



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

SUPPLEMENTAL NO. 1

December 11, 2018

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 community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of 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
- G. Public Pension Standards Award for Funding and Administration 2018** – Mayor Daniel Dietch – Page 1
- H. Town Lobbyist Fausto Gomez Legislative Priorities** – Guillermo Olmedillo, Town Manager [*Linked to Item 9B*]
- I. Alfred B. Cooper Garage Proclamation Presentation** – Mayor Daniel Dietch – Page 2
- J. Hector I. Perez Café Proclamation Presentation** – Mayor Daniel Dietch – Page 3

2. Quasi-Judicial Hearings

- 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.*

A. Minutes – Sandra Novoa, MMC, Town Clerk – Page 4 - 30

- November 13, 2018 Town Commission Workshop Minutes
- November 13, 2018 Regular Town Commission Meeting Minutes

***B. Town Manager's Report** – Guillermo Olmedillo, Town Manager – Page 31 - 69

Amendment to Attachment "C"

***C. Town Attorney's Report** – Weiss Serota, Town Attorney – Page 70 - 73

D. Committee Reports – Guillermo Olmedillo, Town Manager – Page 74 - 78

- October 15, 2018 Parks and Recreation Committee Meeting Minutes
- October 25, 2018 Planning and Zoning Board Meeting Minutes

E. Resolution Authorizing Mutual Aid Agreement between the City of Sweetwater Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager – Page 79 - 91

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND SWEETWATER FLORIDA FOR POLICE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

F. Approval to Procure Police Mobile Laptop Computers - Guillermo Olmedillo, Town Manager – Page 92 - 113

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE LEASING OF LAPTOPS AND SOFTWARE FOR THE POLICE DEPARTMENT AND EXPENDITURE OF FUNDS NOT TO EXCEED \$139,527.00; FINDING THAT THE PURCHASE IS EXEMPT FROM PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Parks and Recreation Department Replacement Hybrid Vehicle - Guillermo Olmedillo, Town Manager – Page 114 - 119

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE PURCHASE OF A 2019 TOYOTA RAV 4 HYBRID FOR THE PARKS AND RECREATION DEPARTMENT AND EXPENDITURE OF FUNDS NOT TO EXCEED \$25,983.00 FROM THE FISCAL YEAR 2018/2019 BUDGET; FINDING THAT THE PURCHASE IS EXEMPT FROM PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- H. Resolution Authorizing the Voluntary Cooperation Mutual Aid Agreement between the South Florida Financial Crimes Strike Force and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager – Page 120 - 159**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE SOUTH FLORIDA FINANCIAL CRIMES STRIKE FORCE VOLUNTARY COOPERATION MUTUAL AID AGREEMENT FOR THE TERM COMMENCING SEPTEMBER 1, 2018 THROUGH SEPTEMBER 2021; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- I. After-the-Fact Approval of Alfred B. Cooper Garage and Hector I. Perez Café Proclamations – Guillermo Olmedillo, Town Manager – Page 160 – 163**

- J. Temporary Easement for 2019 Beach Renourishment Project – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A TEMPORARY EASEMENT AGREEMENT WITH MIAMI-DADE COUNTY FOR EQUIPMENT STAGING IN CONNECTION WITH BEACH RENOURISHMENT, EROSION CONTROL AND HURRICANE PROTECTION PROJECT; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

- 1. Aggregated Single-Family Lots - Guillermo Olmedillo, Town Manager – Page 164 - 182**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-45 “SETBACKS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Lobbyist Registration Exemption for Representatives of Single-Family Property Owners – Guillermo Olmedillo, Town Manager – Page 183 - 186

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 2-235 – “LOBBYING” TO PROVIDE EXEMPTION FROM THE LOBBYIST REGISTRATION REQUIREMENTS FOR REPRESENTATIVES OF SINGLE-FAMILY PROPERTY OWNERS IN CERTAIN SITUATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Corner Lot Fences - Guillermo Olmedillo, Town Manager – Page 187 - 192

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-56.5 “MODIFICATION OF SECONDARY FRONTAGE FENCE AND ORNAMENTAL WALL REGULATIONS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS FENCE AND SHRUB REQUIREMENTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinance Amending Section 34-11, ‘Prohibition on Distribution, Sale or Use of Plastic Straws,’ to Clarify the Definition of Plastic Straw and Provide for Reasonable Accommodations - Guillermo Olmedillo, Town Manager – Page 193 - 198

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 34-11, “PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS” OF THE TOWN’S CODE OF ORDINANCES TO CLARIFY THE DEFINITION OF PLASTIC STRAW AND PROVIDE FOR REASONABLE ACCOMMODATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Reasonable Accommodation Procedure - Guillermo Olmedillo, Town Manager – Page 199 - 206

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA CREATING SECTION 90-100 “REASONABLE ACCOMMODATION PROCEDURES” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS UNDER THE FAIR HOUSING ACT AND AMERICANS WITH DISABILITIES ACT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Beach Furniture Ordinance - Guillermo Olmedillo, Town Manager *[ITEM HAS BEEN DEFERRED TO JANUARY 22, 2019 AT 7:00PM OR AS SOON THEREAFTER]*

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II. – “PUBLIC BEACHES” OF CHAPTER 86 “WATERWAYS” OF THE TOWN OF SURFSIDE CODE PERTAINING TO BEACH FURNITURE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; 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. Airbnb Resolution – Vice Mayor Daniel Gielchinsky – Page 207 - 217

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA CONDEMNING ANTI-SEMITISM ACTS BY AIRBNB AND DEMANDING COMPLIANCE WITH NON-DISCRIMINATION REQUIREMENTS; 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

A. Street Lighting in Residential District – Vice Mayor Daniel Gielchinsky – Page 218

9. Mayor, Commission and Staff Communications

A. Board/Committee Appointments – Sandra Novoa, MMC, Town Clerk
- Sustainability Committee – Mayor Daniel Dietch

B. Legislative Priorities – Guillermo Olmedillo, Town Manager [*Linked to Item 1H*] - Page 219 - 221

C. Downtown Vision Advisory Committee – Guillermo Olmedillo, Town Manager – Page 222 - 223

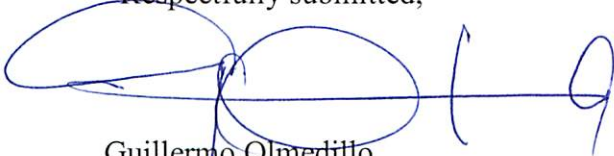
D. Code of Ethics Ordinance Enhancements and Amendments – Mayor Daniel Dietch – Page 224 - 230

E. Abbott Avenue Drainage Improvements – Guillermo Olmedillo, Town Manager – Page 231 - 235

F. Byron Avenue Traffic Congestion – Guillermo Olmedillo, Town Manager – Page 236

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.

**PLEASE
EXCHANGE PAGES
NUMBER 67, 68
AND 69 WITH THE
FOLLOWING
PAGES**

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2018/2019
As of October 31, 2018
8.3% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: December 11, 2018

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
GENERAL FUND - 001			
REVENUE	\$ 70,418	\$16,622,251	0%
EXPENDITURES	1,434,498	\$16,622,251	9%
Net Change in Fund Balance	(1,364,081)		
Fund Balance-September 30, 2018 (Unaudited)	10,628,234		
Fund Balance-October 31, 2018 (Reserves)	\$ 9,264,153		
TOURIST RESORT FUND - 102			
REVENUE	\$ 158,134	\$2,940,500	5%
EXPENDITURES	213,816	\$2,940,500	7%
Net Change in Fund Balance	(55,683)		
Fund Balance-September 30, 2018 (Unaudited)	305,877		
Fund Balance-October 31, 2018 (Reserves)	\$ 250,194		
POLICE FORFEITURE FUND - 105			
REVENUE	\$ -	\$113,800	0%
EXPENDITURES	1,123	\$113,800	1%
Net Change in Fund Balance	\$ (1,123)		
Fund Balance-September 30, 2018 (Unaudited)	159,527		
Fund Balance-October 31, 2018 (Reserves)	\$ 158,404		
TRANSPORTATION SURTAX FUND - 107			
REVENUE	\$ -	\$231,262	0%
EXPENDITURES	16,371	\$231,262	7%
Net Change in Fund Balance	(16,371)		
Fund Balance-September 30, 2018 (Unaudited)	247,445		
Fund Balance-October 31, 2018 (Reserves)	\$ 231,074		
BUILDING FUND - 150			
REVENUE	\$ 86,271	\$1,427,535	6%
EXPENDITURES	96,685	\$1,427,535	7%
Net Change in Fund Balance	(10,414)		
Fund Balance-September 30, 2018 (Unaudited)	2,825,208		
Fund Balance-October 31, 2018 (Reserves)	\$ 2,814,794		
CAPITAL PROJECTS FUND - 301			
REVENUE	\$ -	\$1,470,000	0%
EXPENDITURES	9,271	\$1,470,000	1%
Net Change in Fund Balance	(9,271)		
Fund Balance-September 30, 2018 (Unaudited)	2,158,902		
Fund Balance-October 31, 2018 (Reserves)	\$ 2,149,631		

NOTES:

* Many revenues for September 2018 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 \$7,264,153 is unassigned fund balance (reserves).

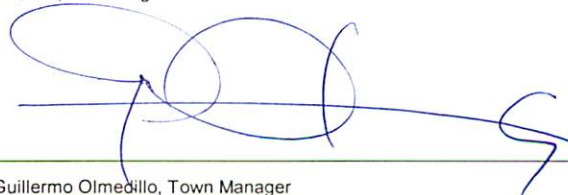
ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
WATER & SEWER FUND - 401			
REVENUE	\$ 379,158	\$3,807,941	10%
EXPENDITURES	161,590	\$3,807,941	4%
Change in Net Position	217,568		
Unrestricted Net Position-September 30, 2018 (Unaudited)	(1,705,883)		
Unrestricted Net Position-October 31, 2018 (Reserves)	\$ (1,488,315) B		
MUNICIPAL PARKING FUND - 402			
REVENUE	\$ 12,646	\$1,219,000	1%
EXPENDITURES	90,927	\$1,219,000	7%
Change in Net Position	(78,281)		
Unrestricted Net Position-September 30, 2018 (Unaudited)	1,024,087		
Unrestricted Net Position-October 31, 2018 (Reserves)	\$ 945,806		
SOLID WASTE FUND - 403			
REVENUE	\$ 129,029	\$1,910,182	7%
EXPENDITURES	143,359	\$1,910,182	8%
Change in Net Position	(14,330)		
Unrestricted Net Position-September 30, 2018 (Unaudited)	641,977		
Unrestricted Net Position-October 31, 2018 (Reserves)	\$ 627,647		
STORMWATER FUND - 404			
REVENUE	\$ 105,570	\$753,064	14%
EXPENDITURES	25,363	\$753,064	3%
Change in Net Position	80,207		
Unrestricted Net Position-September 30, 2018 (Unaudited)	3,487,252		
Unrestricted Net Position-October 31, 2018 (Reserves)	\$ 3,567,459		
FLEET MANAGEMENT FUND - 501			
REVENUE	\$ -	\$1,237,057	0%
EXPENDITURES	39,578	\$1,237,057	3%
Change in Net Position	(39,578)		
Unrestricted Net Position-September 30, 2018 (Unaudited)	0		
Unrestricted Net Position-October 31, 2018 (Reserves)	\$ (39,578)		

NOTES:(con't)

- B. The Unrestricted Net Position of (\$1,488,315) reflects an improvement over the September 30, 2017, Unrestricted Net Position deficit of (\$3,048,579). The FY2018 estimated net improvement to Unrestricted Net Position was \$1,560,264. The October improvement was \$217,568. The average net monthly improvement is expected to be about \$110,000 during FY2019.



Christopher Wallace, Interim Finance Director



Guillermo Olmedillo, Town Manager

Town of Surfside
Net Funds Historical Balances
Period 2015 - October 2018

FUND	9/30/2015	9/30/2016	9/30/2017	9/30/2018	of October 31, 2018	CAGR ^(a)
General	\$ 5,905,726	\$ 7,368,408	\$ 8,460,802	\$ 10,628,234	\$ 9,264,153	11.9%
Tourist Resort	339,396	363,407	469,880	305,877	250,194	-7.3%
Police Forfeiture	113,431	141,755	164,933	159,527	158,404	8.7%
Transportation Surtax	440,662	354,264	388,363	247,445	231,074	-14.9%
Building	-	-	1,742,910	2,825,208	2,814,794	27.1%
Capital Projects	182,903	1,154,352	576,122	2,158,902	2,149,631	85.2%
Water & Sewer	(2,705,871)	(2,827,890)	(3,048,579)	(1,705,883)	(1,488,315)	-13.9%
Municipal Parking	1,089,165	1,111,941	811,013	1,024,087	945,806	-3.5%
Solid Waste	340,391	245,941	429,743	641,977	627,647	16.5%
Stormwater	4,051,768	3,392,370	3,264,379	3,487,252	3,567,459	-3.1%
Fleet Management	-	-	-	-	(39,578)	N/A
Total	\$ 9,757,571	\$ 11,304,548	\$ 13,259,566	\$ 19,772,626	\$ 18,481,271	17.3%

(a) - CAGR stands for Compound Average Growth Rate, and is a useful measure of growth over multiple time periods. It represents the growth rate of a Fund Balance from the initial time value to the ending balance if you assume that the fund has been compounding over a time period.

**PLEASE
INSERT AFTER
TAB 31**



MEMORANDUM

ITEM NO. 3J

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Guillermo Olmedillo, Town Manager

Date: December 11, 2018

Subject: Temporary Easement for 2019 Beach Renourishment Project

The Town of Surfside ("Town"), Miami-Dade County and the U.S. Army Corps of Engineers are continuing to coordinate the Federally funded beach renourishment project tentatively earmarked for Spring 2019.

As one of the many requirements to facilitate the project, the Army Corps of Engineers and Miami-Dade County require use of certain property owned and/or located in the Town as possible staging areas and have requested that the Town enter into a Temporary Easement Agreement for these areas.

While the commitment to this project should be viewed as a positive endeavor, much work remains to be done on fostering the process, managing the logistics and communicating the details and benefits to residents, business owners and visitors. It is the Administration's intention to provide more details to the Town Commission and community as they are provided from the U.S. Army Corps of Engineers.

No budgetary requirement.

No impact to staff.

Seeking Town Commission adoption of the accompanying resolution and executing the Temporary Easement Agreement.

Reviewed by

Prepared by

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A TEMPORARY EASEMENT AGREEMENT WITH MIAMI-DADE COUNTY FOR EQUIPMENT STAGING IN CONNECTION WITH BEACH RENOURISHMENT, EROSION CONTROL AND HURRICANE PROTECTION PROJECT; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”), Miami-Dade County and the Army Corps of Engineers have jointly coordinated to provide renourishment and material in multiple eroded areas of the Town for beach erosion control and hurricane protection (“Joint Project”); and

WHEREAS, in furtherance of the Joint Project, the Army Corps of Engineers and Miami-Dade County require use of certain property owned and/or located in the Town currently used for public beach access east of the bulkhead up to the emergency access area (“hardpack”) at 89th Street and 92th Street for equipment staging, and have requested that the Town enter into the Temporary Easement Agreement substantially in the form attached hereto as Exhibit “A” (“Easement Agreement”); and

WHEREAS, the Town Commission finds that the Easement Agreement is in the best interest and welfare of the Town and wishes to approve same in substantially the form attached hereto as Exhibit “A.”

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval and Authorization. The Easement Agreement between the Town and Miami-Dade County, substantially in the form attached hereto as Exhibit “A,” is hereby approved. The Town Commission authorizes the Town Manager to execute the Easement Agreement on behalf of the Town, together with such non-substantive changes as may be approved by the Town Manager and Town Attorney for legal sufficiency.

Section 3. Implementation. The Town Manager and/or designee are authorized to take any and all action necessary to implement the Easement Agreement and the purposes of this Resolution. .

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

PASSED AND ADOPTED this 11th day of December, 2018.

Moved By: _____

Second By: _____

FINAL VOTE ON ADOPTION

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

Daniel Dietch
Mayor

ATTEST:

Sandra Novoa, MMC
Town Clerk

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

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

This instrument prepared by (and after recording return to):

(Reserved for Clerk of Court)

TEMPORARY EASEMENT AGREEMENT

THIS TEMPORARY EASEMENT AGREEMENT (“Agreement”) is made and entered into as of the ___ day of ___, 2018, by and between the TOWN OF SURFSIDE, a municipal corporation of the State of Florida (the “Town”), with an address of 9293 Harding Avenue, Surfside, Florida 33154, and Miami-Dade County (the “County”), a political subdivision of the State of Florida, 111 NW First Street, Miami, Florida 33128.

R E C I T A L S:

- A. The Town, the County and the United States Army Corps of Engineers (the “Corps”) have jointly coordinated to provide beach material in multiple eroded areas of the Town of Surfside (the “Joint Project”). Construction of the Dade County, Florida beach erosion control and hurricane protection project at Dade County, Florida was authorized by Section 203 of the Flood Control Acts of 1968, Public Law 90-483, as modified by Section 69 of the Water Resources Development Act of 1974, Public Law 93-251, and expanded under a separate authorization in Title I, Chapter IV of the Supplemental Appropriations Act of 1985, Public Law 99-88, and by Section 501 of the Water Resources Development Act of 1986, Public Law 99-662; and
- B. The Corps and the County desire to enter into a Project Partnership Agreement to undertake a cycle of periodic nourishment for the Joint Project, at full Federal expense to the extent that appropriations provided in Title IV, Division B of the Bipartisan Budget Act of 2018, Public Law 115-123, enacted February 9, 2018 (hereinafter “BBA 2018”), are available and used for such purpose;
- C. In furtherance of the Joint Project, the Corps requires the use of certain property owned by the Town for equipment staging and has requested that the County enter into this Agreement in connection with same; and
- D. The Town owns or controls certain property described or depicted in Exhibit A (the “Temporary Easement Area” or the “Property”), attached hereto, that could be used for equipment staging in order to fulfill the goals of the Joint Project.

NOW, THEREFORE, in consideration of the premises, agreements and covenants set forth hereinafter, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree that the foregoing recitals are true and correct and further agree as follows:

1. The foregoing recitals are incorporated as if fully set forth herein.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was
acknowledged before me this _____ day of _____, 2018 by
_____, as _____, for the Town of Surfside, Florida, on
behalf of the Town.

By: _____
Signature of Notary Public

Printed, typed or stamp

My Commission Expires:

DRAFT

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

MIAMI-DADE COUNTY, FLORIDA, a
political subdivision of the State of Florida

Name: _____

By:
Name: _____

Name: _____

Title: _____

Attest:

By: _____, County Clerk

Approved as to form and language and for execution:

County Attorney Date

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by
_____, as _____ and on behalf of the Miami-Dade County.

By: _____
Signature of Notary Public

My Commission Expires:

Printed, typed or stamp

COMPOSITE EXHIBIT A

LOCATION OF TEMPORARY EASEMENT AREA AND MAP

DRAFT

Exhibit A
Town of Surfside

Description	Folio Number	Full Legal Description	Ownership	Intended Use	Remarks
Public beach access area east of Bulkhead up to Emergency Access ("Hardpack") @ 89 Street	14-2235-005-4170	NORMANDY BEACH 2ND AMD PL PB 16-44 LAKE AVE E OF COLLINS DRIVE & RIP RTS & PORT LYING EAST & ADJACENT WEST OF EROSION LINE PER PB 105-62 LOT SIZE 17659 SQ FT M/L OR 16306-0287 0394 3	Town of Surfside	Equipment Staging	
Public beach access area east of Bulkhead up to Emergency Access ("Hardpack") @ 92 Street	14-2235-006-2980	ALTOS DEL MAR NO 5 PB 8-92 LOT A AT FOOT OF QUAMASH STREET FACING ON ATLANTIC OCEAN & RIP RTS & PORT LYING EAST & ADJACENT WEST OF EROSION LINE PER PB 105-62 LOT SIZE 6115 SQ FT M/L OR 16306-0287 0394 3	Town of Surfside	Equipment Staging	