



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

Tuesday, December 12, 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

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. **Approval of Minutes** - Sandra N. McCready, MMC, Town Clerk
[November 14, 2023 Regular Town Commission Meeting Minutes.pdf](#)
[November 14, 2023 Special Town Commission Meeting-Quasi Judicial Minutes.pdf](#)
- 3B. **Board and Committee Reports/Minutes** - Sandra N. McCready, Town Clerk
[August 31, 2023 Regular Planning and Zoning Board Meeting Minutes.pdf](#)
[September 11, 2023 Tourist Board Meeting Minutes.pdf](#)
[September 18, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)
[September 28, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)
[November 13, 2023 Tourist Board Meeting Minutes.pdf](#)
- 3C. **Gas Franchise Agreement between The Town of Surfside and Peoples Gas System** - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A NATURAL GAS FRANCHISE AGREEMENT WITH PEOPLES GAS SYSTEM, INC.; AUTHORIZING PEOPLES GAS TO USE THE PUBLIC RIGHTS-OF-WAY THE TOWN, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SUCH FRANCHISE MAY BE EXERCISED; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approve Franchise Agreement with Peoples Gas System](#)
[Gas Franchise Agreement with Peoples Gas System](#)

- 3D. FEMA Community Ratings System (CRS) Consultants Contract - Hector Gomez, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH CRS MAX CONSULTANTS, INC. FOR FLOOD INSURANCE COMMUNITY RATING SYSTEM CONSULTANT SERVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving CRS Max Consultants - Community Rating System 2023-24 Exhibit A - Community Rating System Consultant Services Agreement 2023-24](#)

- 3E. Certification of Surfside Special Municipal Elections held November 7, 2023 - Sandra N. McCready, Town Clerk**

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE SPECIAL MUNICIPAL ELECTIONS HELD ON NOVEMBER 7, 2023 FOR THE ELECTION OF FIVE REFERENDUM/BALLOT QUESTIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Certifying Results of Special Election November 7, 2023 Certification.pdf](#)
[Official Election Results.pdf](#)

- 3F. FY 2024 Budget Amendment Resolution No. 2 - Hector Gomez, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 2 FOR THE FISCAL YEAR 2024 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving Budget Amendment No. 2 Attachment A - FY2024 Budget Amendment No. 2](#)

- 3G. FPL Power Service for 96th Street Park - Hector Gomez, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING CHANGE ORDER REQUEST NO. 9 PROVIDING FOR AN INCREASE IN THE CONTRACT PRICE FOR FPL ELECTRICAL SERVICE TO 96TH STREET PARK, RELATED TO THE CONTRACT FOR CONSTRUCTION WITH LUNACON ENGINEERING GROUP, CORP. FOR THE 96TH STREET PARK PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER TO THE CONTRACT FOR CONSTRUCTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Attachment A - MBSI Broadband Services estimate](#)
[Attachment B - Streamline Voice & Data estimate](#)
[Attachment C - Electrical Service Miami estimate](#)
[Resolution Approving Change Order to Lunacon Contract -FPL Electrical Service to 96 St Park](#)
[Exhibit A - COR 09 Directional Boring.pdf](#)

3H. Maintenance Agreement with Florida Department of Transportation (FDOT) for Custom Sidewalks Improvements within the Town - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MASTER MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR BEAUTIFICATION AND SIDEWALK IMPROVEMENT PROJECTS ON STATE ROADS AND RIGHTS-OF-WAY WITHIN THE TOWN; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Approving Master Maintenance Agreement with FDOT - Beautification projects State Roads](#)
[Exhibit A - MMOA Surfside](#)

3I. Recognition of Service for Former Surfside Elected Officials - Mayor Shlomo Danzinger

[Key to the Town Request Form - Former Elected Officials.pdf](#)

4. Ordinances

Second Reading

First Reading

4B1. Update Town Code Section 70-41 and 70-42 to Increase Local Business Taxes as Allowed by State Statute - 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 70-41 "LOCAL BUSINESS TAX SCHEDULE" AND SECTION 70-42 "BUSINESS NOT NAMED IN SCHEDULE" TO INCREASE LOCAL BUSINESS TAX RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Amending Sec. 70-41 Local Business Tax Rates](#)
[Attachment A - Schedule of Fees](#)

4B2. Ordinance Amending Chapter 54 - Offenses and Miscellaneous Provisions - 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 CHAPTER 54, "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE III, "OFFENSES INVOLVING PUBLIC PEACE AND ORDER," BY ADDING SECTION 54-67 ENTITLED "CAMPING PROHIBITED"; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Amending Chapter 54-Offenses and Miscellaneous Provisions](#)

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. On-Demand Transit Services Through FREEBEE Ride Share - Hector Gomez, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH BEEFREE, LLC D/B/A FREEBEE FOR ON-DEMAND TRANSPORTATION SERVICES UTILIZING THE TERMS AND CONDITIONS OF THE CITY OF SUNRISE STANDARD CONTRACT NO. C 21-04-05-MS; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Attachment A - Proof of Advertisement](#)

[Resolution Approving Freebee On Demand Transit Services](#)

[Exhibit A & B - Cover Agreement - FreeBee On Demand Services](#)

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 [2023-12 December Town Manager's Report](#)

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

9A. Permit Fees for Condominium Recertification and Special Assessments - Commissioner Meischeid

9B. Town Manager Performance Evaluation - Mayor Shlomo Danzinger

9C. Additional Discussion for Retaining Wall Standards and On-site Containment of Stormwater - Jeffrey Rose, Vice Mayor [Attachment A: Miami Beach Code on Retaining Walls](#)

9D. Protecting Surfside Residents Right to Privacy - Shlomo Danzinger, Mayor [Ordinance - Citizens Right to Privacy.docx](#)

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.