



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

**Tuesday, May 9, 2023
6:00 PM**

Commission Chambers - 9293 Harding Avenue
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 6.06 (a)3 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 this capacity has been reached, people will be asked to watch the meeting from the first floor.

1. **Opening**
 - 1A. **Call to Order**
 - 1B. **Roll Call of Members**
 - 1C. **Pledge of Allegiance**
 - 1D. **Mayor and Commission Remarks**
 - 1E. **Agenda and Order of Business** Additions, deletions and linkages
 - 1F. **Community Notes** - Shlomo Danzinger, Mayor

2. **Quasi-Judicial Hearings**

3. **Consent Agenda**

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 by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.

- 3A. **Town Commission Meeting Minutes** - Sandra N. McCready, Town Clerk
[April 17, 2023 Special Town Commission Meeting Minutes.pdf](#)
[April 18, 2023 Regular Town Commission Meeting Minutes.pdf](#)

- 3B. **Board and Committee Reports/Minutes** - Sandra N. McCready, Town Clerk
[February 27, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)
[March 22, 2023 Charter Review Board Meeting Minutes.pdf](#)
[March 30, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)
[April 3, 2023 Tourist Board Meeting Minutes.pdf](#)

- 3C. **Approving and Authorizing the Purchase of One 2023 Kubota RTV X900G-A Utility 4WD Vehicle from Ridge Equipment Co. In An Amount Not To Exceed \$21,605 Utilizing the Pricing of the Florida Sheriffs Association Contract No. FSA 20-EQU18.0 as part of the Community Service Aid Program Implementation**
- Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF ONE (1) 2023 KUBOTA RTV X900G-A UTILITY 4WD VEHICLE; FINDING THAT THE PURCHASE OF THE VEHICLE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Attachment A - FSA Terms Conditions Contract.pdf](#)

[Resolution Authorizing Approving 2023 RTV Vehicle Purchase - Sheriff Association.DOCX](#)
[Exhibit A - "Ridge Equipment Proposal dated 5-1-23"](#)

- 3D. FY 2023 Budget Amendment Resolution No. 7** - Hector Gomez, Acting Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 7 FOR THE FISCAL YEAR 2023 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving Budget Amendment No. 7.DOCX](#)
[FY2023 Budget Amendment No. 7.pdf](#)

- 3E. Approving and Authorizing the Purchase of One 2023 GMC Terrain AWD Vehicle from Alan Jay Fleet Sales In An Amount Not To Exceed \$28,952.00 Utilizing the Pricing of the City of Tallahassee Agreement No. 5179 as part of the Community Service Aid Program Implementation**
- Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF ONE (1) 2023 GMC TERRAIN AWD VEHICLE; FINDING THAT THE PURCHASE OF THE VEHICLE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Authorizing Approving 2023 Alan Jay GMC Vehicle Purchase.DOCX](#)
[Attachment A - "Alan Jay Fleet Award Letter for Comp. Bidding City of Tallahassee Piggyback"](#)
[Attachment B - Alan Jay Fleet Sales Quote 2023 GMC Terrain SLE AWD.pdf](#)
[Attachment C - Alan Jay Fleet Award Letter for Comp. Bidding City of Tallahassee Piggyback](#)

- 3F. Surfside Heroes Appreciation Month** - Shlomo Danzinger, Mayor
[CTS Proclamation Application 2023.pdf](#)
[Resolution No. 2022-2892-CTS First Responders-Family-Friends-June 24 Day.pdf](#)
[Surfside Heroes Proclamation 11x14 2023.pdf](#)

4. Ordinances

Second Reading

- 4A1. Pension Ordinance Addressing Housekeeping Items and Technical Corrections** - Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 2. – ADMINISTRATION, ARTICLE V. – EMPLOYEE BENEFITS, DIVISION 2. - PENSION PLAN, OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; SPECIFICALLY, AMENDING

SECTION 2-176 OF THE TOWN CODE TO CLARIFY NORMAL AND EARLY RETIREMENT AGES; ~~AMENDING SECTION 2-182(a) OF THE TOWN CODE TO PERMIT TERMINATED 100% VESTED MEMBERS TO RECEIVE BENEFITS BEGINNING AT AGE FIFTY-FIVE~~; AND AMENDING SECTION 2-193 OF THE TOWN CODE GOVERNING THE DROP PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Pension Ordinance.DOCX](#)

[Attachment A - Actuarial Impact Statement - May 2023.pdf](#)

4A2. Amendment of Election Qualifying Dates Due to the March 19, 2024 Presidential Preference Primary - Sandra N. McCready, MMC, Town Clerk

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 101, "QUALIFYING FOR ELECTED OFFICE" OF THE TOWN CHARTER PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES, WITH LIMITED APPLICABILITY TO ESTABLISH QUALIFYING DATES AND SUPPLEMENTAL QUALIFYING DATES FOR THE TOWN'S MARCH 19, 2024 GENERAL ELECTION; PROVIDING FOR INCORPORATION INTO THE CHARTER; PROVIDING FOR CODIFICATION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR NOTIFICATION TO MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Attachment A - Miami-Dade County Ballot Issue Deadlines - 2024.pdf](#)

[Ordinance Amending Qualifying Dates.docx](#)

4A3. Zoning Code Correction: Front Setback Standards - Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-61. – "PAVING IN FRONT AND REAR YARDS IN H30 AND H40 DISTRICTS" BY AMENDING LANDSCAPE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Attachment A - Front Yard Restrictions](#)

[Ordinance Amending Sec. 90-61 - Setback Paving Standards - SR 4-28-23.docx](#)

4A4. Zoning Code Correction - Roof Deck Stairway Height - Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-50.2 "ROOF DECK PROVISIONS" OF SECTION 90-50. -- "ARCHITECTURE AND ROOF DECKS" TO CLARIFY REGULATIONS APPLICABLE TO ROOFTOP STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Attachment A - Roof Stair Stairs Limitations in the Zoning Code](#)

4A5. Stormwater Management Regulatory Mechanism for Enforcement - Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 34 – ENVIRONMENT, ARTICLE II. – STORMWATER DRAINAGE MANAGEMENT, DIVISION 1. – GENERALLY, TO PROVIDE FOR AND ESTABLISH THE PURPOSE AND INTENT OF THE ARTICLE; PROVIDING FOR DEFINITIONS; SEDIMENT AND CONTROL REQUIREMENTS FOR CERTAIN DEVELOPMENTS; STANDARDS FOR SEDIMENT AND EROSION CONTROL; PERMIT ISSUANCE CONDITIONS; ADMINISTRATIVE PROCEDURES; ENFORCEMENT OF SEDIMENT AND EROSION CONTROL REQUIREMENTS; PROHIBITION OF ILLICIT DISCHARGES; REPORTING OF ILLICIT DISCHARGES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

[Ordinance Stormwater Compliance.DOCX](#)

First Reading

4B1. Zoning Code Correction - Balcony Projections - Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47 “YARDS GENERALLY ALLOWABLE PROJECTS” TO CLARIFY THAT BALCONY OVERHANG LIMITATIONS APPLY ONLY TO INCLINED SIDE SETBACKS IN H120; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance - Balcony Overhangs, H120.docx](#)

4B2. Zoning Code Correction - Design Requirements for Front Yard Fences and Gates - Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-56 “FENCES, WALLS AND HEDGES” TO MODIFY APPROVAL PROCEDURE AND REQUIREMENTS FOR FENCES AND WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Sec. 90-56. Fences walls and hedges.docx](#)

[Ord Amend Section 90-56 Fences, Walls and Gates.docx](#)

4B3. Zoning Code Correction - Garage Conversion Criteria - Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-50. – “ARCHITECTURE AND ROOF DECKS” TO

MODIFY REQUIREMENTS FOR GARAGE CONVERSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance - Garage Conversions.docx](#)
[Zoning Code with section highlighted](#)

4B4. Zoning Code Correction - Applicability of Planning and Zoning Board Review
Hector Gomez, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-19.7 OF SECTION 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS" TO MODIFY THE LIST OF APPLICATIONS EXEMPTED FROM PLANNING AND ZONING BOARD REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Sec. 90-19. Single family and two family development review process.docx](#)
[Ordinance - Applicability of PZB Review.docx](#)

5. Resolutions and Proclamations

If the public wishes to speak on any matters in this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak at the beginning of this section.

5A. Water Meter System Badger Utility Encoders Phase II Conversion Implementation - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BADGER METER, INC. FOR THE PURCHASE OF NEW CELLULAR ENCODERS TO IMPLEMENT PHASE II OF THE TOWN'S CELLULAR WATER METER PLAN; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(6) AND (7)F OF THE TOWN CODE AS SERVICES AVAILABLE FROM A SOLE SOURCE AND AS A PUBLIC WORKS AND UTILITIES PURCHASE FOR TOWN FACILITY MAINTENANCE AND REPLACEMENT WORK; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving Phase II Cellular Water Meter Plan and First Amendment to PSA with Badger Meter, Inc..DOCX](#)

[Exhibit A - Badger Meter Proposal Dated April 20, 2023"](#)

[Exhibit B - First Amendment - Badger Meter for Phase II Water Encoder Work.DOCX](#)

5B. Memorandum of Understanding between the Town of Surfside and the Fraternal Order of Police (FOP) Local 135 to be Consistent with the Ordinance under Agenda Item 4A1 - "Pension Ordinance Addressing Housekeeping Items and Technical Corrections". - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, REGARDING RETIREMENT BENEFITS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Reso Approving MOU with FOP Retirement Benefits.DOCX](#)
[Exhibit A - FOP - MOU April 2023.pdf](#)

- 5C. Memorandum of Understanding Between the Town of Surfside and the American Federation of State, County, and Municipal Employees (AFSCME) Council 79 to be Consistent with the Ordinance under Agenda Item 4A1 - "Pension Ordinance Addressing Housekeeping Items and Technical Corrections" - Hector Gomez, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SURFSIDE AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) REGARDING RETIREMENT BENEFITS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Reso Approving MOU with AFSCME Retirement Benefits.DOCX](#)
[Exhibit A - AFSCME MOU.pdf](#)

- 6. Good and Welfare (Set for approximately 8:15 p.m.)**
Public comments for subjects or items not on the agenda.

7. Town Manager and Town Attorney Reports

- 7A. Town Manager's Report - Hector Gomez, Town Manager**
[2023-05 May Town Manager's Report.pdf](#)

- 7B. Town Attorney's Report - Town Attorney Lillian Arango**
[Town Attorney's Report.docx](#)

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- 9A. Capital Improvement Project Department - Hector Gomez, Town Manager**

- 9B. Synthetic Turf in the Zoning Code - Hector Gomez, Town Manager**

[Attachment A - Code Compliance Synthetic Turf Cases](#)
[Attachment B - Zoning Code Section on Synthetic Turf.docx](#)
[Attachment C - Code Compliance Synthetic Turf case photos](#)

10. Adjournment

Respectfully submitted,

Hector R. Gomez
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.townofsufsidefl.gov.

TWO OR MORE MEMBERS OF THE TOWN COMMISSION AND/OR 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.