espinoza – Tim Milian, Parks and Recreation Director**
- O. Presentation of the Officer of the Month of April to Officer Alberto Knight – David Allen, Chief of Police**
- P. Presentation of the Civilian of the Month of April to Parking Officer Alain Acosta – David Allen, Chief of Police**
- Q. Presentation of the Officer of the Month of May to Sgt. Matelis, Officer John Gentile and Officer Alberto Knight – David Allen, Chief of Police**
- R. Presentation of the Officer of the Month of June to Officer Don McGavern and Officer Dianna Hernandez – David Allen, Chief of Police**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:30 p.m.)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

** Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

A. Minutes – June 11, 2013 Regular Commission Meeting Minutes Page 1-14

**B. Budget to Actual Summary as of April 30, 2013 – Donald Nelson, Finance Director
Page 15-17**

***C. Town Manager’s Report (Points of Light) – Michael P. Crotty, Town Manager
Page 18-45**

***D. Town Attorney’s Report – Linda Miller, Interim Town Attorney Page 47-51**

***E. Projects Progress Report – Calvin, Giordano and Associates, Inc. 52-54**

F. Committee Reports – Michael P. Crotty, Town Manager (Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included) Page 55-62

- May 29, 2013 DVAC Meeting Minutes

- June 6, 2013 DVAC Meeting Minutes

**G. Expenditure of Forfeiture Funds for the Purchase of Special Equipment –
David Allen, Chief of Police Page 63-66**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE,
FLORIDA, PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE
CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THREE
THOUSAND DOLLARS (\$3,000) FROM THE FORFEITURE FUND TO
PURCHASE THREE (3) ADDITIONAL BICYCLES FOR THE POLICE
DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.**

H. Biscayne Restoration Resolution – Mayor Daniel Dietch Page 67-73

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE BISCAYNE BAY COALITION OF ITS PROTECTION FOR THE HEALTH AND WELLBEING OF MIAMI-DADE COUNTY RESIDENTS AND THE IMPROVEMENT OF OUR TOURISM ECONOMY; SUPPORTING STATE RULE ADOPTION; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

- 1. Reformed Mark Wandall Traffic Safety Act – David Allen, Chief of Police (TIME CERTAIN 8:30 PM) Page 74-79**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 “TRAFFIC AND VEHICLES”, ARTICLE III “DANGEROUS INTERSECTION SAFETY” AND SPECIFICALLY AMENDING SECTION 74-72 “USE OF IMAGE CAPTURE TECHNOLOGIES”, SECTION 74-76 “IMPLEMENTATION OF GENERAL LAW”, AND SECTION 74-77 “ISSUANCE OF NOTICE; REVIEW OF RECORDED IMAGES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES IMPLEMENTING CHAPTER 2013-__, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

- 1. Deferred Retirement Option Plan (“DROP”) – Yamileth Slate-McCloud, Human Resources Director and Michael P. Crotty, Town Manager (TIME CERTAIN 8:00 PM) Page 80-85**

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-193 OF THE CODE TO PERMIT ALL MEMBERS ELIGIBLE FOR NORMAL RETIREMENT TO PARTICIPATE IN THE DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

- 2. Planning & Zoning Board Member Requirements – Linda Miller, Interim Town Attorney Page 86-91**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTNESS” BY ADDING TWO VOTING EX-OFFICIO POSITIONS, AND CHANGING THE FLORIDA LICENSURE REQUIREMENTS FOR ARCHITECTS SERVING ON THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Hardpack Easement – Linda Miller, Interim Town Attorney Page 92-98

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Trellises – Sarah Sinatra, Town Planner Page 99-103

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS” TO ADD “TRELLISES” LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Required Carport Standards – Sarah Sinatra, Town Planner Page 104-108

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Metal Roofs – Sarah Sinatra, Town Planner Page 109-112

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

5. Resolutions and Proclamations

(Set for approximately 9:30 p.m.) (Note: Depends upon length of Good and Welfare)

A. Second Amendment to American Traffic Solutions, Inc. Agreement – David Allen, Chief of Police Page 113-117

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO A SECOND AMENDMENT TO THE CONTRACT BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) ATTACHED AS EXHIBIT “A” AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Reformed Mark Wandall Traffic Safety Act Code Enforcement Implementation – David Allen, Chief of Police Page 118-121

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), DESIGNATING THE TOWN OF SURFSIDE’S CODE ENFORCEMENT SPECIAL MASTERS AND CODE COMPLIANCE OFFICER(S) TO SERVE AS LOCAL HEARING OFFICERS PURSUANT TO CHAPTER 2013-160, LAWS OF FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN CLERK TO UTILIZE CODE ENFORCEMENT STAFF TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

C. Proposed Ad-Valorem Budget Millage for Fiscal Year 2013/14 – Donald Nelson, Finance Director Page 122-126

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Abbott and 94th Street Parking Lots – Michael P. Crotty, Town Manager Page 127-144

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF LYNX CONSTRUCTION MANAGEMENT, LLC PROPOSAL FOR ADDITIONAL SERVICES TO CONTINUE DESIGN BUILD SERVICES FOR THE RENOVATION OF THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS TO INCLUDE NECESSARY CONCRETE CUTS FOR AN ADDITIONAL COST NOT TO EXCEED \$16,772.55; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AND

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$80,127.20 FOR THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS TO LUKES' LANDSCAPING, INC. DBA LUKES-SAWGRASS LANDSCAPE FOR A PROPOSAL TO LANDSCAPE THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS; APPROVING AND AUTHORIZING EXPENDITURES FROM THE MUNICIPAL PARKING FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- 6. Good and Welfare (Set for approximately 8:15 p.m.)**
Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.
- 7. Town Manager and Town Attorney Reports**
Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.
All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.
- 8. Unfinished Business and New Business**
- 9. Mayor, Commission and Staff Communications**
 - A. Charter Review Committee Process – Vice Mayor Michael Karukin Page 145-160**
 - B. Construction Worker Parking Program – Commissioner Joe Graubart Page 161**
 - C. Interim Town Attorney Evaluation – Commissioner Michelle Kligman Page 162-174**
 - D. Status of Code Compliance Efforts at 1268 and 1292 Biscaya Drive – Joe Damian, Code Compliance Director Page 175-177**
 - E. Communication Re: Undergrounding – Commissioner Joe Graubart Page 178-179**
 - F. Resilient Communities for America Agreement – Mayor Daniel Dietch Page 180-182**

10. Adjournment

Respectfully submitted,



Michael P. Crotty
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**Town of Surfside
Town Commission Meeting
MINUTES
June 11, 2013
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:02 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Olchyk, Commissioner Kligman and Commissioner Graubart.

C. Pledge of Allegiance

Lieutenant Rory Alberto led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart read former Commissioner Manero’s biography and called for a moment of silence in her memory.

Commissioner Olchyk spoke about the submission of supplemental agendas.

Commissioner Kligman also spoke about the supplemental agendas and brought to the Manager’s attention Resolution No. 1117, which outlines the procedures for the Town Commission meetings and stated that the agendas should be delivered to the Commission at least five days prior to any regular meeting.

E. Agenda and Order of Business Additions, deletions and linkages

Town Manager Michael P. Crotty linked Item 4B2 to Items 5F and 5G.

Commissioner Graubart would like to pull item 9G “Pulled Consent Agenda Items” from the discussion items. He would like a trial period and after a couple of months if they are in agreement they would be able to make it a policy. Commissioner Olchyk spoke against the item and stated that if pulled items are discussed at the end of the meeting it would be too late and they would not get the necessary attention. Commissioner Graubart made a motion to move forward. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Olchyk voting in opposition.

Commissioner Olchyk made a motion to add Item 9N “Miriam Maer” to the Discussion items. The motion received a second from Commissioner Graubart and all voted in favor.

Commissioner Kligman made a motion for item 5B “FPL Undergrounding Cost Estimate – Second Update” to be heard at 7:15pm time certain item. The motion received a second from Commissioner Graubart and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events.

Commissioner Graubart stated that he had the pleasure and the honor of going to Miami Beach Senior High School and award the Town of Surfside Exemplary Award to a Bay Harbor Island graduate Lawrence “Larry” Frishberg.

G. Outstanding Student Award to Simone D’Antuono – Mayor Daniel Dietch
Mayor Dietch presented the Outstanding Student Award to Simone D’Antuono.

*Item 9L was discussed after.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

Commissioner Graubart pulled item 3J, page 102.

Commissioner Olchyk pulled item 13, page 24; item 5, page 19 and item 50, page 40.

Vice Mayor Karukin pulled item 37, page 36; item 55, page 41; item 3J, page 102 and item 3M, page 159.

Commissioner Kligman pulled item 2, page 16; item 4, page 19; item 27, page 30; item 40, page 37 and item 43, page 37.

Commissioner Olchyk made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Graubart and all voted in favor.

A. Minutes – May 15, 2013 Regular Commission Meeting Minutes

B. Budget to Actual Summary as of March 31, 2013 – Donald Nelson, Finance Director

***C. Town Manager’s Report (Points of Light)** – Michael P. Crotty, Town Manager

Item 2, Page 16 – Commissioner Kligman asked Public Works Project Manager Randy Stokes for an update on the water and sewer project. He responded that the pumps are functional but the Department of Transportation (DOT) is currently working on the box restoration and should be finished by the end of the week.

Item 4, Page 19 – Commissioner Kligman asked for an update. Town Manager Michael P. Crotty responded that home based businesses is part of the Code Enforcement issues and will be in the Code Enforcement Workshop which will be scheduled during the following 90 days.

Item 5, Page 19 – Commissioner Olchyk asked for an update. Public Works Project Manager Randy Stokes stated that the bus shelter will be shipped tomorrow. He is hoping that installation will begin in the next two weeks.

Item 13, Page 24 – Commissioner Olchyk asked what the Town is doing regarding the unpaid bills of the Surfside Turtle artists. TEDACS Director Duncan Tavares stated that the Town agreed to pay the artists the amounts they were not paid by Prince Media and the amount was approximately \$2,300. Vice Mayor Karukin made a motion to take no further action on this item. Mayor Dietch seconded the motion. The motion passed 3-2 with Commissioner Kligman and Commissioner Olchyk in opposition.

Item 27, Page 30 – Commissioner Kligman asked if the employees that will be working during the Summer Camp will be attending the Anti-Bullying Program. Commissioner Olchyk was under the impression that classes took place in Town Hall. Town Manager Michael P. Crotty will provide a response to the Town Commission with the cost. Vice Mayor Karukin asked the Town Manager to provide the cost for implementing the Anti-Bullying Program.

Item 37, Page 36 – Vice Mayor Karukin reminded the Town Commission to think of names to seat on the Charter Review Board. Names are to be submitted to the Town Clerk.

Item 40, Page 37 – Commissioner Kligman deferred pulling this item as it will be discussed at the next meeting.

Item 43, Page 37 – Commissioner Kligman asked for an update. Town Manager Michael P. Crotty stated that there has been conversations of the possibility of an intergovernmental cooperation on a recreational facility, possibly partnering with the City of Miami Beach on the tennis court facility. One of the options is a possible skateboard facility with other recreational activities. He will report back to the Commission as more information is available.

Item 50, Page 40 – Commissioner Olchyk asked for an update. Public Works Project Manager Randy Stokes stated that Miami Dade Public Works Department will take approximately three weeks to have the sign completed. Commissioner Olchyk would like to have a small sign unveiling and like this event to be posted in the Gazette and Town's website.

Item 55, Page 41 – Vice Mayor Karukin asked for an update. Finance Director Donald Nelson stated that the online bill pay is projected to be up and running for the next billing cycle.

***D. Town Attorney's Report** – Linda Miller, Interim Town Attorney

***E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.

F. Committee Reports – Michael P. Crotty, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)

- February 28, 2013 Pension Board Meeting Minutes
- March 4, 2013 Tourist Board Meeting Minutes
- April 1, 2013 Tourist Board Meeting Minutes
- April 22, 2013 DVAC meeting Minutes
- May 6, 2013 Tourist Board Meeting Minutes

G. Reduce Gun Violence and Illegal Gun Trafficking Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING EFFORTS TO REDUCE GUN VIOLENCE AND ILLEGAL GUN TRAFFICKING BY USING GOVERNMENT PURCHASING POWER TO INFLUENCE GUN MANUFACTURERS AND DISTRIBUTORS TO USE SALES PRACTICES THAT PREVENT GUNS FROM FALLING INTO CRIMINAL HANDS; DIRECTING THE SURFSIDE POLICE

DEPARTMENT TO WORK WITH WEAPONS AND AMMUNITION SUPPLIERS TO LEVERAGE THIS PURCHASING POWER TO PRESS FOR MORE RESPONSIBLE PRACTICES IN THE GUN INDUSTRY BY ENCOURAGING THE IMPLEMENTATION OF SALES AND MARKETING SAFEGUARDS THAT PREVENT GUNS FROM FALLING INTO CRIMINAL HANDS; DIRECTING THE TOWN MANAGER TOGETHER WITH THE POLICE DEPARTMENT TO PARTNER WITH OTHER MUNICIPALITIES TO CREATE A COALITION IN SUPPORT OF THIS INITIATIVE; DIRECTING THE TOWN CLERK TO SEND A CERTIFIED COPY OF THIS RESOLUTION TO ALL SOUTH FLORIDA MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES, INC., ALL MEMBERS OF FLORIDA'S CONGRESSIONAL DELEGATION, AND TO THE OBAMA ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Shared School Nurse Resolution – Michael P. Crotty, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE EXPANSION OF THE SCHOOL NURSE SYSTEM IN THE TOWN OF SURFSIDE; JOINING THE TOWN OF BAY HARBOR ISLANDS AND THE VILLAGE OF BAL HARBOUR IN FUNDING A NURSE FOR RUTH K. BROAD K-8 CENTER, NORTH BEACH ELEMENTARY, AND TREASURE ISLAND ELEMENTARY; AUTHORIZING THE EXPENDITURE OF \$7,200 FROM THE GENERAL FUND; PROVIDING FOR AN EFFECTIVE DATE

Approved on consent.

I. Electric Car Charging Service Contract – Duncan Tavares, TEDACS Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING AN AGREEMENT WITH CCGI HOLDINGS, LLC (“CAR CHARGING”); PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

J. Awning and Sign Code Update – Shelley Eichner, AICP, Town Planner

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 73 (UPDATING AWNINGS AND SIGN CODE, CGA PROPOSAL NO. 13-5932) IN A TOTAL AMOUNT NOT TO EXCEED \$15,000; PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.

Item pulled by Commissioner Graubart and Vice Mayor Karukin.

Commissioner Graubart suggested that rather than paying \$50,000 at this time the Town would look into other Towns/Cities Sign ordinances and the Town would not have to reinvent the wheel.

Vice Mayor Karukin asked why this item is not covered under the CGA agreement. In his opinion, it is part of the scope of work of the agreement. He stated that the 1989 Comprehensive Plan has a very nice sketch on their Future Land Use section about what the signage should be like in a Town like Surfside. He would like for staff to look into that.

Town Planner Sarah Sinatra spoke on the item and stated that the contract they currently have is to provide day to day planning/zoning services and this is a specific project that falls out of their scope of work. This item has been included in the Town's Budget for the last two years and is actually a budgeted item. Staff has been unable to move forward due to the bulk of work involved.

Mayor Dietch made a motion to approve. The motion received a second from Vice Mayor Karukin. The motion failed 2-3 with Commissioner Graubart, Commissioner Kligman and Commissioner Olchyk voting in opposition.

K. Proportionate School Concurrency Agreement with Surf Club, Inc. – Linda Miller, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING AN AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, CLPF-NBV, L.P., AS SUCCESSOR IN INTEREST TO THE SURF CLUB, INC., (A FLORIDA NON-PROFIT CORPORATION) AND THE TOWN OF SURFSIDE, TO ADDRESS MITIGATION OF SCHOOL CONCURRENCY IMPACTS RELATED TO DEVELOPMENT PROPOSED ON PROPERTY LOCATED AT 9011 COLLINS AVENUE, SURFSIDE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

L. Proportionate School Concurrency Agreement with Chateau Ocean, LLC –
Linda Miller, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING AN AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, CLPF-NBV, L.P., AS SUCCESSOR IN INTEREST TO CHATEAU OCEAN, LLC, AND THE TOWN OF SURFSIDE, TO ADDRESS MITIGATION OF SCHOOL CONCURRENCY IMPACTS RELATED TO DEVELOPMENT PROPOSED ON PROPERTY LOCATED AT 9349, 9365, AND 9379 COLLINS AVENUE, SURFSIDE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

M. Re-Appointment of Special Masters – Linda Miller, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE (TOWN), REAPPOINTING SPECIAL MASTERS; PROVIDING FOR AN EFFECTIVE DATE.

Item pulled by Vice Mayor Karukin

Vice Mayor Karukin asked the cost of the special master.

Code Compliance Director Joe Damian stated that approximately \$150.00 per hour.

Vice Mayor Karukin made a motion to approve the pulled items from the consent agenda. The motion received a second from Commissioner Olchyk and all voted in favor.

4. Ordinances

(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Comprehensive Plan Text Amendments – Shelley Eichner, AICP, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO INCLUDE NUMBER OF STORIES IN HEIGHT LIMITATION IN ALL FUTURE LAND USE MAP CATEGORIES AND TO ADD PLACES OF PUBLIC ASSEMBLY USES IN ACCORDANCE WITH POLICY 10.6 TO THE LOW DENSITY RESIDENTIAL, MODERATE DENSITY RESIDENTIAL/TOURIST AND GENERAL RETAIL/SERVICES FUTURE LAND USE MAP CATEGORIES AND BY ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Shelley Eichner presented the item to the Town Commission. Outside Counsel Nancy Stroud presented the item to the Town Commission as well.

Andrew Tobin representing Town resident Pieter and Shirley Bakker spoke against the item.

Mayor Dietch made a motion to approve for discussion purposes. The motion died due to lack of second.

2. Reformed Mark Wandall Traffic Safety Act – David Allen, Chief of Police

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 “TRAFFIC AND VEHICLES”, ARTICLE III “DANGEROUS INTERSECTION SAFETY” AND SPECIFICALLY AMENDING SECTION 74-72 “USE OF IMAGE CAPTURE TECHNOLOGIES”, SECTION 74-76 “IMPLEMENTATION OF GENERAL LAW”, AND SECTION 74-77 “ISSUANCE OF NOTICE; REVIEW OF RECORDED IMAGES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES IMPLEMENTING CHAPTER 2013-__, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; PROVIDING FOR INCLUSION

IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Lieutenant Richard Williams presented the item to the Town Commission.

Mayor Dietch made a motion to adopt ordinance on first reading. The motion received a second from Commissioner Kligman. The motion carried 5-0.

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

A. Approval and Award of Contract to Lynx Construction for 95th Street Improvements from Collins Avenue to the Beach – Joseph Kroll, Public Works Director

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AWARING A BID TO LYNX CONSTRUCTION LLC FOR 95TH STREET END IMPROVEMENTS SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING ADDITIONAL FUNDS FOR THE PROJECT IN THE AMOUNT OF \$60,000.00 FROM THE STORMWATER FUND RESERVES AND \$36,466.84 FROM THE CAPITAL IMPROVEMENT FUND; PROVIDING FOR AWARD, APPROVAL, AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Joseph Kroll presented the item to the Town Commission. Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Olchyk and all

B. FPL Underground Cost Estimate – Second Update – Michael P. Crotty, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF \$10,000.00 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-3125 FOR FY 2012/2013 TO FLORIDA POWER & LIGHT FOR A REVISED UNDERGROUNDING BINDING COST ESTIMATE; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty presented the item to the Town Commission.

Finance Director Donald Nelson presented the item to the Town Commission from the finance perspective.

Ann Finley stated that she now understands the financial issues with this project but that she thinks that the Town is worth the cost.

Ken Arnold spoke about the project and stated that the Town Commission might want to take the project to the Community and see if they think that this project is worth the new cost.

Terry Cohen asked why the cost of the project went from \$2 million to \$9 million. Commissioner Graubart would like to see this item be voted on as a referendum.

Commissioner Olchyk expressed her dislike for the cost of the project.

Vice Mayor Karukin stated that he is not in support of the project.

Commissioner Kligman stated that she is in support of the staff going back and doing our due diligence and exploring if there is any more information that will help them make a better decision.

After some discussion, input and comments from the Town Commission, Mayor Dietch made a motion to defer the item thirty days and direct the Manager to set up a meeting with HPF and get a line by line, number by number review and a report back to the Town Commission during the July 2013 Town Commission meeting. The motion received a second from Commissioner Kligman. The motion died 2-3 with Commissioner Graubart, Commissioner Olchyk and Vice Mayor Karukin voting in opposition.

C. Engagement of Marcum, LLP – Donald Nelson, Finance Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE RENEWAL OF THE ENGAGEMENT LETTER WITH MARCUM LLP FOR AUDITING SERVICES IN ACCORDANCE WITH THE AUDITOR SELECTION COMMITTEE PROCESS; PROVIDING FOR APPROVAL; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Donal Nelson presented the item to the Town Commission.

Commissioner Graubart made a motion to approve a three year contract with a two year reopener. The motion received a second from Commissioner Kligman. The motion carried 4-1 with Mayor Dietch voting in opposition.

D. Coastal Corridor Interlocal Agreement – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (TOWN), CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE TOWN OF BAY HARBOR ISLANDS AND THE VILLAGE OF BISCAYNE PARK IN CREATING THE CLEAN ENERGY COASTAL CORRIDOR PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE

CORRIDOR; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch presented the item to the Town Commission.

Commissioner Graubart made a motion to accept. The motion received a second from Commissioner Kligman and all voted in favor.

E. FY 12/13 Proposed Mid-Year Budget Amendment Resolution – Donald Nelson, Finance Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR FISCAL YEAR OCTOBER 1, 2012 TO SEPTEMBER 30, 2013; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE GENERAL FUND, CAPITAL PROJECT FUND, RESORT TAX FUND, TRANSPORTATION FUND, WATER & SEWER FUND, STORMWATER FUND, PARKING FUND, AND SOLID WASTE FUND; AND OTHER ADJUSTMENTS REQUIRED TO THE FISCAL YEAR ENDING SEPTEMBER 30, 2013 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Donald Nelson presented the item to the Town Commission.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart and all voted in favor.

F. Second Amendment to American Traffic Solutions, Inc. Agreement – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO A SECOND AMENDMENT TO THE CONTRACT BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) ATTACHED AS EXHIBIT “A” AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch made a motion to defer the item and directed staff to come back with more information on the cost. The motion received a second from Commissioner Kligman and all voted in favor.

G. Reformed Mark Wandall Traffic Safety Act Code Enforcement Implementation – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), DESIGNATING THE TOWN OF SURFSIDE’S CODE ENFORCEMENT SPECIAL MASTERS AND CODE COMPLIANCE OFFICER(S) TO SERVE AS LOCAL HEARING OFFICERS PURSUANT TO CHAPTER 2013-__, LAWS OF FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN CLERK TO UTILIZE CODE ENFORCEMENT STAFF TO IMPLEMENT CHAPTER 2013-__, LAWS OF FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Dietch made a motion to defer the item. The motion received a second from Commissioner Kligman and all voted in favor.

H. Oklahoma Relief Resolution – Commissioner Joe Graubart

A RESOLUTION OF THE TOWN OF SURFSIDE; APPROVING A DONATION OF \$250.00 TOWARDS THE OKLAHOMA TORNADO RELIEF PAID TO THE AMERICAN RED CROSS DISASTER RELIEF, TO BE FUNDED FROM THE GENERAL FUND ACCOUNT NO. 001-1000-511-5290; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Graubart made motion to approve. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Olchyk voting in opposition.

6. Good and Welfare (*Set for approximately 8:15 p.m.*)

Manuel Lecour spoke about the Town’s tennis courts and how the residents would like to see them improved. Commissioner Graubart stated that maybe the Town should review this issue during the budget season to do something regarding the tennis courts.

Commissioner Olchyk stated that this project is currently being discussed at the Parks and Recreation Committee.

Terry Cohen spoke about the situation that she currently has with her two (2) neighbors. Town Manager Michael P. Crotty gave the Town Commission a brief update on the case and informed Ms. Cohen that he will be in contact with her.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Beach Erosion – Commissioner Michelle Kligman

Item deferred by Commissioner Kligman.

B. Construction Worker Parking Program – Commissioner Joe Graubart

Commissioner Graubart would like the Police Department to work together with St. Joseph to see if there is a possibility that the construction workers can use that lot to park.

C. Town Attorney Evaluation – Sandra Novoa, Town Clerk

Town Clerk Sandra Novoa presented the item to the Town Commission.

After some discussion a consensus was reached that each member of the Town Commission will complete the evaluation, email it to the Town Clerk.

Commissioner Olchyk made a motion to appoint Commissioner Kligman to compile all the evaluations and bring back a report during the July 16, 2013 Regular Town Commission meeting. The motion passed 4-0 with Commissioner Graubart absent from the dais.

Town Clerk Sandra Novoa will compile the evaluations and forward them to Commissioner Kligman.

D. Harding Avenue to Abbott Parking Lot Paseo (Passageway) at 9536/9538/9540

Harding Avenue – Duncan Tavares, TEDACS Director

Duncan Tavares, TEDACS Director presented the item to the Town Commission.

He explained that this item has been presented to DVAC and to the Planning and Zoning Board. That at this point the staff would like direction from the Town Commission moving forward.

Commissioner Graubart made a motion not to approve the project. The motion received a second from Commissioner Kligman and all voted in favor.

E. Code Compliance Priorities Recommendations and Sight Triangle Resolution – Joe

Damien, Code Compliance Director

Code Enforcement Director Joe Damian presented the Town Commission with a Priorities checklist for them to fill out and submit to the Town Clerk to have a better idea of each of their priorities. Furthermore this item will be discussed during the Hedges and Sight Triangle Workshop that should be schedule soon.

Vice Mayor Karukin made a motion to extend the meeting three hours. The motion received a second from Commissioner Olchyk. The motion passed 4-1 with Commissioner Graubart voting in opposition.

- F. Calendar for FY 13/14 Budget Process** – Donald Nelson, Finance Director
The Town Commission acknowledged receipt of the Budget Preparation Calendar and after some discussion meetings were agreed to. Meetings will be scheduled and advertised.
- G. Pulled Consent Agenda Items** – Mayor Daniel Dietch
Item was discussed under item 1E - Agenda and Order of Business.
- H. Life Guard Stations** – Commissioner Joe Graubart
Commissioner Graubart would like to for the Town Manager to look into reaching to some of the Architectural Schools and see if they will be interesting in participating. Town Manager Michael P. Crotty stated that with some of the development agreements, there are different methods of addressing the lifeguard's stations. The Surf Club would have to submit a plan to the Town for approval.
- I. Street Dead End Safety** – Commissioner Joe Graubart
Commissioner Graubart expressed his concerns about kids playing on street dead end and jumping in the canal and then they have problems getting out. The Town Commission directed staff to keep the street dead ends clean and to put appropriate signage, reaching out to the schools and increase patrol.
- J. Quasi-Judicial Hearings/Decisions/Votes** – Commissioner Joe Graubart
Commissioner Graubart spoke about the choice of the Commission to vote in favor or against a Quasi-Judicial Hearing.
- K. Police Presence and Safety** – Commissioner Michelle Kligman
Commissioner Kligman expressed that some residents have reached out to her regarding police presence. She stated that she has had discussion with some members of the Police Department and in her opinion the residents would like to see more of a Neighborhood Resource Officer with Community Policing. She stated that when she thinks about community policing she thinks of two officers, Sergeant Jay Matelis and Dianna Hernandez.
Commissioner Olchyk stated that they should also be more police presence on the beach. Vice Mayor Karukin thanked the Police Department and rather see police patrolling on the streets than on the beach.
Commissioner Kligman asked the Town Manager to research this item further.
- L. Harding Avenue Streetscape Design** – Duncan Tavares, TEDACS Director
Duncan Tavares, TEDACS Director presented the item to the Town Commission. Eddie Lamas from C3TS presented the Town Commission with a PowerPoint presentation.
Ann Finley spoke in favor of the item.
Louis Cohen spoke in favor of the project.
Ms. Packer spoke in favor of the item.
Ken Arnold spoke in favor of the project.
Terry Cohen spoke in favor of beatifying the Downtown area.
Meredith Beatie spoke in favor of the item.
Commissioner Graubart stated that he was concern about the look of the Town after you drive those two blocks of downtown.

Commissioner Olchyk stated that she was very excited about the project but was concerned about the current trees and would like to make sure that there is a plan to relocate them.

A representative of Lukes Landscape stated that there is a tree disposition plan to keep all the trees within the Town and safely relocating them.

Mayor Dietch asked Commissioner Olchyk that if there is any specific location where she would like to see trees planted to please let the Town Manager know.

Vice Mayor Karukin spoke about the trash and/recycle receptacles and the availability for cigarette disposals as well. He asked if the trees will affect the visibility of the businesses signs and the response was negative.

Commissioner Kligman asked questions to Public Works Director Joseph Kroll regarding the type of trees that the Town will be using. Mr. Kroll stated that in his experience this types of trees have survived well and there is minimum maintenance. Commissioner Kligman stated that she was very supportive of the project and thanked the Town Manager and the Staff for a job well done.

After some more discussion Commissioner Kligman made a motion to move forward. The motion received a second from Commissioner Olchyk and all voted in favor.

N. Payment to Former Interim Town Attorney Miriam Maer – Commissioner Marta Olchyk (ADDED ITEM)

Commissioner Graubart made a motion to make payment of the outstanding balance that the Town owes Ms. Maer. The motion received a second from Commissioner Olchyk. The motion passed 4-1 with Mayor Dietch voting in opposition.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:13 a.m.

Accepted this ____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

**TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2012/2013
April 30, 2013**

AS OF

58% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: July 16, 2013

GOVERNMENTAL FUNDS

ACTUAL

ANNUAL BUDGETED	% BUDGET
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GENERAL FUND

REVENUE	\$7,086,382 *	\$10,225,227	69%	
EXPENDITURES	6,212,647 A-1	\$10,225,227	61%	
Net Change in Fund Balance	873,736			
Fund Balance-September 30, 2012 1(audited)	5,266,374 A			
Fund Balance-April 30, 2013 (Reserves)	\$6,140,110			

RESORT TAX (TEDAC SHARE)

REVENUE	\$108,922 *	\$230,811	47%	B
EXPENDITURES	182,197	\$230,811	79%	
Net Change in Fund Balance	(73,275)			
Fund Balance-September 30, 2012 1(audited)	171,496			
Fund Balance-April 30, 2013 (Reserves)	\$98,221			

POLICE FORFEITURE/CONFISCATION

REVENUE	\$8,678	\$162,490	5%	C
EXPENDITURES	30,690	\$162,490	19%	
Net Change in Fund Balance	(22,013)			
Fund Balance-September 30, 2012 1(audited)	122,272			
Fund Balance-April 30, 2013 (Reserves)	\$100,259			

TRANSPORTATION SURTAX

REVENUE	\$110,247 *	\$185,830	59%	D
EXPENDITURES	147,925	\$185,830	80%	
Net Change in Fund Balance	(37,678)			
Fund Balance-September 30, 2012 1(audited)	122,302			
Fund Balance-April 30, 2013 (Reserves)	\$84,624			

CAPITAL PROJECTS

REVENUE	\$25,235	\$561,000	4%	
EXPENDITURES	121,059	\$561,000	22%	
Net Change in Fund Balance	(95,825)			
Fund Balance-September 30, 2012 1(audited)	132,783			
Fund Balance-April 30, 2013 (Reserves)	\$36,958			

NOTES:

* Many revenues for April, 2013 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,266,374 is unassigned fund balance (reserves).

A-1. Includes Town's annual General Fund pension contribution of \$473,991 & Davis Settlement.

B. Timing Difference - April Resort Tax revenues are received in May, 2013.

Total Resort Tax Revenues of \$303,606 were received thru March, 2013 (\$108,922 to TEDAC, \$194,684 to the General Fund).

C. Forfeiture revenue fluctuates widely.

D. Timing Difference - April, 2013 CITT revenues are received in July, 2013.

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
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WATER & SEWER

REVENUE	\$1,595,944	\$3,022,367	53%
EXPENDITURES	1,338,065	\$3,022,367	44%
Change in Net Assets	257,880		
Unrestricted Net Assets-September 30, 2012 (audited)	(2,949,483)		
Loan Proceeds *Subsequent to FY 2012 Close	7,339,928		
Restricted Net Assets-Renewal & Replacement	1,017,776		
Unrestricted Net Assets-April 30, 2013 (Reserves)	\$5,666,101 E		
Capital Project Expenses to date for Water & Sewer	\$5,703,587	\$1,967,754	290%

MUNICIPAL PARKING

REVENUE	\$521,805	\$814,599	64%
EXPENDITURES	486,110	\$681,661	71%
Change in Net Assets	20,151		
Unrestricted Net Assets-September 30, 2012 (audited)	1,258,325		
Unrestricted Net Assets-April 30, 2013 (Reserves)	\$1,278,476		
Capital Project Expenses to date for Municipal Parking	\$228,679	\$223,000	103%

SOLID WASTE

REVENUE	\$721,184	\$1,232,457	59%
EXPENDITURES	701,427	\$1,232,457	57%
Change in Net Assets	19,757		
Unrestricted Net Assets-September 30, 2012 (audited)	228,437		
Unrestricted Net Assets-April 30, 2013 (Reserves)	\$248,194		

STORMWATER

REVENUE	\$293,474	\$505,000	58%
EXPENDITURES	132,229	\$505,000	26%
Change in Net Assets	161,245		
Unrestricted Net Assets-September 30, 2012 (audited)	104,651		
Restricted Net Assets-Renewal & Replacement	266,140		
Unrestricted Net Assets-April 30, 2013 (Reserves)	\$532,036		
FDEP Grant	0	\$512,500	0%
Capital Project Expenses to date for Storm Water	\$612,959	\$668,781	92%

NOTES:(con't)

E. The unrestricted balance of \$5,666,101 is the result of a subsequent receipt of the State Revolving Loan payment #1 of \$4,151,234 on October 4, 2012 after the fiscal year closing of September 30, 2012, State Revolving Loan payment #2 of \$3,188,694 received on April 2, 2013, it also includes \$651,144 for rate stabilization, and \$1,017,776 for renewal and replacement.


 Donald G. Nelson, Finance Director


 Michael P. Crotty, Town Manager

**ATTACHMENT

**Town of Surfside
Fund Balance (Reserves)
April 30, 2013**

FUND	9/30/2010	9/30/2011	9/30/2012	4/30/2013
General	\$ 3,163,038	\$ 4,256,315	\$ 5,266,374	\$ 6,140,110
Resort Tax	179,035	184,867	171,496	98,221
Police Forfeiture	71,825	117,889	122,272	100,259
Transportation Surtax	416,500	239,760	122,302	84,624
Capital	4,888,357 *	399,754	132,783	36,958
Water & Sewer	2,108,920	2,692,379	(1,931,707)	5,666,101
Parking	2,043,034	1,385,581	1,258,325	1,278,476
Solid Waste	82,210	207,462	228,437	248,194
Stormwater	194,564	342,240	104,651	532,036
Total	\$ 13,147,483	\$ 9,826,247	\$ 5,474,933	\$ 14,184,979

4,201,479 *

\$ 8,946,004

*Committed to Capital Project (Community Center)

I. COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Dog Park: Mayor Daniel Dietch

Current Status: The dog park is under construction and close to completion. Luke's Landscaping is performing the work and the lot has been cleaned; fences installed around the dog park and pump station; and sod laid. Still to be completed is installation of landscaping plants and signage. Anticipated completion is the week of July 15, 2013. Staff will coordinate an appropriate dedication ceremony to celebrate this new facility. A preliminary staff recommendation on the ceremony will be prepared by July 15, 2013. [Peter Kageryama, author of "For the Love of Cities", was the keynote speaker for the opening session of the Florida City/County Management Association's annual meeting in May, 2013. He began his presentation by stating that "dog parks humanize a community". Based on my experiences with planning, developing and operating a dog park, his words ring true].

2. Isaac Bashevis Singer Boulevard: Commissioner Marta Olchyk

Current Status: On April 9, 2013 the Town Commission approved and passed Resolution No. 13-2049 to correct the street sign named "Isaac Singer Boulevard" to "Isaac Bashevis Singer Boulevard" to properly honor him on both ends of 95th Street. The Miami-Dade County Commission approved the change to "Isaac Bashevis Singer Boulevard" (Resolution No. R-406-13) at the June 4, 2013 Board of County Commissioners meeting. The Miami-Dade County Acting Chief of Traffic Signal and Signs Division advised that the signs are currently in production and should be completed mid-July, 2103 and installed following receipt. Staff will coordinate a recognition event with Commissioner Olchyk. In planning the event, it would be helpful to identify relatives, friends, literary associates and Surfside residents who knew Isaac Bashevis Singer so that an appropriate recognition ceremony could be planned to again celebrate this distinguished individual who called Surfside home.

3. Property Assessed Clean Energy (PACE) Program: Mayor Daniel Dietch

Current Status: This program allows existing residential and commercial buildings to be retrofitted for energy efficiency with the cost funded from a loan pool authorized by the State of Florida and funded by Barclay's Capital. The low interest loans are repaid from a long term assessment on the property. There are no guarantees provided by the Town of Surfside. A

presentation was made by Chad Friedman and Steve Alexander regarding the program at the October 9, 2012 Town Commission meeting. Bay Harbor Islands agreed to join the program.

The Commission adopted a resolution at its June 11, 2013 meeting creating a Property Assessed Clean Energy Program and joined with Bay Harbor and Village of Biscayne Park in creating the Clean Energy Coastal Coordination Program. Joseph Spector, Clean Energy Green Coordinator, attended the June 11, 2013 meeting and informed the Commission that his organization will be responsible for coordinating and implementing the program. The Building Official has been assigned as the liaison to the PACE program. The Town will also assist in the public information/outreach process by making available the website, newsletter, utility billings, etc. Item completed.

4. Turtle Sculptures - Art in Public Places

Current Status: The sculptures will remain in place until June, 2014. The Tourist Board's decision on what to do with the sculptures at the end of the exhibit will be brought to Town Commission by end of year 2013. Item completed.

5. Electric Car Charging Station: Mayor Daniel Dietch

Current Status: The Town Commission authorized entering into an agreement with the company Car Charging for the installation and operation of an electric car charging station in the parking lot of Town Hall at the June 11, 2013 meeting. The Parking Division of the Police Department is working with the company on the installation of the station. Once arrangements are made with FPL to install a separate meter at the station's location, an expense to be incurred by Car Charging, the station will be installed.

6. Bullying Program: Commissioner Michelle Kligman

Current Status: The bullying program was held on January 16, 2013 in the Community Center. The event consisted of an informative session that included an expert panel in the control of bullying with a question and answer session and a showing of the movie *Bully*. The event was a great success with approximately 100 people in attendance. Commissioner Kligman has proposed a robust program that incorporates surrounding communities and the School Board to further this program. A resolution defining this effort was approved by the Town Commission during the February 12, 2013 Commission meeting. The resolution along with an outline for implementing the program was introduced to the Parks and Recreation Committee during their March 18, 2013 meeting. The Parks and Recreation Committee requested to possibly have the incoming summer camp staff trained in an Anti-Bullying program. Staff has set up with Locomotion Theatre Inc. to present a one and a half hour training course in Anti-Bully to include:

1. Methods for a counselor to deal with a child who is a bully
2. Methods for a counselor to deal with a child who is being bullied
3. The negative effects of bullying

Summer camp staff received the bully training during the summer camp in-service training on June 8, 2013. Staff is currently working with the same agency to provide a Fall workshop on anti-bullying for all part time and full time Parks and Recreation staff. Staff will also research the possibility of holding a youth anti-bully program. This will be an ongoing process and updates will be provided each month in the Points of Light.

7. Mt. Sinai Bus Route: Commissioner Michelle Kligman

Current Status: Following the Town Manager and TEDACS Director meeting with the Jewish Community Services (JCS) team on May 30, 2013 regarding transportation options and related costs, JCS staff prepared a bus proposal. This information will be presented to the Town Commission in the FY 13/14 budget process. A subsequent meeting on June 24, 2013 explored further partnership options to mutually benefit Town residents and JCS clients. A Program Modification addressing transportation to Mount Sinai in conjunction with JCS has been included in the proposed FY 13/14 budget. In the interim, JCS conducted outreach meetings with all Police Department shifts to inform them of their services available to seniors. Being aware of the benefits of the Surf-Bal-Bay Program, police officers can pass on information to residents/seniors that they interact with during their daily community involvement/activities. The Town will continue to inform Surfside residents of the program through the monthly Gazette.

8. Scholarship Program: Commissioner Marta Olchyk

Current Status: Commissioner Olchyk volunteered to spearhead the selection of the scholarship program committee and select two scholarship award winners to the Parks and Recreation Committee during the February 11, 2013 meeting. The Parks and Recreation Committee accepted the responsibility of reviewing and determining two overall winners of \$1,000 dollars each. The number of scholarships and the amount was approved by the Town Commission during the February 12, 2013 Town Commission Meeting. The Parks and Recreation Committee requested that the program be advertised by the Town on the website, Gazette and at all Town facilities and sources. The Parks and Recreation Committee on April 29, 2013 reviewed the one and only application submitted by the deadline. The applicant met all the requirements requested in the application process and the Committee voted to award Gabriel Coto the \$1,000 Higher Education Scholarship. Gabriel will be awarded the check and recognized at the July, 2013 Commission meeting. At the June 27, 2013 FY 13/14 budget workshop, Commissioner Olchyk reported to the Commission the Parks and Recreation Board's recommendation to allocate \$1000 (from unspent scholarship funds) in the FY 13/14 budget for a summer camp scholarship for summer 2014. Funds have been included in the proposed budget.

9. Bicycles on Beach Walking Path

Current Status: The Town does not allow bicycles on the hard pack. Seventeen new uniform signs were installed on the entrances from the hard pack to the beach walking path in December 2012. The signs prohibit certain activities including bicycles on the walking path. Staff also installed two “no bicycles” signs on the north and south entrances to the walkway in May 2013. However, the Town does not have an ordinance in place to enforce this ban and violators of the rule can only be warned. If the Town Commission authorizes a new ordinance, enforcement would be problematic because personnel are not assigned full time to the walkway to monitor bicycles. Current staffing with the Police Department and the Code Compliance Department will not allow full time coverage and both Departments have higher priorities. Item completed.

10. Joint Park with City of Miami Beach

Current Status: Initial contact was made with Miami Beach officials on May 31, 2013 regarding a joint skate park project located south of the Tennis Center and discussions have begun with the Town’s Parks and Recreation Committee. Also, a coalition of tennis advocates is beginning to form in the same manner as the Dog Park and Community Garden. A meeting with Miami Beach officials is scheduled for July 11, 2013. A follow-up report will be provided to the Commission.

11. MAST Academy – Miami-Dade County Public Schools Maritime and Science Technology Academy (FIU Biscayne Bay Campus)

Current Status: Miami-Dade County Public School District is currently in the process of finalizing the startup of a District operated secondary program in environmental sciences at the FIU Biscayne Bay Campus (3000 NE 151st Street, North Miami) for School Year 13/14.

Mayor Daniel Dietch and the Town Manager received a briefing on June 18, 2013 from County School District officials on the start-up of the Environmental Science Program and longer range plans to fund and permanently establish a facility. Commissioner Michelle Kligman has also received a briefing from the Superintendent’s Office on the proposal.

In a number of locations through the County, municipalities partner with the School District to invest in educational opportunities for its residents particularly as it relates to MAST academies. Over the next couple of months, this option will be explored with surrounding municipalities to determine level of interest in further pursuing a partnership with Miami-Dade School District to ensure capacity for Surfside students for the environmental science program at FIU Biscayne Campus.

12. Bus Shelters: Commissioner Marta Olchyk

Current Status: The Town Commission approved the purchase of three additional shelters at a cost of \$75,000 which has been reduced to \$64,237 after negotiations. The shelters were ordered on March 27, 2013. Once received the contractors are expected to install the shelters in the designated locations. There was an issue regarding installation of bus shelters along Collins Avenue relating to the available area of the FDOT right-of-way. The issues regarding the area of FDOT right-of-way and FDOT regulations have been resolved due to field adjustment and the shelters are now ADA compliant. Pre-construction of the bus shelter pads have been completed. The bus shelters delivery date has been confirmed and were shipped to the contractor on July 2, 2013. The contractor will receive them by July 9, 2013 with installation anticipated to be completed by July 15, 2013.

13. Town-wide Traffic Study Public Outreach

Current Status: The proposal for the outreach/education process on the Town-wide Traffic Study was presented to the Commission at the May 15, 2013 meeting. The first outreach meeting was held June 25, 2013 in the Commission Chambers. Approximately 10 residents attended. An additional outreach effort will be scheduled with a different approach in order to secure greater public participation and input.

II. DOWNTOWN BUSINESS DISTRICT AND TOURISM

1. Harding Avenue Streetscape

Current Status: On June 11, 2013, the Commission approved the Harding Avenue Streetscape Plan in the amount of \$839,770. The Plan provides for the installation of sixty-nine lighted Medjool palms (existing palms to be relocated to other locations in the Town). Other features of the Plan include the establishment of eight pocket parks complemented by a \$65,000 landscaping budget. The pocket parks will have benches and new trash/recycling cans included.

The architects and Staff met with FDOT District Secretary Gus Pego on July 3, 2013 to review plans and discuss FDOT permitting requirements. An FDOT permit should be received during August, 2013 and the project completed during Fall, 2013.

2. Abbott and 94th Street Lot Improvements (Action Item: July 16, 2013)

Current Status: In December, 2010, Lynx Construction was awarded a contract for design build services for 222 95th Street (Post Office Lot) for design and construction of the new parking lot. At the June 14, 2011 meeting, the Town Commission approved FTE Engineering Inc. to do a Parking Lot Improvement Study for all six (6) municipal parking lots. The purpose of this study was to analyze each of the Town's parking lots, recommend improvements, prioritize the recommendations and provide an engineering estimate of what the improvements would cost.

A bid proposal was also received under the Lynx contract to renovate the Abbott, 95th Street (Shul) 94th Street, Town Hall (93rd Street) and Town Hall (Collins) lots totaling \$220,000 which was below the \$450,000 estimated figure. Renovation was completed on the two Town Hall lots and the 95th Street (Shul) lot for \$95,000 and the cost of landscaping added \$97,000. The remaining lot improvements were delayed pending the Parking Structure Feasibility Study (information from the August, 2012 Points of Light).

At the May 15, 2013 Commission meeting, maintenance improvements were authorized. Landscaping improvements will be discussed at the July, 2013 Commission meeting in order for Staff to more fully present the issue prior to undertaking the improvements.

A PowerPoint presentation was prepared for the June 24, 2013 DVAC meeting regarding the addition of landscaping improvements for the Abbott and 94th Street lots. A landscaping plan with reduced costs will be presented. The landscape material will be of the variety that can be transplanted should one or both of these sites ultimately be the site of a parking structure.

3. Downtown Vision Project: Commissioner Michelle Kligman

Current Status: The Downtown Vision Advisory Committee (DVAC) met on June 24, 2013 to discuss the following:

- *Downtown Streetscape Master Plan*
- *Harding Avenue Paseo*
- *Sign Code*
- *BID Process*
- *Code Compliance*
- *Abbott & 94th Street Parking Lot Improvements*
- *Parking Structure Study Education/Outreach*

Meeting minutes will be provided as part of the Town Commission Agenda for the November 2013 meeting as the Committee is now on summer hiatus until October 28, 2013.

4. Sidewalk Ordinance Implementation

Current Status: The amended sidewalk lease agreement with FDOT is in final review and will be presented to the Town Commission meeting at either the August or September, 2013 Commission meeting. The ordinance will be rolled out as part of the Town's business licensing process in the Fall to coincide and complement the Harding Avenue Business District Streetscape Greenway.

5. Starbucks

Current Status: Starbucks is coming to the Condotti Men's Clothing Store location. It was approved by the Planning and Zoning Board during their January 31, 2013 meeting. Thank you to Sergio Castaneda for his long service to Surfside and welcome to our first national tenant in a very long time. The Starbucks plans were submitted for review on April 17, 2013. Mechanical, electrical, and plumbing disciplines have been approved. Structural and building sections had commentary that required a rework of the plans. The information was forwarded to the project representative. The comments are currently being addressed by the design team. A determination has been made that the improvements to the building do not constitute substantial improvement per FEMA guidelines. Starbucks is expected to open by September 30, 2013.

6. Mid-Block Access to Abbott Lot

Current Status: This item was discussed at the May 29, 2013 DVAC and May 30, 2013 Planning and Zoning meetings. This item was discussed at the June 11, 2013 Town Commission meeting. The Town Commission directed to not proceed with negotiations for this paseo due to the costs involved. Item completed.

7. Parking Structure Feasibility Study

Current Status: The completed study was issued to the DVAC Parking Subcommittee (which includes members appointed by the Town Commission and the Town Manager) on March 8, 2013 for the March 20, 2013 meeting. Rich and Associates and C3TS/Stantec presented to the committee and public in attendance and the meeting was broadcast over Channel 77. The committee unanimously voted in favor of moving the study on to the Planning and Zoning Board (April 3, 2013) and Town Commission (April 9, 2013).

At the April 9, 2013 meeting, the Commission acknowledged receipt of the March, 2013 Parking Structure Feasibility Study. The Commission tasked Staff to develop a public outreach and educational process to move the Study forward in order to ensure all stakeholders have been informed and involved prior to the Commission proceeding with its action on the Study.

Staff began the outreach/education process on the Parking Structure Feasibility Study. At the May, 2013 DVAC meeting, the committee members were asked to be prepared to share their ideas/suggestions on the community outreach/vision process. At the June 24, 2013 DVAC meeting, the committee members provided ideas/suggestions on the community outreach/vision process. The item was also discussed at the two BID Property Owners/Business Operators meetings held on June 26, 2013. Staff will continue to work on formulating the requested outreach strategy and report back to the Commission.

8. Five Year Tourism Strategic Plan

Current Status: The Tourist Board received a comprehensive update from the consultants at the June 3, 2013 meeting and July 1, 2013 meetings. A request for a joint meeting with the Town Commission and Tourist Board is requested for August 5, 2013 at the regularly scheduled monthly Tourist Board meeting. The Commission will be asked to confirm this date at the July, 2013 Commission meeting.

III. INFRASTRUCTURE AND UTILITIES

1. 95th Street End Project

Current Status: Due to the need to complete the street end project contemporaneously with the 9501 building construction which began construction in mid-May 2012, the Administration has moved forward with the project for one block only using the architectural/engineering firm Bermello Ajamil (BMA) (from the approved rotation). The Town Commission confirmed this on July 17, 2012 and selected the design “look” on August 15, 2012. The thematic design will be usable for all three blocks of 95th Street should the Town Commission determine to expand the project in the future. Bermello Ajamil has completed the design and submitted the bid package which was advertised April 2, 2013 in the Daily Business Review. Bids were opened on April 19, 2013 and five bids were received. The Commission awarded the bid to Lynx Construction on June 11, 2013 for the 95th Street Improvements Collins Avenue east to the bulkhead. The FDEP permit has been received and construction is scheduled to start the first week in August, 2013. Project duration is approximately 140 days. A pre-construction conference was held June 27, 2013 to discuss the project. In attendance: Lynx Construction, Spiaggia Ocean Condo, 95th on the Ocean, Luke’s Landscaping, Surfside Police, and Public Works. Items discussed included coordination of the project; input/concerns from abutting property representatives; procedures on notifications to residents; parking and start date. A second pre-construction meeting is set for the July 10, 2013 with BMA (engineering firm), FDEP and Lynx Construction.

2. FPL/AT&T/Cable Undergrounding Project: Commissioner Michelle Kligman

Current Status: The Town Commission allocated \$300,000 in the water/sewer/storm drainage project to provide mid-block crossover conduit so that a future undergrounding project would not have to break the pavement. FPL has completed the study of the cost of undergrounding Town-wide and the Town Commission authorized retaining bond counsel and financial advisor to assist with the project during the November 13, 2012 Town Commission meeting. During the December, 2012 Town Commission meeting, Staff was authorized to schedule five televised public meetings that have been held and a FAQ's was mailed to all addresses in the Town. At the direction of the Town Commission, the cost estimate validation process has been contracted to HPF and Associates for \$2750 and preliminary cost estimates have been received and are under review. This firm has done similar work for Golden Beach, Miami Beach Palm/Hibiscus and Sunset Islands underground projects. The April, 2013 Commission agenda included a seventh status report on the project which answered the many questions raised by the Town Commission during the March 12, 2013 meeting when authorization to continue developing the project was granted.

Correspondence was received from John Butler, FPL Assistant General Counsel – Regulatory dated April 26, 2013. This correspondence addressed the Town's request to extend the binding cost estimates (BCE) which originally was due to expire on March 26, 2013 but had been extended by FPL to April 26, 2013. FPL states that it cannot extend the existing BCE but it is willing "to refresh it with updated information on material and labor costs, in lieu of preparing a new BCE". A new BCE would cost approximately \$60,000. The cost of refreshing the existing BCE would be \$10,000. A resolution appeared on the May, 2013 Commission agenda authorizing the \$10,000 expenditure, however it was delayed pending review of the HPF and Associates estimate of all costs of the undergrounding including the cost of undergrounding other utilities (AT&T and Atlantic Broadband); restoration costs; street lights; cost of property conversion/hook-ups; etc. If this expenditure is authorized, the Town would have a 180 day window from April 26, 2013 to address/resolve the remaining issues to proceed with undergrounding through the use of the MGRUF Tariff.

A staff report dated June 3, 2013 compared the independent (HPF and Associates) analysis/cost estimate (\$14M) with the previous in-house cost estimates (\$8.5M prepared in January, 2013). When the independent cost estimate was requested, the Town asked for specific estimates for the undergrounding of AT&T and ABB as the Town's estimates were just that – rough estimates. The substantial portion of the increase of the overall project cost was due to AT&T/ABB undergrounding. Staff recommended to the Commission that, at this time, not to proceed with the project. A copy of the June 3, 2013 report is available under Town News on the Town website.

At the June, 2013 Commission meeting, Finance Director Donald Nelson and Town Manager Michael Crotty recommended not to proceed due to the increased cost and financial ramifications of proceeding at this time. The project would have been funded through the use

of the MGRUF Tariff (approximate 8% increase in residential electric rates for a 20 year period) plus Town financing resulting in up to \$800,000 in annual debt service payments for the same 20 year period. The Town's current financial condition is strong—over \$5M General Fund reserves and the Town's Enterprise Funds, especially the water and sewer, are robust. Equally impressive is the financial strength of the Town's pension plan which has weathered the crisis which caused chaos for local governments across the nation. Town Commission and Staff crafted a solid financial strategy that enabled the Town to rebound and deal successfully with the negative impacts of the downturn in the economy (2008-2010) and the bursting of the real estate bubble. The Town is several years away from realizing significant revenue growth as a result of the approved development projects along Collins Avenue. If the undergrounding project remains a priority, the project could be funded through the use of new/additional revenue generated as a result of these projects thus possibly eliminating or reducing the need to consider the 8% increase in monthly residential electrical rates through the MGRUF Tariff. Equally important, by having a new, dedicated revenue source as a result of ongoing development, the project could proceed on a more secure financial footing thus positioning the Town to effectively deal with a financial challenge similar to those local governments experienced over the last decade.

3. FDOT Surfside Repaving

Current Status: The Collins/Harding Avenue repaving project has been completed by FDOT. This leaves the Kane Concourse (96th Street) from the Surfside Town limits to Collins Avenue and Collins Avenue in Bal Harbour from 97th Street to the Haulover bridge projects to be completed. The stamped asphalt crosswalks on Harding and Collins Avenues were finished in December, 2012. Staff authorized an additional stamped asphalt crosswalk for the 93rd Street/Harding Avenue intersection to tie together the pedestrian path from the single family neighborhood to the Community Center at a cost of \$14,000. This cost was expected to be covered in the final change order for the water/sewer/storm drainage project, but it will not be known if funds are available to cover the cost until final close-out costs are determined.

4. North Force Main/Building Better Communities Bond Program

Current Status: There is both progress and pushback on this effort to obtain funding for this critically important second sewage disposal alternative for Surfside, Bal Harbour and Bay Harbor Islands. Miami-Dade County WASD has retained the firm of Hazen and Sawyer to study the situation at the North Dade Regional Plant and the 163rd Street force main. This is recognition that something needs to be done that will resolve the issue which we keep top of their minds. The negatives are that specific projects which would facilitate acceptance of our sewage are not listed in the draft settlement agreement with EPA and FDEP. Surfside was represented in a community meeting held by WASD September 27, 2012 and our concerns were placed on the record. Roger Carlton, Donald Nelson and Mayor Daniel Dietch also attended a meeting held at WASD on October 25, 2012 in which the draft settlement agreement was further

discussed. A new resolution was approved by the Board of County Commissioners that gave specific direction to the County Administration to consider innovative municipal projects as they prioritized the Building Better Communities bond funding. This amendment was written by the former Town Manager and supported by County Commissioner Sally Heyman. Finally, the risks inherent in the Virginia Key plant (where our sewage is treated) and the new force main under Government Cut have been documented in the Miami Herald.

In a recent conversation with Doug Yoder, Assistant WASD Director who is handling the negotiations with EPA and DEP, it was learned that an environmental group has filed a lawsuit which questions the advisability of upgrading shoreline sewer plants that may go underwater if global warming raises sea level. Therefore WASD is looking at the alternative of an inland plant at a higher elevation. There is a long way to go on this issue.

At the May 21, 2013 County Commission meeting, the County adopted a resolution regarding the Federal Consent Decree. Commissioner Heyman again expressed support for recognition of funding efforts of municipal governments in upgrading sanitary facilities. Bob McSweeney, PE of CGA represented the Town at this meeting. However, since the County Commission action on the Consent Decree was a resolution, no public comment was received. The following is a summary of the long established Town talking points on this issue which were to be presented:

1. There should be recognition for communities that have made substantial investment to combat I&I. Rate increases should be discounted for communities which took initiative to reduce the I&I utilizing their own funds. Surfside has expended \$23 million on their utilities with the goal of reducing the I&I by 90%.
2. Lift stations – Surfside has fixed its own, as has Miami Beach. Surfside’s sewage flows through upgraded lift stations with acceptable NAPOT reports. Again, communities which showed initiative should not be punished by these rate increases.
3. Support for Commissioner Heyman’s position: “Any Building Better Communities water and/or sewer project in which a municipality has put forth an innovative financing plan shall not be adjusted as to priority in this analysis and in fact, shall be accelerated if possible. Further, the analysis requested of the Mayor shall include the implication for any recommended adjustments in dollars or timing in the Building Better Communities Bonds as to allocation of water and sewer permits for new or updated construction projects. Said analysis shall be done in a format that clearly demonstrates how the proposed adjustments impact the construction industry and job creation.”
4. There should be recognition for building permits issuance and utilization of County capacity to offset County costs/ burden by developers. This burden should not be placed solely on the wholesale customers such as the Town of Surfside.

On May 29, 2013, the Town Manager discussed with Commissioner Heyman establishing a meeting to follow-up on sanitary sewer issues identified in this POL. The Commission will be provided updates.

On July 11, 2013, Town representatives will meet with Miami Beach officials regarding the agreement with Miami Beach on sanitary sewer services they provide to the Town. Information received from this meeting could impact the approach or information presented at a meeting with Miami-Dade Commissioner Heyman on sanitary sewer/consent decree issues. Following this meeting with Miami Beach, Bob McSweeney, CGA Director of Engineering Construction, will prepare a report outlining the Town's efforts in upgrades/improvements to its sanitary sewer system and issues in support of our talking points listed above which will serve as the basis for discussions with the County.

5. Water/Sewer/Storm Drainage Project and Collins Avenue Force Main Project

Current Status: The following report on the Water/Sewer/Storm Drainage Project is a compilation of CGA and Staff input:

The Water/Sewer/Storm Drainage Project commenced on August 15, 2011 in the southern sector of the Town (Phase I). The project involves water main/water service replacements, lining or replacement of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the storm water collection system including three (3) new storm drainage pump stations. Phase I-III are now all substantially complete. All of the sewer mains have been lined and the TV crews have now completed the post construction video which is being reviewed for approval by Town Staff and CGA Engineers. The final lift of asphalt installation commenced February 25, 2013. The paving subcontractor began in the south end of Town and has completed all available areas (Town is working with FDOT for the required restoration on FDOT roadways). The permanent pavement marking and stripping is occurring as the asphalt has set a minimum of 21 days. The Contractor is now 98% complete with the punch list items for Phase I-III. Sanitary pump stations are substantially complete and off of the bypass pumps. The electricians have finalized the automated controls on the sanitary pump stations and final inspection and turn over will occur in June. The drainage pump stations have passed all electrical inspections and FPL has provided power. The contractor has mobilized and is performing the final modifications to the drainage pump stations. The close-out of all pump stations will include full training of Town staff on operation and maintenance (O&M) and the contractor will provide O&M manuals.

Both Surfside and the Village of Bal Harbour are currently utilizing the newly installed Collins Avenue force main with no operational issues. A meeting was held with Bal Harbour representatives on May 16, 2013 to attempt to resolve the issue of the design costs/fees for the project. Staff is continuing its efforts to resolve this issue.

Partial refinancing of the project has been completed to reduce the interest costs and provide funding for additional utility main replacements, and other costs within the original scope. A comprehensive status report for the project was provided in the August 14, 2012 Commission Agenda package and authority was granted to complete the project within a total budget of \$23.635 Million. Retainage will continue to be held and will only be released after all work is completed including the punch list.

Funding Summary

Funding Status:	Amount	Amount Received
FDEP Grant	\$873,500	\$0**
FDEP Grant	\$125,000	\$12,500 **
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan*	\$9,312,881	\$4,792,023 ***
BBC Bond	\$859,000	\$787,335
TOTAL	\$11,270,381	\$5,691,858

*This loan has the potential of \$2-\$3 Million being forgiven by the State.

*Partial Reimbursement #2 is in process for \$3.188MM bringing total requested to \$7.896MM

**Reimbursements currently being processed by FDEP

***The State of Florida has reduced the interest rate from 2.12% to 1.87% fixed over the life of the loan. This will save approximately \$200,000 of interest cost

Sanitary Pump Station Outreach Meetings

Meetings were held on May 20, 2013 with neighbors in the area of the 89th and 93rd Street Pump Stations. Based on input received, the final restoration/landscaping plans have been modified to incorporate suggestions received – primarily landscaping suggestions to provide enhanced buffering. Finally, this was an opportunity to express the Town's appreciation to the residents for their incredible patience as this challenging project draws to conclusion.

Project Closeout Meeting

The community meeting on the closeout of the Water/Sewer/Storm Drainage Project was held on July 8, 2013. The meeting included:

- Report by the consulting engineers on the scope of the project; benefits to be derived from the improvements including operational, financial and environmental; and what the project will mean long-term for the Town and residents.
- Response to the inquiries and concerns expressed by residents regarding the functioning of the drainage system following the recent three major rainfalls which occurred prior to the new system pumps being operational and the contributing factor of the limited functioning of the FDOT 's drainage system along Harding Avenue.
- Opportunity for residents to identify any remedial action or restorations to property/right-of-ways still to be accomplished as the Town closes out the project.

The CGA Projects Report in the July 16, 2013 Commission agenda packet contains additional information on the water/sewer/storm drainage project.

6. Seawall Project

Current Status: The seawall design project was awarded to Calvin, Giordano & Associates with the commitment that the grant application cost would not be paid until a grant in the amount of not less than \$250,000 was made available. The design work is finalized. As a result of Hurricane Sandy, the seawall at Carlyle and 88th Street is near collapse, endangering the Town's \$250,000 investment in the new storm water pump station. A recommendation to declare the project an emergency was made to the Town Commission during the November 13, 2012 meeting. Based on authority granted at the November 13, 2012 Town Commission meeting, Staff applied for the emergency permit from Miami-Dade County and received budgetary quotes from Palm Beach Marine (\$60,000), BK Marine (\$88,000) and Shoreline Foundation, Inc. (\$92,000). We have now received the FDEP approval, United States Army Corps of Engineers and the preliminary approval from Miami-Dade County, which was a prerequisite to obtain the Surfside Building Permit. As soon as these are obtained we will be awarded our final Miami-Dade County Permit. After receiving comments from all permitting agencies the plans will be revised, if necessary, and resubmitted to the three qualified marine contractors listed above. The updated bids received will be evaluated and the contractor which provides the best value for the Town will be awarded. A Notice to Proceed will be issued immediately thereafter. The remaining seawall repairs were submitted in the grant application package to FIND for grant reimbursement of up to 50% of the construction costs. FIND presentations were made on June 21, 2013 with final grant approvals being made in July, 2013 and funds become available October 1, 2013.

The Town's lobbyist, Fausto Gomez, successfully worked toward the inclusion of funding in the FY 13/14 State Budget for Surfside's seawall repairs through the Legislature's water project funding. The required paperwork was prepared by CGA and submitted to the Governor (Office of Policy and Budget, Environmental Unit). Unfortunately, Governor Rick Scott vetoed all funding for water projects. More detailed information on seawall repairs is in the monthly report of CGA contained in the July 16, 2013 Commission agenda packet.

7. Federal Road Designation Removal in Single Family Neighborhood

Current Status: A meeting was held by CGA with the FDOT District Engineer on September 13, 2012 to discuss the need to downgrade the single family streets to the lowest federal classification. The 10 year FDOT update is underway and CGA has provided necessary information to support the change. The downgrade was recommended by FDOT and the designation has been changed by the Federal DOT in the most recent update. This is very important to ensure that our single family streets maintain their current residential status. This is

also important should the Town Commission determine to close Byron Avenue at 88th Street in the future.

Public Works Director Joseph Kroll has been tasked with other Town/FDOT issues including:

- Work with traffic engineer Jeff Maxwell to process the Town's request to FDOT for signal timing changes at 96th and Collins and 96th and Harding per the traffic study;
- Ask FDOT to evaluate the re-establishment of the pedestrian crosswalk at 96th and Harding; [Note: a meeting was held with FDOT District Secretary Gus Pego on July 3, 2013 regarding permitting for the Harding Avenue Streetscape Project. Initial discussions were held regarding the crosswalk; its history; and potential options. Follow-up discussions will be held].
- Investigate with Police Chief and Traffic Engineer the need and benefits of a pedestrian walk signal at 96th and Byron (for pedestrians crossing Byron). Determine FDOT's position and inquire about FDOT funding of improvement.

8. Beach Management

Current Status: Hurricane Sandy and high full moon tides and wind caused significant erosion on our beach. Due to the storm, Surfside lost up to 75 feet of beach (with nearly 25 feet returning by natural drift of sand) and was one of the least damaged segments of beach countywide. Staff has begun work on many fronts to ensure that various agencies with authority and funding initiate a renourishment program. A meeting was held with Miami Dade County staff on December 20, 2012 and the County has accepted responsibility for coordinating the renourishment. Town Staff will be kept updated as Miami-Dade County moves forward with any renourishment project.

Congresswoman Debbie Wasserman Shultz sponsored a Coastal Community Roundtable on April 4, 2013. Governmental representatives from Miami-Dade and Broward Counties heard presentations from U.S. Army Corps of Engineers in Jacksonville, Florida. Of local interest, Corps representatives presented an overview of the sand renourishment project scheduled in Bal Harbour (Contract G: August, 2013 Award and start date at the conclusion of Sea Turtle Season). After this project, compatible sand sources for renourishment will be depleted.

The Corps will begin an outreach through the summer pertaining to their planned sand source study (Contract J: tentative date August, 2014). The study will attempt to locate compatible sand (non-County borrow area) for future projects.

Brief discussions were held on the long delayed Bypass project at Port Everglades and the legal issues and challenges associated with the use of foreign sand (i.e. Bahamas) for domestic projects. Also, the Town has been approached about possible coordination with Miami Beach on their dune restoration initiative.

A presentation on beach renourishment and the sand source study is scheduled for the August, 2013 Commission meeting. Initial contact has been made with various professionals in this field (Jackie Keiser, U.S. Army Corps of Engineers; Brian Flynn, Special Projects Administrator, Miami-Dade County DERM (responsible for sand/beach renourishment); and Becky Hope, Port Everglades and Surfside resident. They have all agreed to make themselves available to Town Staff to prepare a more in-depth presentation to the Commission. Also, a meeting will be held on July 16, 2013 with Lee Gottlieb (dune renourishment project) and Mark Taynton (FDEP) on beach issues in preparation of the presentation at the August, 2013 Commission meeting. The Town Public Works Director will take staff lead in addressing beach renourishment issues.

9. Collins Avenue Sidewalk Utility Box Repairs: Commissioner Marta Olchyk

Current Status: All of the trip hazards have been corrected with the exception of two (2) FPL boxes both located directly in front of the Surf Club on 90th and Collins Avenue. FPL has been contacted to make the necessary repairs and they will be correcting these trip hazards. FPL has been working on the utility box repairs and has hired a contractor to address the repairs subject to a FDOT permit.

10. Pedestrian Crosswalk at Harding Avenue and 96th Street

Current Status: This FDOT experiment in modifying pedestrian behavior by requiring a three light alternative has been an issue of concern. A meeting has been held with FDOT District Engineer Gus Pego and he has agreed to study going back to the original crosswalk. This will slow eastbound traffic on 96th Street making a right turn to Harding Avenue southbound, however, that is a more desirable consequence than leaving the current dangerous unauthorized pedestrian movement. A meeting was held with FDOT District Secretary Gus Pego on July 3, 2013 regarding the history of the pedestrian crossing at 96th/Harding. Follow-up meetings will be held to discuss the number of issues identified as the solution is more complex than just installing a crosswalk. A full report will be prepared.

11. Town Hall Parking Lot(s) and Parking Solutions

Current Status: At the April 9, 2013 Commission meeting, issues associated with Town Hall Parking Lot(s) and parking issues/solutions were discussed. It was suggested that this project be added as a Point of Light.

In order to understand the magnitude of improvements to the existing conditions, a design build proposal was requested from Lynx Construction Management for discussion purposes. This proposal included design, surveying, permitting, construction, etc. The cost estimate was based on a design to accommodate existing operations (Town Hall, Public Works and Police needs). The design build proposal was \$425,441.

It is recommended that no action be taken on this design build proposal. The ultimate parking solution for this area needs to be part of the overall analysis going forward as the Town considers the proposed improvements to the Community Center (second floor option). Also, there has been discussion on relocating all or a portion of the Public Works operation and/or vehicles.

The FY 13/14 budget presented to the Commission will provide a proposal/funding to initiate the planning of Community Center improvements. (Note: voluntary proffers for the Town's Parks and Recreation Capital Infrastructure Program that could be utilized for the Community Center total \$700,000).

Staff will determine appropriate maintenance actions to minimize the impacts of the dirt parking areas in the parking area south of Town Hall until permanent improvements are made.

12. Community Center Expansion: Second Floor Addition: Vice Mayor Karukin

Current Status: During the December 17, 2012 Parks and Recreation Committee meeting, the second floor of the Community Center was listed by the Committee as the top priority for the Parks and Recreation Infrastructure Plan. The FY 13/14 proposed budget contains \$100,000 funding from voluntary proffers to undertake conceptual planning and design of projects including the second story addition to the Community Center. This funding is subject to the Commission approving a Five Year Capital Parks and Recreation Plan.

13. Biscaya Drainage Investigation

Current Status: Around the same time of the completion of the Water/Sewer/Storm Drainage Upgrade Project, Surfside experienced a two week period of high intensity short duration rainstorms in conjunction with spring high tides. A result of the newly sealed sanitary sewer system which did not allow excess rainfall to flow into the sanitary sewer system, the flooding during these high tide-high intensity storms increased the duration of temporary flooding on Biscaya Island.

A neighborhood meeting was held at Town Hall on June 5, 2013 to discuss the drainage issues on Biscaya Island. The meeting began with a discussion regarding the current Water/Sewer/Storm Drainage Project and an explanation that the drainage portion of the project was being funded by FDEP in order to improve water quality entering Biscayne Bay, and was not solely a service/performance project. It was also explained that the added work performed on Biscaya Island with regard to improving the existing drainage conditions was the correction of major deficiencies in curb and driveway elevations, improve the roadway profile, and service and clean the existing storm water catch basins. Also, the drainage system (catch basins and culverts) was again inspected the week of June 5, 2013 to ensure that the system was not damaged during construction. The residents provided input from and discussions regarding potential solutions including the construction of a drainage pump station, outfall upsizing and

other alternatives ensued. At the conclusion of the meeting, Staff directed the Town/CGA to schedule meetings with the permitting agencies having jurisdiction to discuss possible modifications which would increase the level of drainage service to the island.

The Town has held one meeting and one teleconference to date with Miami Dade RER (DERM) and SFWMD, respectively. The outcome of the Town's meeting with the County resulted in the County agreeing to be receptive to SFWMD's decision on waiving water quality treatment, and if so the County would most likely recommend a variance to the County's requirement to provide water quality as well. This is promising news should the Town decide to move forward with the design, permitting and construction required to upsize the current drainage outfall(s) on Biscaya Island.

14. Street Signs Replacement

Current Status: This item has been deferred until the final costs of the water/sewer/storm drainage project are known. It does not appear that enough funds will be available for this project. A final report will be provided to the Commission upon closeout of the project.

IV. PLANNING, ZONING AND DEVELOPMENT

1. The Shul Project

Current Status: An application in sufficient form to start the Design Review Group (DRG) process was received and the first meeting was held on August 22, 2012. A second Design Review Group meeting was held on February 13, 2013 and a third was held on March 28, 2013. A meeting took place with Stanley Price representing the Shul, former Town Manager Roger Carlton and Interim Town Attorney Linda Miller on March 1, 2013 to further refine the voluntary proffers including an alternative to a Payment In Lieu of Taxes (PILOT). A DRG meeting is scheduled for July 18, 2013.

2. Tracking Development Orders

Current Status: Project management tracking will be an integral part of obtaining software for project tracking, departmental interfacing/sharing of critical information (i.e. Code Department and Building Department) and overall management of special/development projects and asset management. On May 30, 2013, a meeting was held to identify and discuss Enterprise Resource Planning (ERP – systems integration of internal and external management of information across the entire Town organization) requirements for upgrades for FY 13/14. This will include a project tracking component. A follow-up meeting was held with Staff on June 7, 2013. Also, four project

management tracking schedules have been completed and the remaining tracking schedules will be completed prior to FY 13/14 budget adoption. Thanks to Sarah Sinatra for undertaking this effort.

3. Massing and Zoning Discussion: Vice Mayor Karukin

Current Status: At its May 15, 2013 meeting, the Town Commission directed the Town Manager to set up a Joint Workshop with the Planning and Zoning Board to discuss massing and zoning issues. The specific issues to be discussed include:

- Property aggregation
- Setbacks and stepbacks
- Parking
- Maximum frontage
- Minimum floor area ratios
- Efficiency units
- Net vs. gross density

Vice Mayor Karukin presented the above issues at the May 30, 2013 Planning and Zoning Board meeting. Following the discussion, the Board and Vice Mayor agreed that initially the Board will address the massing and related issues at a future Planning and Zoning Board meeting.

4. Solar Panels and TV Antennas (Dishes)

Current Status: Solar panels are becoming less expensive to install and more cost effective as technology advances. TV antennas (dishes) are proliferating where some buildings have as many as ten facing main streets causing visual clutter and excess wiring. Both devices are a part of urban life, however, guidelines need to be developed. Therefore this matter was sent to the Planning and Zoning /Design Review Board for discussion during their January 31, 2013 meeting. This item is pending.

V. TOWN COMMISSION

1. Legislative Priorities

Current Status: A meeting with the Town Manager and Fausto Gomez took place on January 8, 2013 to discuss legislative priorities. A subsequent meeting was held January 10, 2013 with State Representative Joe Gibbons and Mayor Dietch to discuss how the Rep. Gibbons may be helpful. The Town Commission approved the legislative priorities during the January 15, 2013 meeting with an amendment and Fausto Gomez is working the issues in Tallahassee. The session began March 4, 2013 and we will remain in constant contact with Fausto Gomez. Two

very significant items include a raid by FDOT on 50 percent of our on street meter revenues and changes to pension regulations which is both bad (lower the 7.5 percent earnings assumption) and good (allows us to use Section 185 money to supplement the basic pension).

The Legislative Session ended on May 3, 2013. Fausto Gomez will be scheduled to update the Commission at the July 16, 2013 Commission meeting on the session pertaining to new legislation affecting municipalities and the status of the Town's legislative priorities adopted on January 15, 2013. His written report was submitted to the Commission on June 4, 2013. Also, Representative Joe Gibbons has been invited to the July 16, 2013 meeting to participate in the discussion of legislative priorities and the 2013 legislative session.

2. Charter Amendment Schedule (Action Item: July 16, 2013)

Current Status: The Town Commission during the February 12, 2013 meeting determined to initiate the Charter review process no later than August, 2013. This means that the actual review must begin in November, 2013 thereby requiring that appointments be made, the process and schedule be set and a decision on legal advice be made in the period between August and November, 2013. This is an action item on the July, 2013 Commission agenda.

3. Election Site

Current Status: On April 15, 2013, the Town Clerk notified the Miami-Dade Elections Department that the Town is considering changing the polling location permanently to the Community Center starting with the March 2014 election. Miami-Dade responded that they would look into this issue after the May 14, 2013 County wide election. The Miami Dade County Elections Department visited the Community Center on May 23, 2013. Staff awaits their findings.

4. Agenda Backup Copies – Options: Commissioner Marta Olchyk

Current Status: Town staff was asked to explore options to reduce the volume of paper that is included in the monthly Commission agenda packets. The Town Clerk and Town Manager will follow-up by attempting to reduce the volume of paper that is included in future agenda packets. While it is difficult to identify specific issues/policy at this time, each individual opportunity where the volume of paper/information is reduced, it will be noted in the agenda package and the information not provided will be emailed to Commission members and a copy on file in the Town Clerk's office. Town specific/critical items will always include all necessary information for the Commission's consideration. As this process is tested over the next several months, Commissioners can provide final direction whether this effort should continue.

5. Commission/Planning and Zoning Board Joint Meetings

Current Status: Staff will identify several available dates for joint workshops between the Commission and Planning and Zoning Board pertaining to: 1). sight triangles/hedges and 2). zoning review including signs and awnings.

VI. TOWN DEPARTMENTS

A. Town Attorney

1. Options to Mitigate Inadequate Number of Parking Spaces at Multi-family Establishments along the Collins Avenue Corridor: Mayor Daniel Dietch

Current Status: It has been determined by the Building Official that the Spiaggia Condominium is sixteen (16) usable spaces short from its required number of spaces due to the design of the parking facility which makes certain spaces unusable. The Building Official and the Town Attorney's office are preparing an agreement with the Spiaggia Condominium Board to resolve the situation. This will be a future Town Commission agenda item.

B. Building Department

1. FEMA Flood Insurance Status

Current Status: The General Contractor retained to perform the remedial work necessary to correct flood deficiencies at 1220 and 1236 Biscaya Drive, has begun the permitting process. Work is expected to begin the first week of April, 2013.

Meetings with the engineering teams representing the owners of 9578 and 9415 Harding Avenue have continued. Technical Bulletins from FEMA reference material, outlining all the Dry Flood Proofing Certification requirements have been made available to both teams. The engineering package from 9415 Harding Avenue is further along in the process. The initial submittal has already been reviewed by the Town's Structural Engineer. Approval is contingent on the correction of review commentary and additional information that is required. The comments are currently being addressed by the owners' engineer. The Building Official expects that both properties will have approved Dry Flood Proofing Certifications by the end of April, 2013.

Meanwhile, progress continues with preparations for the Insurance Services Office (ISO) visit. The Building Official continues to work closely with Town staff to develop an outreach program to inform customers and home owners of the importance of proper flood plain management. The information is still on schedule to be posted on the Town's website during the month of April, 2013.

On April 19, 2013, the Town of Surfside Building Official was part of a conference call with Prasad Inmula, the FEMA representative, and the team of engineers representing the CVS property located at 9564 Harding Avenue. The topic of discussion was the requirements for the dry flood-proofing certification. The CVS engineering team is taking the information gathered from the conference call and evaluating possible solution scenarios. The Building Official pulled the original plans of the building found in the public record and made them available to the project engineers to assist them in their endeavors.

The Building Department completed the coordination of remedial work required to bring the properties located at 1220 and 1236 Biscaya Drive, into compliance with the FEMA regulation. The work was permitted, inspected by Staff and approved. The properties were then re-surveyed and new Elevation Certificates were generated that reflected all the required corrections. These Elevation Certificates along with the one for the property located 1355 Biscaya Drive were forwarded to the FEMA office for review and compliance on April 26, 2013.

On April 24, 2013 the Building Official, Linda Miller, Interim Town Attorney and legal consultant Ernie Abbott participated in a conference call with FEMA to discuss the remaining outstanding items in the Town's Community Assistance Visit (CAV) Report. As part of the discussion, Prasad Inmula and Susan Wilson (FEMA), agreed to speak with their supervisor in regard to bringing closure to the CAV report and allowing the Town of Surfside to move forward with the next phase of the process to reinstate the Town in the CRS discount program. As a follow-up to this discussion, the Building Official spoke with Prasad on May 6, 2013. Prasad indicated that he had not yet completed his review of the Elevation Certificates sent to him on April 26, 2013, but he expected to do so before the end of the week ending May 10, 2013.

On May 23, 2013, Prasad Inmula requested additional corrections/remedial work on three (3) properties and additional documentation on substantive compliance/certification of Dry Flood-proofing on two (2) properties. Once these are completed, FEMA indicates that the CAV issues are resolved.

Eddie Rojas indicated that the ISO representative reported that it will take approximately 12-15 months for ISO to complete its initial rating evaluation and Staff is in the process of working with ISO to better define the process and schedule for the Town and expedite where possible. Regular updates will be provided.

Preparation continues for the Insurance Services Office (ISO) visit. The Building Official continues to work closely with Town staff to develop an outreach program to inform customers and home owners of the importance of proper flood plain management. Recently, Darlene Martinat, Town's building clerk, completed a FEMA training course in Maryland and is in pursuit of her Certified Floodplain Manager Certification.

July, 2013 update: New Building Official Ross Prieto

The previously reported three remaining residential properties located at 1220, 1236 and 1355 Biscaya had been submitted for resolution to the FEMA office were returned with further comments. On May 23, 2013, Prasad Inmula, CFM of FEMA Region IV commented on further remedial work required to bring these properties into compliance with the CAV. Building Official Edward Rojas responded affirmatively to the comments on May 25, 2013 and began coordinating efforts thereafter and the new Building Official continued said efforts upon joining the Town of Surfside on May 29, 2013.

The current status of the required remedial work for 1220 and 1236 Biscaya has been coordinated and is scheduled to be completed by mid-July. The general contractor has been issued the building permits and is presently in receipt of the needed flood vents for these two addresses which had been on back order. The property owners will be notified prior to commencing the work which will include providing the contractor with the elevations of the flood vents.

The same general contractor has been retained for the remedial work pending at 1355 Biscaya. The home owner has retained the services of a professional engineer to supply the schematic drawings for that structures flood vents and those should be ready to review by the mid-July. The process for this property will be expedited to piggy back on the coordination efforts being established for the previous two properties. Coordinating the compliance work and certification process simultaneously of these final three residential properties will result in completion of the work this month.

As for the three pending commercial properties we can report that the property located at 9564 Harding is not required to provide Dry Flood Proofing Certification as their improvements did not reach the threshold level of substantial improvement requiring it. The property located at 9578 Harding has not yet reached the milestone of occupancy required to trigger the requirement for Dry Flood Proofing Certification and has, therefore, been excluded from this requirement until the next certification cycle. The property located 9415 Harding has fully complied by submitting their Dry Flood Proofing Certification which has been added to the file for re-submission to ISO.

These aforementioned pending comments and their accompanying remedial work scopes should mark the close of all CAV requirements and will usher in a favorable environment for the ISO visit. We continue to work on developing an outreach program to inform the residents of the importance of flood plain management and the great benefits in terms of hazard and damage mitigation to structures and property. The outreach program will include access to property records, specifically surveys and elevation certificates along with any permit records relating to hazard mitigation work. The outreach program will revolve around the imaging of records as this is essential to earning required CRS points so the benefit will be twofold. By multi-tasking on the present imaging efforts of Town property records the residents will gain easy access to these files and they will provide multiple opportunities to earn needed CRS points. The focus is and has always been to have all efforts planned and executed to ensure multiple benefits to the Town and its residents.

We have recently met with Earl King vice-president of CRS Max a consulting firm that specializes in maximizing the potential of a community's application to the CRS program. Their services revolve around identifying the existing conditions of each community and thereby providing programmatic solutions needed to attain the highest possible entry score into the CRS program. In concluding our initial meeting with Mr. King we have agreed to review a proposal for his firm's services.

Darlene Martinat will be taking the exam for CFM certification test on July 12, 2013 and I will be taking the L-273 course and test the week of August 19 through August 23. This specific course will be taught by Prasad Inmula the CFM for FEMA Region IV. This is the contact person that I will be meeting with in Atlanta to review the final submission of documents in order to close out the CAV report and coordinate the final ISO visit to the Town of Surfside. Once these final items are closed we will turn our full effort into the CRS program.

2. Imaging Town Documents

Current Status: The building department continues its daily scanning of current documents during the day and at the end of each day. Document files are being reviewed and organized on an ongoing basis and some areas have been identified that will allow us to multi-task on current efforts. All files are being reviewed and reorganized so that sub-files are created that will house the property's elevation certificate and survey. This will provide the Town the opportunity to earn points in the effort to achieve the best possible rating in its CRS submission.

The process of imaging continues to be a priority and multiple outsourcing vendors have been contacted to provide an opinion on previously implemented solutions to this challenge. It is our intention to become as informed as possible on a host of imaging options so that the most efficient and cost-effective solution is implemented that will finally address the imaging question but also taking advantage of all available CRS program points. In conclusion, we are attempting to optimize imaging efforts to include records access to residents, design professionals, flood managing and reporting agencies ensuring the repeatable performance of the digital system that is chosen.

3. Forty Year Building Certification - Collins and Harding Avenues

Current Status: As of April 30, 2013, notices have continued to be sent to property Owners and/or Condominium Associations. In an effort to educate and inform the community, we have posted information regarding the Forty Year Certification regulations, procedures and required documentation on the Town website. A log is being kept that lists all the properties that have reached the forty year mark and have been sent notices. The log will allow the Building Department to track and monitor progress. A total of fifty-seven buildings on Collins Avenue have been identified as required to obtain the Forty Year Certification, of those 4 are vacant, 1 has been demolished, 2 buildings have completed the process and 6 have requested an extension. The balance of forty-six are

still being researched and reviewed for compliance. Building Official Ross Prieto will provide regular updates to the Commission.

The new Building Official reports that the previously established program of 40 year building certification continues for Collins and Harding avenues. Tracking logs are updated daily as are the prepared notification letter lists. One slight change has been made to the second notice threshold. First notice letters that are returned undeliverable for verification signatures or other such reasons are being re-mailed to provide the addressee a second opportunity to receive said letter. In some cases this may alleviate the department from preparing a second notice document. Second Notice letters also trigger an initial effort by the Code Department in which they begin the preparation of a Notice of Violation procedure should the subject property not respond.

To date three more buildings have completed the process of certification and two more properties have requested extensions. The balance of the properties are being sent notice letters and the established program is being followed as implemented.

C. Code Compliance Department

1. Code Compliance Priorities Workshop

Current Status: A workshop was held on April 17, 2013 with the Mayor and Town Commission. Staff provided a presentation that included historical information on the prior Ad-Hoc Code Enforcement Committee's recommendations, and on commonly occurring or reported violations in the single-family, multi-family residential districts, and the business district. Recommendations were provided on priorities in each district and discussion was held, including public comments. Each elected official was provided a priority worksheet to be submitted to Staff in order to assist in establishing priority and policy direction for code enforcement. Staff analyzed the information submitted by the Commission and provided a report with the June, 2013 Commission meeting agenda package. Due to the number of items on the agenda and the anticipated length of the meeting to discuss code enforcement issues, this item is to be discussed at a separate meeting for this purpose. Staff is available to assist in scheduling the meeting.

2. Residential Home Based Businesses

Current Status: At the direction of the Mayor and Town Commission, enforcement of the Local Business Tax Receipt and Certificate of Use provisions was stayed for Home Based Businesses for FY12/13, until such time as code compliance priorities are established. Staff follow-up report from the April 17, 2013 Code Compliance Workshop was provided to the Town Commission on June 11, 2013, but deferred. Additional discussion, recommendations and options will be provided at the next code compliance workshop, once scheduled.

3. Tourist/Resort Tax Audit/Certificate of Use/Local Business Tax Receipt/Short Term Rentals

Current Status:

Resort Tax Audit II: Only several businesses have not complied. The Finance Director is working with the business to ensure compliance with the Auditors' requests so that the audits could continue. The next Special Master hearing is tentatively scheduled for July 26, 2013. These businesses may go through the Code Compliance process in time for the next Special Master hearing.

Certificate of Use (CU) /Local Business Tax Receipt (LBTR): Only one business has yet to comply. Staff continues to work with them for compliance. Failure to respond will result in this businesses being brought before a Special Master on July 26, 2013. This is the highest level of compliance ever achieved in Surfside history.

Short Term Rentals: Options/recommendations on short term rentals have been included in the Code Compliance Report that was provided, but deferred, at the Town Commission meeting of June 11, 2013, as part of the follow-up to the April 17, 2013 Code Compliance Workshop.

D. Finance Department

1. Five Year Financial Plan: Mayor Daniel Dietch

Current Status: The updating of the 2011 Five Year Financial Plan has been a priority project for staff. Staff is completing a comprehensive update and a significant portion of the update work product is provided in the FY 13/14 Budget message including financial impact of approved development plans; resort tax revenues; building permit fees; fund balance and ad valorem revenue percentages (residential v. commercial).

2. Online Bill Pay: Vice Mayor Michael Karukin

Current Status: The online payment by credit card of the water, sewer and storm water utility bill by residential and commercial customers was implemented as part of the water bill that was mailed in mid-June, 2013.

E. Parks and Recreation

1. Beach Concessions

Current Status: The lease agreement with the State of Florida and Miami-Dade County was presented to the County Recreation and Cultural Affairs Committee on September 10, 2012 and moved forward

to the Board of County Commissioners on October 2, 2012. The lease application and documents were prepared by Miami-Dade County and submitted to the State for approval. On May 15, 2013 the County received correspondence from by the State regarding to the lease agreement. The State informed the County that Florida Statute 161.201 allows the County to police the beach and enter into a management agreement with the Town of Surfside. The Town Manager, Interim Town Attorney and the Parks and Recreation Director met with John Ripple, Beach Operations and Maintenance Supervisor and Kevin Kirwin, Assistant Director for Operations from Miami Dade County on May 20, 2013 to move the process forward. Currently the County attorney's office is completing a review of the statute. Following legal review, Town and County staff will work to prepare an agreement which would provide the Town with the legal authority to regulate beach concessions. The County is anticipating a September, 2013 start date to review a beach management agreement with the town. In the interim, the County will be responsible for beach management issues.

2. Five Year Parks and Recreation Capital Plan

Current Status: The Surf Club developer agreed to provide \$400,000 to this project and the Chateau developer has agreed to add \$200,000 for a total of \$600,000. During the Planning and Zoning Hearing meeting on the Surf Club held September 25, 2012, the condition was modified to allow the contribution to be used for any Parks and Recreation capital project subject to a comprehensive Parks and Recreation infrastructure plan. With \$600,000 in voluntary proffers to the Parks and Recreational capital budget, an initial meeting with the Parks and Recreation Committee to develop a Capital Plan was held on December 17, 2012. During the December 17, 2012 Parks and Recreation Committee Meeting the Second Floor of the Community Center was listed by the Committee as the top priority for the Parks and Recreation Infrastructure Plan. The Parks and Recreation Committee has approved its recommended Five Year Parks and Recreation Plan. The FY 13/14 proposed budget includes funding from voluntary proffers to begin the conceptual planning/design of the FY 13/14 projects listed in the Five Year Capital Plan. Voluntary proffer payments will be received once the Commission approves a Five Year Parks and Recreation Capital Plan.

3. Pool Tot Lot Repairs - Community Center

Current Status: Funtraptions, the original contractor for the Community Center water playground, is no longer in business and not available for any warranty work or repairs. At the completion of the project, a 10 percent retainer fee was held back by the Town until full satisfaction was met with the water play structure. The retainer (\$22,600) will be utilized to cover the cost of repairs of warranty items that need to be addressed. Naumann Nature Scapes, Inc. has been on site at various times since January 28, 2013 reviewing the water playground operations and reviewing the water playground pool blue prints. Naumann Nature Scapes, Inc. has provided an itemized list of work to be completed on a priority level. This proposal was presented to the Town Commission during the May 15, 2013 meeting and a resolution was passed to have the work completed. Phase I of the work began on May 9, 2013 with the removal

of the Sand Dollar play feature for repairs. The Sand Dollar has been reinstalled and Phase II of the repairs has begun. The water playground continues to remain open. Progress reports on the work being performed will be updated through the Points of Light.

F. Police Department

1. Emergency Operational Plan (EOP)

Current Status: Town Staff held an initial planning meeting to update the Town's Emergency Operation Plan (EOP). The Department Heads were assigned to their areas of responsibility. Department Heads are required to ensure that their personnel have the mandated National Incident Management System (NIMS) training. Emergency plan information was collected and provided to the consultant to add to the update. Below is a summary of the updates which were incorporated into the new EOP and that are in compliance with the National Incident Management System and consistent with the County's Comprehensive Emergency Management Plan.

- **NIMS Compliance:** The National Incident Management System based position assignments were not clearly identified nor were the associated training requirements. The Plan develops position specific assignment tables which includes positions names and the associated federally required training.
- **Organizational Assignments:** The Plan now incorporates a series of tables and charts which detail roles and responsibilities for both a minor disaster affecting the Town as well as a catastrophic level incident.
- **EOC Operating Procedures:** The Plan includes a detailed set of procedures which illustrate how the Emergency Operations Center will function once activated. It incorporates room layout, technology requirements, activation protocols, operational guidance, and forms to use during the activation.
- **Miami-Dade County Comprehensive Emergency Management Plan Compliance:** The Plan incorporated enhanced policies and tools from the County CEMP (2008) including updated County evacuation sites, Snapshot Rapid Impact Assessment process, Miami-Dade Alert Tool, Disaster Assistance Centers, refuges of last resort, and Web EOC.
- **Recovery Components:** The Plan enhanced the Recovery Section to include damage assessment process details/forms/checklists, habitability assessment, disaster temporary housing, and the new County Post-Disaster Redevelopment Plan guidance.
- **Private Sector Role:** The Plan also incorporated roles for the private sector and local procedures for coordination with organizations such as the Chambers of Commerce and Tourism.
- **Format Enhancement and Reorganization:** The entire Plan was reformatted for easier viewing including placement of the hazard vulnerability analysis and the preparedness sections in the rear of the document.

Town Staff was briefed on the updated Plan on May 3, 2013. The updated Plan was approved by the Town Commission at the May 15, 2013 meeting.

On May 29, 2013, Chief Allen, Lt. Alberto and Town Manager attended a Miami-Dade County District 4 Regional Hurricane Strategy meeting attended by officials from municipalities in County Commission District 4. Thanks to Commissioner Heyman for scheduling this worthwhile meeting.

Finally, an Eye on Surfside meeting was held June 19, 2013 with focus on hurricane preparedness. The 2013 Guide to Hurricane Readiness was posted on the website and distributed to the condominiums.

A regional disaster mock exercise was conducted in North Miami on June 27, 2013. Representatives from the Surfside Police and Public Work Departments attended.

G. Public Works

1. Sidewalk Staining to Match Colors


Current Status: The project is almost complete with the only item being touch-up work on three driveway entrances along Collins Avenue. The three that remain are located at north end of town between 95th and 96th on Collins Avenue on both sides. The contractor is scheduled to complete the work during the week of July 8, 2013. Due to heavy traffic on Collins Avenue, the Surfside Police will assist with the road closure during the work. The Public Works Department will undertake maintenance work and other Town sidewalks on an as needed basis.



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

TO: Town Commission

FROM: Linda Miller, Interim Town Attorney 

CC: Michael P. Crotty, Town Manager
 Sarah Johnston, Interim Assistant Town Attorney

DATE: July 16, 2013

SUBJECT: Office of the Town Attorney Report for July, 2013

This Office attended/ prepared and/or rendered advice for the following Public Meetings:

June 11, 2013 Town Commission Monthly Meeting
 June 17, 2013 Parks & Recreation Meeting
 June 24, 2013 DVAC Meeting
 June 27, 2013 Town Commission Budget Workshop
 June 27, 2013 Planning & Zoning Meeting
 July 1, 2013 Tourist Board Meeting
 July 9, 2013 Town Commission Budget Workshop
 July 11, 2013 Tourist Board Promotions Workshop
 July 15, 2013 Parks & Recreation Meeting

Ordinances prepared:

- Hardpack Easement
- Requirements for Carport Canopy Standards
- Trellises Code Update
- Architecture and Roof Deck Updates – Roof Materials
- Planning & Zoning Board Membership
- Actuarial Impact Statement DROP
- Red Light Camera/Traffic and Vehicles Code Update

Resolutions prepared and Agreements reviewed and/or revised for the following:

- Second Amendment to Contract with American Traffic Solutions, Inc.
- Implementation of Code Enforcement Hearings for Red Light Camera
- Support for Biscayne Bay Restoration
- Forfeiture Fund - additional bicycles for Police Department
- Fiscal Year Budget 13/14 Tax Millage
- Abbott Avenue and 94th Street parking lot renovation w/Luke's for landscaping
- Abbott Avenue and 94th Street parking lot renovation w/Lynx for additional services proposal

Town Manager:

Follow-up issues regarding Special Master Hearings.
Review and revise Harding Avenue Streetscape Agreement.
Follow-up issues regarding commercial parking and construction sites.
Analysis of issues regarding the Spiaggia Agreement.
Research for resolutions regarding Abbott and 94th Street lot improvements.
Review final sidewalk FDOT lease agreement for preparation of Resolution.
On-going review of Shul plans.
Follow-up for preparation of massing and zoning issues.
Follow-up with Code Enforcement regarding sight triangles/hedges.
Review for pending Charter Review Board appointee process.
Follow-up issues regarding regulating beach concession.
Follow-up research regarding vacant lot issue.
Research Rules of Procedure for renewal/reconsideration.
Research statutory requirements for labor negotiations.

Town Clerk:

- Opined on Notice requirements.
- Opined on Sunshine Law issues.
- Public Records Requests.
- Government Channel Advertising Research of rules and limitations.
- Form 1 Issues.

June 27, 2013 Planning and Zoning Board Agenda:

- 9281 Carlyle Ave – Request to replace existing roof with a metal roof.
- 1452 Biscaya Drive – Request to replace existing roof with a metal roof.
- 700 95th Street – Request for a wood trellis at the rear of the structure.
- 9473 Bay Drive – Request for an aluminum trellis at the rear of the structure.
- 1025 88th Street – Request for a white carport canopy.
- 9300 Bay Drive – Façade Improvements.
- 9116 Byron Ave – Sliding Gate.
- 9535, 9538 and 9540 Harding Ave – Façade Improvements.
- Discussion on Sheds and trellises and height requirements.

- Discussion on carport issues.
- Discussion on signs and their location.
- Future Workshop discussions:
 - Continuous Wall Frontage
 - Pyramiding effects of step backs
 - Side setbacks as a percentage of lot frontage

Building Department/Code Enforcement/Planning:

- Followed up with Building Official regarding FEMA for follow-up for CAV response.
- Follow-up meetings with Code Enforcement regarding sight triangle hedges violations.
- Research and assistance on shed height determinations.
- Research various municipalities for signs and awning code provisions.

Human Resources Department:

- Review of Town policy in reference to Domestic Partnership Tax Equity Program.
- Review ordinance regarding amending code to permit members to participate in “Drop.”
- Continued Revision of General Employment, Independent Contractor and Volunteer Applications.

Finance Department:

- Research and strategize for upcoming FY 2013/14 Budget Workshops and Hearings.
- Preparation and review for Resolution for Tax Millage Rate for FY 13/14.

Parks and Recreation:

- Research Good Samaritan Act provisions and Attorney General Opinions.
- Follow-up on review of Parks & Recreation Department policy and procedures.

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Follow -up re: post Tourist Board requests.
- Follow- up re: post Downtown Vision Advisory Board requests.
- Continued assistance with Downtown Vision Project continuing issues including creation of a Business Improvement District; research various municipalities in preparation for revisions to draft ordinance.
- Continued work and meeting attendance for ethics policy clarification and research.
- Review of Revenue Suggestions.

Public Works:

- Reviewed Lynx Agreement for Streetscape.
- Create and Implement internal “Notice to Proceed” form.

Police Department:

- Creation and review of a Release/Waiver for Police Department Training.
- Continued Review of Site Plan Approvals for Conditions regarding Agreements for construction worker parking.
- Collaborate on upcoming procedures for Internal Red Light Violations.
- Collaboration of Hearings Process to be held with new Red Light Laws.
- Research applicability of Florida Statute and Red Light Camera process.

Litigation:

In Re Forfeiture Of \$18,155.00 U.S. Currency; 2012 Honda Civic, V.I.N. 2HGHB2F84CH503951, Case No. 12-41877 CA 23 Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. We work with outside counsel on this forfeiture case. Barrocas retained an attorney who filed an answer on his behalf. The Town's counsel has notified us of a hearing before the Honorable Stanford Blake, one of the judges of the above styled Court, in Chambers in the Miami Dade County Courthouse, Room 243, 73 West Flagler Street, Miami, Florida, on August 16, 2013, at 9:30 A.M.

Florida Municipal Insurance Trust ("FMIT") has covered/provides coverage for the following matters:

On May 30, 2012, Pieter Bakker filed a complaint against the Town of Surfside. (Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel Of Bal Harbour, Inc. In The Circuit Court Of The Eleventh Judicial Circuit In And For Miami-Dade County, Florida Case No. 12-17783 CA04) ("State Court Matter") The complaint alleges counts against the Town which include contract zoning, charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. Mr. Bakker filed a Motion to Abate which has not been ruled on by the Court. On Friday, July 5, 2013, a hearing was held on the Town's Motion for Preliminary Injunction regarding release of the executive transcripts from the dismissed Young Israel case. The Court ruled that the Final Order of Dismissal entered by Judge Martinez on September 27, 2012 in the Young Israel proceeding in Federal Court Case NO. 1:10-CV-24392- Martinez has concluded. This "State Court Matter" is still pending before Judge Beth Bloom.

On November 8, 2012, Pieter Bakker filed a complaint against the Town of Surfside. (Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State Of Florida and Young Israel Of Bal Harbour, Inc. United States District Court Southern District Of Florida, Civil Action No. 12-cv-24053) ("Federal Court Matter") Mr. Bakker alleges the Town violated his constitutional rights by entering into a Settlement Stipulation that allowed Young Israel to violate the Town's Charter, Comprehensive Plan, and land development regulations. The Town filed a Motion to Dismiss and Mr. Bakker filed a Response to Surfside's Motion to Dismiss. On June 11, 2013, the Town filed a Reply Memorandum of Law in support of the Town's Motion to Dismiss which argues that no federal claim has been asserted by the Plaintiff and that the Court must dismiss Bakker's claims for lack of federal subject matter jurisdiction. In further support of the Town's Motion to Dismiss, the Town filed a Notice of Supplementary Authority and cited the State Court's Order of July 5, 2013 that the Young

Israel proceeding has reached its conclusion. On July 10, 2013, Judge King issued a Final Order of Dismissal with Prejudice in the federal proceeding initiated by Pieter Bakker. Mr. Bakker will now have 30 days to appeal the ruling which finds that no valid federal claim may be asserted against the Town.

Josefina Lopez vs. Town of Surfside and Florida Department of Transportation. Case No. 13-08398CA31, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Plaintiff, Lopez filed a complaint alleging on May 18, 2009 while walking on the sidewalk located at 9140 Collins Avenue, she stepped into an uneven jagged crack in the sidewalk concrete and injured herself. The Town has filed an Answer to Plaintiff's Complaint, propounded initial discovery and filed responses to Plaintiff's discovery requests.

Ongoing FMIT matters:

Michael Henderson has filed a claim alleging excessive force. This claim is under investigation.

Special Matters: Continued monitoring of new case law and legislation on Federal, State, and County levels.



TOWN OF SURFSIDE
 PROJECTS PROGRESS REPORT
 CALVIN, GIORDANO & ASSOCIATES, INC.
 July, 2013

1. **Planning and Community Development** – Planning and Community Development – In August 2012, the Shul submitted a site plan application for an expansion. Staff met with the applicant to discuss the review comments and the applicant resubmitted the plans on January 25, 2013. Staff held Development Review Group meetings on February 13, 2013 and March 28, 2013. The applicant submitted a fifth revision on June 21st. Once all of the outstanding comments are addressed, a Development Impact Committee meeting will be scheduled. Planning Staff has prepared a spreadsheet for each development project to continually track the conditions of approval. This spreadsheet identifies the department responsible for the item and confirmation of completion. Staff continues to answer approximately 80 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - The mail server has been up and running without interruption for 351 days. The last downtime was for routine maintenance and occurred on July 11, 2012. IT is working with Municode and SunGard on setting up utility billing online, which is now live on the website. IT has configured the Data Transfer portion for the Finance Department. IT is gathering updated quotes and proposals for upgrades to the broadcast equipment, cable television feed, Scala display software, and live video streaming. Triad Security has installed panic buttons in the chamber room to alert dispatch of emergency situations. IT has provided quotes for surveillance cameras for the Police Department to place around the town. The police department has also requested to order and install two new video cameras at the Community Center, per the Chief's request. IT has completed the upgrade to all police laptops with new Verizon 4G cards to improve speed and VPN reliability. IT installed a new gigabit network switch for the servers to speed up the daily backups. IT is coordinating with SunGard to order a replacement check printer. The IT staff continues to receive approximately 300 support requests monthly via phone and email.

3. **Public Utilities / Engineering** – The Water/Sewer/Storm Drainage Project commenced on August 15, 2011 in the southern sector of the Town (Phase I). The project involves water main/water service replacements, lining or replacement of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including three (3) new storm drainage pump stations. Phase I-III are now all substantially complete. All of the sewer mains have been lined and the TV crews have now completed the post construction video which is being reviewed for approval by Town Staff and CGA Engineers. The final lift of asphalt installation commenced February 25, 2013. The paving subcontractor began in the south end of Town and has completed all available areas (Town is working with FDOT for the required restoration on FDOT roadways). The permanent pavement marking and stripping is occurring as the

asphalt has set a minimum of 21 days. The Contractor has completed all punch list items within private property and is now finalizing the pump station and roadway punch list. Sanitary pump stations are substantially complete and off of the bypass pumps. The electricians have finalized the automated controls on the sanitary pump stations and have requested a startup/inspection. The drainage pump stations have passed all electrical inspections and FPL has provided power. The contractor has mobilized and completed the work at the 94th St pump station and is currently completing the remaining two stations. The close-out of all pump stations will include full training of Town staff on operation and maintenance (O&M) and the contractor will provide O&M manuals. A project close out meeting was held on July 8, 2013 at 7:00pm.

Both Surfside and the Village of Bal Harbour are currently utilizing the newly installed Collins Avenue force main with no operational issues. CGA continues to assist the Town manager in negotiating with Bal Harbour a resolution of the design costs for the force main or arbitrations will begin.

Partial refinancing of the project has been completed to reduce the interest costs and provide funding for additional utility main replacements, and other costs within the original scope. A comprehensive status report for the project was provided in the August 14, 2012 Commission Agenda package and authority was granted to complete the project within a total budget of \$23.635 Million. Retainage will continue to be held and will only be released after all work is completed including the punch list.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$0 **
FDEP Grant	\$125,000	\$12,500 **
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan*	\$9,312,881	\$4,792,023 ***
BBC Bond	\$859,000	\$787,335
TOTAL	\$11,270,381	\$5,691,858

*This loan has the potential of \$2-\$3 Million being forgiven by the State.

*Partial Reimbursement #2 is in process for \$3.188MM bringing total requested to \$7.896MM

**Reimbursements currently being processed by FDEP

***The State of Florida has reduced the interest rate from 2.12% to 1.87% fixed over the life of the loan. This will save approximately \$200,000 of interest cost

4. **Neighborhood Improvements** – CGA Staff completed the traffic computer modeling of the Town’s roadway system as an element of the Town-wide traffic calming study. The initial traffic counts to complete the traffic study occurred in September, 2012. A number of the counts were finalized in late October due to construction activities. These counts are incorporated in the Draft Traffic Study Report that was discussed at the April 9, 2013 meeting. As authorized by the Town Commission, staff held public meetings on June 25, 2013 to discuss and receive resident input. The Town Manager will also utilize this study during his discussions with the Village of Bal Harbour regarding the potential mall expansion, and discussions with Miami-Dade County regarding additional traffic calming devices and street beautification projects.

5. **Emergency Management** - CGA finalized all revisions to the Town’s Emergency Operations Plan (EOP) and submitted it on Friday, March 29, 2013. Onsite training occurred on Friday May 3, 2013. This project is completed.

6. **Emergency Seawall Repair at 88th & Carlyle** - Miami Dade County RER (Formerly DERM) has completed the Biological Opinion (BO). The results of the BO were submitted to the Town and CGA has incorporated the BO permit requirements into our final plans. The final plans have been submitted for final permits. The US Army Corps of Engineers (USACE) permit was obtained in late February 2013 and the FDEP permit was obtained in April 2013. The South Florida Water Management District (SFWMD) and Miami Dade County RER permits are ready to be issued but were waiting on final structural approval from the Town, which was received June 27, 2013. The SFWMD and RER final permits are expected to be completed in July 2013.

7. **Town-Owned Seawall Repair** - The 90% plans were submitted to the Florida Inland Navigation District (FIND) Commissioner Spencer Crowley, III, who represents Miami Dade County on the FIND Board. The project received a favorable response from the Commissioner and we submitted our project for funding. CGA presented the project to FIND on June 21, 2013. FIND will publish the final funding decisions in July 2013. If awarded, funding becomes available October 1, 2013. The environmental survey for benthic resources was performed in May 2013, the plans have been finalized to reflect the findings. Simultaneously, while we are applying for the FIND funding we will be working on obtaining the required USACE, FDEP, Town and Miami Dade County RER permits.



**TOWN OF SURFSIDE
DVAC**

**Wednesday, May 29, 2013 – 7:00 p.m.
Commission Chambers**

Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

The meeting was called to order by Michael Crotty, Town Manager at 7:01pm

Also In Attendance: Eli Tourgeman, Linda Miller, Interim Town Attorney, Sarah Johnston, Assistant Interim Town Attorney, Shelly Eichner, Town Planner (CGA), Joe Damien, Town Code Compliance Director, Duncan Tavares, TEDACS Director, Joe Corderi, June Neville, Louis Cohen, Ken Arnold, Nancy Rachman, Dwayne & Nicki Berger (Publix Manager), Barbara Cohen, Terrell Fritz (Redevelopment Management Associates), Jaime Straz & Eddie Lamas (Stantec Architect), , Kevin Gardner (Rosenberg Gardner Design & Architect). Terry Cohen, Peter Filiberto, Andy Labrada, Commissioner Michelle Kligman (7:14pm), Barbara McLaughlin, Shaun Grenald, Becky Randel.

II. Introduction by Town Manager Michael Crotty

Michael Crotty advised that the streetscape proposal was presented at the Commission meeting. The Commission voiced a few concerns regarding the streetscape the plan. The Commissioners are scheduled to meet downtown with the architects to address their concerns.

III. Approval Meeting Minutes: DVAC April 22, 2013

Lou Cohen made a motion to approve the minutes, Joe Corderi seconded the motion. Minutes were approved. The motion passed unanimously.

IV. BID Process Update Presentation ~ Terrell Fritz

Currently Terrell Fritz is working on the Tourism 5 year strategic plan and the Business Improvement District.

He advised that the Town will soon acquire approximately 616 new hotel rooms. The Tourist Board's annual budget is currently \$200,000 but this will increase to \$500, 000 with the addition of the new hotels.

The Town should look into marketing strategies. It should start with Owned Media (Town website, Facebook, Twitter, etc...), then move on to Earned Media (PR as channel to maximize effectiveness), and Paid Media (channels the brand "pays" to use)

Strengths of Surfside: location, amazing beaches, small Town feel, new hotel product.

Weaknesses of Surfside: no brand recognition, Downtown businesses doesn't offer what the visitors want, little known retail brand (restaurant mix), and no downtown participation.

Advantages of a BID: unified strategy for improvement, increase activity, increase retail and restaurant sales, increase in rent and property values, increase in local government revenues.

BID staffing could include a Full-time Executive Director, Part-time support, Consultant, Public Relations & Advertising Agency.

There are two audience markets: residents and tourist. How to market to them?

Commissioner Kligman advised that the BID will provide levels above what the Town provides. Funds will then become available to do other projects such as increase security presence and infrastructure. It would help.

Burdens of property tax will switch from residents to commercial property and there are suggestions that we move forward simultaneously on both projects.

Grand Beach wouldn't participate financially in the BID but would lend their Marketing Director.

Duncan Tavares provided a history of DVAC with regard to the business district and phases of the mix of businesses. Original consensus was retail and restaurants throughout Downtown on the first floor. A moratorium was created, but property owners were not in favor of it. The Town removed the moratorium in favor of consensus building for the BID, parking garage study, and façade improvements, etc.

Terrell Fritz wants to know the Boards' three wishes for Downtown.

V. Sign Code Amendments ~ Shelley Eichner

The Town should look at holding a workshop. Have forms available online to see what the stakeholder would like to see in the code; what they like and don't like. She talked about looking at the components of the Sign Code.

Residential (Hotels/Condos) – Monument, building mounted signs, location, height size, how many signs should be permitted, etc. Real Estate/Leasing – size and content. Should it be limited to the use? Will signs be a form of advertising or used more so for location finding? She suggested leaving the political sign code alone.

Window signs – How much does the Town want people to see inside or how open should it be? How much of the window can be covered? How about flashing lights? What about the look?

Hanging signs - Is this something to consider (for those walking on the sidewalk) or wall signs like on Harding (some painted, mounted, projected, taped, V-box)? A preference index should be considered.

Ken Arnold suggested that the Town should look at a style that the it wants and then the code should be fashioned to that particular style.

Shelley Eichner advised that when changes are made to a sign code it takes a long time to require business to make the change even with prior notice. The overall picture is the cost, on the owner, to do the sign.

Terry Cohen suggested that the Town look at different communities to see what they are doing.

Duncan Tavares advised that the Mom and Pop grants can be used for new signage and that the recommendation was that the money be used to correct or address issues with Code Compliance.

VI. Code Compliance II ~ Director Joe Damien
***Deferred**

VII. Downtown Streetscape Plan Update – Eddie Lamas

Eddie Lamas provided an update on the Downtown Streetscape Improvements.

Eddie advised that the Commission is concerned about the budget and the conflicts of the awnings.

There will be approximately 121 new trees that will replace the existing trees that are currently in the downtown.

Option # 1 The cost estimate of Medjool palms, not including FPL costs, will bring the project about \$113, 000 (\$70, 000 for trenching and \$43, 000 for attempts and continuance to maintain) in the beyond the proffers and that this does not including the conflict with the awnings or the half tree grates which would be another \$40,000.

There were concerns about the trees' (Medjool palms) ability to thrive. Kevin Gardner advised that Medjool palms are low maintenance and salt-tolerant, slow growing, so they would do well as is apparent in neighboring towns. The trees that are going to be removed will be replanted throughout the Town.

Option # 2 The cost estimate of Royal Palms, not including FPL costs, will bring the project under the proffered amounts by about \$24, 000, but this money would be used towards the half tree grates to gain sidewalk space. He advised that both tree pose no impact to businesses that have outdoor seating.

Option # 3 the cost estimate of Winin Palms at all conflict area, not including FPL costs, will bring the project under the proffered amounts by about \$88,000 .

He advised that plans are ready for the permitting process.

There were concerns on what would happen to existing awnings. Eddie Lamas advised that the Town will talk to property owners but no cost has been identified as of yet and no decision made on whether the Town or business owners will be paying for the cost.

Duncan Tavares has meeting with an awning representative to get estimates on replacing the conflict awnings.

Some attendees voiced their concerns about the sidewalk color and method of application.

Michael Crotty advised that there is \$650,000 available for the project from development agreements.

Eddie Lamas advised that the greatest cost is the trees.

Michael Crotty advised that the Parking Fund could be used on this project.

Concerns presented regarding the style of the bench were discussed. Eli Tourgeman suggested that downtown business owners sponsor the benches.

Eli Tourgeman made a motion to move forward with the Medjool Palm presentation (Option #1) and to utilize the Parking Fund to complete the project budget, Lou Cohen seconded the motion. The motion passed unanimously.

VIII. Parking Structure Study Update

Michael Crotty wants the Committee to start looking at how the Town should conduct an outreach program on the study and bring ideas back to the June meeting.

IX. Abbott & 94th Street Lots Landscaping Update

*Deferred

X. Harding Ave Paseo Update

Duncan Tavares advised that an opportunity exists to have a passageway through a building on Harding Avenue to access the Abbott parking lot. The property owner would prefer to convert two stores into an office space. The cost of construction of the paseo would be \$300,000. The owner stated that the Town would have to pay for construction. A monthly lease agreement of \$6,000 a month for 10 years coming from the parking fund is requested by the owner to be paid by the Town.

Shaun Grenald suggests that we attempt to renegotiate the lease amount with the owner.

Shaun Grenald made motion to not recommend moving forward with this paseo on Harding Avenue, due to its cost, Joe Corderi seconded the motion. The motion passed unanimously.

XI. Action Item ~ N/A

XII. Public Comment ~ None

XIII. Next meeting discussion

Monday, June 24, 2013

XIV. Adjournment

The meeting was adjourned by Town Manager, Michael Crotty at 9:40pm.

There being no further business to come before the Committee, the meeting adjourned at
9:40 p.m.

Accepted this 24 day of June, 2013

Ken Arnold
Member (Print)

[Signature]
Signature

Attest:

[Signature]
Frantza Duval
Recording Clerk



**TOWN OF SURFSIDE
DVAC**

**Thursday June 6, 2013 – 7:00 p.m.
Commission Chambers**

Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

The meeting was called to order by the Town Manager, Michael Crotty at 7:02pm.

Also in attendance: Interim Town Attorney, Linda Miller, Interim Assistant Town Attorney, Sarah Johnston, Meredith Beattie, Jaime Straz, Duncan Tavares, Director, Barbara Cohen, Barbara McLaughlin, Lou Cohen, Joseph Kroll, Eddie Lamas, Luke Farcarazzo, Henry Stevens, Peter Filiberto, Steven Costman (Best Western), Joyce Gotto, Mark Slacko, Ighal Goldfarb

II. Introduction by Town Manager Michael Crotty

Duncan Tavares provided an introduction regarding the Downtown Harding Avenue Streetscape Plan. There were more potential conflicts than presented at the last DVAC meeting. Therefore the plan has been altered from the one that DVA endorsed at the last meeting. Thus the need for a special meeting in order to present what was going to the Commission.

III. Downtown Streetscape Plan Update ~ Stantec – Eddie Lamas

Eddie Lamas identified the areas of existing conflicts, which currently have 51 Montgomery Palms.

He is proposing 69 new Date palms and eight (8) new pocket parks. Where there were shrubs there will now be trees.

The recent survey identifies 19 more areas where the awnings encroach.

Adjusting the location of the trees (planting them closer to the FPL conduit) and choosing the size of the tree (diameter) will allow for better placement in the newly identified conflict areas.

The pocket parks remain the same, as there is no conflict.

Adding the half tree grates, using Medjool palms, and the trenching now brings the project into a budget requiring approximately \$190,000 from the Parking Fund be added to the proffers. The biggest cost is that of the trees.

The height of the trees will remain the same – above the existing business signs.

Lou Cohen asked what the major change was and Eddie Lamas advised that, based on the survey, there would have been a whole block that would be in conflict, but based on his results they were able to maneuver around it.

Duncan Tavares advised that this presentation shows a more accurate budget and that parking funds may be utilized for the project, but the Commission may decide not to approve the use of parking funds for this project and a different design may be chosen at the Commission Meeting.

The easiest change would be to replace the Medjools with Royal Palms, but there are some inherent issues with the use of Royal Palms.

Luke Farcarzzo advised that the reason why they do not recommend Royal Palms is that they do not self-clean and this presents a potential hazard. There is some liability with Royal Palm branches and sheaths falling and causing damage to cars parked underneath or to pedestrians.

Barbara McLaughlin advised that the Town should look into branding or creating an identity for Downtown Harding through promotions. She suggested calling the downtown "The Avenue".

Duncan Tavares stated that Downtown is an enhancement to the town and will be the destination to the new hotel visitors.

Lou Cohen suggested that the Committee members write to the Commission regarding their support for the project.

Lou Cohen made a motion to accept the proposal as originally presented with the Medjools et al and utilizing the Parking Fund to complete the budget, Meredith Beattie seconded the motion. The motion passed unanimously.

IV. Public Comment

Henry Stevens asked if the concern over FPL costs has been addressed and who is directing the project. Duncan Tavares stated that these issues were addressed with FPL and that the Public Works Director will be directing the project.

Mark Slacko wanted to know if the use of different trees in the pocket parks is a common practice. Jaime Straz advised that it is a common practice and that it provides break points and change of foliage.

Joyce Gotto asked if the Town was looking at more than one vendor and Eddie Lamas advised that, based on experience the price the Town is receiving is a great deal and that the Town's landscaper has gone through the vetting, competitive bid process.

V. Next meeting~ Monday June 24, 2013

VI. Adjournment

The meeting was adjourned by the Town Manager, Michael Crotty at 7:42pm.

There being no further business to come before the Committee, the meeting adjourned at
7:42 p.m.

Accepted this 24 day of June, 2013

Ken Arnold
Member (Print)

[Signature]
Signature

Attest:
[Signature]
Frantza Duval
Recording Clerk



Town of Surfside Commission Communication

Agenda Item #: 3G

Agenda Date: July 16, 2013

Subject: Expenditure of Forfeiture Funds for the Purchase of Special Equipment

Background: Police Officers are regularly deployed on bicycles to patrol the street and interact with the public. Three police bicycles need to be replaced and are over ten years old. The old bicycles could be donated to charity.

Budget Impact: The cost for three new bicycles is \$3000. Funding from the Police Forfeiture would be used to purchase the bicycles.

Staff Impact: N/A

Recommendation: Staff recommends that the Town Commission approved a resolution authorizing an expenditure of \$3000 from the Forfeiture Fund for the purchase of three police bicycles.



David Allen, Chief of Police



Michael Crotty, Town Manager

RESOLUTION NO. 13- ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THREE THOUSAND DOLLARS (\$3,000) FROM THE FORFEITURE FUND TO PURCHASE THREE (3) ADDITIONAL BICYCLES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 881(e)(3) of Title 21, United States Code and Florida Statutes Section 932.7055, define the purposes and procedures for the appropriation and expenditure of funds from the Police Confiscation Fund; and

WHEREAS, the Chief of Police of the Town of Surfside has determined that the appropriation and expenditure of funds is necessary to further assist Police Officers regularly deployed on bicycles to patrol the street; and

WHEREAS, the three (3) bicycles currently in use by the Police Department are over ten (10) years old; and

WHEREAS, such funds are available in the Police Confiscation Fund State of Florida and Federal Asset Forfeiture Program; and

WHEREAS, it is in the best interest of Surfside to have Police Officers patrol on the bicycles to facilitate interaction with the residents, businesses and community.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Confiscation Fund Expenditures and Authorization. Based on the attached Certificate of Chief of Police (see Attachment "A"), the Town Commission hereby approves the Fiscal Year Police Confiscation Fund expenditure in the amount of \$3,000.00 from the Forfeiture Fund to Purchase three (3) additional bicycles for the Police Department.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED and ADOPTED this _____ day of July, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

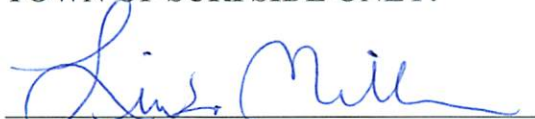
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF SURFSIDE ONLY:**



Linda Miller, Interim Town Attorney

CERTIFICATE OF CHIEF OF POLICE

I, DAVID E. ALLEN, Chief of Police of the Town of Surfside, do hereby certify the expenditures for \$3,000.00 from the forfeiture fund to purchase three (3) new bicycles for the Police Department from the Town of Surfside Confiscation Fund, for the 2012/2013 Fiscal Year budget complies with provisions Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7055.

Dated: _____

David E. Allen
Chief of Police



**Town of Surfside
Town Commission Meeting
July 16, 2013
7:00pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

RESOLUTION COVER MEMORANDUM

Title: Biscayne Restoration Resolution

Submitted By: Daniel Dietch, Mayor

Objective: That the Surfside Town Commission approve the enclosed Resolution supporting efforts to restore the environmental and biological health of Biscayne Bay.

Consideration: The Tropical Audubon Society has launched a campaign to bring together a coalition of community partners with a vested interest in supporting the protection of Biscayne Bay for the health and benefit of Miami-Dade County residents and for our tourism economy.

Biscayne Bay is threatened from a number of fronts including water quality and diminished fresh water inputs. It is important to the health of Biscayne Bay that its restoration and maintenance be supported by the community to ensure proper water quality and quantity be delivered to this natural estuary.

The enclosed Resolution will join Surfside with the Biscayne Bay Coalition so that we may advocate together to work towards maintaining a healthy Biscayne Bay, a healthy economy, and healthy lifestyle for our residents and visitors alike.

RESOLUTION NO. 13 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE BISCAYNE BAY COALITION OF ITS PROTECTION FOR THE HEALTH AND WELLBEING OF MIAMI-DADE COUNTY RESIDENTS AND THE IMPROVEMENT OF OUR TOURISM ECONOMY; SUPPORTING STATE RULE ADOPTION; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission recognizes that Biscayne Bay is a part of the Greater Everglades Ecosystem; and

WHEREAS, the Everglades Coalition is creating awareness through correspondence of allying agencies of the pending water reservation rulemaking and Everglades Restoration (Exhibit “A”); and

WHEREAS, Biscayne Bay is protected as a national park and protects 172,000 acres of submerged lands; and

WHEREAS, Biscayne Bay is protected as an aquatic preserve and protects 70,000 acres of submerged lands; and

WHEREAS, Biscayne Bay spans the entire coast of Miami-Dade County and is an iconic part of the view-scape of Miami and the Beaches; and

WHEREAS, Biscayne Bay supports the economy of Miami-Dade County and surrounding areas through tourism and the Port of Miami for business; and

WHEREAS, the Biscayne Bay Aquatic Preserve and Biscayne National Park are the nursery grounds for commercial and recreational fisheries vital to Miami-Dade’s economy; and

WHEREAS, the water quality of Biscayne Bay is essential for human health and safety and the health of the environment; and

WHEREAS, natural fresh water flows into Biscayne Bay have been severely diminished due to impacts from sprawl and alterations to historic Everglades flow patterns; and

WHEREAS, Biscayne Bay is a natural estuary in need of ongoing monitoring and restoration; and

WHEREAS, Biscayne Bay supports endangered and threatened species; and

WHEREAS, Biscayne Bay and its coastal wetlands play a vital role in the Atlantic flyway serving as a migratory pathway for wildlife and is globally important; and

WHEREAS, the wildlife support from the Tropical Audubon Society (TAS) has expressed the need for the Towns assistance in this matter (Exhibit “B”); and

WHEREAS, it is in the best interest of the Town to support the Biscayne Bay Restoration Project for the wellbeing of residents and the improvement of our tourism.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Recommendations by the Town of Surfside Town Commission.
The Town Commission recommends the support of the restoration of Biscayne Bay as part of the Greater Everglades with the completion of the Biscayne Bay Coastal Wetlands (BBCW) Project under Comprehensive Everglades Restoration Project (CERP). Also, supporting the efforts of the Environmentally Endangered Lands Program (EEL) and the Florida Forever Program to purchase adjacent coastal wetlands needed for the BBCW Project and recharge of Miami-Dade aquifer.

Section 3. Adoption. The Town Commission supports the adoption of a state rule to protect the current flow of surface and ground water into Biscayne Bay.

Section 4. Authorization and Approval. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to complete the CERP.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____ 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney



Everglades Coalition

1000 Friends of Florida
 Arthur R. Marshall Foundation
 Audubon of Florida
 Audubon Society of the Everglades
 Audubon of Southwest Florida
 Caloosahatchee River Citizens
 Association/Riverwatch
 Clean Water Action
 Clean Water Network
 Collier County Audubon Society
 Conservancy of Southwest Florida
 Defenders of Wildlife
 Ding Darling Wildlife Society
 Earthjustice
 Environment Florida
 The Environmental Coalition
 Everglades Coordinating Council
 Everglades Foundation
 Everglades Law Center
 Florida Defenders of the
 Environment
 Florida Keys Environmental Fund
 Florida Native Plant Society
 Florida Oceanographic Society
 Florida Wildlife Federation
 Friends of the Arthur R. Marshall
 Loxahatchee NWR
 Friends of the Everglades
 Hendry Glades Audubon Society
 Izaak Walton League Florida
 Division
 Izaak Walton League Florida Keys
 Chapter
 Izaak Walton League Mangrove
 Chapter
 Izaak Walton League of America
 Last Stand
 League of Women Voters of Florida
 Loxahatchee River Coalition
 Martin County Conservation
 Alliance
 National Audubon Society
 National Parks Conservation
 Association
 National Wildlife Federation
 National Wildlife Refuge
 Association
 Natural Resources Defense Council
 The Ocean Conservancy
 The Pegasus Foundation
 Sanibel-Captiva
 Conservation Foundation
 Save It Now, Glades!
 Sierra Club
 Sierra Club Broward Group
 Sierra Club Calusa Group
 Sierra Club Central Florida Group
 Sierra Club Florida Chapter
 Sierra Club Loxahatchee Group
 Sierra Club Miami Group
 South Florida Audubon Society
 Tropical Audubon Society
 The Urban Environment League
 World Wildlife Fund

August 4, 2011

Melissa Meeker
 Executive Director
 South Florida Water Management District
 3301 Gun Club Road
 West Palm Beach, FL 33146

South Florida Water Management District Governing Board
 Joe Collins, Chair
 3301 Gun Club Road
 West Palm Beach, FL 33146

RE: Pending Water Reservation Rulemaking and Everglades Restoration

Dear Executive Director Meeker and Governing Board Members:

The Everglades Coalition is an alliance of 54 local, state and national conservation organizations working together to assure America's Everglades are protected and restored for future generations. It has come to our attention that in the upcoming months the Governing Board will be considering the future of rulemaking to protect the Caloosahatchee estuary, Kissimmee River, and Biscayne Bay. We write to highlight the importance of the development and implementation of these rules for Everglades restoration projects and ask for written clarification of a rulemaking timeline.

These rules are required for the South Florida Water Management District's (SFWMD) cost share agreements with the federal partner, the United States Army Corps of Engineers (ACOE) to legally commit to fund and construct restoration projects. For Comprehensive Everglades Restoration Plan (CERP) projects to move forward, the SFWMD is required to set aside or "reserve" the new water produced to meet restoration needs. This protection of water ensures that taxpayer money is not wasted building a project that produces and delivers insufficient water. The water reservation must occur prior to the SFWMD executing an agreement to construct these projects with the ACOE, consistent with 373.470 (3)(c), Florida Statutes.

www.evergladescoalition.org

Ph: 954-961-1280 ♦ Fax: 954-985-5047 ♦ 450 N. Park Rd, #301, Hollywood FL 33021

The proposed Caloosahatchee Water Reservation and Biscayne Bay Restricted Area Allocation Rule¹ are linked to the C-43 Reservoir project and the Biscayne Bay Coastal Wetlands project, respectively. These two projects were specifically listed in the SFWMD FY 2012 Budget draft to move forward. The proposed Kissimmee Water Reservation reserves water for Kissimmee River restoration, a project that has the similar authorization process as CERP and has been progressing for some time.

We understand that it has been trying for everyone to watch the budget reduction process at the SFWMD with the necessity to re-prioritize fundamental water management responsibilities. We hope you will understand our urgent request that you make rulemaking for water reservations a top priority. The Everglades system cannot afford delay. The success of the Kissimmee River restoration and the efforts put into the planning and land acquisitions needed for the C-43 reservoir and Biscayne Bay Coastal Wetlands projects are providing a sense of momentum that is long overdue for restoration progress. Timely action by the SFWMD to complete water reservation rulemaking will add impetus to Congressional action to fund construction that will then allow the SFWMD to claim the credits it has accrued with the ACOE and recoup its expenditures.

Could you please supply us with a written clarification of the timeline for the rulemaking process for these three crucial rules? Thank you for your attention to this matter. Please don't hesitate to contact us or any of our member organizations on this vital issue.

Sincerely,



Julie Hill-Gabriel
State Co-Chair
305-371-6399 x136
jhill-gabriel@audubon.org



Dawn Shirreffs
National Co-Chair
954-961-1280 x 205
dshirreffs@npca.org

¹ A Biscayne Bay Water Reservation rule could more comprehensively protect the Bay's freshwater resources and should also be further explored.



Tropical Audubon Society

The Voice of Conservation in South Florida

President

Jose Francisco Barros,
D.D.S.

Honorary Director

Roger Hammer

Board of Directors

Alan Steinberg

Dennis Olle, Esq.

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Elizabeth Smith

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Pilar Rodriguez

Jaime Raich, Esq.

Sara Conde

Student Director

Michael Thicksten

Advisory Board

Dick Townsend
Dr. Thomas E. Lodge
George Gann

Executive Director

Laura Reynolds

May 15, 2013

RE: Support of Biscayne Bay Restoration

Dear Mayor Dietch:

I am following up on The Miami-Dade County League of Cities presentation given by Laura Reynolds, Executive Director of Tropical Audubon Society a few weeks ago. Tropical Audubon Society is launching its campaign to bring together a coalition of partners with a vested interest in supporting the protection of Biscayne Bay for the health and benefit of Miami-Dade County residents and for our tourism economy.

Biscayne Bay is threatened on a number of fronts including water quality and diminished fresh water inputs. It is important to the health of Biscayne Bay that its restoration and maintenance be supported by the community to ensure proper water quality and quantity be delivered to this natural estuary.

Attached is a draft Resolution for your municipality to join the Biscayne Bay Coalition so that we may work together to maintain a healthy Biscayne Bay, a healthy economy, and healthy lifestyle for our residents and visitors alike.

The South Florida Water Management District (SFWMD) is meeting Thursday June 13, 2013 at 9:00am in the Council Chamber of the Village of Key Biscayne, Florida. They will consider water reservation issues that directly impact freshwater flow into Biscayne Bay. The agenda will be posted seven days prior to the meeting (June 6th) at: [Home](#) >> [About Us](#) >> [Organization](#) >> [Governing Board](#) >> **GOVERNING BOARD AGENDAS, MINUTES, PRESENTATIONS AND MORE.** A large public attendance at the meeting will demonstrate to the SFWMD that the citizens of Miami-Dade County take the health of Biscayne Bay seriously. I urge you to attend this meeting.

Should you have any questions please feel free to email or call me. I will contact you again regarding the adoption of the Resolution and attendance at the SFWMD meeting June 13.

Thank you in advance for your consideration of these important matters.

Sincerely,

Susan N. Shapiro

Susan N. Shapiro
Marketing and Development
development@tropicalaudubon.org
305-793-4763

Attachments sent by email



Town of Surfside Commission Communication

Agenda Item # 4A1

Agenda Date: July 16, 2013

Subject: Reformed Mark Wandall Traffic Safety Act

Background: On August 10, 2010, the Town Commission adopted an ordinance (attachment A) implementing the Mark Wandall Safety Act (Red Light Traffic Safety Camera Program) to increase public safety by reducing red light running and traffic crashes at intersections. On July 1, 2013, the reformed Mark Wandall Traffic Safety Act (HB 7125) took effect. The new legislation does not alter the original law that allows municipalities to use traffic infraction detectors. The new law provides a process for enforcing red light camera violations. The first step is sending the registered owner a notification of violation. This must occur within thirty days of the violation. However, the owner now has sixty days (thirty more than under the initial Wandall Act) following the notification to take one of three actions:

- a) Pay the \$158 statutory penalty;
- b) Submit an affidavit transferring liability or establishing on of the statutory exemptions from liability; or
- c) Request a hearing before a local hearing officer appointed by the local government.

If the owner submits an affidavit establishing the liability of another driver, then the driver identified in the affidavit must now be sent a notice of violation (not a uniform traffic citation as was the case previously). This allows the person to whom liability has been transferred to avoid the issuance of a higher fine uniform traffic citation and have an opportunity to pay the lower notice of violation penalty. However, if the owner does none of these three actions within the sixty day period, then a uniform traffic citation shall be issued within thirty days of the expiration of the sixty day period.

If a violator requests a hearing on a notice of violation and later decides to cancel the hearing before it has occurred, then a violator must pay an additional \$50 in administrative costs to the local government. If the violator seeks a hearing on a notice of violation and the violation is upheld by the local hearing officer, the violator will be responsible for administrative costs of up to \$250 in addition to the statutory penalty. If a violator refuses to comply with the final administrative order's penalty payment plan, then within ten days of the failure to comply, the local hearing officer shall notify the Department of Highway Safety and Motor Vehicles of

such failure. The DHSMV may not issue a license plate or revalidation sticker to the violator until the fines have been fully paid.

The violator may also appeal the circuit court to determine whether procedural due process was afforded, whether the essential requirements of law were observed, and whether the administrative findings and judgment are supported by substantial competent evidence.

Analysis: In order to continue the Red Light Camera Safety Program, the Town is required to adopt a new ordinance including the new legislation of the reformed act. The Program was implemented in January of 2011 when violators were issued warnings only. From February 2011 to December 2011, 8,165 violations were issued. From January 2012 to December 2012, 7,175 violations were issued. From January 2013 to June 2013, 3,341 violations were issued. Violations have decreased each year. Vehicles registered in Surfside were the recipients of 9% of all violations since the program started. The Surfside Program recidivism rate is 5%.

The vehicle crash rate caused by running red lights at red light camera intersections in Surfside has decreased since the Program was implemented. In 2010 before the Program began, there were four crashes caused by running red lights at the intersections. In 2011, there were 2, 2012 there were two, and in 2013 there has been one. Statewide, vehicle crashes have decreased 56% at red light camera intersections.

Net revenue for Fiscal Year 2010/2011 was \$115,280. Net revenue for Fiscal Year 2011/2012 was \$135,778. Net revenue for Fiscal Year 2012/2013 through April 2013 is \$123,633. The Police Department has also requested videos from the cameras twenty times as a tool to investigate crashes, violent crimes, and property crimes.

Budget Impact: The Town is required to hold its own special hearings per Florida Statute. Previously under the former law, a police officer would attend county court for the appeal and testify on twenty cases per week. The additional administrative penalties of \$75-\$250 per case for the new law will offset the costs of the hearings and personnel time. At the lowest rate of \$75 for an administrative penalty and using a conservative number of six cases per hour, the cost for the hearing is estimated to be \$287.25 per hour for Town staff and the Special Hearing Officer. The Town would net \$162.75 per hour.

Staff Impact: The Police Department will continue to manage the program, review the violations, prepare the evidence, and testify at hearings. The required staff will be an on duty Lieutenant to oversee the hearings, an on duty police officer to testify and present evidence, an on duty Public Service Aide for administrative duties, and a Special Hearing officer at a cost of \$150 per hour. Hearings are expected to be scheduled weekly and approximately twenty cases will be conducted. It is estimated the hearing will be four to six hours.

Recommendation: The Town staff recommends that the Commission adopt the proposed ordinance (attachment B).



Department Head



Town Manager

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 "TRAFFIC AND VEHICLES", ARTICLE III "DANGEROUS INTERSECTION SAFETY" AND SPECIFICALLY AMENDING SECTION 74-72 "USE OF IMAGE CAPTURE TECHNOLOGIES", SECTION 74-76 "IMPLEMENTATION OF GENERAL LAW", AND SECTION 74-77 "ISSUANCE OF NOTICE; REVIEW OF RECORDED IMAGES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES IMPLEMENTING CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

WHEREAS, the Governor of the State of Florida signed CS/CS/HB7125 into law on June 12, 2013, resulting in the Chapter 2013-160, Laws of Florida, taking effect on July 1, 2013; and

WHEREAS, the use of a local hearing officer allows citizens of Surfside to have a process for contesting notices of violation issued related to red light violations separate from the traffic court processes; and

WHEREAS, the Town Commission wishes to utilize its existing code enforcement system to implement the local hearing process; and

WHEREAS, the Town Commission believes it is in the best interests of the community to amend the code of ordinances and implement Chapter 2013-160, Laws of Florida; and

WHEREAS, the Town Commission held its first public hearing on June 11, 2013 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission shall have conducted a second duly notices public hearing on these regulations as required by law on July 16, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 74-72. - Use of image capture technologies.

The town shall utilize traffic infraction detectors pursuant to general law as a means of monitoring compliance with laws related to traffic control signals, while assisting law enforcement personnel in the enforcement of such laws, which are designed to protect and improve public health, safety and welfare. This section shall not supersede, infringe, curtail or impinge upon state or county laws related to red light signal violations or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to install and maintain traffic signal devices. This article shall serve to enable the town to provide enhanced enforcement and respect for authorized traffic signal devices pursuant to Florida Statutes, Sections 316.008 and 316.0083 (2010) and 316.074(1)(2013) or 316.075(1)(C)(2013). The town may utilize traffic infraction detectors as an ancillary deterrent to traffic control signal violations and to thereby reduce accidents and injuries associated with such violations.

Sec. 74-76. - Implementation of general law and Designation of Local Hearing Officer.

In accordance with the provisions of the Mark Wandall Traffic Safety Act as of the effective date of this ordinance ~~Within the town~~, the town manager is authorized to implement the provisions and requirements of Chapter 2010-80, Laws of Florida (2010) and Chapter 2013-160, Laws of Florida (2013) as may be amended from time to time, and may take any action which is necessary for such purpose. The Town shall utilize its Special Master, as provided for in Chapter 15 Code Enforcement, as its Local Hearing Officer, as defined by Chapter 2013-160, Laws of Florida, in accordance with the provisions of the Mark Wandall Traffic Safety Act.

Sec. 74-77. - Issuance of notice; review of recorded images.

(a) The owner of the vehicle which is observed by recorded images committing a red zone infraction shall be issued a notice of violation (hereinafter also known as a "notice") no later than 30 days after the red zone infraction occurs. The recorded image shall be sufficient grounds to issue a notice.

(b) The town's chief of police shall designate one or more infraction enforcement officers, who shall be police officers of the town and who shall meet the qualifications set forth in the Mark Wandall Traffic Safety or any other relevant statute. The traffic infraction enforcement officer shall review recorded images prior to the issuance of a notice to ensure the accuracy and integrity of the recorded images. Once the traffic infraction enforcement officer has verified the accuracy of the recorded images, he or she shall complete a report, and a notice shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or the address on record with the appropriate agency having such information in another state.

(c) If a vehicle owner receiving a notice fails to pay the penalty imposed by F.S. § 316.0083 or to provide an affidavit that complies with the provisions of F.S. § 316.0083 within ~~thirty (30)~~ sixty (60) days of the date the notice is issued, then a uniform traffic citation shall be issued to the vehicle owner as provided by general law. ~~The uniform traffic citation shall be issued no later than 60 days after the red zone infraction occurs.~~

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED and ADOPTED on first reading this 11 day of June, 2013.

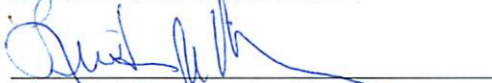
PASSED and ADOPTED on second reading this ____ day of _____, 2013.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Joseph Graubart	yes	_____	no	_____
Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Commission Communication

Agenda #: 4B1

Date: July 16, 2013

Subject: Deferred Retirement Option Plan ("DROP")

From: Michael P. Crotty, Town Manager

Background: The Town of Surfside sponsors a defined benefit retirement plan for Town employees. There are two sources of contributions for the Plan, the Town and employee contributions. The Town is required to contribute amounts as mandated by State Statute and determined by an actuary. The employee contribution for General employees is 5% if contributing 5% prior to February 1, 2003 or otherwise 6% and for Police Officers 8% of their covered compensation (basic salary or wages paid by the Town for services rendered including regular longevity pay, if any, but excluding any bonuses, overtime or any other non regular payment).

Contributions from all sources are deposited in a special trust fund. The employees select their beneficiaries. The money in this trust fund is set aside to pay benefits and expenses of the plan. The assets of the trust fund are invested by the Pension Board. The plan is 90.1 percent funded as of September 30, 2012.

In order to be an eligible member of the Plan, you must be a police officer or other employee of the Town. Your employment must be full-time, as determined by the Town. Part time, temporary and employees under contract for a defined period or for a particular service are not eligible to participate. Charter Officers (Town Manager and Town Attorney) are permitted to opt out from the plan and receive their retirement contribution to their own defined compensation plans (ICMA, Nationwide Retirement etc).

The plan currently contains a deferred retirement option plan ("DROP") for police officers and dispatchers who reach normal retirement age. A DROP program allows a member to "freeze" his/her service credits and final average salary as of the DROP election date for retirement calculation purposes. The member elects to have the retirement allowance that would have been paid (if the member had retired) credited to a DROP account while he/she continues to work. At the end of a specified period of time (up to 60 months), members withdraw the DROP and terminate their employment. The DROP participant then receives a retirement benefit based on service credit earned at the time of entering the DROP, plus a lump-sum payment equal to the amount that was

deposited into their DROP account during participation in the plan including investment earnings (at the same rate of return as the investment earnings for the plan). The Town and the DROP participant do not contribute to the plan while in the DROP program.

Police officers and dispatchers members may participate in the DROP for a maximum of 60 months from the date the member reaches his or her earliest retirement date. The DROP is currently offered only to police officers and dispatchers.

During the June 4, 2013 regular Pension Board meeting, the board was presented a request signed by three employees to consider adding the DROP to members not currently covered (letter attached). The Pension Board unanimously approved the proposal to be presented to the Town Commission.

Budget Impact: The proposed Ordinance change is cost neutral (no cost) to the Plan or Town under State funding requirements. The attached June 19, 2013 correspondence from Lawrence F. Wilson, A.S.A. (Senior Consultant and Actuary; Gabriel Roeder Smith and Company) states that "based upon the actuarial assumptions and methods employed in the October 1, 2012 Actuarial valuation, the Ordinance is a *no cost* Ordinance under State funding requirements".

Analysis: The proposed amendment extends the DROP to all members (any full time employee of the Town) of the plan as described in Section 2-193.

The amendment change makes available the DROP Plan to all pension plan participants which is currently available only to Police Officers and Dispatchers. The ordinance amendment has been prepared by the Pension Board attorney and is recommended by the Pension Board.

Staff Impact: N/A

Recommendation: It is the Pension Board's recommendation to adopt the Ordinance amendment to extend the DROP to all plan members.


Yamileth Slate-McCloud
Human Resources Director


Michael P. Crotty
Town Manager


Donald Nelson
Finance Director

June 19, 2013

Ms. Mayte Gamiotea
Pension Administrator
Retirement Plan for Employees of the
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154-3009

**Re: Retirement Plan for Employees of the Town of Surfside
Actuarial Impact Statement**

Dear Mayte:

As requested, we have performed an actuarial review of the proposed Ordinance (copy attached).

Based upon our review, the proposed Ordinance:

1. Permits all members eligible for Normal Retirement to participate in the DROP.
2. Repeals all Ordinances in conflict herewith.
3. Provides for severability.
4. Provides for codification.
5. Provides for an effective date.

In our opinion, based upon the actuarial assumptions and methods employed in the October 1, 2012 Actuarial Valuation, the Ordinance is a *no cost* Ordinance under State funding requirements.

If you should have any question concerning the above, please do not hesitate to contact us.

Sincerest regards,



Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary

Enclosure

cc: Ms. Alyce M. Jones, C.P.A., P.F.S.
Adam Levinson, Esq.

Hector Rodriguez
840 80 Street Apt # 3
Miami Beach, Fl 33141

May 30, 2013

Board Members of Town of Surfside
Town of Surfside
9293 Harding Avenue
Surfside, Fl 33154

To Whom It May Concern:

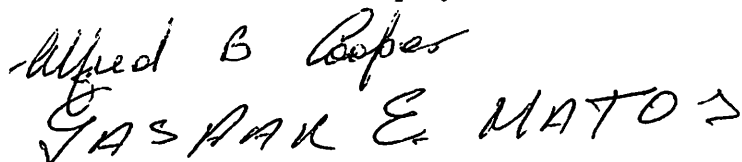
I, Hector Rodriguez, have been employed by the Town of Surfside for 24 years. I am an active supervisor in the Water and Sewer department. This letter serves as a request to add the option for employees to have access to the Deferred Retirement Option Plan (DROP). This plan allows employees that meet eligibility requirements, to freeze their regular monthly retirement benefit and have it deposited into a separate account, while still working and drawing a salary from our company. Most government and city employees are entitled to this offer and benefit from this retirement program. I would be content if this offer is established and become available within our retirement system. This would give me and other employees the long term security of a well-funded retirement. I appreciate you taking the time to read my letter and look forward in hearing good outcomes in admiration to this request.

Sincerely,



Hector Rodriguez
Water & Sewer Supervisor

CC: Town of Surfside Employees



ORDINANCE NO. 13 – _____

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-193 OF THE CODE TO PERMIT ALL MEMBERS ELIGIBLE FOR NORMAL RETIREMENT TO PARTICIPATE IN THE DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside established a Retirement Plan for Employees of the Town of Surfside (the “Plan”), a defined benefit retirement plan for Town employees; and

WHEREAS, the Plan currently contains a deferred retirement option plan (“DROP”) for police officers and dispatchers; and

WHEREAS, the Pension Board has recommended extending the DROP as an option for all members; and

WHEREAS, the DROP is cost neutral for the Town, as the DROP does not guarantee an investment rate of return; and

WHEREAS, the Commission of the Town of Surfside believes that the adoption of this amendment is in the best interests of the citizens and taxpayers of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. SECTION 2-193, Deferred retirement option plan, is hereby amended and to be read as follows:

Sec. 2-193. - Deferred retirement option plan.

A deferred retirement option plan (“DROP”) is hereby created as follows:

(1) *Eligibility.* A ~~police officer or dispatcher~~ member of the plan who reaches normal retirement age shall be eligible to participate in the DROP (“eligible member”). An eligible member may participate in the DROP for a maximum of 60 months from the date the member reaches his or her earliest normal retirement date. Anything herein to the contrary notwithstanding, if an eligible member has reached his or her normal retirement date on or before the date the DROP plan is implemented, then the eligible member shall have 60 days from the date the DROP plan is implemented to elect in writing to participate in the DROP for the maximum DROP participation period of 60 months.

*

*

*

Section 2. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 3. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 4. It is the intention of the Commission of the Town of Surfside that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. This ordinance shall become effective upon final passage.

PASSED and ADOPTED on first reading, this ____ day of _____, 2013.

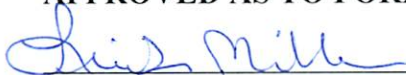
PASSED and ADOPTED on second reading, this ____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Linda Miller
Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:



Mayor Daniel Dietch	yes__	no__
Vice Mayor Michael Karukin	yes__	no__
Commissioner Marta Olchyk	yes__	no__
Commissioner Joe Graubart	yes__	no__
Commissioner Michelle Kligman	yes__	no__



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Linda Miller, Interim Town Attorney 
 Sarah Johnston, Interim Assistant Town Attorney 

CC: Michael P. Crotty, Town Manager

DATE: July 16, 2013

SUBJECT: Planning & Zoning Board Member Requirements

On January 15, 2013, the Town adopted Ordinance 2013-1598 dissolving the Design Review Board (DRB), which changed the membership requirements for the Planning and Zoning Board (P & Z Board) by adding registered interior designers and Florida-licensed attorneys to the allowable professions for the members of the P & Z Board, and included a transition provision for the architect member of the DRB. On February 18, 2013, the sitting Florida licensed architect, who served as an ex-officio member of the P & Z Board, resigned his position. This resulted in the P & Z Board no longer meeting the membership requirements set forth in the Code. The Town has had difficulty locating qualified Florida licensed architects to serve on the P & Z Board. The Code requires that one P & Z Board member must be a Florida-licensed architect AND another member must be a Florida-licensed general contractor, certified planner, Florida-licensed landscape architect, registered interior designer, or Florida-licensed attorney. At the present time, the P & Z Board is comprised of five (5) members that includes two (2) Florida-licensed attorneys. The P & Z Board does not have a Florida-licensed architect and has not been able to locate one who may be able to sit on the Board in place of one of the five currently serving members.

The P & Z Board discussed the options available at the June 27, 2013 meeting. The P & Z Board recommends that it is in the best interest of the Town to have applications submitted for approval reviewed by architects and design professionals. This will require a Code change removing the Florida-licensure requirement for architects and the addition of a position to the P & Z Board.

RECOMMENDATION: It is recommended that the Town Commission approve the Code change by adding two voting ex-officio positions that would be appointed by a majority vote of the Town Commission and would require one ex-officio member to be an architect and the other ex-officio member shall be an architect, general contractor, certified planner, or landscape architect.

ORDINANCE NO. _____ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTNESS" BY ADDING TWO VOTING EX-OFFICIO POSITIONS, AND CHANGING THE FLORIDA LICENSURE REQUIREMENTS FOR ARCHITECTS SERVING ON THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Ordinance 2013-1598 the Town Commission dissolved the Design Review Board (DRB), changed the membership requirements for the Planning and Zoning Board (P & Z Board) by adding registered interior designers and Florida-licensed attorneys to the allowable professions for the members of the P & Z Board, and included a transition provision for the architect member of the DRB; and

WHEREAS, there is no longer a Florida-licensed architect serving the Board and the Town has had difficulty locating qualified architects to serve on the P & Z Board; and

WHEREAS, it is in the best interest of the Town to have applications submitted for approval reviewed and voted upon by architects and design professionals; and

WHEREAS, in order to effectuate this legislative intent, it is necessary to amend Chapter 90 of Town Code of Ordinances to add two ex-officio members to the P & Z Board and remove the Florida licensure requirement for architect members; and

WHEREAS, the Town Commission has conducted a first reading on July 16, 2013; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance.

Section 2. Zoning. Chapter 90 “Zoning” of the Town Code is hereby amended to read as follows:

Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness.

- 1) *Membership/quorum:* The ~~p~~Planning and ~~z~~Zoning ~~b~~Board membership and quorum requirements for zoning matters and design review matters are as follows:
 - a. *Zoning matters:* The ~~p~~Planning and ~~z~~Zoning ~~b~~Board, when performing its zoning functions, shall consist of five members appointed by the Town Commissioners individually, and two ex-officio members appointed by a majority vote of the Town Commission. Both ex-officio members must be a resident of Surfside for a minimum period of six months and will be voting members of the Planning and Zoning Board. One ex-officio member shall be an architect and the other ex-officio member shall be an architect, general contractor, certified planner, or landscape architect. One of the Planning and Zoning ~~b~~Board members must be a Florida-licensed ~~an architect and at a minimum another, one member, must be~~ or a Florida-licensed general contractor or certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. Each ~~e~~Commissioner shall be entitled to one board appointment, not subject to majority approval. ~~Three~~ Four voting members present at the ~~p~~Planning and ~~z~~Zoning ~~b~~Board meetings shall constitute a quorum.
 - b. *All board matters:* One ~~t~~Town ~~e~~Commissioner shall be a liaison, non-voting representative without a vote at all ~~p~~Planning and ~~z~~Zoning ~~b~~Board meetings.
- 2) *Minimum board member qualifications:* All ~~b~~Board members must have been a ~~t~~Town resident for a minimum period of one year, except for the ~~licensed~~ architects, including the ~~Florida-licensed~~ landscape architect, if applicable, who must have been a ~~t~~Town resident for a minimum period of six months. To the extent that no licensed architect who is also a ~~t~~Town resident can be identified and is willing to serve at the time of appointment ~~to either board,~~ then the ~~Town~~ ~~e~~Commission may select a non-resident architect who otherwise fulfills the requirements of this section, provided that appointment shall be ratified by a majority of the ~~board of~~ ~~Town~~ ~~e~~Commissioners. To the extent an architect (resident or non-resident) cannot be located within three (3) months of the vacancy, this requirement may, after a majority vote of the ~~Town~~ Commission, become null and void until such time ~~this~~ a board member vacates ~~the~~ ~~his/her~~ position before his/her term expires or a full new board is appointed whichever comes first.
- 3) *Officers:* The board shall elect one of its members as chairman and one of its members as vice-chairman, at its first regular meeting in April of each year. In the event of the resignation, removal, or inability of the chairman to serve, the vice-chairman shall succeed to

the chairman position for the unexpired term; and the board shall, thereupon, elect one of its members as vice-chairman for the unexpired term. The chairman shall preside at all meetings. In the chairman's absence, the vice-chairman shall preside. The chairman shall submit all board reports and recommendations to the Town Commission, by and through the chairman, vice-chairman or the Town Commission liaison member. The town shall provide a secretary for the board and the Town Clerk shall be custodian of all records, books and journals of the board.

- 4) *Board member term(s)*: The term of each board member appointment shall begin on the last Thursday of April of the year in which the board member is appointed and end when a successor board member is appointed or on the last Thursday in April, whichever dates comes first. The term of any board member filling a vacancy created on the board as provided in paragraph (5) shall begin at the time of the board members appointment and end the last Thursday in April or whenever a replacement is appointed.
- 5) *Vacancies*: A vacancy shall exist: (1) on the date that any member ceases to possess the minimum required membership qualifications provided herein; (2) when a board member has been absent from three consecutive regularly convened board meetings or has been absent from five regularly convened board meetings within a board year, or (3) if the appointing Commissioner resigns or his position otherwise becomes vacant during his/her term. Vacancies on the board shall be filled by appointment for the unexpired term in the same manner as original appointments are made provided however, if the seat shall remain vacant longer than a three (3) month period for any reason, the Town Commission collectively by majority appoint a temporary member until such Commission position is filled in accordance with the Town Charter and Code.
- 6) ~~*Transition Provision*: Inasmuch as the enactment of this Ordinance will occur mid term, and the P & Z Board as currently composed contains no architect, any architect currently serving on the DRB at the time of enactment, shall continue to serve in an ex-officio capacity with the P & Z Board as a nonvoting member and that the comments of that ex-officio member will be considered and accorded equal weight with those who vote. Upon the expiration of the term of the current P & Z Board, this provision shall become null and void.~~

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ___ day of _____, 2013.


PASSED and ADOPTED on Second Reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller
Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Michelle Kligman	yes _____	no _____
Commissioner Marta Olchyk	yes _____	no _____
Commissioner Joseph Graubart	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Mayor Daniel Dietch	yes _____	no _____

Ordinance No. _____ - _____



TOWN OF SURFSIDE
Office of the Town Attorney
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009
Telephone (305) 993-1065

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Linda Miller
Interim Town Attorney

CC: Michael P. Crotty, Town Manager
Sarah Johnston, Interim Assistant Town Attorney

DATE: July 16, 2013

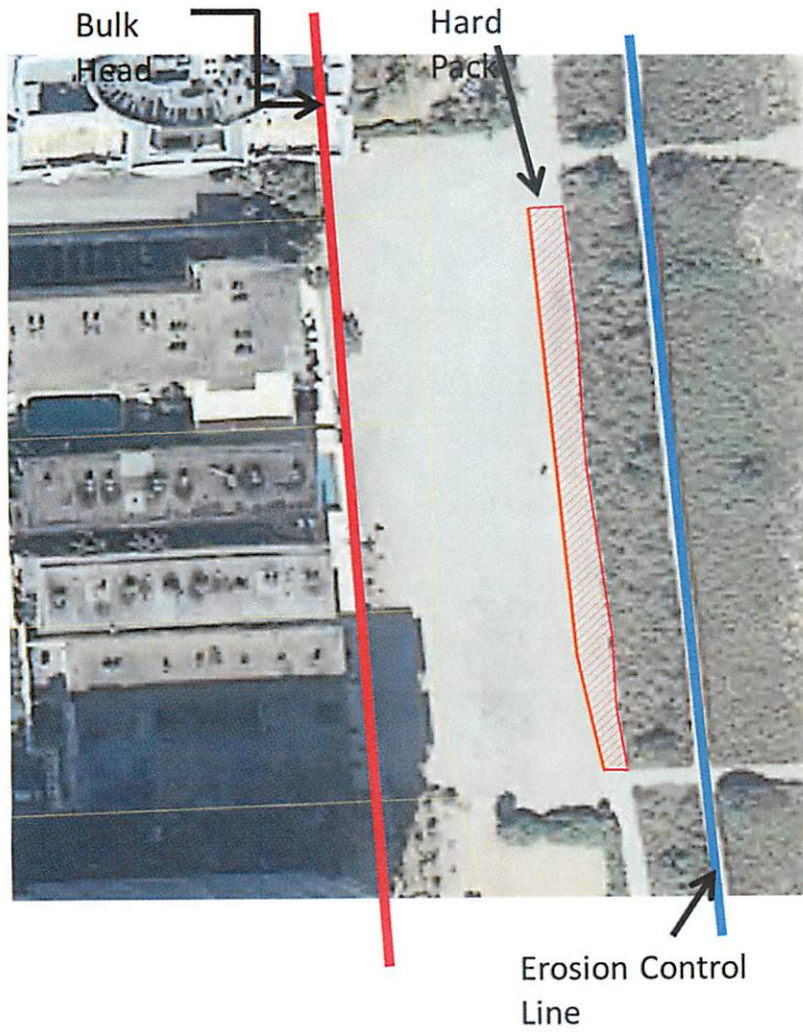
SUBJECT: Hardpack Easement

The Town adopted Resolution No. 13-Z-04 and Resolution No. 13-Z-06 approving site plan applications which included a perpetual, irrevocable easement in favor of the public in the area commonly referred to as the "hardpack" which is defined as the sand road west of the Erosion Control Line and used by public safety vehicles. (See Attachment "1" and Attachment "2") At the May 30, 2013 Planning & Zoning Board meeting, the Board discussed the "hardpack" easement and recommended the Town prepare an ordinance amending the Code with the requirement that before a construction permit is issued, all properties east of the ocean bulkhead line will be required to provide an access easement to the Town granting the perpetual use of the hardpack for the public's use and enjoyment.

Attachment 1 – Hardpack throughout the Town



Attachment 2 – Typical section of Hardpack



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to address uniformity and updates in the construction adjacent to bulkhead lines; and

WHEREAS, the Town adopted Resolution No. 13-Z-04 and Resolution No. 13-Z-06 approving site plan applications which included a perpetual, irrevocable easement in favor of the public in the area commonly referred to as the “hardpack” to the Erosion Control Line; and

WHEREAS, the “hardpack” is defined as the sand road west of the Erosion Control Line used by public safety vehicles; and

WHEREAS, it is in the best interest of the Town that no permit shall be issued for the construction, repair, extension, alteration or replacement of any habitable, fully-enclosed structure east of the ocean bulkhead line and the properties closer than 20 feet to the west of the ocean bulkhead line; and

WHEREAS, it is in the best interest of the Town that before a permit is issued, all properties east of the ocean bulkhead line will be required to provide an access easement to the Town granting the perpetual use of the hardpack to the public; and

WHEREAS, the Town Commission held its first public reading on July 16, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-60. Construction adjacent to bulkhead lines.

90-60.1 Ocean bulkhead lines are established in section 14-86 and the following regulations shall control construction adjacent thereto:

- (1) No permit shall be issued for the construction of any habitable, fully-enclosed structure ~~which shall be closer than 20 feet to~~ east of the ocean bulkhead line.
- (2) No permit shall be issued for the repair, extension, alteration or replacement of any habitable, fully-enclosed structure ~~lying within 20 feet~~ east of the ocean bulkhead line.
- (3) No permit shall be issued for the construction of any habitable, fully enclosed structure closer than 20 feet to the west of the ocean bulkhead line.
- (4) No permit shall be issued for the repair, extension, alteration or replacement of any habitable, fully enclosed structure lying within 20 feet to the west of the ocean bulkhead line.
- (5) All properties east of the ocean bulkhead line shall be required to provide an access easement to the Town granting the perpetual use of the hardpack to the public. The hardpack is defined as the sand road west of the Erosion Control Line used by public safety vehicles. Each beach access easement agreement shall be in a form acceptable to the Town Manager and approved as to legal sufficiency by the Town Attorney and shall contain a signed and sealed boundary survey and legal description of the easement area.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2013.


PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____
On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Commissioner Joseph Graubart	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda Item #: 4B4
Agenda Date: July 16, 2013
Subject: Trellises
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Currently, applications for trellises require review by the Planning and Zoning Board. This has become burdensome for property owners who are proposing minor upgrades to their homes. Trellises are required to meet setback requirements and all other zoning requirements, which are confirmed by staff prior to review at the Planning and Zoning Board.

Staff began a discussion with the Board at the June 27, 2013 meeting to permit administrative review of trellises. The board directed staff to prepare an ordinance that excludes trellises located at the rear or interior side yard from Planning and Zoning Board review.

Analysis: A trellis does not have an enclosed roof, and therefore does not add to the impervious area or negatively affect lot coverage. This is unlike gazebos, which have a roofed structure and will continue to be reviewed by Planning and Zoning. Also, the proposed exemption will not apply to trellises located in the front or street side yard.

Graphics: A trellis is demonstrated in Attachment 1.

Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Attachment 1



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS” TO ADD “TRELLISES” LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to add trellises located in the rear or interior side yard to single family and two-family development items that are not subject to Planning & Zoning Board review; and

WHEREAS, applications for trellises are burdensome for property owners proposing minor upgrades to their homes; and

WHEREAS, trellises do not add to the impervious area or negatively affect lot coverage and currently, staff confirms that the trellises meet all setback and zoning requirements; and

WHEREAS, the Town Commission held its first public hearing on July 16, 2013 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellises

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2013.

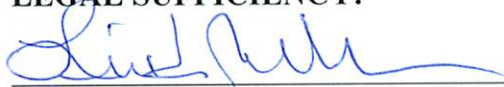
PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Commissioner Graubart	yes	no
Commissioner Kligman	yes	no
Commissioner Olchyk	yes	no
Vice Mayor Michael Karukin	yes	no
Mayor Daniel Dietch	yes	no



Town of Surfside Commission Communication

Agenda Item #: 4B5
Agenda Date: July 16, 2013
Subject: Required Carport Standards
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-58 of the Code permits carport canopies to be constructed in a front, a secondary side or rear yard setback in H30A and H30B districts and requires that carport canopies not exceed 20 feet in length, or ten feet in width. Although the requirement is not to exceed ten feet in width, the code provides construction standards for canopies up to 20 feet in width, which appears to be an inconsistency.

The code also requires that parking spaces for two vehicles be provided on each property. A two car wide driveway is required to be eighteen feet in width to accommodate both vehicles side by side.

Analysis: At this time, if a home with a two car driveway requests a carport canopy, the carport will either need to be cantilevered over the driveway or be installed in the middle of the driveway to provide for the support posts. These concepts are demonstrated in Attachment 1.

Recommendation: Staff introduced this concept to the Planning and Zoning Board at the June 27, 2013 meeting. The board was supportive of an ordinance modification that permitted twenty foot wide carport canopies. Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Attachment 1

Below are images of a proposed double carport and the permitted single carport:



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to address uniformity and update carport canopy regulations; and

WHEREAS, the code requires that parking spaces for two vehicles be provided on each property and a two car wide driveway is required to be wider than existing carport canopy regulations; and

WHEREAS, the Town has determined that an inconsistency exists between driveway regulations, construction standards and the existing carport canopy regulations; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on July 16, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

Section 1. **Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Ordinance No. _____

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-58. - Carport canopies.

Carport canopies may be constructed, in a front, secondary side or rear yard setback in the H30A and H30B districts.

- (1) Such canopy shall not exceed 20 feet in length, ~~nor ten feet in~~ and 20 feet in width.
- (2) The height of such canopy shall not exceed ten feet.
- (3) The height of the side openings shall be at least six feet, three inches.
- (4) Such canopy shall be subject to the following minimum setbacks:
 - a. *Rear*: Five feet.
 - b. *Interior side*: Five feet.
 - c. *Primary (front) and secondary (corner)*: Two feet.
 - d. *Rear of street curb*: Seven feet.
- (5) A canopy shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building.
- (6) The area under a canopy must be entirely paved by an approved paving material.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

Ordinance No. _____

PASSED and ADOPTED on first reading this _____ day of _____, 2013.

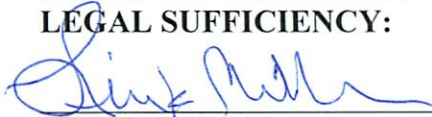
PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Commissioner Graubart	yes	_____	no	_____
Commissioner Kligman	yes	_____	no	_____
Commissioner Olchyk	yes	_____	no	_____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #: 4B6
Agenda Date: July 16, 2013
Subject: Metal Roofs
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-50 of the Code limits the type of roof materials permitted for building. Currently, the planning and zoning board must grant approval for metal roofs. There has been an increase of requests for metal roofs in Town due to metal roofs being energy-efficient and sustainable. The Planning and Zoning Board have reviewed a number of requests for metal roofs recently and have asked staff to prepare an ordinance excluding metal roofs from Planning and Zoning Board review.

Analysis: If the ordinance is approved, metal roofs will be reviewed by the building department only. This will treat metal roofs the same as other approved roofing materials in Town.

Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to exclude metal roofs from being subject to Planning and Zoning Board approval; and

WHEREAS, there has been an increase in requests for metal roofs due to their sustainability and energy efficiency; and

WHEREAS, the building department will review applications for metal roofs in the same manner as applications with other approved roofing materials; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on July 16, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Ordinance No. _____

Sec. 90-50. Architecture and roof decks.

9-50.1 Architecture.

(1) The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two homes on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:

- a. Length, width and massing of the structure;
- b. Number of stories;
- c. Facade materials;
- d. Porches and other similar articulation of the front facade;
- e. Number and location of doors and windows; and
- f. Roof style and pitch.

(2) All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.

(3) All elevations for single story additions to existing structures shall result in a zero percent net loss of wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.

(4) Roof materials are limited as follows:

- a. Clay tile; or
- b. White concrete tile; or
- c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the design review board;
- d. Architecturally embellished metal ~~if granted approval by the design review board~~; or
- e. Other Florida Building Code approved roof material(s) if granted approval by the design review board.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Ordinance No. _____

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2013.

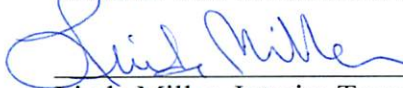
PASSED and ADOPTED on second reading this ____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Commissioner Graubart	yes _____	no _____
Commissioner Kligman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: July 16, 2013

Subject: Reformed Mark Wandall Traffic Safety Act

Background: On August 10, 2010, the Town Commission adopted an ordinance (attachment A) implementing the Mark Wandall Safety Act (Red Light Traffic Safety Camera Program) to increase public safety by reducing red light running and traffic crashes at intersections. On July 1, 2013, the reformed Mark Wandall Traffic Safety Act (HB 7125) took effect. The new legislation does not alter the original law that allows municipalities to use traffic infraction detectors. The new law provides a process for enforcing red light camera violations. The first step is sending the registered owner a notification of violation. This must occur within thirty days of the violation. However, the owner now has sixty days (thirty more than under the initial Wandall Act) following the notification to take one of three actions:

- a) Pay the \$158 statutory penalty;
- b) Submit an affidavit transferring liability or establishing on of the statutory exemptions from liability; or
- c) Request a hearing before a local hearing officer appointed by the local government.

If the owner submits an affidavit establishing the liability of another driver, then the driver identified in the affidavit must now be sent a notice of violation (not a uniform traffic citation as was the case previously). This allows the person to whom liability has been transferred to avoid the issuance of a higher fine uniform traffic citation and have an opportunity to pay the lower notice of violation penalty. However, if the owner does none of these three actions within the sixty day period, then a uniform traffic citation shall be issued within thirty days of the expiration of the sixty day period.

If a violator requests a hearing on a notice of violation and later decides to cancel the hearing before it has occurred, then a violator must pay an additional \$50 in administrative costs to the local government. If the violator seeks a hearing on a notice of violation and the violation is upheld by the local hearing officer, the violator will be responsible for administrative costs of up to \$250 in addition to the statutory penalty. If a violator refuses to comply with the final administrative order's penalty payment plan, then within ten days of the failure to comply, the local hearing officer shall notify the Department of Highway Safety and Motor Vehicles of

such failure. The DHSMV may not issue a license plate or revalidation sticker to the violator until the fines have been fully paid.

The violator may also appeal the circuit court to determine whether procedural due process was afforded, whether the essential requirements of law were observed, and whether the administrative findings and judgment are supported by substantial competent evidence.

Analysis: In order to continue the Red Light Camera Safety Program, the Town is required to adopt a new ordinance including the new legislation of the reformed act. The Program was implemented in January of 2011 when violators were issued warnings only. From February 2011 to December 2011, 8,165 violations were issued. From January 2012 to December 2012, 7,175 violations were issued. From January 2013 to June 2013, 3,341 violations were issued. Violations have decreased each year. Vehicles registered in Surfside were the recipients of 9% of all violations since the program started. The Surfside Program recidivism rate is 5%.

The vehicle crash rate caused by running red lights at red light camera intersections in Surfside has decreased since the Program was implemented. In 2010 before the Program began, there were four crashes caused by running red lights at the intersections. In 2011, there were 2, 2012 there were two, and in 2013 there has been one. Statewide, vehicle crashes have decreased 56% at red light camera intersections.

Net revenue for Fiscal Year 2010/2011 was \$115,280. Net revenue for Fiscal Year 2011/2012 was \$135,778. Net revenue for Fiscal Year 2012/2013 through April 2013 is \$123,633. The Police Department has also requested videos from the cameras twenty times as a tool to investigate crashes, violent crimes, and property crimes.

Budget Impact: The Town is required to hold its own special hearings per Florida Statute. Previously under the former law, a police officer would attend county court for the appeal and testify on twenty cases per week. The additional administrative penalties of \$75-\$250 per case for the new law will offset the costs of the hearings and personnel time. At the lowest rate of \$75 for an administrative penalty and using a conservative number of six cases per hour, the cost for the hearing is estimated to be \$287.25 per hour for Town staff and the Special Hearing Officer. The Town would net \$162.75 per hour.

Staff Impact: The Police Department will continue to manage the program, review the violations, prepare the evidence, and testify at hearings. The required staff will be an on duty Lieutenant to oversee the hearings, an on duty police officer to testify and present evidence, an on duty Public Service Aide for administrative duties, and a Special Hearing officer at a cost of \$150 per hour. Hearings are expected to be scheduled weekly and approximately twenty cases will be conducted. It is estimated the hearing will be four to six hours.

Recommendation: The Town staff recommends that the Commission adopt the proposed ordinance (attachment B).



Department Head



Town Manager

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO A SECOND AMENDMENT TO THE CONTRACT BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) ATTACHED AS EXHIBIT “A” AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside, Florida, a municipal corporation of the State of Florida agrees to modify the original agreement entered into between the Town and American Traffic Solutions, Inc., (hereinafter “ATS”) on the 9th day of August 2010 pursuant to Resolution No. 10-1950 and, subsequently amended on the 13th day of March 2012 pursuant to Resolution No. 12-2072 (collectively hereinafter “Agreement”); and

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session providing for hearings related to notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code Amendment; and

WHEREAS, the Town and ATS mutually desire to amend certain terms and conditions of the Agreement to align the provision of services by ATS with the provisions and requirements of the Law of Florida 2013-__; and

WHEREAS, the Second Amendment (attached hereto as Exhibit “A”) changes the convenience fee from a flat fee to a percentage to be charged to the violator, requires subsequent notices to be mailed by First Class mail for a flat fee, and requires the Town to provide for a local hearing as required by the statutory change.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization to enter into the Amendment. The Town Commission hereby authorizes the Town Manager to enter into the Second Amendment to the Contract between American Traffic Solutions, Inc and the Town of Surfside attached as Exhibit “A”.

Section 3. Implementation. The Town Manager and the Town Attorney are hereby authorized to take any and all action necessary to implement this Resolution and Amendment in accordance with the terms, conditions and purposes of this Resolution and Amendment.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR
THE TOWN OF SURFSIDE ONLY:



Linda Miller
Interim Town Attorney

Resolution No. _____

**SECOND AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT**

This Second Amendment (this "Amendment") is dated effective this _____ day of _____, 2013 and is entered into between American Traffic Solutions, Inc. ("ATS"), a Kansas corporation and the Town of Surfside ("Customer"), a municipal corporation of the State of Florida.

RECITALS

WHEREAS, on August 9, 2010, Customer and ATS entered into a Professional Services Agreement (the "Agreement"); and

WHEREAS, the Florida Legislature passed and the Governor of the State of Florida signed into law CS/CS/HB7125, authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code and taking effect on July 1, 2013; and

WHEREAS, Customer and ATS mutually desire to amend certain terms and conditions of the Agreement to align the provision of services by ATS with the provisions and requirements of Law of Florida 2013-_____.

TERMS AND CONDITIONS

NOW THEREFORE, Customer and ATS hereby agree as set forth below:

1. The convenience fee set forth in Section 18 of Exhibit D, is hereby amended as follows: "ATS is authorized to charge, collect and retain a convenience fee of up to 5% for each electronic payment processed. Such fees are paid by the violator."
2. Exhibit D is hereby amended to add a new subsection 19 as follows: "Subsequent notices, other than those specified in this Exhibit D, may be delivered by First Class mail for additional compensation as set forth in Exhibit A."
3. Exhibit A is hereby amended to add the following: "Subsequent notices mailings fee: \$2.00 per piece"
4. Section 16 of Exhibit D is hereby amended to add the following: "Customer shall provide, either for itself or through an inter-local agreement with another jurisdiction, a local hearing officer, clerk, and hearing facilities to schedule and hear disputed Notices of Violation."
5. The provisions of the Agreement, as amended by this Amendment, including the recitals, comprise all of the terms, conditions, agreements, and representations of the parties with respect to the subject matter hereof. Except as expressly amended or modified by the terms of this Amendment, all terms of the Agreement shall remain in full force and effect. In the event of a conflict between the terms of this Amendment and the Agreement, the terms of this Amendment shall prevail and control.
6. This Amendment may be executed in one or more counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument. Each party represents and warrants that the representative signing this Amendment on its behalf has all right and authority to bind and commit that party to the terms and conditions of this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment.

Surfside

American Traffic Solutions, Inc.

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



Town of Surfside Commission Communication

Agenda Item # 5B
Agenda Date: July 16, 2013
Subject: Reformed Mark Wandall Traffic Safety Act

Background: On August 10, 2010, the Town Commission adopted an ordinance (attachment A) implementing the Mark Wandall Safety Act (Red Light Traffic Safety Camera Program) to increase public safety by reducing red light running and traffic crashes at intersections. On July 1, 2013, the reformed Mark Wandall Traffic Safety Act (HB 7125) took effect. The new legislation does not alter the original law that allows municipalities to use traffic infraction detectors. The new law provides a process for enforcing red light camera violations. The first step is sending the registered owner a notification of violation. This must occur within thirty days of the violation. However, the owner now has sixty days (thirty more than under the initial Wandall Act) following the notification to take one of three actions:

- a) Pay the \$158 statutory penalty;
- b) Submit an affidavit transferring liability or establishing on of the statutory exemptions from liability; or
- c) Request a hearing before a local hearing officer appointed by the local government.

If the owner submits an affidavit establishing the liability of another driver, then the driver identified in the affidavit must now be sent a notice of violation (not a uniform traffic citation as was the case previously). This allows the person to whom liability has been transferred to avoid the issuance of a higher fine uniform traffic citation and have an opportunity to pay the lower notice of violation penalty. However, if the owner does none of these three actions within the sixty day period, then a uniform traffic citation shall be issued within thirty days of the expiration of the sixty day period.

If a violator requests a hearing on a notice of violation and later decides to cancel the hearing before it has occurred, then a violator must pay an additional \$50 in administrative costs to the local government. If the violator seeks a hearing on a notice of violation and the violation is upheld by the local hearing officer, the violator will be responsible for administrative costs of up to \$250 in addition to the statutory penalty. If a violator refuses to comply with the final administrative order's penalty payment plan, then within ten days of the failure to comply, the local hearing officer shall notify the Department of Highway Safety and Motor Vehicles of

such failure. The DHSMV may not issue a license plate or revalidation sticker to the violator until the fines have been fully paid.

The violator may also appeal the circuit court to determine whether procedural due process was afforded, whether the essential requirements of law were observed, and whether the administrative findings and judgment are supported by substantial competent evidence.

Analysis: In order to continue the Red Light Camera Safety Program, the Town is required to adopt a new ordinance including the new legislation of the reformed act. The Program was implemented in January of 2011 when violators were issued warnings only. From February 2011 to December 2011, 8,165 violations were issued. From January 2012 to December 2012, 7,175 violations were issued. From January 2013 to June 2013, 3,341 violations were issued. Violations have decreased each year. Vehicles registered in Surfside were the recipients of 9% of all violations since the program started. The Surfside Program recidivism rate is 5%.

The vehicle crash rate caused by running red lights at red light camera intersections in Surfside has decreased since the Program was implemented. In 2010 before the Program began, there were four crashes caused by running red lights at the intersections. In 2011, there were 2, 2012 there were two, and in 2013 there has been one. Statewide, vehicle crashes have decreased 56% at red light camera intersections.

Net revenue for Fiscal Year 2010/2011 was \$115,280. Net revenue for Fiscal Year 2011/2012 was \$135,778. Net revenue for Fiscal Year 2012/2013 through April 2013 is \$123,633. The Police Department has also requested videos from the cameras twenty times as a tool to investigate crashes, violent crimes, and property crimes.

Budget Impact: The Town is required to hold its own special hearings per Florida Statute. Previously under the former law, a police officer would attend county court for the appeal and testify on twenty cases per week. The additional administrative penalties of \$75-\$250 per case for the new law will offset the costs of the hearings and personnel time. At the lowest rate of \$75 for an administrative penalty and using a conservative number of six cases per hour, the cost for the hearing is estimated to be \$287.25 per hour for Town staff and the Special Hearing Officer. The Town would net \$162.75 per hour.

Staff Impact: The Police Department will continue to manage the program, review the violations, prepare the evidence, and testify at hearings. The required staff will be an on duty Lieutenant to oversee the hearings, an on duty police officer to testify and present evidence, an on duty Public Service Aide for administrative duties, and a Special Hearing officer at a cost of \$150 per hour. Hearings are expected to be scheduled weekly and approximately twenty cases will be conducted. It is estimated the hearing will be four to six hours.

Recommendation: The Town staff recommends that the Commission adopt the proposed ordinance (attachment B).



Department Head



Town Manager

RESOLUTION NO. 13-__

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), DESIGNATING THE TOWN OF SURFSIDE’S CODE ENFORCEMENT SPECIAL MASTERS AND CODE COMPLIANCE OFFICER(S) TO SERVE AS LOCAL HEARING OFFICERS PURSUANT TO CHAPTER 2013-160, LAWS OF FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN CLERK TO UTILIZE CODE ENFORCEMENT STAFF TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session providing for hearings related to notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

WHEREAS, the Governor of the State of Florida signed CS/CS/HB7125 into law on June 12, 2013, resulting in the Chapter 2013-160, Laws of Florida taking effect on July 1, 2013; and

WHEREAS, the use of a local hearing officers promotes home rule and allows citizens of the Town of Surfside, in Miami-Dade County, to have a local method of contesting notices of violation separate from the traffic court process; and

WHEREAS, the Town Commission wishes to utilize existing resources, staff, and Special Masters to implement Chapter 2013-160, Laws of Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:

Section 1. Incorporation of Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Designation of Local Hearing Officers. Effective July 1, 2013, granting the bill is signed by Governor Scott, the Town’s Code Enforcement Special Masters and Compliance Officer(s) are designated to serve as Local Hearing Officers, as set forth at Section 4 of Chapter 2013-160, Laws of Florida as of the effective date of this Resolution or July 1, 2013, whichever occurs later.

Section 3. Authorization to the Town Manager and Town Clerk. The Town Manager and Town Clerk are authorized to use code enforcement officers to implement the

authorizations contained in Chapter 2013-160, Laws of Florida and to have the code enforcement staff serve as the Clerk to the Local Hearing Officer.

Section 4. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Resolution, but they shall remain in effect it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED and **ADOPTED** on this ____ day of July, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Interim Town Attorney



Town of Surfside Commission Communication

Agenda Item # 5C

Agenda Date: July 16, 2013

Subject: Proposed Ad-Valorem Budget Millage for Fiscal Year 2013/14

Objective: To adopt a preliminary Budget Millage rate for Fiscal Year 2013/14

Recommendation: It is recommended that the Town Commission adopt the preliminary budget ad-valorem millage rate of 5.3000 mills.

Background: The Town of Surfside received the 2013 Certification of Taxable Value from the Miami-Dade County Property Appraiser on July 1, 2013. The Town must establish a proposed millage that will be in the property tax TRIM notice by Miami-Dade County including the date, time, and location of our first public budget hearing to all property owners. The deadline for returning our proposed millage for the 2013/14 budget to the Miami-Dade Property Appraiser and Tax Collector is August 2, 2013.

Analysis: Establishing a preliminary millage rate that requires a majority vote (3 out of 5 Commission members) will enable the Town Commission to evaluate the proposed 2013/14 operating and capital improvement recommendations while also receiving public discussion and input during our scheduled public hearings. The proposed millage rate is a not-to exceed rate, it can be lowered but not raised without certain extraordinary actions and cost. Raising the rate after the mailing by Miami-Dade of the TRIM notice of 5.3000 mills would require the expense of an additional first class mailing to all Surfside property owners.

Budget Impact: The proposed rate of 5.3000 mills for 2013/14 is the same rate that was adopted for 2012/13.

Staff Impact: Adoption for the proposed 2013/14 millage of 5.3000 mills will provide the necessary resources to meet the objectives of the Town Commission.

There is a third budget workshop scheduled for Tuesday, July 23, 2013 at 7:00 p.m. Two public hearings on the budget are scheduled for Monday, September 9, 2013 at 7:00 p.m. and Thursday, September 26, 2013 at 6:15 p.m.



Donald Nelson
Finance Director



Michael Crotty
Town Manager

RESOLUTION NO. 13 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 1, 2013, the Honorable Carlos Lopez-Cantera, The Property Appraiser of Miami-Dade County, Florida served upon the Town of Surfside (the “Town”), a “Certification of Taxable Value” certifying to the Town its 2013 taxable value; and

WHEREAS, the provisions of Section 200.065, Florida Statutes, require that within thirty-five (35) days of service of the Certification of Taxable Value upon a municipality, said municipality shall be required to furnish to the Property Appraiser of Miami-Dade County the proposed operating millage rate, the current year rolled-back rate, and the date, time and place at which a first public hearing will be held to consider the proposed millages and the tentative budget; and

WHEREAS, the Town Commission desires to announce the dates of the first and second public hearings to the Property Appraiser of Miami-Dade County; and

WHEREAS, the Town Commission has reviewed the figures supplied by the Property Appraiser of Miami-Dade County and conferred at a public meeting with the Town Attorney and that being otherwise fully advised in the premises.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. That the proposed operating Millage Rate for the first public hearing shall be 5.3000 mills, which is \$5.30 dollars per \$ 1,000.00 of assessed property within the Town of Surfside for the 2013/2014 fiscal year.

Section 3. That the current year rolled-back rate, computed pursuant to 200.065 Florida Statutes, is 4.7499 dollars per \$1,000.00.

Section 4. That the proposed operating millage rate is greater than the rolled-back rate by 17.33%.

Section 5. That the date, time and place of the first and second public hearings are hereby set by the Town Commission as follows:

Date: Monday September 9, 2013
Time: 7:00 p.m.
Place: Surfside Town Hall
9293 Harding Avenue
Surfside, Fl 33154

Date: Thursday September 26, 2013
Time: 6:15 p.m.
Place: Surfside Town Hall
9293 Harding Avenue
Surfside, Fl 33154

Section 6. That pursuant to the Florida Statutes, and the rules and regulations of the Florida Department of Revenue, the Town Clerk is hereby directed to attach the original Certification of Taxable Value to a certified copy of this resolution and serve the same upon the Honorable Carlos Lopez-Cantera, Property Appraiser of Miami-Dade County before August 2, 2013.

Section 7. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED on this ____ day of July, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

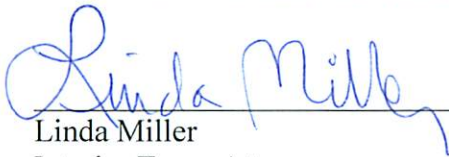
Resolution No. 13 - _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AND TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Linda Miller
Interim Town Attorney

Resolution No. 13 - ____



Town of Surfside Commission Communication

Agenda Item#: 5D
Agenda Date: July 16, 2013
Subject: Abbott and 94th Street Parking Lots

Introduction Comments (Town Manager): The May 15, 2013 Commission meeting was my first meeting as Town Manager. A proposal was submitted addressing maintenance needs and landscaping upgrades for the Abbott and 94th Street Parking Lots. The proposal presented on May 15, 2013 was patterned after the improvements made to other Town parking lots which commenced in FY 10/11. In critiquing my first meeting, less than an hour after adjournment, I realized that this item was not presented adequately or with the necessary emphasis required due to it being an integral part of a significant ongoing Town initiative.

Background: At the May 15, 2013 meeting, the Commission approved maintenance improvements (asphalt sealing, striping; stucco/paint and staining) for both the Abbott and 94th Street Parking Lots in the amount of \$48,281.43 (Lynx Construction Management LLC).

The cost of the landscaping proposal for the two lots was \$122,562.20 (landscaping and necessary concrete cuts). However, the landscaping proposal was not approved due, in significant part, to concern that these parking lot locations have been identified in the Parking Structure Feasibility Study as possible sites for a parking facility.

The Abbott and 94th Street parking lots were part of the parking lot initiative which began in FY 10/11. In December, 2010, Lynx Construction was awarded a contract for design build services for 222 95th Street (Post Office Lot) for design and construction of the new parking lot. At the June 14, 2011 meeting, the Town Commission approved FTE Engineering Inc. to do a Parking Lot Improvement Study for all six (6) municipal parking lots. The purpose of this study was to analyze each of the Town's parking lots, recommend improvements, prioritize the recommendations and provide an engineering estimate of what the improvements would cost.

A bid proposal was also received under the Lynx contract to renovate the Abbott, 95th Street (Shul) 94th Street, Town Hall (93rd Street) and Town Hall (Collins) lots totaling \$220,000 which was

below the \$450,000 estimated figure. Renovation was completed on the two Town Hall lots and the 95th Street (Shul) lot for \$95,000 and the cost of landscaping added \$97,000. The remaining lot improvements were delayed pending the Parking Structure Feasibility Study (information from the August, 2012 Points of Light).

Analysis: The Town of Surfside has embarked on an impressive initiative to improve the appearances of its public areas. These improvements include landscaping upgrades to street ends; medians; parks; traffic calming areas; Town facilities and parking lots. These enhancements compliment infrastructure improvements made over the last several years – roads, drainage, sanitary sewers and water service. A PowerPoint presentation will be shown at the Commission meeting which demonstrates the success and impact of these efforts.

The recommended landscape proposal for the Abbott and 94th Street parking lots is as follows:

	Previous Proposal (May, 2013 Meeting)	Current Proposal (July, 2013 Meeting)
Abbott Lot		
• Landscaping (Lukes)	\$63,585.50	\$52,703.50
• Concrete work (Lynx)	\$13,200.00	\$9,588.30
94th Street Lot		
• Landscaping (Lukes)	\$38,051.70	\$27,423.70
• Concrete work (Lynx)	\$7,725.00	\$7,184.25
TOTAL	\$122,562.20	\$96,899.75

This revised proposal reduces the cost by \$25,662.45 (-21%) when compared with the proposal submitted in May. The total cost of \$96,899.75 for the landscaping project is broken down for landscaping in the amount of \$80,127.20 (Lukes) and \$16,772.55 for concrete cuts (Lynx). A key component of this landscaping proposal is the utilization of trees and plants that are suitable to be relocated should one of these sites be chosen for the construction of a parking structure.

The Commission is strongly urged to approve the landscaping upgrades as this project will –

- Complete the parking lot upgrades identified in FY 10/11;
- Provide aesthetic improvements consistent with the Town’s recent efforts to upgrade the Town’s appearance;
- Dramatically soften or eliminate the hard/concrete appearance of two public facilities that have such a prominent location in our Town (Abbott lot is the “front door” of the Town for those entering the Town from the west and the parking lot most utilized by residents. The 94th Street lot is located on the Town’s major southbound route);
- Complement the Town’s \$839,770 investment in the Harding Avenue Streetscape Project as the Abbott lot is the “back door” for Harding Avenue and the 94th Street lot improvements will provide a transition as it is located just south of the terminus of Harding Avenue Streetscape Project.

Budget Impact: The landscaping improvements total \$96,899.75 to be funded through the reserves of the Municipal Parking Fund. Current balance: \$703,090 [Note: this balance reflects the previous Commission approval for the Harding Avenue Streetscape; May authorization for Abbott/94th Street Lots maintenance and mid-year budget adjustments].

Reconsideration of Issue: This request to reconsider the landscaping proposal for Abbott and the 94th Street Parking Lots requires three Commissioners to request renewal (see attached Section 2-207 (m) of the Town Code). Following the May 15, meeting, the Mayor requested that Staff determine how to bring this item back for Commission consideration; Commissioner Graubart presented a request at the June 11, 2013 Commission to again consider this item; and Commissioner Kligman, following the presentation at the June, 2013 DVAC meeting, indicated her support to again place this item on the Commission agenda for discussion.

Recommendation: Town Commission to adopt the resolution awarding landscape improvements to Luke's Landscaping for the Abbott and 94th Street Parking Lots in the amount of \$80,127.20; and adopt the resolution which authorizes a change order to the contract with Lynx Construction to add concrete cutting for landscape planters in the amount of \$16,772.55.


Michael P. Crotty, Town Manager

Attachment

MPC/dh

shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

- (i) *Tie votes.* Whenever action cannot be taken because the vote of the commissioners has resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution or motion that produced the tie vote shall be removed from the agenda without prejudice to its reintroduction on a de novo basis at a later time; provided that in zoning and other quasi-judicial matters when action on a resolution results in a tie vote, such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the Commission designates a different time for such reconsideration.
- (j) *Vote change.* Any commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter. In this case, the clerk shall call back the vote and verify the outcome for the presiding officer.
- (k) *No motion or second.* If an agenda item fails to receive a motion or second, it shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 8.01(m).
- (l) *Reconsideration.* An action of the Commission may be reconsidered only at the same meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to reconsider may be made only by a Commissioner who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider shall not be considered unless at least the same number of Commissioners is present as participated in the original vote, or upon affirmative vote of two-thirds of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered.

(m) *Renewal.* Once action is taken on a proposed ordinance or resolution neither the same matter nor its repeal or rescission may be brought before the Commissioner again for a three-month period following the said action unless application for renewal by three commissioners is first submitted to the presiding officer. Should an ordinance or resolution be proposed that raises the same previously resolved matter, or its repeal or rescission, indifferent or modified form during the three-month period, the presiding officer may declare the proposal out of order.

(n) *Adjournment.* A motion to adjourn shall always be in order and decided without debate.

(o) *Suspension of the rules.* No rule of procedure adopted by this board shall be suspended except by an affirmative vote of two-thirds of the commissioners present.

(Ord. No. 1511, § 2, 1-13-09; Ord. No. 1517, § 8, 4-14-09)

Sec. 2-208. Additional ordinances proscribing town commission procedure.

Rule 9.01 Representation of Town of Surfside. Whenever the commission deems it necessary or desirable that the commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the town government, the presiding officer may designate members of the commission to represent the commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the commissioners then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the commission, or to make any commitment or binding obligation on behalf of the commission or the town. Such representatives shall report to the commission with regard to such meeting, conference or other occasion.

Rule 9.02 Noncompliance with procedural rules. If a procedural rule of this board is not complied

RESOLUTION NO. 13-___

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF LYNX CONSTRUCTION MANAGEMENT, LLC PROPOSAL FOR ADDITIONAL SERVICES TO CONTINUE DESIGN BUILD SERVICES FOR THE RENOVATION OF THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS TO INCLUDE NECESSARY CONCRETE CUTS FOR AN ADDITIONAL COST NOT TO EXCEED \$16,772.55; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 15, 2013, the Town Commission adopted Resolution No. 13-2159 approving the proposal from Lynx Construction Management, LLC (Lynx) to perform maintenance improvements for the Abbott Avenue and 94th Street parking lots in the amount of \$48,281.43; and

WHEREAS, Lynx proposal for additional services acknowledges and agrees that the additional services to add concrete cutting for landscaping will not exceed \$16,772.55; and

WHEREAS, the Town Commission has decided it is in the best interest of the Town to accept the additional services adding concrete cutting for landscaping for the renovation of the Abbott Avenue and 94th Street parking lots and authorizes the Town Manager to accept Lynx's proposal for additional services (attached hereto as Exhibit "A" for the Abbott Avenue parking lot and Exhibit "B" for the 94th Street parking lot.)

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval. The Town Commission approves the Lynx proposal for additional services for the Abbott Avenue and 94th Street parking lots attached hereto as Exhibit “A” for the Abbott Avenue parking lot and Exhibit “B” for 94th Street parking lot.

Section 3. Authorization. The Town Commission authorizes the Town Manager to execute and do whatever is necessary to effectuate the terms of the attached Lynx proposal for additional services for the Abbott Avenue and 94th Street parking lots.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2013

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Interim Town Attorney



Lynx Construction Management, LLC
 45 Almeria Ave | Coral Gables, Florida 33134
 P: 305-523-3656 | F: 888-499-1748 | E: info@Lynxcs.com
 CGC 1518484

**Additional Services
 Under Continued Award
 to Lynx Construction Management LLC.
 Pursuit to Resolution 10-1980**

DATE: July 9, 2013

LCM 11.4 Surfside

ENGINEER	
ADDRESS	Abbott lot
PROJECT NAME	Town of Surfside Business District Repairs and Improvements
LCM PROJECT NO.	#105626
TIME EXTENSION	

Additional Services under continued award to Lynx Construction Management LLC
 Pursuit to Resolution 10-1980

SCOPE OF WORK EXTERIOR: We hereby propose to furnish materials, equipment, all labor and supervision necessary for repairs of the Abbot Lot.
 Time of contract will be extended until completion of work.

- Seal coat
- Stripe
- Paint (both sides perimeter wall)
- Stucco (Allowance NTE \$2,500.00)
- Stain sidewalk inside parking lot
- Town will provide all pressure cleaning of sidewalks and walls
- prepare concrete planters for up to 60 openings (see deduct below) for landscape to be done by others
- concrete max 6 inches thick adjustments required for buried objects and thicker concrete if encountered

	UNIT	DURATION - DAYS	UNIT COST	EXTENDED PRICE
BASE	LUMP SUM			\$33,691.43
Additional cost concrete cutting for landscape 60 planters	LUMP SUM	as needed		\$13,200.00
Deduct concrete cutting for 34 planters on both Abbot & 94th St.	LUMP SUM			(\$2,890.00)
Good Customer Discount	LUMP SUM			(\$721.70)
MOBILIZATION			\$15,000.00	
TOTAL				\$43,279.73

schedule commence as soon as this Additional Services Request is approved or as otherwise work may occur simultaneously in more than one location at a time.

Schedule will be equitable adjusted for rain, weather material shortages and other causes as listed in base contract .

GC reserves the right to request an equitable time extension for rescheduling delays, disruption, acceleration and/or impact in the event this modification changes the construction sequence and/or time of completion.

SUBMITTED BY :

APPROVED BY :

Jorge Hammal Lynx Construction Management, LLC

cc: OFFICE -
FIELD -

LCM 11.4 Surfside



Lynx Construction Management, LLC
 45 Almeria Ave | Coral Gables, Florida 33134
 P: 305-523-3656 | F: 888-499-1748 | E: info@Lynxcs.com
 CGC 1518484

**Additional Services
 under continued Award to
 Lynx Construction Management LLC
 Pursuit to Resolution 10-1980**

DATE: July 8, 2013

LCM 10.3 Surfside

ENGINEER	
ADDRESS	94th Street Lot
PROJECT NAME	Town of Surfside Business District
LCM PROJECT NO.	Repairs and Improvements #105626
TIME EXTENSION	

**Additional Services under continued Award to Lynx Construction Management LLC
 Pursuit to Resolution 10-1980**

SCOPE OF WORK EXTERIOR: We hereby propose to furnish materials, equipment, all labor and supervision necessary for repairs of the 94th Street Lot.
 Extend contract time as may be needed to complete work. Time of contract will be extended until completion of work.

- Stucco Repairs (allowance NTE \$1,250.00)
- Seal coat parking
- Striping
- Paint walls: 2 sides on right of way, 1 side south and east walls
- Stain sidewalk inside parking lot
- Town will provide all pressure cleaning of sidewalks and walls
- alternate to cut up to 35 planters in preparation of landscape to be done by others

concrete is maximum 6 inches thick, additional thickness or underground objects may require cost adjustment

	UNIT	DURATION - DAYS	UNIT COST	EXTENDED PRICE
BASE	LUMP SUM			\$14,590.00
Additional cost concrete cutting for landscape 35 planters	LUMP SUM			\$7,725.00
Good Customer Discount	LUMP SUM			(\$540.75)
MOBILIZATION			\$7,000.00	
TOTAL				\$21,774.25

schedule commence as soon as this Additional services request is approved or as otherwise mutually determined with Town work may occur simultaneously in more than one location at a time.

Schedule will be equitable adjusted for rain, weather material shortages and other causes as listed in base contract .

GC reserves the right to request an equitable time extension for rescheduling delays, disruption, acceleration and/or impact in the event this modification changes the construction sequence and/or time of completion.

SUBMITTED BY :

APPROVED BY :

Jorge Hammal Lynx Construction Management, LLC

cc: OFFICE - LCM 10.3 Surfside
 FIELD -

RESOLUTION NO. 13 ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$80,127.20 FOR THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS TO LUKES' LANDSCAPING, INC. DBA LUKES-SAWGRASS LANDSCAPE FOR A PROPOSAL TO LANDSCAPE THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS; APPROVING AND AUTHORIZING EXPENDITURES FROM THE MUNICIPAL PARKING FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission previously approved renovation of three (3) Municipal Parking Lots and delayed improving the remaining parking lots until completion of the Parking Structure Feasibility Study, that was completed in March 2013; and

WHEREAS, the Town has inventoried the remaining parking lots and identified capital maintenance and aesthetic issues at the Abbott Avenue and 94th Street parking lots; and

WHEREAS, the Town Commission adopted Resolution No. 11-2061 (incorporated by reference) authorizing the Town Administration to enter into an agreement with Lukes' Landscaping Inc. DBA Lukes-Sawgrass Landscape (hereinafter "Lukes") by piggybacking off of a competitively bid contract awarded by the City of Aventura to provide landscape maintenance services for the same price per unit of service; and

WHEREAS, the proposed renovations and improvements for both parking lots include removal and installation of landscaping and installation of irrigation, the Abbott Avenue parking lot proposal (Exhibit "A") is for \$52,703.50, and the 94th Street parking lot proposal (Exhibit "B") is for \$27,423.70 to be paid from the Municipal Parking Fund; and

WHEREAS, it is in the best interest of the Town to authorize an expenditure for the work described in the Proposals (see Exhibit “A” and Exhibit “B”) for the landscaping of the Abbott Avenue and 94th Street parking lots.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement the terms and conditions of the Proposals with Lukes not to exceed \$52,703.50 for the Abbott Avenue parking lot and not to exceed \$27,423.70 for the 94th Street parking lot to be paid from the Municipal Parking Fund.

Section 3. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and ADOPTED on this ____ day of _____, 2013

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Linda Miller, Interim Town Attorney



2711 SW 36th Street, Dania Beach, FL 33312
PHONE: 954-431-1111 FAX: 954-433-1111

PROPOSAL

DATE	PROPOSAL #
5/31/2013	0513034

Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
ATTENTION: Joe Kroll

Ship To

EMAIL	DIVISION	REP	APPROVED BY:	PROJECT	P.O. NUMBER	
lyn@luke-sawgrass.biz	2200 - Lands...	MF		0513034LM/Abbotpklot		
DESCRIPTION				QTY	COST	TOTAL
LANDSCAPING OF PARKING LOT ON ABBOTT -						
NORTHEAST CORNER OF PARKING LOT:						
Remove shrubs, install -						
Peanut Plant (1 gal)				26	4.95	128.70
Clusia guttifer "small leaf clusia" (7 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				8	35.00	280.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				22	11.00	242.00
Palm Beach cap rocks (3 x 4)				2	100.00	200.00
Aechmea "Hacienda" (3 gal)				3	55.00	165.00
Dianella Tasmanica "flax lily" (3 gal)				6	10.50	63.00
NORTHWEST CORNER OF PARKING LOT:						
Remove shrubs, install -						
Peanut Plant (1 gal)				52	4.95	257.40
Palm Beach cap rocks (3 x 4)				4	100.00	400.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				68	11.00	748.00
Dianella Tasmanica "flax lily" (3 gal)				47	10.50	493.50
Aechmea "Hacienda" (3 gal)				5	55.00	275.00
Clusia guttifer "small leaf clusia" (7 gal) as per bid # 10-07-12-2				16	35.00	560.00
NORTH CENTER MEDIAN - NORTH SIDE:						
Remove shrubs, install -						
Peanut Plant (1 gal)				18	4.95	89.10
Palm Beach cap rocks (3 x 4)				1	100.00	100.00
Dianella Tasmanica "flax lily" (3 gal)				20	10.50	210.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				23	11.00	253.00
Wodyetia bifurcata "Foxtail palm" (8' g.w.)				1	800.00	800.00

IF APPROVED, PLEASE SIGN: _____

Void after 90 days

THANK YOU!
www.lukes-sawgrass.biz

TOTAL



PROPOSAL

DATE	PROPOSAL #
5/31/2013	0513034

2711 SW 36th Street, Dania Beach, FL 33312
 PHONE: 954-431-1111 FAX: 954-433-1111

Town of Surfside
 9293 Harding Avenue
 Surfside, Florida 33154
 ATTENTION: Joe Kroll

Ship To

EMAIL	DIVISION	REP	APPROVED BY:	PROJECT	P.O. NUMBER	
lyn@lukes-sawgrass.biz	2200 - Lands...	MF		0513034LM/Abbotpklot		
DESCRIPTION				QTY	COST	TOTAL
Aechmea "Hacienda" (3 gal)				2	55.00	110.00
NORTHERN CENTER MEDIAN:						
Bursera Simaruba "gumbo limbo" (14' - 16' o.a.)				6	395.00	2,370.00
Adonidia merrillii "Christmas palm" (10'-12' c.t., double)				3	250.00	750.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				72	11.00	792.00
NORTHERN CENTER MEDIAN - SOUTH SIDE:						
Remove shrubs, install -						
Peanut Plant (1 gal)				16	4.95	79.20
Aechmea "Hacienda" (3 gal)				2	55.00	110.00
Wodyetia bifurcata "Foxtail palm" (8' g.w.)				1	800.00	800.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				18	11.00	198.00
Palm Beach cap rocks (3 x 4)				1	100.00	100.00
Dianella Tasmanica "flax lily" (3 gal)				11	10.50	115.50
CENTRAL CENTER MEDIAN - NORTH SIDE:						
Remove shrubs, install						
Peanut Plant (1 gal)				16	4.95	79.20
Aechmea "Hacienda" (3 gal)				2	55.00	110.00
Wodyetia bifurcata "Foxtail palm" (8' g.w.)				1	800.00	800.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				18	11.00	198.00
Palm Beach cap rocks (3 x 4)				1	100.00	100.00
Dianella Tasmanica "flax lily" (3 gal)				11	10.50	115.50
CENTRAL CENTER MEDIAN - SOUTH SIDE:						
Remove shrubs, install -						
Peanut Plant (1 gal)				16	4.95	79.20

IF APPROVED, PLEASE SIGN: _____
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THANK YOU!
 Page 2
www.lukes-sawgrass.biz

TOTAL



PROPOSAL

DATE	PROPOSAL #
5/31/2013	0513034

2711 SW 36th Street, Dania Beach, FL 33312
 PHONE: 954-431-1111 FAX: 954-433-1111

Town of Surfside
 9293 Harding Avenue
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 ATTENTION: Joe Kroll

Ship To

EMAIL	DIVISION	REP	APPROVED BY:	PROJECT	P.O. NUMBER	
lyn@luke-sawgrass.biz	2200 - Lands...	MF		0513034LM/Abbotpklot		
DESCRIPTION				QTY	COST	TOTAL
Aechmea "Hacienda" (3 gal)				2	55.00	110.00
Wodyetia bifurcata "Foxtail palm" (8' g.w.)				1	800.00	800.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				18	11.00	198.00
Palm Beach cap rocks (3 x 4)				1	100.00	100.00
Dianella Tasmanica "flax lily" (3 gal)				11	10.50	115.50
CENTRAL CENTER MEDIAN:						
Bursera Simaruba "gumbo limbo" (14' - 16' o.a.)				9	395.00	3,555.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				88	11.00	968.00
Adonidia merrillii "Christmas palm" (10'-12' c.t., double)				2	250.00	500.00
SOUTHERN CENTER MEDIAN - NORTH SIDE:						
Remove shrubs, install -						
Peanut Plant (1 gal)				16	4.95	79.20
Dianella Tasmanica "flax lily" (3 gal)				11	10.50	115.50
Aechmea "Hacienda" (3 gal)				2	55.00	110.00
Wodyetia bifurcata "Foxtail palm" (8' g.w.)				1	800.00	800.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				18	11.00	198.00
Palm Beach cap rocks (3 x 4)				1	100.00	100.00
SOUTHERN CENTER MEDIAN:						
Bursera Simaruba "gumbo limbo" (14' - 16' o.a.)				9	395.00	3,555.00
Adonidia merrillii "Christmas palm" (10'-12' c.t., double)				3	250.00	750.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				96	11.00	1,056.00
SOUTHERN CENTER MEDIAN - SOUTHSIDE:						
Remove shrubs, install -						

IF APPROVED, PLEASE SIGN: _____
 Void after 90 days

THANK YOU!
 Page 3
www.lukes-sawgrass.biz

TOTAL



PROPOSAL

DATE	PROPOSAL #
5/31/2013	0513034

2711 SW 36th Street, Dania Beach, FL 33312
 PHONE: 954-431-1111 FAX: 954-433-1111

Town of Surfside
 9293 Harding Avenue
 Surfside, Florida 33154
 ATTENTION: Joe Kroll

Ship To

EMAIL	DIVISION	REP	APPROVED BY:	PROJECT	P.O. NUMBER	
lyn@luke-sawgrass.biz	2200 - Lands...	MF		0513034LM/Abbotpklot		
DESCRIPTION				QTY	COST	TOTAL
MISCELLANEOUS:						
Yards of topsoil - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				12	35.00	420.00
Cubic yards of sand - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				6	50.00	300.00
IRRIGATION:						
Installation of irrigation system				1	5,976.00	5,976.00

IF APPROVED, PLEASE SIGN: _____
 Void after 90 days

THANK YOU!
 Page 5
www.lukes-sawgrass.biz

TOTAL \$52,703.50



PROPOSAL

DATE	PROPOSAL #
5/31/2013	0513036

2711 SW 36th Street, Dania Beach, FL 33312
 PHONE: 954-431-1111 FAX: 954-433-1111

Town of Surfside
 9293 Harding Avenue
 Surfside, Florida 33154
 ATTENTION: Joe Kroll

Ship To

EMAIL	DIVISION	REP	APPROVED BY:	PROJECT	P.O. NUMBER	
lyn@lukes-sawgrass.biz	2200 - Lands...	MF		0513036LM/hardingpklot		
DESCRIPTION				QTY	COST	TOTAL
HARDING AVENUE AND 94TH STREET PARKING LOT:						
NORTHWEST CORNER OF PARKING LOT:						
Remove shrubs and palms, install -					0.00	0.00
Peanut Plant (1 gal)				18	4.95	89.10
Aechmea "Hacienda" (3 gal)				4	55.00	220.00
Palm Beach cap rocks (3 x 4)				3	100.00	300.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				68	11.00	748.00
Clusia guttifera "small leaf clusia" (7 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				22	35.00	770.00
Dianella Tasmanica "flax lily" (3 gal)				15	10.50	157.50
NORTH SIDE OF PARKING LOT:						
Remove shrubs and palms, install -					0.00	0.00
Clusia guttifera "small leaf clusia" (7 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				14	35.00	490.00
Palm Beach cap rocks (3 x 4)				3	100.00	300.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				32	11.00	352.00
Aechmea "Hacienda" (3 gal)				4	55.00	220.00
Dianella Tasmanica "flax lily" (3 gal)				15	10.50	157.50
Peanut Plant (1 gal)				56	4.95	277.20
Thrinax radiata Key thatch palm" (8', double)				1	495.00	495.00
NORTHEAST CORNER OF PARKING LOT:						
Remove shrubs and palms, install -					0.00	0.00
Palm Beach cap rocks (3 x 4)				1	100.00	100.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				32	11.00	352.00
Aechmea "Hacienda" (3 gal)				2	55.00	110.00

IF APPROVED, PLEASE SIGN: _____
 Void after 90 days

THANK YOU!
 Page 1
www.lukes-sawgrass.biz

TOTAL



PROPOSAL

DATE	PROPOSAL #
5/31/2013	0513034

2711 SW 36th Street, Dania Beach, FL 33312
 PHONE: 954-431-1111 FAX: 954-433-1111

Town of Surfside
 9293 Harding Avenue
 Surfside, Florida 33154
 ATTENTION: Joe Kroll

Ship To

EMAIL	DIVISION	REP	APPROVED BY:	PROJECT	P.O. NUMBER	
lyn@lukes-sawgrass.biz	2200 - Lands...	MF		0513034LM/Abbotpklot		
DESCRIPTION				QTY	COST	TOTAL
Dianella Tasmanica "flax lily" (3 gal)				11	10.50	115.50
Palm Beach cap rocks (3 x 4)				3	100.00	300.00
Wodyetia bifurcata "Foxtail palm" (8' g.w.)				1	800.00	800.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				18	11.00	198.00
Peanut Plant (1 gal)				48	4.95	237.60
Aechmea "Hacienda" (3 gal)				4	55.00	220.00
SOUTHWEST CORNER OF PARKING LOT:						
Remove shrubs, install -						
Peanut Plant (1 gal)				52	4.95	257.40
Palm Beach cap rocks (3 x 4)				4	100.00	400.00
Aechmea "Hacienda" (3 gal)				5	55.00	275.00
Clusia guttifera "small leaf clusia" (7 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				16	35.00	560.00
Dianella Tasmanica "flax lily" (3 gal)				47	10.50	493.50
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				68	11.00	748.00
WEST SIDE OF PARKING LOT:						
Remove shrubs, install -					0.00	0.00
Conocarpus erectus 'Sericeus', "Silver Buttonwood" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				315	9.00	2,835.00
Thrinax morrisii "Key thatch palm" (8' o.a.)				32	350.00	11,200.00
ENTRY DRIVES:						
Remove palms and stumps, install -					0.00	0.00
Veitchia montgomeriana "Montgomery palm (14' - 16, g.w.', single)				4	395.00	1,580.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				46	11.00	506.00

IF APPROVED, PLEASE SIGN: _____
 Void after 90 days

THANK YOU!
 www.lukes-sawgrass.biz

TOTAL



PROPOSAL

DATE	PROPOSAL #
5/31/2013	0513036

2711 SW 36th Street, Dania Beach, FL 33312
 PHONE: 954-431-1111 FAX: 954-433-1111

Town of Surfside
 9293 Harding Avenue
 Surfside, Florida 33154
 ATTENTION: Joe Kroll

Ship To

EMAIL	DIVISION	REP	APPROVED BY:	PROJECT	P.O. NUMBER	
lyn@lukes-sawgrass.biz	2200 - Lands...	MF		0513036LM/hardingpklot		
DESCRIPTION				QTY	COST	TOTAL
Clusia guttifer "small leaf clusia" (7 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				8	35.00	280.00
Peanut Plant (1 gal)				26	4.95	128.70
SOUTHWEST CORNER OF PARKING LOT:						
Remove shrubs, install -					0.00	0.00
Palm Beach cap rocks (3 x 4)				1	100.00	100.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				32	11.00	352.00
Aechmea "Hacienda" (3 gal)				2	55.00	110.00
Clusia guttifer "small leaf clusia" (7 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				8	35.00	280.00
Peanut Plant (1 gal)				26	4.95	128.70
CENTER MEDIAN:						
Bursera Simaruba "gumbo limbo" (12' - 14' o.a.)				12	245.00	2,940.00
Conocarpus e. sericeus "silver buttonwood" (12' - 14' o.a.)				8	425.00	3,400.00
Ficus microcarpa "Green Island Ficus" (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				164	11.00	1,804.00
WEST PLANTER ALONG SIDEWALK WITHIN THE COCOPLUM:						
Thrinax radiata "Thatch palm" (10', double)				15	525.00	7,875.00
(FILL-IN) - Chrysoalanus icaco "red tip Cocoplum (3 gal) - as per City of Aventura bid # 10-07-12-2 and Resolution #2010-46				68	9.00	612.00
MISCELLANEOUS AND LABOR (to remove shrubs):						
Yards of topsoil - as per City of Aventura bid # 10-07-12-2 and Resolution # 2010-46				12	35.00	420.00
IRRIGATION:						
Installation of irrigation system				1	3,855.00	3,855.00

IF APPROVED, PLEASE SIGN: _____
 Void after 90 days

THANK YOU!
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TOTAL \$27,423.70



TOWN OF SURFSIDE

TOWN COMMISSION DISCUSSION ITEM MEMORANDUM

From: Vice Mayor Michael Karukin

Agenda Item # 9A

Agenda Date: July 16, 2013

Subject: Charter Review Board

Background: On May 27, 2008, the Town Commission adopted Resolution No. 2008-1840 establishing the Town of Surfside Charter Review Board (“CRB”) to study, review and provide recommendations for amendments to the existing Town Charter. Five (5) members of the CRB were appointed: Ken Arnold (Chair); Michael Karukin, Lou Cohen, Marta Olchyck and Barbara McLaughlin (who was replaced by Shoshana Feingold).

The CRB met 7 times:

October 6, 2008
November 24, 2008
January 5, 2009
February 23, 2009
June 1, 2009
November 2, 2009
February 16, 2010

On March 9 2010 the CRB report was submitted to the Town Commission (Attachment 1). No action was taken. After the 2010 election the new Town Commission deferred action due to a number of competing priorities.

At the April 30, 2012 Town Commission Workshop, the charter review process was discussed.

On July 17, 2012, the Town Commission adopted Resolution No. 2012-2096 to submit three (3) proposed Charter Amendments to the electors:

- 1.) Amending the Town Charter to add a Preamble and Citizen’s Bill of Rights;

- 2.) Mandatory Charter Review proposed within the first (12) months after adoption of this provision, the Town shall commence Charter review. Thereafter every tenth (10th) year commencing in December 2022;
- 3.) Amending Section 4, General Powers; Restriction on Development.

On January 15, 2013, the Town Commission adopted Resolution No. 2013-2126 which certified and declared the results of the election held on November 6, 2012 wherein all three Charter Amendments were adopted by the voters.

Therefore a new CRB must convene no later than January 15, 2014, only 6 months away.

Town Administration requests sufficient lead time to plan for and initiate the CRB. Details of the process can be provided by the TA (e.g., resolution to establish the board and appointment of members).

Each commissioner shall appoint 1 resident to serve on the CRB. Identifying qualified residents may take some time. Attachment 2 is a good article on qualifications. Please read it. Commissioner Olchyck can attest to the complexity of what happens on a CRB. So please... "Choose wisely".

Although writing or amending a charter requires the involvement of local residents, it is interesting to note that only a handful of people have ever had any experience drafting a charter or changes to one. For most people involved in the process, it is their first and only experience with such a task. Without a doubt, this body is challenged with an uncommon and significant civic duty.

Recommendation for tonight:

Establish a time certain to complete membership appointments. Knowing that date staff will be able to plan accordingly.



TOWN OF SURFSIDE
Office of the Town Attorney
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
Town Attorney

Telephone: 305 861-4863
Facsimile: 305 861-1302
E-mail: ldannheisser@townofsurfsidefl.gov

REPORT

TO: TOWN COMMISSION
FROM: CHARTER REVIEW BOARD
VIA: LYNN M. DANNHEISSER, TOWN ATTORNEY *(Signature)*
CC: GARY L. WORD, TOWN MANAGER
DEBRA E. EASTMAN, TOWN CLERK
DATE: MARCH 9, 2010
SUBJECT: RECOMMENDATIONS FOR AMENDMENTS TO CHARTER

Background:

By Resolution 2008-1840, the Town Commission established the Town of Surfside Charter Review Board. The following members were appointed: Ken Arnold, Michael Karukin, Lou Cohen, Barbara McLaughlin subsequently replaced by Shoshana Feingold, and Marta Olchyck. The Board convened seven (7) separate occasions at publicly noticed meetings:

- October 6, 2008
- November 24, 2008
- January 5, 2009
- February 23, 2009
- June 1, 2009
- November 2, 2009
- February 16, 2010

(Minutes are attached to this report.)

All meetings were facilitated and documentation prepared by the Town Attorney. The Town Manager and Town Clerk also attended and participated in these meetings. Members of the public were invited to speak at the televised, public meetings. At the initial meeting of the Board, Ken Arnold was selected as the Chair, Lou Cohen was nominated as the Vice-Chair, and the Board discussed its mission.

Goals and Objectives:

1. To review the Town Charter in order to update, modernize, and streamline the document with the goal being to make the document more readable and easier to understand by the lay public.
2. Once the Charter was streamlined, to review and analyze all remaining provisions and to recommend to the Town Commission for adoption and for placement on the ballot for only those changes which would affirmatively add value and benefit to the Town.

Process:

The Board engaged in the following process:

1. The Charter Review Board considered the applicable Florida Statutes and Home Rule Charter provisions, the Model City Charter produced by the National League of Cities, several existing Charters from municipalities in the State of Florida. In addition, on Mr. Karukin's initiative, Robert E. Lee, Ph.D., the Executive Director of Florida Local Government for Excellence, spoke to the Board and offered his opinions and views on issues relating to method of election of officials, staggered terms, direction of mayor, voting by district vs. at-large, and other topics.
2. At each meeting, the Board reviewed and debated each section of the Charter after being provided with information on the rationale for each section. Subsequent to the debate and public hearing, the Town Attorney drafted and distributed a draft charter revised in accordance with the decisions of the Board at the prior meeting. Those changes were then re-reviewed once again and finally adopted or rejected. The Board then went on to consider a new set of charter sections or subjects.
3. Following each meeting, the Town Attorney drafted (and re-drafted) the changes proposed by the Committee for consideration at the next meeting and so on.

General Substantive Issues Debated:

The following issues were debated at length:

1. Form of municipal government (strong mayor vs. commissioner-manager form of government).
2. Elected officials and their boards (number of officials, qualifications, roles of officials, boards and committees, effect of retaining personnel appeals board on good management practices, salaries and expenses for officials).

3. Charter officers (Duties, roles and responsibilities of the Town Manager and Town Attorney including the Town Clerk and (whether the Clerk should be a Charter Officer rather than a Town employee under the employ of the Manager).
4. Voting issues i.e., requiring supermajority votes on certain issues, elections, terms of office, staggering terms, at large vs. district representation. Elongation of the two (2) year terms of office was debated at several meetings. Ultimately, the final debate at the last meeting of the Board resulted in a motion to change the term to three (3) years. This motion failed on a tie (2-2) vote, since one member of the Board was absent. (The Town Commission may wish to revisit this issue.)
5. Ethics issues including the addition of language and restrictions on campaign finances, restrictions on lobbyists, limitation on financial interests.
6. Addition of a Preamble and Citizen's Bill of Rights to set the tone and intention of the document as well as a recommendation for a formalized charter review process to be initiated every ten (10) years.
7. Retention of Height, Density, and Intensity Restriction: Due to evolving case law, an early draft *removed a reference to the Town's Comprehensive Plan and deleted the terms "intensities" and "densities" from the text.* It was posited that such changes can enhance the restrictions from a legal perspective. However, there was a concern that any change in the language could be perceived by the electorate as a lessening or relaxation of the limitations or other unintended consequences. This created reluctance on the part of the committee to make any substantial changes to this section. The committee agreed to retain the reference to the Town Comprehensive Plan and the words "intensities" and "densities". Alternative wording was adopted.
8. Of the approximately 175 provisions of the Charter, most all were discussed or debated, except those that were superseded and no longer in force or effect.
9. Miscellaneous issues such as charitable contributions by the Town.

Summary of Recommended Changes and Action:

The following changes were adopted by the Charter Review Board and are recommended to the Town Commission for consideration:

1. Re-organize and Streamline the Charter.
 - A. The current Surfside Charter is a cumbersome, antiquated document that has been superseded in large part by the Home Rule Powers established by the Florida Legislature and other laws in 1973. The first act of the Charter Review Board was to eliminate all provisions of the current charter that have been updated and superseded and are no longer valid under the law. This reduced the size of the Charter document from 83 pages to 27 pages. This one revision alone produced a more manageable, readable document.

- B. The second thing the Charter Review Board did was to simplify, re-number and re-organize the Charter so that all provisions followed logically and are easy to follow. They appear as follows:

Article I.	Incorporation; Form of Government; Powers
Article II.	Town Commission
Article III.	Administration
Article IV.	Annual Budget and Tax Levy
Article V.	Elections
Article VI.	Initiatives; Referendum and Recall
Article VII.	Miscellaneous Provisions

2. Propose the following seven (7) material or substantive changes:

- A. **Bill of Rights.** Include a new Preamble expressing the intent of the drafters and a Bill of Rights which provides for greater rights of citizens to access/ participate in government.
- B. **Salary of Commissioners.** The Charter Board is recommending that the Commission have the ability to vote for a salary not to exceed six hundred (\$600) dollars but in no event be given to the Board that actually enacts the change. Receipted expenses approved by the Manager will be reimbursable.
- C. **Regular Charter Review.** A regular Charter Review Board shall be convened every ten (10) years. This does not inhibit the Town Commission from requesting charter review and changes prior to that time. If that occurs, the mandated charter review is deferred for ten (10) years.
- D. **Elimination of Personnel Review Board.** Effective and responsive management is impaired by this Board's existence and many other remedies are now available to employees who believe they are aggrieved.
- E. **No charitable Contributions.** There shall be no charitable contributions made except as approved by a supermajority of the Commission.
- F. **Ethics.** No Commissioner shall have a financial interest direct or indirect in any contract or in any sale to the Town or contractor or supplier to the Town or any land or rights or interest whatsoever.
- G. **Campaign Finance Reform.** The Town Commission shall adopt an ordinance relating to campaign financing to, among other things, mandate a limitation on both the amount of campaign contributions allowable as well as limit total spending by any candidate for Town Commission.

The Charter Review Board recommends the attached Proposed Charter be adopted by the Town Commission for transmission to the electorate.

As a final note, the Charter Review Board wishes to acknowledge the diligence, time, effort, and expertise offered by the Town Attorney in assisting this Board. The Town Attorney also wishes to acknowledge and thank the Manager and Clerk for their effort and input.

Reviewing a City Charter

BY WENDY L. HASSETT

During the early 1900s, many cities faced serious challenges to effective governing. As a result, they became actively involved in charter reform. Since charter reform provides a way to redefine the basic rules of governmental operation, cities looked to their charters as a way of reducing corruption, enhancing local autonomy beyond what was granted by state governments, improving government efficiency, and strengthening control over municipal finances. Over the twentieth century, more than eight cities in ten over ten thousand in population changed their form from the traditional weak mayor-council form or chose one of the new approaches as newly created cities.

Today's local governments also face challenges and often look to their charters for solutions. A well-functioning local government relies on established rules, regulations, practices, and precedent, and its charter is a large part of this. Sometimes a local "crisis" or series of public debacles bring into question some aspect of the charter. In other cases, a local government might be required to conduct a charter review every ten years, for example, to assess whether any changes should be considered. When a routine charter review is mandated, the review is necessary even if there is not a specific reason for it. It is important to note that a charter review commission does not single-handedly have the power to change the charter. Instead, this body has the ability to draft charter amendments or a new and presumably improved charter to be considered by local voters at the polls.

While a charter contains the enduring guiding principles for governmental operations, it also must be able to be adapted and changed. Although many good charters stand the test of time, they are documents crafted by flawed human beings who are unable to see into the future. Therefore, charters need to be revised and updated from time to time—in good times and in bad.

Charter review starts with the appointment of a commission made up of local residents who are tasked with methodically and objectively reviewing

the existing charter and various aspects of local government operations. The scope of work assigned to charter commissions varies widely. As a result of the review, the group determines what (if any) changes should be considered for formal adoption. Because each community is different, there is not one "right" way to do this. Each charter review process will be unique to the community conducting it.

Although writing or amending a charter requires the involvement of local residents, it is interesting to note that only a handful of people have ever had any experience drafting a charter or changes to one. For most people involved in the process, it is their first and only experience with such a task. Without a doubt, this body is challenged with an uncommon and significant civic duty.

Commission Membership

Opportunities for direct citizen involvement in local government often garner a healthy amount of attention. While citizen involvement in committees, advisory groups, public hearings, and the like is a significant and valuable part of local government operations, membership on a charter commission offers an uncommon opportunity for public service to one's community. Participation in the charter process is citizen involvement at a higher level and with greater potential impact.

A charter commission is a body authorized by law and established for the single purpose of drafting and submitting to the voters a newly created local government charter or revisions to an existing charter. The appointment of this group of individuals, typically between fifteen to twenty registered voters, often is governed by laws and regulations that deal specifically with charter creation and revision. For example, in some cases, commission members might be required to be appointed by the mayor. In other cases, it may be the council that appoints the members. In still other situations, these individuals are elected by the voters. In any case, this independent commission of citizens is empowered to organize its review within the assigned scope and establish its

schedule in order to facilitate its study of the charter and certain aspects of the government.

Given the importance of the charter commission's task, its membership is worthy of careful consideration. Individuals chosen to serve on the commission have a special opportunity for local statesmanship. If voters ultimately approve the work of the commission, the efforts of this group will have lasting impact on the future of the community and the local government. Therefore, selection of the individuals to serve in the charter process is a crucial decision.

All participants should be eager to work hard and willing to share their talents and expertise. It is important to understand that participants bring with them unique value systems, biases, differing opinions on what "good government" is, good and bad life experiences living in different communities, and (in some cases) personal agendas. As a result, deeply held beliefs and viewpoints set the stage for complex committee dynamics, passionate discussions, and heated debates.

At the heart of this process is the active and focused engagement of a diverse and representative group of community members. Diversity is important for several reasons. The involvement of diverse groups and perspectives will not only contribute to a better final product but also lend credibility to the validity of the final outcome. Therefore, no group should be left out. All segments of the community should be represented, and no one should be excluded based on race, creed, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, age, height, weight, disability status, veteran status, military obligations, or marital status.

When the commission is composed of community residents who are not involved in day-to-day governmental operations, the commission is able to be detached, objective, and impartial. The most effective charter commissions are not dominated by lawyers, scholars, and accountants but made up of civic-minded, intelligent laypeople with a commonsense approach to things. The members should (a) be in touch with the perspectives present in the community, (b) command respect from local residents, and (c) bolster the confidence of citizens in the process and the work of the commission.

Special mention should be made about the role of local elected officials. While in many cases the mayor and/or council plays a role in the appointment of commission members, the involvement of elected officials should end at that point. The charter process functions best when it is rooted in citizen involvement rather than being influenced (intentionally or unintentionally) by political officials directly serving as members. In some cases, the commission's recommendations go back to the council, which has the authority to decide whether the proposal will go to the people for a vote or may determine the final language of proposals. Still, the commission should do its work independently and give the council and the voters its best thinking about charter change.

Key Commission Players

Chairperson

The chairperson of the commission has a vital role to play. Because commission members are respected and intelligent individuals in their own right, it follows that they should be led by someone who is widely regarded as a person of integrity and good judgment who is politically neutral, accomplished, and widely respected. The ability to collaborate is also valuable. This individual might be a former mayor or other well-known civic-minded individual who is level-headed and has a good sense of the work of a charter commission.

A number of real advantages come from the city council naming a chairperson and commission members simultaneously. However, if the council does not choose a chairperson, it is up to the commission to do so. Oftentimes a commission takes up the subject at its first meeting without much thought. Due to the significance of this position, the selection of the person to head the commission should not be taken lightly. The most successful charter commissions are led by a well-chosen chairperson. Unfortunately, instead of a thoughtful and deliberative decision, many times the selection of the chair is made quickly and relegated to a random selection from among those willing to be considered.

So, what makes for a good commission chair? A good chair is skilled at conducting well-run meetings. But there is much more to being a successful chair of a charter commission. A good chairperson

has a sincere passion for the work of the commission and is able to translate that passion to its members. A good chair motivates commission members and speaks personal words of support and encouragement when needed. A good chairperson connects ideas, challenges opinions, helps define problems, and ultimately assists the group in reaching consensus on the issues that must be addressed.

These qualities are found when the chairperson uses a participatory style over an autocratic one to encourage active involvement among the members. This kind of chair acts more as a facilitator than as the local expert with all the answers. The chair leads the meetings, focuses the work of the commission, and keeps the process organized and on track. The chair does not give up his or her right to participate in shaping the decisions of the commission but participates in a fair way. For example, the chair does not use the position to give advantage to some members or to discourage members who hold different views. Further, the fair chairperson does not forcefully express his or her views in order to discourage others from expressing their opinions.

It is a lot to ask for the chairperson to single-handedly address the myriad of issues that may arise during commission deliberations. Ideally, the commission chair will have the ability to call on competent advisors to assist when needed. A discussion of two such advisors follows.

Resource Person

The intensity and scope of the work of a charter commission make it ripe for conflict. The politically charged task for which this body is responsible can easily result in communication breakdowns and gridlock. For this reason, many chairs have found it valuable to have a substantive resource person, consultant, or other expert sit alongside them and serve as a "go-to" person when a complex or substantive question arises. This person may also make early presentations to the commission on forms of government alternatives and on other key issues as they arise. This person is not a member of the commission and does not have a vote.

A resource person might be educated in public affairs, political science, or public administration with experience in charter writing, such as a university

professor or a senior staff member at an institute of government. In other cases, this person may be a consultant with a favorable record of involvement with charter commissions. If a charter commission does not have the luxury of engaging a paid resource person, a pro bono volunteer from a university or governmental institute with charter experience may be an option to consider. Regardless, an outside resource person is often an extremely useful addition to the commission as a source of technical guidance, suggestions, and advice. The key is that this person has had experience with charter commissions and is willing to bring that experience to this commission.

Legal Expert

Every charter commission should have access to sound legal counsel. However, it is important to note that the study of law is by no means a study of local government, politics, and public administration. And not just any lawyer can provide the information the commission will need.

For charter writers, it is very important to be sensitive to the state-specific legal context in which the resulting charter must operate. A legal advisor can be invaluable in helping the group avoid potential conflicts with state provisions. Sometimes specific charter provisions must be included to allow a local government to take advantage of or to escape from laws established at the state level.

City or county attorneys are of particular value to the commission because they are familiar with the existing charter, the legal problems the local government may have had with it, and the applicable state laws. Furthermore, laws that govern the county, school districts, and other units may come into play. The detailed and sometimes complex arrangements that exist among a local government and its public sector components, quasi-governmental entities, and associations underscore the value of a knowledgeable, state-specific legal advisor who can address questions that arise.

However, not all legal experts are created equal when it comes to charter commissions. If the city attorney has experience drafting charters or charter revisions, that individual may be the choice to serve as the commission's legal expert because he or she will be affordable and responsive. However, if

the city attorney does *not* have this kind of experience, the commission needs the ability to hire outside legal counsel with state-specific experience drafting new or revised charters.

If an outside attorney is hired, the city's full-time attorney still should be involved in the process by providing testimony to the commission and reviewing and commenting on the final draft document. After all, long after the commission has dissolved, the city attorney will be the one to defend the charter if and when it is attacked. Therefore, ongoing involvement of the city's own legal advisor is a critical part of the process.

Finally, a commission should not refrain from claiming power or including a provision in the charter just because there is doubt about how it will stand up in court. The powers of many local governments have been unduly limited not by the laws or courts of the state but by the timidity of the charter commission or the commission's legal counsel.

Funding

As a conscientious public body, the commission should make every attempt to minimize its financial obligations. However, every charter commission must have some money available to cover its necessary expenses.

As often as possible, the commission should use public buildings for its meetings. It is likely that the local government will make its office staff and equipment available to the commission so that secretarial services, stationery, copying, and postage can be handled in house. Even more technical matters, such as Web site updates and bulk e-mail messages, may be completed by local government staff. Instead of paying outside experts for their time, local government staff members (such as the finance director, for example) should be considered because they typically prove to be informative advisors willing to share their expertise with the commission at no cost.

Visits to other communities by commission members occasionally may be desirable, but junkets at public expense are not appropriate. A better alternative is to invite speakers from outside the community to speak to the group during its meetings.


No commission member should be paid a salary or honorarium. Furthermore, commission members should never assume that they will be reimbursed for expenses without first consulting the appropriate government staff member.

If a significant cost is identified and deemed necessary or appropriate, the commission should make a formal request to the local authorities for the needed funds. Only necessary expenses should be reimbursed—such as consulting fees or outside technical assistance. Accounts of all receipts and all expenditures should be carefully maintained.

Public Outreach

The best charter is of little value if voters do not approve it. For this reason, a concerted effort to win public understanding and acceptance should begin the day the charter commission is selected and continue until the day the vote is taken on the proposed charter or amendments. This may mean a small work group is charged with this task.

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Many former charter commission members would likely agree that only half of their job was charter writing. The other half was sound public outreach. Many well-written charters have been defeated at the polls due to poor public relations and a lackluster voter education program.

Positive publicity and voter education can be achieved a number of ways. The most common and long-standing approach is through public hearings. Unfortunately, public hearings are notoriously poorly attended and are considered by many to be ineffective. Fortunately, there are a number of other ways to gather public input and share information. Neighborhood-based meetings and specially designed "dialogue" sessions can be organized. At the latter, participants discuss the qualities they would like to see promoted in their government and their community rather than suggesting specific charter provisions. Local government newsletters, speakers' bureaus (including commission members), brochures, local magazine and newspaper articles, television and radio ads, public access television channels, and updates sent via e-mail are other ways citizens can be informed of the process and invited to participate.

The local government Web site should include the most up-to-date information about commission meeting times, agendas, and minutes. Also through this site, residents should be able to sign up for charter-related e-mail alerts, press releases, and meeting reminders. Another useful idea is to make available well-written speeches, white papers, PowerPoint presentations, and talking points addressing the commission's work and related efforts. An online forum can be set up to collect views about the charter revision. In sum, extensive information about commission meetings should be easily accessible to the community, ideally published electronically and available online.

It is not unusual for the work of charter commissions to pique the attention of schools and civic groups. Such an exercise in democracy is worthy of attention and serves as an excellent real-life case study of government in action. For example, junior charter commissions may be used as a learning tool for students. Of more immediate importance is that the attention of students often indirectly invites the

Local residents can never have too much information concerning the vital charter-related issues being discussed in commission meetings.

attention of their parents who, of course, are part of the voting public who will be asked to support the new charter at the polls. Therefore, the commission should willingly work with schools and civic groups to plan activities or projects related to the charter commission's work.

Residents deserve the fullest opportunity to be informed and to participate in the process. To this end, charter commission members should encourage the involvement and attention of a variety of community groups. Local residents can never have too much information concerning the vital charter-related issues being discussed in commission meetings. That said, the information released to the public must be easily understood and clearly organized to avoid confusion often caused by information overload.

Public involvement has many benefits. One important benefit of an aggressive public outreach and education process is that it often results in a constructive and thorough review of the commission's work, which, if considered honestly, will improve the final product. Furthermore, when residents are afforded the opportunity to offer their opinions and suggestions in an environment in which ideas and input are taken seriously, they are more likely to support the commission's recommendations at the polls.

Therefore, it is not enough to rely on just a few avenues to educate and update the citizenry on the commission's work. Publicity and education efforts must be multipronged. In all cases, the message should be consistent: A charter commission is active; its members are hard at work; it is considering complex and substantive issues; citizens are encouraged to get involved and offer their ideas and opinions; and once the commission has completed its work, citizens will decide in an election whether to adopt the proposed charter or charter amendments. In sum, the message to the broader community should be that the commission is working

in good faith to make the best decisions possible about what is best for the community and its local government.

While communicating with the public is important, individual commission members should be wary of making any statements that are inconsistent with the overall public message endorsed by the whole commission. This includes taking a public stand prematurely on controversial matters which can undermine the progress of the group. When in the public eye, it is important for commission members to guard against untimely public comment on issues on which the commission might change its mind in light of further study. Oftentimes, the best answer to some questions is, "We are still studying the question."

Every local political situation is unique to a certain extent. Without a doubt, local leaders best understand local dynamics and can come up with the most effective public education strategies aimed at gaining the support of a majority of citizens. These efforts should become more intense during the final campaign. A good public outreach and voter education campaign allows the commission to keep in touch with what the public is thinking and saying about the commission's work. This is important throughout the process but is of particular importance as the election draws near.

The "Charge"

The task of a charter commission is to prepare and present to the voters the most straightforward, clear, and forward-looking charter it can. Many times the specific "charge" for the commission's work comes from the city council. In particular, a commission may be authorized and empowered to:

1. Examine the existing local government charter.
2. Conduct a comprehensive or limited study of various aspects of the local government.
3. Examine the procedures and interrelations of the different parts of the government to determine the role the charter plays in the current state of affairs.
4. Research the experiences of other cities or counties under their respective charters and forms of government to discover better governmental arrangements and practices.

5. Determine from independent study and investigation the principles of local government that should be built into the proposed charter or proposed charter changes.
6. Draft the proposed charter or charter amendments in a clear, logical, and consistent way.
7. Conduct its affairs in such a manner as to win the respect of local residents.
8. Educate citizens about the process and the progress of the commission and encourage adoption of the charter or its amendments.

Sometimes a particular area of the charter is singled out for review. For example, a charter commission may be instructed to examine whether the mayor's term should stay the same or be lengthened, if a city administrator should be added to the mayor-council structure, or if the number of council members should be changed. Charter commissions are convened for a host of different reasons, from the mundane (such as a legal requirement to do so every ten years), to the politically charged (such as in reaction to municipal scandal and corruption). Identifying the factors that serve as the impetus for charter review is extremely helpful to organizing the early work of the commission and in setting the right tone for productive meetings.

In this vein, many questions may cross the minds of commission members:

- What are the expectations for the commission?
- To whom is the commission accountable?
- Is there a crisis in local government that gives clear purpose to the commission's work? If so, how might that situation influence the commission's work? Is the crisis related to conditions that can be affected by the charter?
- Were any members of the commission "instructed" by someone (such as the mayor or council) to promote a certain position or advocate specific changes to the charter?
- Will the commission's recommendations go directly to the voters or to the city council first for review and possible revision?

Once these kinds of issues are addressed, the real work can begin. One suggestion is to hold a kick-off meeting early in the process to bring everyone

together and work through any concerns, such as those just listed.

Getting Started

Holding an initial kickoff meeting with the commission and local elected officials has dual purposes:

1. It officially conveys the reasons behind creation of the commission and offers a sense of purpose.
2. It provides an opportunity to address lingering concerns or questions and to dispel any uncertainty or doubt in the minds of commission members, local residents, and the media.

A useful exercise for the commission members themselves soon after the kickoff session is to create a “shared vision of government”—a statement aimed at drawing members together toward a shared purpose, motivating them when times get tough, and giving their work meaning. This vision should not specify particular charter provisions (such as an election method or form of government) but instead should describe the qualities of the government the community would like to have in the future. This is not a simple assignment. Creating such a statement requires an examination of the values held by the community and the unique characteristics of the population. It is an exercise in finding unity in the midst of diversity.

While the individuals serving on the commission have different backgrounds, priorities, and beliefs, their shared aspirations for good government will be a uniting force. Discussing the diverse perspectives represented on the commission will be time-consuming. Supportively listening to the ideas of others requires patience. However, the tangible achievement of common ground evidenced by a written shared vision statement can be a significant early milestone.

Another idea for the early meetings of the commission is to invite one or more members of previous charter review commissions to speak to the group. These individuals may be local residents who have participated in past charter efforts or individuals from other communities that have recently gone through the process. Those with charter-writing experience will likely have some words of wisdom to

share with the group that can prepare and inspire them to face what lies ahead.

The commission works together for only a limited period of time (generally no longer than twelve to eighteen months), since typically there is a time constraint placed on the group to complete its work. Working with a strict time constraint places a premium on the efficient use of time. For this reason, many charter commissions find it helpful to establish a calendar at an early meeting. This calendar should set forth the work of the commission, meeting times, and important dates, such as elections and other deadlines that are fixed and cannot be changed. It is not unusual for city councils to specify—or at least have in mind—when they want to hold the charter election. Other times there are legal restrictions on when an election may be held. For example, in Texas, cities have only two dates in a calendar year on which an election can be held. Knowing these kinds of deadlines up front is a key step to the success of any charter commission.

The Commission at Work

The work of charter writing is not easy. The issues are complex. While writing or amending a charter is challenging, it is not impossible. Frankly, the charter process often stirs passion and controversy. It can be messy, noisy, and complicated.

Throughout the process, some members may feel that progress is not coming fast enough. Some will want to slow the process to allow for further study or public input. Others may want to move ahead without additional public comment. Some may become frustrated. Some may become angry. The challenge for the commission is to remain focused on the work at hand in spite of these obstacles.

As uncomfortable and contentious as commission discussions may become, the best commission members stay focused on what they are asked to do. They are not afraid of what is hard, even when success is uncertain. The greater the success of the commission in writing a charter that advances the public welfare of the community, the more honor and satisfaction will come to its members.

Typically, a commission holds many meetings and public hearings. Meetings should be held in a

simply amend the current version. The appropriate approach depends on a number of factors, including the quality of the existing charter and the extent and characteristics of the contemplated changes. If the charter requires a number of fundamental changes (such as changing the form of government), it is often better to submit the changes as a clean, new draft of a complete charter.

Charters have so many interlocking provisions that often it is difficult to produce a consistent, coherent result by submitting a series of separate amendments. Many local governments have been frustrated when attempts to produce a basic change with patchwork amendments have resulted in a disjointed, confusing document. If the entire charter is rewritten, it has the additional benefit of allowing the commission to clean up minor defects in the original document that, while needed, did not on their own warrant the convening of a charter commission.

One of the common arguments in support of charter amendments is that changing only certain parts of the charter is likely to encounter less opposition than presenting a completely new document to the voters. When voters are considering an entirely new document, opposition to one part might jeopardize public support of an otherwise acceptable charter. Such opposition typically is focused on just one or two sections. If this is a possibility, some states allow the commission to submit the charter to the voters with alternatives on the matter(s) in question. The burden, then, is on those who advocate the alternative option. They must convince the voting public that their alternative position is better than the one recommended by the commission. In many cases where this approach has been taken, citizens supported the charter as a whole *and* approved the choice preferred by the commission. It should be noted that when submitting a proposition with alternatives, care should be taken to make sure that the alternatives do not result in conflicting provisions.

Dealing with Opposition

Opposition is often encountered with a good charter, so the commission should not be surprised or disheartened when it occurs. Strong opposition does not occur in all cases, however. Many char-

ter reforms are strongly supported by local officials and members of civic-minded community organizations who know from personal experience the need for improvements to the workings of the local government.

When they surface, opponents can and will come from very different places. Certain groups and individuals will be opposed to any departure from the status quo. Others will be opposed to changes because they do not go far enough. Elected officials often do not support changes to their offices, powers, duties, or salaries. It is not uncommon for leaders of political parties, influential community groups, or other factions with interests at stake to make their disapproval known.

It is important to understand the viewpoints and fears of such groups in order to win their support, or, if necessary, counteract their influence. Often the support of these individuals is lost because it is assumed they are unalterably opposed to charter change. However, sometimes a group can be won over by a meeting to discuss their concerns. Other times, a nonobjectionable provision in the proposed charter could be added to allay their concerns and win their support.

While the commission should be sympathetic and open to listening to the demands and views of all local residents, it must take the high ground by appealing directly to those in opposition to support sound principles of government first and foremost. It cannot do this by appeasing each pressure group and yielding to its demands. Making weak compromises often results in an inferior document. The dignity, independence, and effectiveness of the commission will be destroyed if it gives in to the demands of special interest groups in ways harmful to the public welfare.

The important thing to remember when compromises are suggested is that the essential features of a charter *must* be in harmony. More than one charter has failed at the polls or (worse yet) in implementation due to compromise provisions that are incompatible with its basic pattern. If enough broad support exists for the effort and the draft document as a whole, this support will override objections to small matters that are raised.

Evidence is overwhelming that the vast majority of citizens in any community want "good government." That is, people desire a government that can be described as ethical, effective, and efficient. A useful by-product of discussions about good government is that often the opposition comes to the realization that, while they won't agree with the majority on many things, common ground can be found when it comes to the underlying principles of good government.

The commission's constant message of working for a better government coupled with a sincere interest in involving all citizens in a transparent and open process will do much to counteract the negative pressures of special interest groups that may surface in opposition to the work of the commission.

The Election

The process for how and when the charter or charter amendments are considered by voters varies greatly by community. Upon completion of its work, the commission forwards its final recommendations either to the elected officials for their consideration or directly to the voters. Ultimately, the decision is in the hands of the local residents.

In many cases, recommendations of the charter commission are added to a scheduled upcoming election. In states that are covered by the Voting Rights Act, the Justice Department typically has to approve a charter election. In other cases, charter recommendations are a stand-alone issue, and the timing of the election can be determined by the local government. If the charter commission is able to weigh in on the timing of the election, it should consider the matter carefully in light of the political calendar, weather, holidays, and other local community dynamics in an attempt to time the election to encourage high voter turnout.

Regardless of the timing of the election, appropriate and sufficient time should be allowed between the completion of the commission's work and the election to allow for ample public comment and feedback. Voter approval of the charter recommendations will be the test of the vision, courage,

statesmanship, and public outreach exercised by the commission's members.

Conclusion

All charter reviews are different. Most commissions enjoy substantial discretion in what they can recommend to address the areas within their purview—from sweeping changes to no changes at all. For example, following an evaluation of the government and its charter, a commission may recommend leaving the current charter basically intact. Or a group may recommend a far-reaching change, such as changing the city's form of government. In the end, the best commission recommendations are those based on transparency, diversity, and widespread public involvement. Because a charter is the document that allows citizens to determine their own structure of government within state-prescribed legal limits, a charter is, in many ways, a manifestation of a particular community's values. Each charter is built on a specific set of political and administrative choices that are determined by the values held by local residents.

The final product of this process should be a charter built on widespread agreement on how the local government should function to best serve its residents. However, the charter process can result in even more. The call to action that the charter process requires can awaken a community's sensitivity to the importance and responsibility of civic involvement. If conducted successfully, the charter review process can result in a rebirth of widespread civic-mindedness—a quality that unfortunately is rarely seen in communities in a tangible way.

In the end, it is the community's values that build, alter, or reaffirm the foundation of its local government. In vibrant communities, citizens continually seek out new ways to improve how they govern themselves guided by the constitutional principles incorporated in their city charter. Ongoing refinement of the charter as a tool for effective governance is what the charter review process is all about.

Wendy L. Hassett is a clinical associate professor of public affairs at The University of Texas at Dallas. Before joining the faculty there, she worked as an assistant city manager and has over twelve years of experience in local government.



**Town of Surfside
Town Commission Meeting
May 15, 2013
7 p.m.**

DISCUSSION ITEM MEMORANDUM

Title: “Construction Worker Parking Program”

Objective: To provide: as conveniently located as possible, inexpensive, safe and secure, parking for construction workers. Require ‘developer’ to provide transportation to and from parking. To determine if parking lot(s) are available during the week, for either the Town or developer to rent. Possibly the St. Joseph’s Church, lots adjacent to the Town located on Miami Beach that are mostly unused during the week, and the last choice of somewhere in Haulover Park.

Consideration: It is the ‘job’ of the Town Commission to protect resident’s safety, health and well being – this agenda item pursues this goal. We have just learned that construction of the ‘hotel project’ on 92nd street will shortly commence. We know that the Surf Club will also start at sometime in the near future... and, other projects are inevitable.

Action: I am asking the Commission to give direction to the Town Manager and Town Attorney to prepare a plan to accomplish the above directive with the help and input of SPD. Determine cost of ‘off duty’ SPD officers to provide security, parking enforcement, etc. Determine, if to be paid for out of building department ‘permit fees, developer agreements in place, etc.?’

**Additional Info/Note: Importance: High
Contact Comm. Sally Hayman’s office for help if needed.**

Approximate Cost: Minimal/None to ascertain information stated above under “Action.”

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner



Town of Surfside Commission Communication

Agenda Item # 9C
Agenda Date: July 16, 2013
From: Sandra Novoa, CMC, Town Clerk
To: Mayor, Vice Mayor and Members of the Town Commission
Subject: Interim Town Attorney Evaluations

During the June 11, 2013, Regular Town Commission Meeting, the Commission directed the Town Clerk to collect all evaluations. The evaluations were to be provided to Commissioner Kligman who was appointed by majority vote to receive them and provide feedback to the Commission Members.

As of today, Wednesday, July 10, 2013, I have received evaluations from Mayor Dietch, Commissioner Graubart, Commissioner Kligman and Commissioner Olchyk (see attachments).

It is my understanding that Commissioner Kligman will present this item.

**TOWN OF SURFSIDE, FLORIDA
PERFORMANCE APPRAISAL EVALUATION**

POSITION: INTERIM TOWN ATTORNEY

Each major area of responsibility of the subject position is summarized below. Please consider each area thoughtfully, and rate performance over the past six months. Use the following scale:

- 1- Needs improvement
- 2- Fair
- 3- Satisfactory
- 4- Good
- 5- Excellent
- X- Unable to rate

LINDA MILLER

Indicate each rating by circling the rating on the scale. Explanations and examples supporting each rating should be noted under Specifics/Comments. It will greatly enhance the value and usefulness of the appraisal process if you will express what you like, what you want more of, and what you would like done differently with respect to the Interim Town Attorney's performance.

1. **Organizational Management:** leading and supervising Office of Town Attorney; planning; selecting qualified people; fostering morale and productivity; organizing people and work; achieving and measuring results.

Rating: 1 2 3 4 **5** X

Specifics/Comments: Ms. Miller leads and manages an organized and efficient Office of Town Attorney. Outside counsel is provided with clear direction and Ms. Miller holds them accountable for their services and performance. Ms. Miller effectively leverages her professional relationships to secure outside support when needed.

2. **Legal Counsel:** attending meetings and responding to telephone inquiries; researching and providing legal advice to Mayor, Commissioners, management staff, and appointed officials; rendering sound legal opinions regarding their powers and duties, and regarding specific issues.

Rating: 1 2 3 **4** 5 X

Specifics/Comments: Ms. Miller demonstrates her commitment to the Town by her diligent work ethic and her attendance and participation at meetings and other Town events. Her legal counsel is based on well researched case law that is clearly communicated in written correspondence. Ms. Miller's service as a legal advisor is a great benefit and a valuable resource to me as an elected official. One area for improvement that Ms. Miller has embraced and is improving is her acumen as the lead municipal attorney and knowledge of Mason's Rules of Order. Ms. Miller is frequently called upon to provide counsel on procedural matters during public meetings and her skills and confidence in this role has improved significantly during her tenure as Interim Town Attorney.

BY: MAYOR DIETCH

3. **Legal Documents:** drafting and reviewing agenda materials, ordinances, resolutions, conveyances, contracts, and other documents as directed by the Commissioners and management.

Rating: 1 2 3 4 (5) X

Specifics/Comments: Ms. Miller has consistently produced high quality legal work products as directed by the Commissioner and requested by the administration often on tight schedules.

4. **Legal Representation:** investigating claims and complaints; supervising and monitoring outside counsel hired by the Town; evaluating risk, liability and opportunities for settlement of claims and litigation.

Rating: 1 2 3 4 (5) X

Specifics/Comments: Ms. Miller has a proactive legal focus that anticipates potential issues before they become a crisis. Her handling of ADA compliance issues in concert with the Police Department to handling code compliance issues working with our Code Compliance Department. Ms. Miller is solutions oriented and charts a clear path towards successful resolution. Ms. Miller is consistently measured in her analysis, careful to consider multiple viewpoints before reaching a recommendation. As part of her representation, Ms. Miller effectively uses outside counsel for matters ranging from land use, labor relations, to litigation to deliver valuable services to the Town.

5. **Relationships with Town Commission:** forthrightly and fully communicating with Commissioners and Mayor; promptly responding to requests; maintaining objectivity; providing clear, concise materials, reports, and presentations to the Commission.

Rating: 1 2 (3) 4 5 X

Specifics/Comments: Ms. Miller maintains transparency in her interactions with me. I trust her as a person and feel that she has taken the time to understand me and my goals as an elected official. Ms. Miller has earned my respect and I trust her judgment. One area for improvement is her interaction with the electeds at Commission meetings. Often her responses to questions reflect an uneasiness that results in her not providing a clear answer. In these instances, her demeanor detracts from her credibility as a legal authority. Over the past few months Ms. Miller has accepted constructive feedback and has improved her demeanor. I am confident that with additional coaching and practice that Ms. Miller will overcome this singular shortcoming.

6. **Community Relations:** timely, credible contacts with the media; cooperating with nongovernmental citizens and business groups involved in improving the Town; responding to citizens' complaints and requests by telephone and in person.

Rating: 1 2 3 4 (5) X

Specifics/Comments: Ms. Miller maintains an open door policy with the community. Ms. Miller responds timely to inquiries whether in person, on the phone, or via e-mail. I have heard from many residents who are appreciative of her honesty and candor when discussing challenging issues.

7. **Intergovernmental Relations:** exercising leadership and cooperating with counterparts at Municipal, County, and State levels; keeping aware of litigation and plans of other jurisdictions that may affect the Town; proposing legislative bills and amendments.

Rating: 1 2 3 **4** 5 X

Specifics/Comments: Ms. Miller works very well with other units of government and keeps the Commission apprised of legal and legislative matters that may affect the Town.

8. **Intra-Governmental Relations:** legal work and assignments completed in a timely manner; accessible when needed to respond to requests for legal information/assistance; provides clear and accurate information to staff on issues requiring legal guidance.

Rating: 1 2 3 4 **5** X


Specifics/Comments: Ms. Miller consistently delivers high quality work products in a timely manner and is readily available to discuss a matter or even just an idea at all hours of the day, regardless of the day of the week. With the e-mail's that sometimes arrive early in the morning or in the middle of the night, I often wonder when Ms. Miller sleeps! I have been told by many on the Town staff that they are very appreciative of the manner in which Ms. Miller supports them and the accessibility to her office enables them to perform better at their job.

9. **Staff Support:** demonstrates good working relationships with department directors and staff; accurately identifies and addresses legal issues which provide direction and assistance to Town departments; maintains effective working relationships with Town's management team; and serves as an effective member of the management team.

Rating: 1 2 3 4 **5** X

Specifics/Comments: Ms. Miller has been supporting the Town staff for the last five years, so she has continued her relationships, just with more authority. The level of coordination between the Town Attorney and Town Manager as well as the department directors is operating at a highly functioning level. This was sorely lacking when Ms. Miller was initially engaged as Interim Town Attorney. I look forward to further enhancing the performance of the Town administration, with the Town Attorney service in a critically important role.

NAME: Daniel Dietch



SIGNATURE: _____

DATE: July 8, 2013

**TOWN OF SURFSIDE, FLORIDA
PERFORMANCE APPRAISAL EVALUATION**

POSITION: INTERIM TOWN ATTORNEY

Each major area of responsibility of the subject position is summarized below. Please consider each area thoughtfully, and rate performance over the past year. Use the following scale:

- 1- Needs improvement
- 2- Fair
- 3- Satisfactory
- 4- Good
- 5- Excellent
- X- Unable to rate

LINDA MILLER

Indicate each rating by circling the rating on the scale. Explanations and examples supporting each rating should be noted under Specifics/Comments. It will greatly enhance the value and usefulness of the appraisal process if you will express what you like, what you want more of, and what you would like done differently with respect to the Interim Town Attorney's performance.

1. **Organizational Management:** leading and supervising Office of Town Attorney; planning; selecting qualified people; fostering morale and productivity; organizing people and work; achieving and measuring results.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

2. **Legal Counsel:** attending meetings and responding to telephone inquiries; researching and providing legal advice to Mayor, Commissioners, management staff, and appointed officials; rendering sound legal opinions regarding their powers and duties, and regarding specific issues.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

BY: COMMISSIONER GRAUBART

3. **Legal Documents:** drafting and reviewing agenda materials, ordinances, resolutions, conveyances, contracts, and other documents as directed by the Commissioners and management.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

4. **Legal Representation:** investigating claims and complaints; supervising and monitoring outside counsel hired by the Town; evaluating risk, liability and opportunities for settlement of claims and litigation.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

5. **Relationships with Town Commission:** forthrightly and fully communicating with Commissioners and Mayor; promptly responding to requests; maintaining objectivity; providing clear, concise materials, reports, and presentations to the Commission.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

6. **Community Relations:** timely, credible contacts with the media; cooperating with nongovernmental citizens and business groups involved in improving the Town; responding to citizens' complaints and requests by telephone and in person.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

7. **Intergovernmental Relations:** exercising leadership and cooperating with counterparts at Municipal, County, and State levels; keeping aware of litigation and plans of other jurisdictions that may affect the Town; proposing legislative bills and amendments.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

8. **Intra-Governmental Relations:** legal work and assignments completed in a timely manner; accessible when needed to respond to requests for legal information/assistance; provides clear and accurate information to staff on issues requiring legal guidance.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

9. **Staff Support:** demonstrates good working relationships with department directors and staff; accurately identifies and addresses legal issues which provide direction and assistance to Town departments; maintains effective working relationships with Town's management team; and serves as an effective member of the management team.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

NAME: Joe Graubart

DATE: 7-5-13

**TOWN OF SURFSIDE, FLORIDA
PERFORMANCE APPRAISAL EVALUATION**

POSITION: INTERIM TOWN ATTORNEY

Each major area of responsibility of the subject position is summarized below. Please consider each area thoughtfully, and rate performance over the past year. Use the following scale:

- 1- Needs improvement
- 2- Fair
- 3- Satisfactory
- 4- Good
- 5- Excellent
- X- Unable to rate

LINDA MILLER

Indicate each rating by **circling** the rating on the scale. Explanations and examples supporting each rating should be noted under Specifics/Comments. It will greatly enhance the value and usefulness of the appraisal process if you will express what you like, what you want more of, and what you would like done differently with respect to the Interim Town Attorney's performance.

1. **Organizational Management:** leading and supervising Office of Town Attorney; planning; selecting qualified people; fostering morale and productivity; organizing people and work; achieving and measuring results.

Rating: 1 2 3 4 5 X

Specifics/Comments: Ms. Miller has demonstrated an ability to lead and manage her team effectively. She holds her staff accountable and has been able to implement changes in efficiency and cost effectiveness for the Office of the Town Attorney.

2. **Legal Counsel:** attending meetings and responding to telephone inquiries; researching and providing legal advice to Mayor, Commissioners, management staff, and appointed officials; rendering sound legal opinions regarding their powers and duties, and regarding specific issues.

Rating: 1 2 3 4 5 X

Specifics/Comments: Ms. Miller strength is her ability to research a legal issue with case law and historical data. However, there are times on the dais when her legal counsel is unclear. One are for improvement is her familiarity with municipal legal matters, as well as her acumen and performance on Planning & Zoning and Town Commission meetings.

BY: COMMISSIONER KLIGMAN

3. **Legal Documents:** drafting and reviewing agenda materials, ordinances, resolutions, conveyances, contracts, and other documents as directed by the Commissioners and management.

Rating: 1 2 3 4 5 X

Specifics/Comments: Ms. Miller has put in many hours drafting legislation in preparation for the Town Commission agendas.

4. **Legal Representation:** investigating claims and complaints; supervising and monitoring outside counsel hired by the Town; evaluating risk, liability and opportunities for settlement of claims and litigation.

Rating: 1 2 3 4 5 X

Specifics/Comments: Unable to assess

5. **Relationships with Town Commission:** forthrightly and fully communicating with Commissioners and Mayor; promptly responding to requests; maintaining objectivity; providing clear, concise materials, reports, and presentations to the Commission.

Rating: 1 2 3 4 5 X

Specifics/Comments: Ms. Miller and I have spoken regarding this issue at length. A key function of the Town Attorney is to remain objective and brief the Town Commission. A proactive approach to understand the goals and objectives of each Commissioner would be an area for improvement. In addition, there are times when her demeanor is distracting and verbal reports provided are not clearly articulated.

6. **Community Relations:** timely, credible contacts with the media; cooperating with nongovernmental citizens and business groups involved in improving the Town; responding to citizens' complaints and requests by telephone and in person.

Rating: 1 2 3 4 5 X

Specifics/Comments: Unable to assess

7. **Intergovernmental Relations:** exercising leadership and cooperating with counterparts at Municipal, County, and State levels; keeping aware of litigation and plans of other jurisdictions that may affect the Town; proposing legislative bills and amendments.

Rating: 1 2 3 4 5 X

Specifics/Comments: A proactive approach in briefing the Commission on legal matters that may affect the Town (i.e. red light camera, etc.) would be greatly beneficial.

8. **Intra-Governmental Relations:** legal work and assignments completed in a timely manner; accessible when needed to respond to requests for legal information/assistance; provides clear and accurate information to staff on issues requiring legal guidance.

Rating: 1 2 3 4 5 X

Specifics/Comments: Ms. Miller is always accessible and demonstrates a strong work ethic.

9. **Staff Support:** demonstrates good working relationships with department directors and staff; accurately identifies and addresses legal issues which provide direction and assistance to Town departments; maintains effective working relationships with Town's management team; and serves as an effective member of the management team.

Rating: 1 2 3 4 5 X

Specifics/Comments: This area is one of Ms. Miller's strengths. She is a team player and I have received feedback regarding her positive relationship and accessibility to staff. The coordination between the legal department and the Town Manager's Office has increased.

NAME: Michelle Kligman
Michelle Kligman

DATE: 7/9/13

**TOWN OF SURFSIDE, FLORIDA
PERFORMANCE APPRAISAL EVALUATION**

POSITION: INTERIM TOWN ATTORNEY

Each major area of responsibility of the subject position is summarized below. Please consider each area thoughtfully, and rate performance over the past year. Use the following scale:

- 1- Needs improvement
- 2- Fair
- 3- Satisfactory
- 4- Good
- 5- Excellent
- X- Unable to rate

LINDA MILLER

Indicate each rating by **circling** the rating on the scale. Explanations and examples supporting each rating should be noted under Specifics/Comments. It will greatly enhance the value and usefulness of the appraisal process if you will express what you like, what you want more of, and what you would like done differently with respect to the Interim Town Attorney's performance.

1. **Organizational Management:** leading and supervising Office of Town Attorney; planning; selecting qualified people; fostering morale and productivity; organizing people and work; achieving and measuring results.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

2. **Legal Counsel:** attending meetings and responding to telephone inquiries; researching and providing legal advice to Mayor, Commissioners, management staff, and appointed officials; rendering sound legal opinions regarding their powers and duties, and regarding specific issues.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

BY: COMMISSIONER OLCHYK

3. **Legal Documents:** drafting and reviewing agenda materials, ordinances, resolutions, conveyances, contracts, and other documents as directed by the Commissioners and management.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

4. **Legal Representation:** investigating claims and complaints; supervising and monitoring outside counsel hired by the Town; evaluating risk, liability and opportunities for settlement of claims and litigation.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

5. **Relationships with Town Commission:** forthrightly and fully communicating with Commissioners and Mayor; promptly responding to requests; maintaining objectivity; providing clear, concise materials, reports, and presentations to the Commission.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

6. **Community Relations:** timely, credible contacts with the media; cooperating with nongovernmental citizens and business groups involved in improving the Town; responding to citizens' complaints and requests by telephone and in person.

Rating: 1 2 3 4 5 X

Specifics/Comments: _____

7. **Intergovernmental Relations:** exercising leadership and cooperating with counterparts at Municipal, County, and State levels; keeping aware of litigation and plans of other jurisdictions that may affect the Town; proposing legislative bills and amendments.

Rating: 1 2 3 4 5 (X)

Specifics/Comments: _____

8. **Intra-Governmental Relations:** legal work and assignments completed in a timely manner; accessible when needed to respond to requests for legal information/assistance; provides clear and accurate information to staff on issues requiring legal guidance.

Rating: 1 2 3 (4) 5 X

Specifics/Comments: _____

9. **Staff Support:** demonstrates good working relationships with department directors and staff; accurately identifies and addresses legal issues which provide direction and assistance to Town departments; maintains effective working relationships with Town's management team; and serves as an effective member of the management team.

Rating: 1 2 3 (4) 5 X

Specifics/Comments: _____

NAME: Marla Olchys

DATE: 6/21/13



Town of Surfside Commission Communication

Agenda Item # 9D

Agenda Date: July 16, 2013

Subject: Status of Code Compliance Efforts at 1268 and 1292 Biscaya Drive

Background:

Pursuant to the discussion at the June 11, 2013 Town Commission meeting, this report details code related issues pertaining to 1268 Biscaya Drive and 1292 Biscaya Drive. The Code Compliance Division has responded to a vast number of complaints received from the property owner at 1276 Biscaya Drive associated with issues at two neighboring properties. One property is located at 1292 Biscaya Drive (directly adjacent to the west of the complainant's property) and the other at 1268 Biscaya Drive (directly adjacent to the east of the complainant's property). To date, Town records reflect that there have been in excess of 60 e-mail communications and at least 26 telephone voice mail messages received by the Code Compliance Division. Additionally, there have been numerous telephone conversations and meetings with the complainant both at her home and at Town Hall, as well as the issues being brought up at multiple Town Commission meetings and other board and committee meetings. The Police Department has also responded to a number of complaints.

As to 1268 Biscaya Drive, complaints have been received with regard to the following:

- Noise emanating from cockatoos
- Noise emanating from wind chimes
- Noise emanating from boats
- Noise emanating from flagpole and ropes
- Fuel and fumes from boats
- Too many boats docked or moored on the property
- Light from dock reflecting on property
- Semi-circular wrought-iron security grate installed at the seawall
- Removal of landscaping in the front yard
- Planting of landscaping without permits
- Relocation of oak tree from front to side yard set-back
- Proximity of replanted oak tree to the complainant's property

- Commercial filming or videography in single family residential district
- Commercial photography without permits
- Disposal of yard clippings and tree trimmings on curb

In response to the complaints received at 1268 Biscaya Drive, the Town has:

- Met with the property owner and advised of the complainant's concerns, and walked the entire property.
- Issued a Courtesy Notice as to the yard clippings and tree trimming
- Issued a Courtesy Notice as to the boats that are not owned by the property owners or their guests.
- Issued a Courtesy Notice as to the plumbing and electrical installations associated with the re-landscaping of the front yard, and requiring that permits be obtained.
- Issued a Civil Citation, including \$100 per day civil penalties, as to the docked or moored boats that are not owned by the property owners or their guests.
- Issued a Civil Citation, including a \$250 civil penalty for failure to obtain a Film and Print permit for a commercial photo event, and required that an "after-the-fact" permit be obtained. An application has been received and approved for an "After-the-fact" permit, which requires payment of a "double-fee" for the permit and the \$250 penalty prior to issuance.
- Issued a Civil Citation, including a \$250 civil penalty for conducting commercial filming or videography in a single family residential district (which is prohibited by Town Code).
- As to the noise from the cockatoos, the boats, the flagpole and the wind chimes, on all occasions that Code Compliance staff has responded, it has yet to witness noise from any source that would rise to the level of a violation.
- As to the landscaping and tree relocation, there is no permit required by Town Code and Miami-Dade County PERA (DERM) has been informed and requested to take action. To date, they have deemed it is currently not in a violative condition. The Town will continue to assist PERA, as they may request, in any future action they may pursue. The Administration is also reviewing landscape permitting requirements and will offer recommendations at the next code compliance workshop.
- As to the location of the re-planted oak tree, currently it is not encroaching on the complainant's property thus not in violation of Town Code encroachment provisions.
- The Code Compliance Director has met with the property owner and discussed the complainant's concerns and recommended solutions, including establishment of an open dialogue with the complainant in an attempt to bring an amicable resolution to the situation, and will continue its attempts to facilitate the dialogue.
- Code Compliance will continue to monitor and pursue all issues and take additional actions as needed.

The Town Manager will be providing the Mayor and Commission a separate report on his discussions with the complainant and the property owner of 1268 Biscaya Drive.

As to 1292 Biscaya Drive, complaints have been received with regard to the following:


- Stagnant water in swimming pool and water features surrounding property
- Mosquitoes breeding in stagnant water in pool and water features

- Tadpoles breeding in water features
- Overgrowth of grass and weeds on the property

In response to the complaints received at 1292 Biscaya Drive, the Town has:

- Issued Courtesy Notices as to the overgrowth of grass
- Issued Courtesy Notices as to the stagnant water and breeding mosquitoes in the pool and water features
- Issued Civil Citations, including \$100 per day civil penalties, as to the stagnant water and breeding mosquitoes in the pool and water features
- Proceeded to a hearing before a Special Magistrate on two occasions, resulting in Orders of default, imposition of Liens, and providing for abatement by the Town on the pool and water features
- After appropriate notification to property owner, Town contractors filled the majority of the stagnant water features with sand to control mosquito larvae and reproduction at a cost to the Town of \$3,851.
- After appropriate notification to property owner, Town staff has applied surface film/oil treatment to pool and water features, as needed to control mosquito larvae and reproduction at a cost of \$12 for surface film and approximately two hours of staff time.
- Town staff continues to monitor the property and take the necessary action as time permits
- Town staff continues its attempts to communicate directly with the property owner to no avail.

The property owner has a new caretaker on the property which has taken action to clean the swimming pool, and currently is chlorinating the water features regularly to control the mosquitoes.



Department Head



Town Manager



**Town of Surfside
Town Commission Meeting
July 16, 2013
7 p.m.**

Town Commission Communication - MEMORANDUM

I'd like to thank our new Town Manager, Michael Crotty and Finance Director Donald Nelson for having averted a real financial fiasco by presenting a comprehensive and independently prepared HPF Associates, Inc. "cost estimate" previously unknown to the Town of Surfside Commission. Under the previous Town Manager we were told the decision to convert the Town of Surfside's overhead utilities to underground was a "NO BRAINER" - in spite of that; last month's June Commission meeting *Staff Recommendation* stated: "It is recommended that the Town Commission take no action on the proposed resolution as the cost of undergrounding exceeds the Town's current financial ability to fund a project of this scope and cost." Here's basically why: AT&T, Broadband Cable and "other cost" exploded from three million dollars to \$8,586,829 an almost three fold increase in cost. The Total Loan Amount for this project is \$16,395,710 with an annual principal and interest debt service of \$1,180,000 over a TWENTY YEAR period. Three project cost estimates furnished the Commission previously range from a low of \$7,466,523 in February 2013 to a high of \$8,579,226 January; with one going back to September 2012 for \$8,200,304. (www.townofsurfsidefl.gov June Commission packet – Tab 5B) Simply stated, the project has come close to doubling in cost before the first shovel has even hit the ground.

Had the Town Commission been provided the HPF Associates, Inc. "Cost Estimate," which accurately estimated costs for both Golden Beach and two of Miami Beach's upscale islands; I believe the stress, strain and divisiveness this 'debate' created for Residents, Commissioners, and Staff could have been avoided.

Fortunately, after reviewing the "cost estimate" the Commission agreed with the staff's recommendation on this "No Brainer" project and voted to "take no action" at this time.

Respectfully, Joe Graubart, Commissioner

Title: Resilient Communities for America Agreement

Submitted By: Daniel Dietch, Mayor

Objective: That each member of the Surfside Town Commission considers signing the enclosed Resilient Communities for America Agreement.

Consideration: Resilient Communities for America is a national campaign that champions the leadership of local elected officials who are building more resilient communities. The centerpiece of the campaign is the Resilient Communities for America Agreement, a document that local elected officials can sign to formalize their commitment and showcase their leadership. Specifically, the Resilient Communities for America Agreement expresses an intention to raise awareness within our communities and to develop and implement strategies to address extreme weather, energy, and economic challenges facing our community, region and country. The campaign provides critical resources to inspire greater local leadership on mitigation, adaptation, and resilience strategies and raise community awareness of the challenges that we face. Please visit <http://www.resilientamerica.org/> to learn more about Resilient Communities for America and the Resilient Communities for America Agreement.

Resilient Communities for America Agreement

We, the mayors and local leaders of America, will lead the creation of more resilient cities, towns, and counties, built to overcome our nation's **EXTREME WEATHER, ENERGY, and ECONOMIC** challenges.



A CALL TO ACTION

Communities across the country are on the front lines of three related challenges: record-breaking extreme weather fueled by climate change, unreliable and costly energy, and ongoing economic uncertainty. As the pace of change quickens, city and county governments must work to make communities more “resilient”: able to bounce back from disruptions in a sustainable way and maintain a good quality of life for all. As local elected officials:

1. We urge state and federal leaders to support our local resilience initiatives and to take meaningful steps to build resilience and security throughout the nation.
2. We commit to building community resilience through our own local actions, such as the paths to resilience described below.
3. We commit to sharing our solutions, success stories, and annual progress with other local governments through the Resilient Communities for America online platform.

PATHS TO RESILIENCE

CLIMATE PREPAREDNESS

- Evaluating local vulnerabilities to extreme weather and a changing climate, from heat waves and air pollution to droughts and floods.
- Adopting and implementing preparedness policies that protect vulnerable populations and natural resources from extreme weather and other climate impacts.
- Reducing the community’s carbon footprint to help reverse climate change and avoid the costs of adapting to more severe climate impacts.

ENERGY SECURITY

- Transitioning to a renewable energy future to achieve greater energy independence, protect communities from price spikes, and ensure more reliable power during heat waves and other disruptions.
- Implementing energy efficiency programs that help residents, businesses, and municipal government save money and energy, lower carbon emissions, and reduce demand on the grid during severe weather events.

INFRASTRUCTURE RENEWAL

- Investing in upgrades to community facilities to safely serve the needs of changing communities decades into the future.
- Creating new models to finance improvements and manage risks to community assets through engagement with the private sector.
- Harnessing innovations in information technology and green infrastructure to optimize performance and reduce costs through more efficient operation.

ECONOMIC PROSPERITY

- Retaining and attracting investment by safeguarding businesses from extreme weather and ensuring reliable access to energy, water, and other key resources.
- Supporting the private sector in creating more diversified local economies that are more resilient to economic downturn, through job creation in sectors such as clean energy, advanced manufacturing, and local agriculture.

Resilient Communities for America Agreement

For Local Elected Official Signatories:

As a local elected official, I support the Resilient Communities for America Agreement.

Date: July 2, 2013

Elected Official Name & Title: Daniel Dietch, Mayor

Signature: _____

Jurisdiction: Town of Surfside

Address: 9293 Harding Avenue

City: Surfside

State: FL

ZIP: 33154

Elected Official's E-mail: ddietch@townofsurfsidefl.gov

Staff Contact Name & Title: _____

Staff Phone: _____

Staff E-mail: _____

As an advocate for strong communities, I will assist the campaign in recruiting another five local elected officials as signatories. Please contact me at the e-mail address above.

For Other Government & Civic Leader Endorsers:

(Current and former governors, Congressional leaders, former local elected officials, federal agency leaders, military leaders, etc.)

As a civic leader, I endorse the Resilient Communities for America Agreement.

Date: _____

Name & Title: _____

Signature: _____

Organization: _____

Phone: _____

E-mail: _____

Please return completed form at your earliest convenience to:
ICLEI USA
Attn: Resilient Communities for America Agreement
414 13th St., Suite 400
Oakland, CA 94612

By Fax: (510) 844-0698
By E-mail: iclei-usa@iclei.org

Or visit www.resilientamerica.org



www.resilientamerica.org