



**Town of Surfside
Regular Town Commission Meeting
AGENDA**

SUPPLEMENTAL No. 1

October 10, 2017

7 p.m.

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** 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.*

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

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 that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*

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

A. Minutes – Sandra Novoa, MMC, Town Clerk

- **September 18, 2017 First Budget Hearing Minutes**
- **September 18, 2017 Special Town Commission Meeting**
- **September 26, 2017 Final Budget Hearing Minutes**
- **September 26, 2017 Special Town Commission Meeting Minutes – Undergrounding**

***B. Town Manager’s Report** – Guillermo Olmedillo, Town Manager

1. See Click Fix
2. Post Hurricane Workshop
3. Interlocal Shuttle Update
4. Development Application Status
5. Code Compliance
6. Finance
7. Information Technology
8. Police Department

***C. Town Attorney’s Report** – Weiss Serota, Town Attorney

D. Committee Reports – Guillermo Olmedillo, Town Manager

- July 10, 2017 Tourist Board Meeting Minutes
- August 31, 2017 Planning and Zoning and Design Review Board Meeting Minutes

E. Expenditure of Forfeiture Funds for Fiscal Year 2017-2018 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2017/2018 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$78,192 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

F. Texting While Driving Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION MAKING TEXTING WHILE DRIVING A PRIMARY OFFENSE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

G. Confirmation of Termination of a State of Emergency – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONFIRMING THE TERMINATION OF THE STATE OF EMERGENCY DECLARED FOR THE TOWN OF SURFSIDE, FLORIDA RELATED TO HURRICANE IRMA; AND PROVIDING FOR AN EFFECTIVE DATE

4. Ordinances

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

- 1. Pension Ordinance adopting Chapter 185 minimum benefits for police officers along with other changes to the ordinance – Guillermo Olmedillo, Town Manager**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE TOWN CODE TO CLARIFY THE DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; AMENDING SECTION 2-175(d) OF THE TOWN CODE TO PROVIDE FOR ONE ACTUARIAL BUYBACK CALCULATION TO DETERMINE THE COST OF MILITARY OR PRIOR LAW ENFORCEMENT SERVICE; AMENDING SECTION 2-176(b) OF THE TOWN CODE TO PROVIDE FOR EARLY RETIREMENT FOR POLICE MEMBERS AT AGE 50 WITH TEN YEARS OF SERVICE; AMENDING SECTION 2-176(c)(2) OF THE TOWN CODE TO PROVIDE FOR A TEN YEAR CERTAIN AND LIFE BENEFIT AS THE NORMAL FORM OF BENEFIT FOR POLICE MEMBERS; AMENDING SECTION 2-177(c) OF THE TOWN CODE TO PROVIDE FOR OPTIONAL FORMS OF BENEFITS FOR POLICE MEMBERS; AMENDING SECTION 2-178(a) OF THE TOWN CODE TO PROVIDE FOR MINIMUM DEATH BENEFITS FOR POLICE MEMBERS; AMENDING SECTION 2-189(e)(2)a. AND (e)(4) OF THE TOWN CODE TO PROVIDE FOR MINIMUM DISABILITY BENEFITS FOR POLICE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

2. **Crossover of the Dune** – Sarah Sinatra, Town Planner *[To be deferred to November 14, 2017 at 7:00 pm or as soon thereafter]*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, SECTION 90-37 “SPECIAL EXCEPTIONS,” TO PROVIDE A SPECIAL EXCEPTION APPROVAL PROCESS AND RELATED CRITERIA FOR DUNE CROSSOVERS; AND BY AMENDING SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” TO PERMIT DUNE CROSSOVERS ONLY IF APPROVED BY SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Amending Article VI. – “Rules of Procedure for Town Meetings”** - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Water, Sewer and Stormwater Rates and Service Charges** – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 78 “UTILITIES” OF THE TOWN CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

B. First Reading Ordinances

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

- A. Water, Sewer and Stormwater Rates and Service Charges – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING WATER AND SEWER RATES AND SERVICE CHARGES EFFECTIVE OCTOBER 1, 2017; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Water, Sewer and Stormwater Rates and Service Charges – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING STORMWATER UTILITY RATES EFFECTIVE OCTOBER 1, 2017; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Request to Release Covenant Restricting Property Use for property generally located at 9380, 9372, 9364, 9348, 9340, 9332, 9316 and 9300 Collins Avenue – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE RELEASE OF A COVENANT BURDENING PROPERTY GENERALLY LOCATED AT 9380, 9372, 9364, 9348, 9340, 9332, 9316 AND 9300 COLLINS AVENUE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

- D. Public Information Representative (Independent Contractor) – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING A PROPOSAL AND AGREEMENT WITH PINZUR COMMUNICATIONS, INC TO PROVIDE PUBLIC INFORMATION REPRESENTATIVE SERVICES; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION; 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 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. Discussion Regarding Regulation of Medical Marijuana Dispensaries –

Guillermo Olmedillo, Town Manager

B. Freeboard Modification– Sarah Sinatra Gould, Town Planner

C. Charter Amendment to Address Additional Freeboard – Sarah Sinatra Gould, Town Planner

D. Artificial Grass – Guillermo Olmedillo, Town Manager

E. Board and Committees Vacancies [Verbal] – Sandra Novoa, MMC, Town Clerk

- *Design Review Board – At Large Appointment*
- *Sustainability Subcommittee – Vice Mayor Cohen*
- *Planning and Zoning Board – Commissioner Gielchinsky*
- *Tourist Board – Commissioner Gielchinsky*
- *Personnel Appeals Board – Commissioner Karukin*

F. Report on Special Commission Meeting- Presentation from Dr. Kury on Undergrounding Powerlines [Verbal] – Guillermo Olmedillo, Town Manager

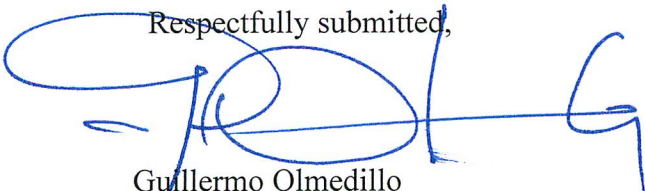
G. Update on property located at 200 96th Street [Verbal] – Guillermo Olmedillo, Town Manager

H. Florida Public Service Commission Urging Resolution – Mayor Daniel Dietch

I. Update on Shul Undergrounding [Verbal] – Guillermo Olmedillo, Town Manager

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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
October 10, 2017
7:00 pm**

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

Agenda #: 1H
Date: October 10, 2017
From: Daniel Dietch, Mayor
Subject: Florida Public Service Commission Urging Resolution

Objective: To seek direction from the Town Commission whether it desires to adopt the attached urging resolution to the Florida Public Service Commission (FPSC) to require Florida Power & Light Company (FPL) to improve safety, reliability and service associated with electric facilities in the Town of Surfside, including hurricane and/or storm preparedness and restoration efforts.

Consideration: Many Surfside residents have expressed their frustration over the reliability and service provided by FPL. Certain reliability and service issues, unrelated to storms and/or hurricanes, have been raised with FPL repeatedly and concerns have intensified in the aftermath of Hurricane Irma. Historically, the Town has advocated on behalf of its residents and other stakeholders by expressing its concerns directly to FPL. Despite these efforts, concerns remain related to reliability and service. Accordingly, it seems prudent to now focus our attention to the FPSC, the agency that regulates electric utilities in Florida, and urge them to take action with FPL and require improvements related to the safety, reliability and service provided, including hurricane and/or storm preparedness and restorations efforts. The Resolution would further authorize the Town Manager and Town Attorney to file complaint(s) with the FPSC and intervene in and/or support any proceedings before the FPSC related to service improvement and hurricane preparedness and restoration betterments.

The FPSC's stated role is "making sure that Florida's consumers receive some of their most essential services — electric, natural gas, telephone, water, and wastewater — in a safe, reasonable, and reliable manner." Their authority extends to regulatory authority over monitoring safety, reliability, and service provided by FPL.

The attached Resolution urges the FPSC to require FPL to improve safety, reliability and service to the residents and businesses of the Town of Surfside, including necessary measures to address hurricane and/or storm preparedness. Such measures may include addressing and improving areas such as weather hardening, line clearing, additional financial support related to undergrounding of utilities and improved data sharing with municipalities, and enhancing service standards with associated penalties for non-compliance.

Recommendation: Adopt the attached Resolution urging the FPSC to require FPL to improve safety, reliability and service within the Town of Surfside, including hurricane and/or storm preparedness and restoration efforts, and authoring the Town Manager and Town Attorney to take all action necessary to implement the purposes of the Resolution.

RESOLUTION NO. 17-__

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA PUBLIC SERVICE COMMISSION TO REQUIRE FLORIDA POWER & LIGHT TO IMPROVE SAFETY, RELIABILITY AND SERVICE OF ITS ELECTRIC FACILITIES WITHIN THE TOWN OF SURFSIDE, INCLUDING HURRICANE PREPAREDNESS AND RESTORATION EFFORTS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on Monday, September 4, 2017, Hurricane Irma was declared a major hurricane with maximum sustained winds of 120 mph; and

WHEREAS, Hurricane Irma posed a severe threat to the entire State of Florida and required timely precautions to be taken to protect communities, critical infrastructure, and general welfare; and

WHEREAS, on September 9, 2017, Hurricane Irma made landfall in the State of Florida as a major hurricane, causing substantial damage to power lines and resulting in widespread power outages and interruptions; and

WHEREAS, the Town of Surfside (the “Town”) was experiencing reliability and service-related issues in connection with its electric service by Florida Power and Light Company (“FPL”), which issues were intensified in the aftermath of Hurricane Irma; and

WHEREAS, the Town Commission finds that urging the Florida Public Service Commission (the “PSC”) to require FPL to improve safety, reliability and service, including hurricane and/or storm preparedness and restoration efforts, is in the best interest of the Town and public safety.

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

Section 1. **Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. **Urging the PSC.** The PSC is hereby urged to require FPL to improve safety, reliability and service, including hurricane and/or storm preparedness and restoration efforts. The Town Commission hereby expresses its support of the PSC's review of electric utility hurricane preparedness and restoration actions.

Section 3. **Authorization.** The Town Manager and the Town Attorney are hereby authorized to take any and all actions necessary to implement this Resolution, including but not limited to, filing complaint(s) with the PSC and/or intervening in or supporting any proceedings before the PSC related to service improvements and hurricane preparedness and restoration.

Section 4. **Transmittal.** The Town Clerk is hereby directed to transmit this Resolution to Florida Governor Rick Scott and the PSC and staff as deemed appropriate by the Town Manager to ensure that the Town's position is clearly received and understood.

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

PASSED AND ADOPTED this 10th day of October, 2017.

Motion by _____

Second by _____

DANIEL DIETCH, MAYOR

ATTEST:

Sandra Novoa, MMC, Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice-Mayor Barry Cohen _____
Mayor Daniel Dietch _____