



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

Tuesday, July 11, 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 Remark** - Mayor Shlomo Danzinger
 - 1E. **Agenda and Order of Business** Additions, deletions and linkages
 - 1F. **Community Notes** - Mayor Shlomo Danzinger
 - 1G. **Approval and Presentation of National Parks and Recreation Month Proclamation** - Mayor Shlomo Danzinger
[National Parks & Recreation Month - Request - July 2023.pdf](#)
[National Parks & Recreation Month - July 2023.pdf](#)

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
[June 13, 2023 Budget Workshop Commission Meeting Minutes.pdf](#)
[June 13, 2023 Regular Town Commission Meeting Minutes.pdf](#)

- 3B. **Board and Committee Reports/Minutes** - Sandra N. McCready, Town Clerk
[December 21, 2022 Police Pension 185 Board Meeting Minutes.pdf](#)
[May 1, 2023 Tourist Board Meeting Minutes.pdf](#)
[May 15, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)
[May 24, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)
[June 28, 2023 Charter Review Board Meeting Minutes.pdf](#)

- 3C. **FY 2023 Budget Amendment Resolution No. 8** - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 8 FOR THE FISCAL YEAR 2023 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving Budget Amendment No. 8](#)
[Attachment A - "FY2023 Budget Amendment No.8 TCM 07112023"](#)

3D. Fraternal Order of Police (FOP) Collective Bargaining Agreement - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE IN EFFECT FROM OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2025; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE TOWN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving FOP Collective Bargaining Agreement Attachment A - FOP Collective Bargaining Agreement 2022-2025.pdf](#)

3E. Public Works Department Fee Schedule - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING A PUBLIC WORKS DEPARTMENT FEE SCHEDULE FOR PERMITS AND RELATED SERVICES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving Public Works Department Fee Schedule Attachment A - "Fee Schedule"](#)

3F. Nurse Enhancement Initiative for School Year 2023/2024 - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AMENDMENT NO. 6 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF SURFSIDE, THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, TOWN OF BAY HARBOR ISLANDS, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC. TO FUND A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2023/2024 FOR RUTH K. BROAD BAY HARBOR K-8 CENTER; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT TO THE MOU; AND PROVIDING FOR AN EFFECTIVE DATE.

[Reso Approving MOU - Amend. No. 6 to MOU School Nurse Initiative 23-24.docx Nurse Amendment #6 Municipalities 23-24.pdf](#)

4. Ordinances

Second Reading

4A1. Creation of Chapter 76 "Public Rights-of-way" in the Town Code of Ordinances - 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 CREATING A NEW CHAPTER 76 "PUBLIC RIGHTS-OF-WAY" TO ESTABLISH RULES AND REGULATIONS TO MANAGE THE PLACEMENT AND

MAINTENANCE OF NON-UTILITY FACILITIES, IMPROVEMENTS, AND ENCROACHMENTS WITHIN PUBLIC RIGHTS-OF-WAY; AMENDING SECTION 90-56.11 OF SECTION 90-56 “FENCES, WALLS, AND HEDGES” TO DELETE REGULATIONS FOR FENCES, WALLS, HEDGES, PLANT MATERIALS, AND IMPROVEMENTS WITHIN THE RIGHT-OF-WAY IN ORDER TO CONSOLIDATE THEM IN THE NEW CHAPTER 76; PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY; INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Right-of-Way.DOCX](#)

4A2. Synthetic Turf - 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 ARTICLE VIII “LANDSCAPE REQUIREMENTS” OF CHAPTER 90, TO ADDRESS SYNTHETIC TURF, SPECIFICALLY SECTIONS 90-85.2 “DEFINITIONS”; 90-87 “INSTALLATION OF LANDSCAPING AND IRRIGATION”; 90-90.1 “FLORIDA FRIENDLY”; AND 90-95 “SINGLE-FAMILY H30A AND H30B DISTRICT LANDSCAPE REQUIREMENTS”; FURTHER PROVIDING REQUIREMENTS FOR PROPERTIES WITH PREVIOUSLY INSTALLED SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Synthetic Turf](#)

[Attachment A: Synthetic Grass Code Cases since 2017](#)

[Attachment B: Open Code Cases](#)

[Attachment C: ROW Synthetic Turf Detail](#)

4A3. Zoning Code Amendment: Restaurants in H120 as an Accessory Use - 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 90-41 “REGULATED USES” TO ALLOW A RESTAURANT ACCESSORY TO A MULTIFAMILY USE IN THE H120 DISTRICT AS A CONDITIONAL USE SUBJECT TO REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Restaurants in H120 SR.docx](#)

[Attachment A: Current Zoning Code Regulated Uses by District](#)

First Reading

4B1. Pension Ordinance Implementing 2022-2025 Collective Bargaining Agreement with Fraternal Order of Police (FOP) State Lodge 135 - 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 2-171 OF THE TOWN CODE TO INCLUDE SHIFT DIFFERENTIAL AND UP TO 75 HOURS OF OVERTIME AS PENSIONABLE FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; AMENDING SECTION 2-176 OF THE TOWN CODE REGARDING EARLY RETIREMENT; AMENDING SECTION 2-187 OF THE TOWN CODE REGARDING THE USE OF PREMIUM TAX REVEUNE; AND AMENDING SECTION 2-193 OF THE TOWN CODE EXTENDING THE MAXIMUM PERIOD OF PARTICIPATION IN THE DROP PLAN FOR POLICE OFFICERS AND COMMUNICATIONS OPERATORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Pension Ordinance FOP CBA.docx](#)

4B2. Average Setbacks in H30A and H30B Zoning Districts - 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 SECTIONs 90-2. – “DEFINITIONS” AND 90-45. -- “SETBACKS” TO MODIFY REGULATIONS PERTAINING TO AVERAGE SETBACKS IN H30A AND H30B DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Amending 90-45 H30 Average Setbacks](#)

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. Emergency Replacement of Mechanical Air Conditioner Unit for the Town Community Center Facilities - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING EMERGENCY REPAIR WORK FOR THE REPLACEMENT OF THE MECHANICAL AIR CONDITIONER UNIT LOCATED IN THE TOWN COMMUNITY CENTER FROM SMART AIR SYSTEMS, INC.; FINDING THAT THE WORK IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)(F) OF THE TOWN CODE AS A PUBLIC WORKS REPAIR RELATING TO A TOWN FACILITY; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH WORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving Emergency Repair Work Town Community Center Air](#)

[Conditioner Unit.DOCX](#)
[Attachment A - Proposal One](#)
[Attachment B - "Proposal Two"](#)

5B. Emergency Pump Station Repair for Stormwater Pump Station Located at the 89 Street End - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A STORMWATER PUMP AND MOTOR FOR THE 89th STREET PUMP STATION FROM LIFT STATIONS "R" US CORP.; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTIONS 3-13(6) AND (7)F OF THE TOWN CODE AS EQUIPMENT AVAILABLE FROM A SOLE SOURCE AND AS A PUBLIC WORKS AND UTILITIES PURCHASE FOR EQUIPMENT RELATED TO TOWN FACILITIES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH PURCHASE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving and Authorizing Pump Stations R Us - Motor and Pump Replacement](#)

[Attachment A - "Town of Surfside Pump and Motor Repairs Proposal"](#)

5C. Solid Waste Services Special Assessment Preliminary Rate Resolution - Hector Gomez, Town Manager,

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

[Preliminary Rate Resolution For Solid Waste Assessments July 2023.doc](#)

[Surfside July 11 CC - Preliminary Solid Waste Assessment.docx](#)

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 July Town Manager's Report.pdf](#)

7B. Town Attorney's Report
[Town Attorney Report July 2023](#)

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

9A. Tennis and Recreation Center Design Review

- Hector Gomez, Town Manager

[Attachment A - "Presentation"](#)

[Attachment A - Surfside Tennis and Recreation Center Presentation.pdf](#)

9B. Harding Avenue Front Yard Paving Allowance - Hector Gomez, Town Manager

9C. Allowed Carport Materials - Hector Gomez, Town Manager

9D. Tobacco and/or Vape Shops in Business District - Commissioner Fred Landsman

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.townofsurfsidefl.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.