



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

**Tuesday, May 14, 2024
7:00 PM**

Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda is set for 8:15 p.m.

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 - Mayor Charles W. Burkett

1E. Agenda and Order of Business Additions, deletions and linkages

1F. Community Notes - Mayor Charles W. Burkett

1G. Municipal Clerks Week - Mayor Charles W. Burkett

[Municipal Clerks Week 2024 Request Form](#)

[Proclamation Municipal Clerks Week 2024](#)

1H. Appointment of Boards and Committee Members - Sandra N. McCready, MMC,
Town Clerk

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, MPA, Town Clerk

[March 26, 2024 Town Commission Workshop Meeting Minutes](#)

[April 2, 2024 Town Commission Workshop Meeting Minutes](#)

[April 9, 2024 Special Town Commission Meeting Minutes](#)

[April 9, 2024 Town Commission Meeting Minutes](#)

3B. Board and Committee Meeting Minutes - Sandra McCready, MMC., Town Clerk

[February 29, 2024 Planning and Zoning Board Meeting Minutes](#)

[March 4, 2024 Tourist Board Meeting Minutes](#)

3C. Certification of Surfside General Municipal Elections held March 19, 2024 -

Sandra N. McCready, MMC, Town Clerk

**RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE,
FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF
SURFSIDE GENERAL MUNICIPAL ELECTIONS HELD ON MARCH 19, 2024**

FOR THE ELECTION OF THE MAYOR AND FOUR COMMISSIONERS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution Certifying Town General Elections](#)

[Certification Letter - Surfside General Municipal 03.19.24](#)

[Results Official EL45 03.29.24 -Surfside 03.19.24 Signed](#)

4. Ordinances

Second Reading

First Reading

4B1. Ordinance Amending Section 90-41 "Regulated Uses" by Providing Exemptions to Drug Stores - Mark Blumstein, Interim Town Attorney

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", BY PROVIDING DRUG STORES EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

[90-41 Regulated Uses - Drug Stores](#)

4B2. Ordinance Amending the Resort Tax Powers and Duties and filing requirements. - Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 70-124 AND 7-126, OF DIVISION 2.—"RESORT TAX BOARD", OF ARTICLE IV.—"RESORT TAX", CHAPTER 70 OF THE TOWN CODE, TO AMEND THE POWER AND DUTIES AND DELETE ANY REQUIREMENT FOR SPECIFIC, MINIMUM ALLOCATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Amending Powers and Duties Resort Tax Board](#)

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. Approval of the Interim Town Manager Agreement - Mayor Charles W. Burkett

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE EMPLOYMENT AGREEMENT OF MARISOL VARGAS AS INTERIM TOWN MANAGER PURSUANT TO THE EMPLOYMENT AGREEMENT ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING FOR

AN EFFECTIVE DATE.

[Reso - Interim Town Manager](#)

[Marisol Vargas - Interim Town Manager Agreement](#)

- 5B. Approving a Resolution Creating a Community Relations Board -**
Commissioner Gerardo Vildostegui

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE SURFSIDE COMMUNITY RELATIONS BOARD; ADOPTING THE BOARD'S CHARTER AND ORGANIZATIONAL STRUCTURE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Reso Comm Relations Board - ver3.docx](#)

- 5C. Approval of the Intergovernmental Agency Agreement with Miami-Dade County to Perform Traffic Engineering Functions -** Mark Blumstein, Interim Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO TRAFFIC ENGINEERING FUNCTIONS ATTACHED HERETO AS EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

[Reso - Intergovernmental Agency Agreement](#)

[Town of Surfside Intergovernmental Agreement - Traffic Engineering Functions](#)

[Exhibit A - Detail Sheets](#)

- 5D. Nurse Enhancement Initiative for School Year 2024-2025 -** Mark Blumstein, Interim Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AMENDMENT NO. 7 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 2024/2025 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. 7 to MOU School Nurse Initiative 24-25](#)

[Nurse Enhancement Initiative Behavioral Health Services Summary Report and Expanded Services Update](#)

[Nurse Amend No. 7 Municipalities 24-25 \(Form Approved\)](#)

- 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 -** Marisol Vargas, Interim Town Manager

[May Town Manager's Report](#)

7B. Town Attorney's Report - Mark Blumstein, Interim Town Attorney
[Town Attorney Report - May 14 2024](#)

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

9A. CTS/KCE and Memorial Updates - Mark Blumstein, Interim Town Attorney
[KCE Structural Engineers, P.C. Agreement](#)
[KCE Structural Engineers-Collapse of Champlain Towers South-Tasks 1 2 and 3](#)
[Addendum to Agreement for Infrastructure Monitoring Services between Schnabel Engineering LLC and KCE Structural Engineer, PC.](#)

9B. Discussion on Chapter 3 "Purchasing" related to the Town Manager's Expending Authority - Commissioner Nelly Velasquez
[Attachment "A" - Ordinance No. 2020-1708 Purchasing Code](#)

9C. Recognition of LGBT Pride Month in June - Commissioner Gerardo Vildostegui

9D. Discussion of Sec. 66-7 Ban on Gas-Powered Leaf-Blowers and of the Related Public-Education Campaign and "Warning Period" - Commissioner Gerardo Vildostegui
[Leaf Blower flyer](#)

9E. Ballot Question regarding Food & Beverage Tax (1 percent Homeless and Domestic Violence tax) - Vice Mayor Tina Paul
[Miami Dade County Resolution R-214-19](#)
[Statutes & Constitution View Statutes Online Sunshine](#)
[Which states have the highest and lowest rates of homelessness](#)
[Letter to Mayor Burkett-Surfside 01-13-21](#)

9F. Sustainability Initiatives for the Town to Implement. - Vice Mayor Tina Paul
[What is Ecotourism and Why It Matters in 2024](#)

9G. On-Street Parking - Mayor Charles W. Burkett
[Biscaya Island Illegal Parking](#)
[Section 14-28](#)
[FL Statute 316.008](#)

9H. Code of Ethics - Commissioner Nelly Velasquez
[ARTICLE VII. - Code of Ethics](#)

10. Adjournment

Respectfully submitted,

Marisol Vargas, MPA.
Interim 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.



MEMORANDUM

ITEM NO. 1G.

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

From: Mayor Charles W. Burkett

Date: May 14, 2024

Subject: **Municipal Clerks Week**

For the commission approve the resolution as submitted recognizing the work of municipal clerks and the vital role they play in government.

The first week in May is internationally recognized as Municipal Clerks Week.

The Town Commission wishes to extend their appreciation to our Municipal Clerk, Sandra McCready, Deputy Clerk Genesis Guevara, and Assistant to the Clerk Priscilla Krutules for the vital service they provide to the Town of Surfside and its residents.

[Municipal Clerks Week 2024 Request Form](#)

[Proclamation Municipal Clerks Week 2024](#)



TOWN OF SURFSIDE

PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation Certificate Key Brick (check one)



Date of Request: 4/24/2024

Name of Requestor: Mayor Charles W. Burkett

Organization: Town of Surfside

Address: 9293 Harding Avenue, Surfside, FL 33154

Phone / E-Mail: mayor@townofsurfsidefl.gov

Name of Individual / Organization to be honored:

Town of Surfside Clerks; Sandra McCready, Genesis Guevara, Priscilla Krutules

Title for Proclamation or Certificate:

Municipal Clerks Week

Date of Recognition: 5/14/2024

Reason for Recognition (Please attach 4 – 6 “whereas clauses” as draft text for a Proclamation):

See attached proclamation

Document is to be:

- Presented at a Commission Meeting in May 2024 (month / year)
- Presented at the following event _____ (Please attach event information to the request form)
- Picked up by _____ on _____ (date)

Administrative Use Only

Proclamation _____ Certificate _____ Key _____ Coin _____

Approved: Yes _____ No _____ If no, state reason: _____

Approved Date: _____

Date Submitted for Mayor’s Signature: _____

Date Issued: _____

Completed by: _____



PROCLAMATION

Municipal Clerks Week May 5-11, 2024

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS municipal clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS the municipal clerk serves as the information center on functions of local government and community, and

WHEREAS municipal clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations, and

WHEREAS it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Charles W. Burkett, Mayor of Surfside, do recognize the week of May 5 through May 11, 2024, as Municipal Clerks Week. I further extend appreciation to our Municipal Clerk, Sandra McCreedy, Deputy Clerk Genesis Guevara, Assistant to the Clerk Priscilla Krutules, and to all municipal clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 14th day of May 2024.

Charles W. Burkett, Mayor
Town of Surfside



**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 1H.

Date: May 14, 2024

From: Sandra N. McCready, MMC, Town Clerk

Subject: Appointment of Boards and Committee Members

Suggested Action: – For the Town Commission to fill the vacancies on various committees.

Background/Analysis: – During the April 9, 2024 Town Commission meeting, the commission made appointments to the Boards and Committees.

We are currently looking for the Town Commission to fill the outstanding vacancies on the following boards and committees:

TOURIST BOARD

Commissioner Velasquez	
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YOUTH COUNCIL

Mayor Burkett	
Vice Mayor Paul	
Commissioner Coto	
Commissioner Velasquez	
Commissioner Vildostegui	
Liaison	

PERSONNEL APPEALS BOARD

Mayor Burkett	
Vice Mayor Paul	
Commissioner Coto	Michelle Kligman
Commissioner Velasquez	
Commissioner Vildostegui	
Liaison	

PENSION BOARD

At large appointment	
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At large appointment	
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POLICE OFFICERS TRUST

At large appointment	
At large appointment	



**Town of Surfside
Town Commission Workshop
MINUTES
March 26, 2024
5:00 PM
Commission Chambers**

1. Opening

1.A Call to Order

Mayor Burkett called the meeting to order at 5:19 p.m.

1.B Roll Call of Members

Town Clerk McCready called the roll with the following members present.

Present: Mayor Charles W. Burkett, Vice Mayor Tina Paul, Commissioner Ruben Coto, Commissioner Nelly Velasquez, and Commissioner Gerardo Vildostegui.

Also Present: Interim Town Attorney Mark Blumstein and Town Manager Hector Gomez.

1.C Pledge of Allegiance

Chief Marciante led the pledge of allegiance.

2. Mayor, Commission and Staff Communication

2.A Discussion Items for the April 9, 2024 Town Commission Meeting - Mayor Charles W. Burkett

For the Town Commission to discuss and provide to the Town Manager discussion item topics to be included in the April 9, 2024 agenda.

Mayor Burkett introduced the item.

Mayor Burkett asked the Town Commission if they would like to open public comment.

Commissioner Vildostegui agreed and suggested multiple rounds of public comment.

Mayor Burkett agreed.

Vice Mayor Paul stated how she believed the meeting was at 6:00 p.m. and how to her understanding special meetings and budget workshops are at 5:00pm, regular workshops and quasi-judicial meetings are at 6:00 p.m., and Commission meetings at 7:00 p.m. She advised for future meetings to keep this time.

Commissioner Velasquez suggested commission meetings to start at 6:00 p.m. to have more time to address items.

Mayor Burkett stated how 5:00 p.m. meetings are preferable.

Vice Mayor Paul shared how the meeting schedules she mentioned had worked during her prior terms and how she would like to see the Commission to go back to its traditional meeting time.

Commissioner Velasquez mentioned how the Commission can change meeting times whenever they see fit. She asked if the time for next first couple of Commission meetings could be changed to 6:00 p.m. until their priorities list is addressed.

Mayor Burkett suggested for this item to be addressed in the agenda for the next Commission meeting.

Commissioner Velasquez asked if the meeting in April could be done at 6:00 p.m. instead of 7:00 p.m.

Town Clerk McCready stated the notice of the meeting can be changed if the Commission desires.

Commissioner Velasquez expressed how the next Commission meeting in April can be done at 7:00 p.m., but for the Commission to vote in April if the meetings should be done at 6:00 p.m. moving forward.

A conversation between Mayor Burkett and resident Eliana Salzhauer was conducted.

Commissioner Coto stated how he is flexible with meeting times.

Mayor Burkett opened the floor for public comment.

Jeffrey Platt stated how he agreed with Vice Mayor Paul regarding the time the meetings should start.

Mayor Burkett asked the Commission if there was a specific ending time for the meetings.

Vice Mayor Paul stated how traditionally meetings ended at 11:00pm.

Mayor Burkett agreed with the meeting ending time.

Commissioner Velasquez asked if the Commission was not able to speak on all the agenda items during one meeting, will the items that were not addressed be moved

to the following meeting.

Mayor Burkett agreed on moving non addressed items to the following meeting. He stated how working late meetings was not productive.

Eliana Salzhauer stated how the previous Commission moved certain discussion items to the beginning of meetings when not enough residents had arrived to give public comments.

Mayor Burkett shared how the previous Commission would allow individuals to speak on agenda items that had not been previously discussed.

A conversation between Mayor and Resident Eliana Salzhauer took place regarding the previous Commission's actions on agenda items.

Eliana Salzhauer spoke regarding the beginning and ending time of meetings.

Olha Sperkacz stated how in Carlyle Avenue there is a lot of traffic, lack of police presence, and accidents. She asked the Commission for a solution to these issues.

Marsha Maya stated how on 96th street there is a lot of traffic congestion.

Phyllis Shamis shared how the Commission should enforce minors to wear helmets while riding scooters and bicycles. She stated how many drivers are utilizing their phones while driving. She asked the Commission to enforce people to wear their seatbelt and prohibit the use of telephones while driving.

There was consensus by the Commission to give Ms. Shamis an extra minute to speak.

Magdalena De Perez stated how the pool heater at the community center has not worked in over a month. She also shared how Carlyle Avenue floods tremendously.

Commissioner Velasquez addressed resident De Perez' comments regarding the comments made by the project engineers for the flooding project stated that by fixing the flooding in Abbott Avenue, it would help with the flooding throughout the rest of the Town.

Eliana Salzhauer shared how the prior Commission had done many zoning changes.

Mayor Burkett and Vice Mayor Paul asked Ms. Salzhauer to summarize the issues and email the list to them.

Eliana Salzhauer continued to summarize the zoning issues she had found.

A conversation between the Commission and Ms. Salzhauer regarding the zoning issues was conducted.

Mayor Burkett asked Town Manager Gomez if the Town Planner and Building Official were going to attend today's meeting.

Town Manager Gomez stated how the Town Planner was out of office and the

Building Official was not asked to attend today's meeting.

Mayor Burkett shared how he was disappointed with the planning department due to the many zoning issues and the misinterpretation of the Town Code done by them.

Ms. Salzhauer continued to share more of the zoning issues. She expressed her concern regarding lots being raised which causes problems to neighboring houses.

Commissioner Velasquez said how FEMA states how houses have to be raised, not lots.

Ms. Salzhauer shared more of the issues she had found. She stated how the Town should adopt a friendlier police model.

Mayor Burkett asked Police Chief Marciante to speak and address the Commission regarding the issue with Joshua Epstein.

Ms. Salzhauer shared how there was a police report that was not done properly.

Mayor Burkett stated the investigation was not done properly.

Police Chief Marciante communicated how the case is an ongoing investigation by the State Attorney's Office. He stated he believed this case might turn into a civil case for the Town and how he believes it would not be appropriate to speak on this matter. He stated how most public records have been released.

Mayor Burkett asked Interim Town Attorney Blumstein if this case was an ongoing investigation.

Interim Town Attorney Blumstein shared how the State Attorney's Office is pending a decision which will be given this week. He stated there is not a pending civil matter in front of the Town.

Mayor Burkett asked Interim Town Attorney Blumstein if he is referring to what this would mean in the Police Department.

Interim Town Attorney Blumstein expressed how the police has completed all work required and it is now pending a decision from the State Attorney's Office.

Mayor Burkett addressed Police Chief Marciante regarding this case. He asked Police Chief Marciante to address the Town residents regarding the arrest.

Police Chief Marciante responded he did not want to talk about the case. He shared how the men and women working in the Police Department are exceptional and do extensive training.

Mayor Burkett asked Police Chief Marciante to address the Town's residents and elaborate if the Police Department can make their residents feel safe.

Police Chief Marciante shared how the police department has extensive training,

good judgement, low instances of use of force, and low complaints.

Mayor Burkett asked Police Chief Marciante if the incident with Joshua Epstein was an anomaly and if the Town has to be worried about their children getting arrested too.

Police Chief Marciante clarified how the police department will follow the state law.

Commissioner Velasquez told Police Chief Marciante that the decision to arrest Joshua Epstein was sent by him. She asked how can the arrest happen if not all witnesses were spoken to. She stated how the arrest was not humane.

Diana Gonzalez shared how the traffic in Harding Avenue is very heavy and no police cars are helping with this issue. She added how kids riding scooters in fast velocities in the Town is dangerous.

Mayor Burkett closed public comment.

Commissioner Vildostegui stated how will the Commission proceed with the meeting and to keep in mind the April 9th meeting is a priority. He suggested to the Commission to keep mentioning their priorities. He proceeded to share a list of topic areas to make suggestions for items. Among those topic areas were: Infrastructure, good governance, recreational facilities, the Champlain Towers Memorial, and zoning.

Mayor Burkett asked Commissioner Vildostegui to elaborate on those topics.

Commissioner Vildostegui shared how his priorities for the next few minutes were the drainage project and the Champlain Tower South Memorial.

The Commission reached consensus to add the Champlain Towers South Memorial, drainage project, and undergrounding project as a priority list items.

Commissioner Coto shared he would like to add an item regarding police presence.

Mayor Burkett stated he would like to listen to Commissioner Coto's priority items for the Commission to come into agreement if his items would enter the priority list. He stated the priority items will be given to Town Manager Gomez to add onto the April 9th agenda.

Vice Mayor Paul suggested for all Commissioners to share their lists since she believes that a lot of the items overlap with each other.

Commissioner Vildostegui clarified his list was broad topics, not specific agenda items. He suggested for the Commission to speak on broad topic areas to then make suggestions regarding specific issues.

Mayor Burkett stated he would like to speak on specific agenda items.

Commissioner Vildostegui clarified his ideas to the Commission regarding his

proposal for the dynamic of tonight's conversation. He shared he would like to speak about infrastructure. Besides the topics of the drainage and undergrounding project, he suggested for 88th street to be redesigned to be more pedestrian and bicycle friendly. He stated how his focus is on the drainage project.

Commissioner Velasquez shared how tonight they were going to focus on the items for the April 9th meeting, however, if the Commission desires to speak more on infrastructure issues they could have other meetings like roundtable sessions.

Commissioner Coto stated how Commissioner Vildostegui addressed most of the items on his list. Commissioner Coto proceeded to ask Town Manager Gomez regarding the traffic study conducted.

Town Manager Gomez answered how the traffic study will be ready by the end of next week as it is being finalized.

Commissioner Coto shared how the Champlain South Tower Memorial needs to be moved forward and what can be done to do so. He stated he would like to add onto his list the flooding issues and zoning changes brought up by Ms. Salzhauer. He asked if the zoning changes can be reserved.

Interim Town Attorney Blumstein expressed he would like the list from Ms. Salzhauer. He suggested to prepare the amended ordinance the Commission is seeking to revert back to, and each issue can be adopted one by one.

Mayor Burkett asked Ms. Salzhauer to send the zoning issues list to Interim Town Attorney Blumstein.

Commissioner Coto stated he had another list sent by a resident that he will send to Interim Town Attorney Blumstein as well.

Commissioner Velasquez suggested an ordinance for the misuse of religious exemption. She added how the lot that had been split is not 100ft. She stated how an ordinance should be made specifying how lots need to be 50ft all around. She added how some houses seem too large. She added how she is not in favor of rooftop decks and how this should be added to the charter for the sake of privacy. She stated how the charter says that all houses should be up to two stories. She mentioned how if the town will be doing the Abbot Avenue drainage project with funds that the Town has, the referendum passed by the previous Commission to borrow money for this project should not be continued. She stated how the Town should reverse the funds that were restricted into different funds. She shared how the only restricted fund should be the hurricane fund and all other funds should be put all together to keep track of how much the Town has. She shared how an ordinance should be made for the Town Manager to not have the authority to give employees raises more than 3-5%, any more than that should be approved by the Town Commission. Commissioner Velasquez added how residents should be able to put out more than 3 signs on their lawns during elections, if residents wanted to support all five candidates, they should be allowed to put five signs. She spoke regarding the FEMA requirement of the raising of houses, not lots. She added regarding the new bill passed in Tallahassee that states when buildings are not up to

Minutes

Town Commission Workshop
Tuesday, March 26, 2024

code, it gives local government the power of jurisdiction if a building should be demolished.

Vice Mayor Paul shared how other municipalities are working on appealing this new bill. She stated how she would like for the Town of Surfside to join the appeal. Vice Mayor Paul expressed how this bill is not favorable for historical buildings.

Commissioner Velasquez expressed if a building does not agree with FEMA standards, a Commission can vote to allow that building to be demolished. She stated how the prior Commission had a friendly relationship with developers which can lead to lots of residents lost and houses devalued, opening a path for developers to buy lots and not allowing residents to afford to live in the Town. She stated how these actions are wrong.

Vice Mayor Paul proceeded to share her list of items. She addressed some of those items were from public comments: traffic issues, minors wearing helmets while riding bikes and scooters, and conducting a traffic workshop. She continued speaking on the reverse of Resolution No. 23-Z-3209 for the site plan approval for 8777 Collins Avenue due to misinterpretation of the zoning code. She believes this development should have not been set to be built before the Champlain Tower South Memorial.

Commissioner Coto spoke regarding the naming of the memorial to be changed and get feedback from the family members of the victims.

Vice Mayor Paul shared her request for the Memorial Committee to be reactivated and to work on the Champlain Tower South anniversary coming up in June.

Town Manager Gomez shared how committee meetings were pushed back until April until the Commission appoints new members. He stated how the only request from the family members in order to be part of the Memorial Committee is to be an immediate family member or a survivor.

Vice Mayor Paul asked Town Manager Gomez if the Memorial Committee was reactivated.

Town Manager Gomez advised Vice Mayor Paul that the last day the Committee Members met was the day before elections. He stated how the members met with the design team for the memorial, but only ideas were shared. He spoke regarding the Commission's decision to dismantle all Boards and Committees but that he was still speaking with the Memorial Committee members as if they were still part of the Board.

Commissioner Velasquez shared how the members of the committee should be family members of the victims.

Vice Mayor Paul shared how she would like the Memorial Committee to be reinstated and to add a survivor as a Committee Member.

Mayor Burkett asked if the Commission would like to add as an agenda item for the April meeting the reinstatement of the Memorial Committee.

Town Manager Gomez stated an agenda item regarding this matter was already added to the April meeting. He asked for the Commission to treat the Memorial Committee with more sensitivity, but if the Commission desires, they can appoint more individuals.

Mayor Burkett asked Vice Mayor Paul if what she wanted to do was to reinstate the Committee and add one extra member.

Vice Mayor Paul agreed. She shared how the name of the survivor is Yady Santos who escaped the building with her young son and helped rescue others from the building. She expressed how she would like to reinstate the Budget Committee during the April meeting. She also spoke regarding the creation of a Community Relations Board they had previously discussed before the elections. She added how she would like this item to be on the April agenda.

Commissioner Vildostegui shared how he would like to create the Community Relations Board in April and appoint members during the May Commission meeting. He explained how he would like to discuss what the Board's duties and expectations are during the April meeting for residents to have a clear idea of what this Board entails.

Vice Mayor Paul agreed with Commissioner Vildostegui thanked all the residents who have applied to Boards and Committees. She asked for the Budget Committee applications to be on the website for residents to apply. Vice Mayor Paul asked Town Manager Gomez if DVAC was still active.

Commissioner Vildostegui stated that during the April meeting they can create the board if an item is created to discuss the board, and maybe appoint members in May after soliciting applications.

Vice Mayor Paul spoke about the need to bring back the Budget Committee and the DVAC Committee.

Town Manager Gomez clarified that DVAC Committee is a Town Manager's Committee and it is active as well as the CTS Memorial and the Youth Council.

Vice Mayor spoke about resolution 2024-3254 which is related to the Religious Land Use Relief related to the 9300 Collins Avenue project. She spoke specific to the historic facade in the historic structure. She believes that the Town can be more restrictive than the County. She will like to bring this back and revisit the facade. She requested for the Town Manager not to release a demolition permit to demolish that facade.

Town Manager Gomez stated he will check the status of the permit and present it to the Commission.

Vice Mayor Paul asked the Town Manager for an item to be placed on the April 9th agenda regarding the permit.

Commissioner Velasquez expressed her expectations that if a permit is requested for the demolition of the structure, such permit is suspended until the April 9, 2024 meeting. The Town Manager stated that if that's the will of the Town Commission, he will check the status of the permit and if it has not been used, the permit will be hold.

Vice Mayor Paul requested for this Commission to be updated on the FAA and where we left of during the April or the May meeting. She also requested an update on the CTS investigation. Vice Mayor Paul asked if resolution 2023-3021 regarding to the LPR readers has been implemented.

Town Manager Gomez responded affirmatively with the different location where the LPRs have been implemented.

Vice Mayor Paul asked the status of resolution 2023-3244 Freebie program.

Town manager Gomez stated that all agreements have been executed, they are in the process of installing the chargers and they are scheduled to begin in April.

Commissioner Velasquez stated that she added an item to the April agenda for the Town Commission to visit and discuss the possibility of bringing an IT in house.

Vice Mayor Paul asked about resolution 2024-3276 Bond referendum for Abbott Drainage and her wishes to repeal it. She doesn't believe they will need it as they have full intention of making this project a priority. She stated how the Town had 4 million Dollars for this project.

Town Manager Gomez continued to share to the Commission the specific amounts allocated for the drainage project.

Vice Mayor Paul expressed how she would like for this Commission to review all the design projects for more resident input. Specifically, the Surfside Boulevard, sidewalk beautification, downtown walkability, Champlain Memorial, and the new design guidelines. She requested the Town manager to update the Town Commission if possible.

Town Manager Gomez provided an update for the comp plan and the design review guidelines. Some discussion took place related to the 70-foot increase to the Tennis Center.

Vice Mayor Paul asked the Town Manager for any capital projects to be shown to the Commission.

Town Manager Gomez stated to the Commission they had already received orientation to all capital projects and asked if the Commission wished to put a hold on the projects.

Mayor Burkett expressed he would like to see the projects before they proceed.

Vice Mayor Paul spoke regarding an ordinance to be placed on the April agenda that never received a number because it was not adopted during second reading. The

ordinance in question demanded the scope of 24-inch setbacks and be retroactive to development approvals from the last two years.

Town Manager Gomez advised the Town Commission if they wished to bring back that ordinance, a meeting should be scheduled to discuss the adoption.

Interim Town Attorney Blumstein advised the Commission he would review the referenced ordinance.

Vice Mayor Paul told the Commission she had a list of ordinances she would like revised. The following ordinances suggestions were mentioned: Ordinance no. 2022-1722 non-habitable understory should be referred to the Planning and Zoning Board and possibly amend the charter, ordinance no. 2022-1723 prohibited noises for landscaping should be repealed, ordinance no. 2022-1724 setbacks should be repealed, ordinance no. 2022-1725 marine structures should be under review by the Interim Town Attorney and the Planning and Zoning Board, ordinance no. 2022-1726 prohibited noises should be repealed, ordinance no. 2022-1728 lot coverage should be repealed or referred to the Planning and Zoning Board, ordinance no. 2022-1730 mechanical equipment should be repealed, ordinance no. 2022-1731 generators should be evaluated regarding the placement of them, ordinance no. 2022-1732 Planning and Zoning Board membership qualifications as she would like to remove number 10 and revise number 1 and number 9 to specify for real estate developers and contractors to not conduct business in the Town to evade any conflict of interest.

Commissioner Velasquez added how a convicted felon was part of the Planning and Zoning Board and how she would not like for individuals with this type of background should be part of the Board.

Mayor Burkett discussed regarding a possible member he would like to be part of the Board.

The Commission conducted a discussion regarding the changes of the qualifications and possible changes to the Town Charter regarding this matter.

Vice Mayor Paul continued her list of ordinances. Ordinance 2023-1733 curb cuts should be deferred to the planning and Zoning Board for review.

Commissioner Velasquez expressed how she is in agreement with this ordinance and does not wish to repeal it due to this ordinance allowing spaces to be freed on the street for traffic to flow.

Mayor Burkett asked if there could be an agreement regarding this ordinance. He shared how he is not in favor of pavement over the front yard of houses and would like to repeal that.

Vice Mayor Paul continued her list of ordinances. Ordinance no. 2023-1733 modification of side and rear yard regulations should be repealed, ordinance no. 2023-1737 setback and yards definitions should be under the Interim Town Attorney and Planning and Zoning Board for review. Vice Mayor Paul asked Interim Town Attorney Blumstein to advice which ordinances from the list should be deferred to the

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Town Commission Workshop
Tuesday, March 26, 2024

Planning and Zoning Board and which ones should not. Ordinance no. 2023-1742 roof decks should be under the review of the Interim Town Attorney, ordinance no. 2023-1746 balcony overhang limitations should be repealed, ordinance no 2023-1748 public right-of-way should be repealed.

Ms. Salzhauer explained this ordinance allows individuals negotiate with the Town to place construction materials in the right-of-way, but all materials have to be moved later and how this ordinance was an attempt to privatize the right-of-way.

Vice Mayor Paul continued her list of ordinances. Ordinance no. 2023-1749 synthetic turf should be under review. She shared how synthetic turf is not good for the environment. She would like for the Commission not to give penalties to residents that have synthetic turf but, once the life of the product is over, residents have to install real grass. Vice Mayor Paul addressed a public comment regarding construction site security of open fences addressed in ordinance no. 2022-1720 has not been enforced fully and she has asked Code Compliance to make sure all construction sites in the Town are complying with this ordinance. Ordinance no. 2023-1752 setbacks should be under the Interim Town Attorney's review, ordinance no. 2023-1759 public participation amendment should be repealed, ordinance no. 2024-1768 30% reduction in building permit fees related to condominium recertifications and structural life safety repairs, she believed building permits fees need to be reviewed as it has not been structured properly and how fees on new constructions should be higher.

Mayor Burkett added he believes the permit fees should be zero for properties that are mandated to fix their homes by the government.

Commissioner Velasquez added how permit fees are put into general budget instead of the building department.

Mayor Burkett clarified he would not want the fees for new construction to be raised, but to wave the fees of houses who are required to do repairs.

Vice Mayor Paul asked if this item can be added to the April meeting agenda.

Town Manager Gomez advised the Commission some of the items mentioned are ordinances and resolutions that need to be reviewed under the Interim Town Attorney.

Mayor Burkett advised for all items being repealed, they can all be under consent agenda.

Interim Town Attorney Blumstein stated all items that have to be repealed will be addressed in a sequence order that might include the input of the Planning and Zoning Board.

Vice Mayor Paul continued her list of ordinances. Ordinance 2024-1769 amending division 2 article 2 of chapter 34 raising of the lots should be revised.

Commissioner Vildostegui proceeded to share his priority list. He believes the

Commission needs to choose 10 or 11 items.

Mayor Burkett suggested to vote on the list of items to decide which ones are a priority.

Commissioner Velasquez stated that the drainage project and the memorial should be a priority.

Commissioner Vildostegui mentioned the following items from his list: 10 % vs. 10-foot site setback, drainage project, ban on non-disclosure agreements, and modifications to rule 704 and 705. He shared how he would like to set good governance changes early on the term. He informed the Commission he later on would like to speak on banning Commissioners from having offices in Town Hall and an anti-electioneering ordinance. He suggested to the Commission to hold off on the discussion of recreation facilities and wait until the late summer to talk regarding the next recreation facility. Commissioner Vildostegui shared information regarding a meeting on April 17th Miami Beach will be hosting regarding recreational uses of west lots and how the Town can be involved.

Vice Mayor Paul shared her wishes for the community center snack bar to be reopened. She asked for this item to be added to the April agenda.

Commissioner Vildostegui spoke how he would like to authorize the Town Manager to negotiate with 8801 Collins regarding their driveway access on the street for the Champlain Tower Memorial, he stated he would like this item to be on the April agenda. Commissioner Vildostegui shared his thoughts regarding the zoning items, he asked to prioritize the 10% over 10-foot issue, raising houses, and docks. Regarding traffic, he stated how some of those issues have been resolved, but there are proposals that can help with remaining issues. He added he would like to speak on environmental matters and have a plastic free Town Hall as a first step. Commissioner Vildostegui expressed his concerns on the Commission's process of choosing agenda items.

Commissioner Coto asked if another workshop can be conducted to address the agenda items being presented.

Vice Mayor Paul asked the Town Clerk to send a list of all the items being mentioned for the Commission to vote on them.

Town Manager Gomez suggested a Survey Monkey to be conducted amongst the commission to choose agenda items.

Commissioner Vildostegui suggested for the Commission to list their top 5 issues and make a first cut for the April agenda.

Mayor Burkett expressed how he does not mind a long agenda due to the meeting ending at 11:00pm.

A conversation regarding the length of the agenda and the discussion items was conducted amongst the Commission.

Ms. Salzhauer shared how there were many problems within the Parks and Recreation Committee due to the decorum rules. She asked for the Commission to give the Town Manager direction for the April meeting. She also mentioned the reinstatement of resident's rights to speak during meetings.

Mayor Burkett shared the following list of issues: FAA issues, charter questions and possible new Charter Committee, plat issues, copies of videos being released, and edited video being released to Commissioner Velasquez.

Town Manager Gomez expressed how legal opinion from the Interim Town Attorney is needed.

Interim Town Attorney Blumstein asked the Commission to clarify on the video request regarding Commissioner Velasquez.

Commissioner Velasquez also mentioned the release of a video requested by Ms. Salzhauer.

Mayor Burkett stated the Town needs to be transparent unless there is a legal issue. He shared he asked Police Chief Marciante to take down all the tints off the police cars.

Police Chief Marciante responded he received two quotes from the vendor but is waiting on a meeting to be conducted with the Town Manager.

Town Manager Gomez proposed to the commission a full visibility tint with UV protection for the police officers.

Mayor Burkett stated how he would like the Town to raise parking fees, give residents a discount for parking fees, and get rid of 15-minute parking spaces. He shared how he would like these items to be put on the agenda.

Vice Mayor Paul shared to direct the Town Manager to look into the parking system from Miami Beach.

Mayor Burkett stated the parking prices need to be raised for non-residents. He spoke regarding the Community Center second story and how the Commission will not be executing that idea. Mayor Burkett added how double parking, speeding, and pulling over loud cars will be addressed with 24-hour police watch. He also spoke regarding revising the second 70-foot and the wishes to unwind it.

Town Manager Gomez stated that issue will not be brought up in the comp plan.

Mayor Burkett shared he would like to raise a charter question regarding building heights to be capped.

Soledad Krasner shared her issues with the parking around the community center. She also shared a negative experience she had with a Town employee.

Vice Mayor Paul stated how every year the Town buys new Town vehicles. She expressed how the Commission should have a list of all vehicles that have been purchased.

Mayor Burkett asked Finance Director Javier Collazo to speak regarding this matter.

Commissioner Coto shared how there was a talk regarding removing 15-16 parking spots in the commercial zone, which he is not in agreement with.

Town Manager Gomez stated how the permit for the project is frozen until further notice.

Commissioner Velasquez shared how she would like to speak on this issue.

Mayor Burkett stated the Commission can speak on this issue later on. The Mayor proceeded to ask Finance Director Collazo to circulate to the Commission a spreadsheet with the Town Vehicles list.

Commissioner Velasquez asked Finance Director Collazo if the general fund issue she had mentioned can be reversed.

Finance Director Collazo stated how the fund balance policy is up to the Commission's discretion.

Mayor Burkett shared his concerns regarding the veteran's park.

Commissioner Coto shared how he had been speaking with Parks and Recreation Director Tim Milian and there will be volunteers working on the park.

Mayor Burkett shared how he would like to see change in the planning department and how he would like to give the Town Manager direction regarding that issue.

Vice Mayor Paul expressed how the Champlain approval was a misinterpretation of the Town's zoning code.

Commissioner Velasquez added how Town employees stated that FDOT had approved projects or needed to approve projects which she stated it was false.

Mayor Burkett stated the planning department needs to be revamped, he shared the planning department has been a disappointment. Mayor Burkett expressed he would like a planning department he can trust.

Commissioner Velasquez shared she felt the same way as the Mayor.

Commissioner Vildostegui shared his thoughts on the Champlain approval.

Mayor Burkett reminded Commissioner Vildostegui the direction they are giving the Town Manager regarding the planning department.

Vice Mayor Paul expressed how she would like the 10% vs. 10-foot issue fixed by

the planning department.

Town Manager Gomez shared how by not trusting the planning department, therefore, the Commission does not trust the Town Manager.

Mayor Burkett and Vice Mayor Paul clarified that is not what they meant.

Vice Mayor Paul stated the planning department made a mistake regarding the 10% vs. 10-foot issue.

Commissioner Velasquez expressed how the Town employee's statement regarding the FDOT approval of the project was a lie. She shared how the Planning and Zoning Board based their decision on what the Town employees were stating. She voiced how the Town cannot continue to have a department that lies.

Town Manager Gomez asked the Commission if this is direction to terminate a certain employee.

Mayor Burkett stated that is not the Commission's job to give that direction.

Vice Mayor Paul asked Town Manager Gomez to fix the error made by the former Town Attorney and the Planning and Zoning Board she had stated earlier.

Ms. Salzhauer stated that the FDOT approval of the garbage dock on 88th street was a lie, not an error by the planning department and the Planning and Zoning Board.

Mayor Burkett stated how the garbage dock next to the Champlain Memorial was a disrespect.

Commissioner Coto stated how FDOT said they have never spoken with Town employees regarding this matter.

Commissioner Vildostegui expressed how the Commission needs to look forward on how to undo the damage of the 10-foot misinterpretation and the FDOT lie. He shared how he is not inclined on blaming the Town employees of what had happened, rather, he spoke on the former Commissioner's actions. He voiced how he would like to focus on moving forward.

Mayor Burkett communicated how the Town watched Town employees spread misinformation. He expressed how it was all "perfectly choreographed" by the former Commissioners, Town employees, and Planning and former Zoning Board Chair. He shared how the former Commission could have done something regarding the garbage dock next to the Champlain Memorial but they did not do so.

Vice Mayor Paul spoke about moving forward and fix the misinterpretation of the zoning code.

Mayor Burkett asked the Vice Mayor if the planning department tells her something she is not sure of will she believe it.

Vice Mayor Paul stated she would direct her questions to the Town Attorney.

Mayor Burkett asked Interim Town Attorney Blumstein regarding a former Commissioner who is using various houses in the residential district as warehouses. He expressed how would like to put this item on the agenda as well. He spoke regarding sidewalk issues, green in the walking paths, sign pollution in the Town and to revise the Town's sign ordinance.

Vice Mayor Paul stated how in ordinance no.1720 states that all construction sites should have an emergency sign. She stated how code enforcement should look into this issue when visiting construction sites in the Town.

Mayor Burkett asked Finance Director Collazo regarding the amount of money the Town has.

Finance Director Collazo told the Commission a brief overview of the Town's budget.

Mayor Burkett, Town Manager Gomez, and Finance Director Collazo had a conversation regarding the Town's budget. Mayor Burkett requested Finance Director Collazo to create a spreadsheet that explains the Town's budget.

Mayor Burkett asked the Commission regarding the Town's lobbyist.

Vice Mayor Paul expressed she had previously met the lobbyist and shared her positive experience.

Mayor Burkett shared the Town needs to be judicious when picking a lobbyist.

Town Manager Gomez advised the Commission to trust their lobbyist.

Mayor Burkett expressed how the Town Manager needs to conduct a more thorough investigation of the lobbyist's values and vision to make sure it aligns with the Commission's vision. He added he would like this item on the agenda and an update from the Town Manager.

Mayor Burkett and Vice Mayor Paul conducted a discussion regarding the lobbyist.

Mayor Burkett stated how certain things could not be done due to a police investigation. He suggested for Interim Town Attorney Blumstein to request a copy of the police investigation. He added the Planning and Zoning Board appointment rules need to be addressed. He also spoke regarding the 10% vs. 10-foot issue, 9300 Collins Avenue determination on FEMA and their involvement.

Town Manager Gomez stated how FEMA is pending final determination, however, the Town did receive a final determination from the state flood manager and the building official stating it is consistent with what FEMA allows for mix use.

Ms. Salzhauer shared how she had many conversations with the FEMA investigator. She expressed how FEMA does not allow underground parking for residential

buildings in flooding zones. However, they do allow underground parking for mixed use. She stated how FEMA relies on the flood manager's determination to make a decision.

Mayor Burkett asked Town Manager Gomez when did the flood manager made the determination.

Town Manager Gomez stated he does not know the exact date.

Mayor Burkett shared an issue regarding a home on 93rd and Abbott that is too large. He stated he spoke with the Town's building official and asked if he was aware of the issue. He asked the building official to measure the house.

Commissioner Vildostegui suggested for the Commissioners to suggest five items in order to have a short agenda for residents to be more engaged. Commissioner Vildostegui's top five items were: Abbott Avenue drainage project, Champlain Memorial, 8801 driveway direction, banning use of non-disparagement and non-disclosure agreements, creation of the Community Relations Board, and 10% vs. 10-foot issue.

Vice Mayor Paul proceeded to share her top items: Champlain Memorial, community center snack bar, and the repeal of Resolution No. 2023-Z-3209.

Interim Town Attorney Blumstein asked Vice Mayor Paul if the repeal of the resolution was regarding the Champlain Memorial new construction. He asked if this was a subject of a development order.

Town Manager Gomez responded the resolution was the development order.

Interim Town Attorney Blumstein stated he would have to revise the order for legal purposes.

Town Manager Gomez advised Interim Town Attorney Blumstein that the direction of the Commission regarding this discussion item will give them a clear idea of how to approach the subject.

Commissioner Coto proceeded to share his top items: Champlain Memorial, police enforcement in speeding, lot coverage, and docks.

Commissioner Velasquez proceeded to share her top items: Abbott Avenue drainage project, Champlain Memorial, addressing the 50-foot lot issue, religious exemption, and revision of the IT contract.

Vice Mayor Paul added two more items: Historic structure and bringing back the 30% ordinance for the waiving of permit fees.

Mayor Burkett proceeded to share his top items: Revision of parking fees, revision of the planning department, code enforcement for industrial buildings in residential areas, and sign pollution. The Mayor asked Town Manager Gomez to give the Commission a list of the items that did not make it to the April agenda to be rated by

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Tuesday, March 26, 2024

the Commission on Survey Monkey.

Vice Mayor Paul asked Mayor Burkett if the zoning issues list she created should be presented to the Planning and Zoning Board.

Ms. Salzhauer suggested to the Commission to hold a zoning meeting.

Town Manager Gomez advised the Commission of having a joint meeting with the Planning and Zoning Board.

Ms. Salzhauer expressed how the meeting does not need to necessarily be done with the Planning and Zoning Board, but rather a meeting where the Commission can discuss zoning concerns. She suggested to the Commission for every meeting to have items regarding the resident's rights and not all zoning items.

Commissioner Velasquez shared how she is willing to give up one of the items to discuss the resident's rights for public comments.

Ms. Salzhauer voiced her concerns regarding public records and how Town employees are using their personal phones to communicate regarding Town business. She spoke regarding the public videos in Town hall can be released under the Town Manager's discretion.

Mayor Burkett asked if there was other business that needed to be addressed.

A brief discussion amongst the Commissioners was held regarding the agenda items.

3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Commissioner Velasquez to adjourn the meeting at 8:46 p.m., seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Accepted this _____ day of _____, 2024.

Mayor Charles W. Burkett

Attest:

Sandra N. McCready, MMC, MPA
Town Clerk



**Town of Surfside
Town Commission Workshop
MINUTES
April 2, 2024
2:00 PM
Manny Crawford Conference Room**

1. Opening

1.A Call to Order

Mayor Burkett called the meeting to order at 2:02 p.m.

1.B Roll Call of Members

Town Clerk McCreedy called the roll with the following members present.

Present: Mayor Charles W. Burkett, Vice Mayor Tina Paul, Commissioner Ruben Coto, Commissioner Nelly Velasquez, and Commissioner Gerardo Vildostegui.

Also Present: Interim Town Attorney Mark Blumstein and Town Manager Hector Gomez.

1.C Pledge of Allegiance

Interim Town Attorney Blumstein led the pledge of allegiance.

2. Mayor, Commission and Staff Communication

2.A Discussion on Town Projects - Hector Gomez, Town Manager

Mayor Burkett opened the meeting and gave the floor to the Town Manager.

Town Manager Gomez informed the Town Commission that there are members of the public via zoom.

Town Manager Gomez stated that he will be providing an overview of the different projects beginning with the Capital Improvement Projects and then Capital modification type projects.

Downtown Walkability Improvements

Tennis Center Project - Contract has been cancelled with the engineering company until further direction is given to the administration.

Traffic Calming and Walkability projects has not started.

Surfside Boulevard beautification.

Abbott Avenue Drainage Improvement is a project scheduled for the April 9, 2024 Regular Town Commission meeting.

93rd Street is a project that has not started.

Town wide vulnerability assessment will be paid by a grant received for \$300,000.

Small projects that the Town is currently working on or have been approved are as follows:

Town Hall Improvements of the Town Police Department and Commission Chambers.

Pool heater in the Community Center.

Parking Lot Surveillance Cameras.

88th Street and Hawthorne Traffic Circle.

95th Street Sidewalks.

Mayor Burkett asked fellow members of the Town Commission if it will be appropriate to open the floor to the residents or allow the Town Manager to go first.

Consensus was reached to allow the Town Manager to speak about each item and they will open it up as they go.

Town Manager Gomez began with the Downtown walkability project and showed the Town Commission a schematic/rendering of the project. He explained that this project will take away some parking spaces to provide for more walkability and better landscaping. He further explained the rendering and the amount of parking spaces this project will be impacting.

Commissioner Velasquez stated that they should scrap this project and if they want more walkability, they should move the palm trees and place them on those parking spaces.

Town Manager Gomez explained that by doing so, you will be using more parking spaces which in his opinion will be approximately 22 parking spaces.

Commissioner Velasquez believes that the town already has a parking deficit and taking more parking spaces is not going to work. She would like to see a wider sidewalk throughout town.

Town Manager Gomez provided some information related to the permitting and approval by FDOT.

Commissioner Coto believes that any beautification project is a good idea as this the

Town they live in but he not in favor of removing parking spaces in the downtown area.

Commissioner Vildostegui is concerned with people dining so close to high traffic area as this is in Collins Avenue. He is in support of making crosswalks more visible and beautiful. He is concerned of safety with cars possibly cutting on the curb cuts.

Commissioner Velasquez believes that some more ideas should be brought to the table for wider sidewalks and is also concerned about the safety of the residents when you will be placing them so close to the street.

Mayor Burkett believes that they should also look into their parking problem. He doesn't think it is a great idea to parallel park on Harding Avenue. He stated that he is not a fan of this project, and it looks like it's a half-cooked project.

Commissioner Vildostegui is asking if the intention is to go back to the drawing board. If this is the case, he would like the town to consider exploring the idea of a bike lane.

Vice Mayor Paul stated that this is a great idea but they really need repairing their sidewalks and she thinks that before they go into these design ideas they should try fixing what is currently in place.

Commissioner Velasquez compared this to the tennis center and trying to build a new one where there is one there already.

Vice Mayor Paul would like to see beautiful crosswalks and maybe changing the red paint that is currently there.

Mayor Burkett spoke further about the paint color on the crosswalks. He suggested to sandblast those areas and maybe add some textured crosswalks.

Mayor Burkett opened the workshop to the members of the public.

Marianne Meisheid stated that she was in the DVAC Committee and this was discussed and she believes this is a problem. She believes that the curb side dining can be an issue and maybe they can look into not having dining on the sidewalk. The walkability problem occurs when the restaurants are doing sidewalk dining and pedestrians have nowhere to walk.

Jeffrey Platt believed that the side curbs were created to provide more free dining space to the restaurant. They can start charging for sidewalk dining or they can eliminate it.

Dina Gonzalez disagrees about eliminating the spaces as people will continue to double park. She stated that there are no problems in downtown and people walk fine and there is no reason why they should eliminate parking spaces. She stated that there is no police presence in the downtown.

George Kousoula (via zoom) spoke about how to possibly fix the congestion on the

sidewalks. He provided a few solutions/ideas to the town commission. He believes the congestion in downtown is real and that the sidewalk pattern can be done regardless of what you do with this project. He further added that the town can probably look into their cafe ordinance.

Michael Karukin (via zoom) stated that he agrees with focusing on priorities. He believes that the sitting should be kept in the owners areas so that the sidewalks are free for pedestrians to walk. He also mentioned the existing sidewalk ordinance and they should look into it and maybe allowing just single row set up for restaurants allowing a better flow of pedestrians.

Horace Henderson stated that if they remove all the sidewalk sitting, the congestion will go away.

Ann Findlay stated that the town has an overall parking issue and removing spaces will create a bigger issue. She believes that those sitting areas are being removed in other cities due to safety. She stated that the walkability is horrendous in downtown, and that storefronts are complaining as the sidewalk restaurants are bleeding into other stores.

Tricia Fowley spoke about when Dietch was on the Town Commission there was discussion about parking. She believes the sidewalks are dangerous and the town should demand that the businesses clean their sidewalks. She suggested that the dining should be more like starbucks were it is contained to their restaurant area and it doesn't bleed into the actual sidewalk. She is in support for extending the sidewalks but she believes that restaurant owners should be more responsible. She also spoke about the alleyways and proposed that if those are clean maybe that will be a safer way for bicycles and scooters.

Mayor Burkett believes that it is a good idea to add an item on the agenda to discuss outdoor dining and the possibility of making the business owners clean their areas and be more responsible. He stated there are multiple issues like the crosswalks being slippery, dining issue, crosswalk, number of tables so that they don't go over to the other businesses.

Commissioner Velasquez provided some other options that can be looked at like a rooftop dining for those restaurants that have that ability.

Vice Mayor Paul spoke about the idea of keeping the dining areas contained within each business and to also avoid those businesses to place outdoor sitting on other businesses storefronts.

Consensus was reached on this item to add the sidewalk cafe and sidewalks as an agenda item and also stop this project.

Tennis and Sport Complex

Town Manager Gomez stated that this project has been stopped and the agreement has been terminated with the engineering company. He further stated that he provided the drawings to the Commission as reference only.

Commissioner Vildostegui would like to come back and evaluate the options after this commission deals with their priorities.

Traffic Calming and Walkability

Town Manager Gomez explained the project to the Town Commission.

Commissioner Velasquez loves the roundabout ideas, it slows down traffic and beautifies streets by bringing shade trees and vegetation. She believes roundabouts are a great idea and she believes it is a beautiful thing for the town.

Vice Mayor Paul believes this is a great opportunity for a workshop. She requested to have asphalt speedbumps instead of the ones that are currently installed in our town.

Mayor Burkett opened the meeting to members of the public.

Miriam Alvarez stated that a speedbump is needed on 93rd Street and 92nd Street as it looks like a speedway there.

Mayor Burkett spoke about the speeding and he believes that the cut through traffic is the cause of many of the issues in town. He spoke about the different options in street closure and right turn only, but he further stated that to address the traffic and speeding problem, they have to figure out what the source of the problem is and think outside the box for outside the box solutions. He further stated that this commission wants to solve problems that will benefit their residents.

Miriam Alvarez spoke about the possibility of having a gated community.

Commissioner Vildostegui believes that as traffic solutions, the town should consider some diverters in order to calm the traffic in town. He stated that the workshop he attended, had a lot of positive feedback from everyone in attendance for diverters. He doesn't believe that gating is a calming solution. He also asked the Town Manager if they can order a la carte from the different options. The Town Manager stated that yes as long as its approve by the County.

Commissioner Velasquez would like a workshop on traffic and discuss the ideas of diverters and roundabout. She is a supporter of anything that can be easily done and beautifies the town.

Commissioner Coto spoke about more police enforcement on the speeders and that will detour them not to cut through the town.

Jeffrey Platt believes that the diverters will not work as there is an app called Waze that will provide the drivers with every single detail.

Ann Findlay stated that in the morning and afternoon there is an increase traffic due to parents dropping and picking up their kids. She believes it can be a good idea for the Town to have a school bus and provide a service to the town and its residents.

Further discussion took place about the traffic and the different options or

possibilities that can be done to mitigate traffic and the speeding issues.

91st Street "Surfside Boulevard" Beautification

Town Manager Gomez introduced the item.

Commissioner Velasquez stated that she doesn't like this option. She believes that these dollars should be used to fix the drainage problem in Town which affects many of the residents.

Vice Mayor Paul spoke about the size of the trucks that are going through our streets into Indian Creek. She suggested maybe considering the possibility of limiting the size of the trucks.

Mayor Burkett spoke about not having better renderings for this project. He stated that without the beautiful images and concept design, they are unable to make a proper decision on this item.

Vice Mayor Paul asked if this project would assist with traffic calming and possibly tied up with the previous item.

Commissioner Vildostegui asked if 91st Street is any wider than any other streets in Town.

Town Manager Gomez stated that 91st Street is the same width as the other streets in Town.

Commissioner Vildostegui asked about the appropriated dollars to this project.

Town Manager Gomez explained that the dollar from the grant can probably be redirected to the underground utilities project.

Commissioner Coto spoke about the possibility of going to the Village of Indian Creek and request more funds for this project or a similar project.

George Kousoulas spoke about the provided drawing and not having a better-looking rendering of the project.

Townwide Utilities Undergrounding and Alleyway Improvements

Town Manager Gomez spoke about the item and provided some funding information to the Commission. He explained that the first phase will be from 96th street through 93rd street. He provided a brief explanation of each phase and stated that the project has been in design for two years now and believes construction will take up to six years.

Commissioner Velasquez asked about the procurement process of this project.

Mayor Burkett asked questions related to the engineering firm that is currently working on this project.

Mayor Burkett spoke about Kimley-Horn and how he feels about what they did

related to the airplanes flying over Surfside taking the tranquility of many other municipalities as well. He stated that he is not happy with the work they did with that project. He further stated that he is not happy about doing business with them. Mayor Burkett asked if the Town is obligated to pay Kimley-Horn the two millions dollars.

Town Manager Gomez stated that the Town can walk away at any point and clarified that the contract is for \$2.7 million.

Town Manager Gomez responded to questions and concerns posted by the Town Commission. He further stated that a meeting will be scheduled and they can provide an update to the Town Commission.

Commissioner Vildostegui spoke about the need to probably go back to the residents as it seems that the \$40 million approved will not be enough to complete this project.

Town Manager Gomez spoke and provided some information related to the project in regard to undergrounding Atlantic, AT&T and FPL.

Eliana Salzhauer asked a question regarding a specific pole in town.

Town Manager Gomez addressed her question.

Further conversation took place regarding this project and the need or no need of a future referendum.

Commissioner Velasquez spoke about the development orders and that some of those proffers should be allocated to the undergrounding project.

Vice Mayor Paul asked for grant funding.

Kristina Brown, Grant Writer spoke and addressed the question.

Vice Mayor Paul stated that the Town lobbyist should be lobbying for these companies to release their data in order to better apply for grants that will assist the town with this project.

George Kousoulas spoke about the allocation of risks in regards to this project.

Commissioner Vildostegui asked the Town Clerk to provide the Town Commission with the deadline to submit a referendum on the November election.

The commission discussed the different providers.

Town Manager Gomez explained that the Town's intention is to put the conduits in the ground and each provider can put their cables through those.

Debra Cimadevilla spoke about the beautification project on 91st Street and where the \$500,000 are being used. She further stated that she doesn't believe that the volume of traffic on 91st street was taken into consideration when coming up with

this project.

The consensus by the Town Commission was to move this project forward from the Town Commission.

Abbott Avenue Drainage Improvements

Town Manager Gomez spoke about this item and discussion with the Public Works team to work in mitigating the drainage by deploying the current pumps prior to a storm.

Mayor Burkett spoke about obtaining portable pumps in order to mitigate the flooding.

Eliana Salzhauer spoke about systems in order to clean drainages ahead of time.

Town Manager Gomez spoke about going out for the third time with a Request for Invitation (RFI). He discussed the different designs and which one to put out.

The consensus of the Town Commission is to go out with the first design and this item will be in front of the April 9, 2024, Town Commission meeting.

Discussion took place regarding the Fund Balance Policy.

Marianne Meisheid spoke about the timing of the undergrounding project and the Abbott Avenue project.

Town Manager Gomez responded that it doesn't matter which project happens first.

George Kousoulas spoke about the different designs and the options.

Further discussion took place regarding the two different options (Ferrari vs. Kia).

This item will be further discussed during the April 9, 2024 Regular Town Commission meeting.

Collins Avenue Water Main Replacement

Town Manager Gomez provided an update on this item. He stated that there are no dollars allocated for the construction of this project.

Vice Mayor Paul believes that there should be dollars set aside for these projects every year.

Conversation ensued regarding people tapping into the Towns sewer and paying some sort of impact fees.

Dune Resiliency and Beautification

Town Manager Gomez explained this project and stated that there are \$470,800 in grant dollars. There are no construction dollars allocated for this project as of today.

Discussion took place about the different options and ideas as to what to do.

Town Manager Gomez stated that the beach is man made and that the Town must keep up with it.

Diana Gonzalez believes that the land should remain the way it is.

Town staff stated that the dunes are the first line of defense the town has.

Marianne Meischeid wanted to know if it is mandatory for all developers to raise their dunes.

Town Manager stated that yes and in instances, they required the developers to do that themselves.

Michael Karukin asked if there is a cross section that can be shown.

Town Manager Gomez stated that there is not one at the moment.

93rd Street Beautification

Town Manager Gomez spoke about this item and stated that this request will be funded by the 9300 Development.

The Town Commission would like the dollars to go towards a different project.

Eliana Salzhauer spoke about the approval of a parking entrance that will interrupt town events on 93rd Street. She further stated that they should be asked to relocate their entrance.

Consensus amongst the Town Commission was reached to use the \$400,000 to go towards Collins Avenue.

Vice Mayor Paul believes that the Town should put out a call to the artist for this project.

Town Manager Gomez stated that he will bring this back as a discussion item.

Also, the Town Commission requested the development order of 9300 related to the parking entrance and the possible relocation.

Surfside Memorial Park

The committee to reconvene and speak about a possible name.

Town Manager Gomez spoke regarding the committee's meeting that took place March 18, 2024. He stated that 4 members of the 6 were present during this meeting.

Vice Mayor Paul would like the entire committee to agree on the name of the memorial.

Eliana Salzhauer spoke about the developer accessing the site through 88th street

and into their site.

Commissioner Vildostegui spoke about obtaining the rights to access from the building on 88th street.

Town Manager Gomez stated that this is on the April 9, 2024 agenda for the Town Commission discussion.

Vice Mayor Paul and Commissioner Velasquez do not wish to have the developer provide the in-kind, they rather have the dollars be given to the Town.

Commissioner Velasquez spoke about the 88th Street and she wants to make sure that the entire street is dedicated to the memorial.

Commissioner Vildostegui spoke about the FPL vault on the plans. He stated that he believes that the site plan that was approved that if FDOT did not require access on 88th street they wouldn't have it and he is not sure if the site plan approval said anything differently.

Mayor Burkett asked to research what was former Commissioner Landsman's motion.

Mayor Burkett spoke about what the developer did at the request of the memorial committee. The request was for the removal of the trash from the memorial. He asked the Town Attorney to research the matter and go back and listen to the tape and see what were the specifics of the motion.

Vice Mayor Paul asked if there was not really a final design.

Town Manager Gomez stated that there will be more meetings to create a final design.

Vice Mayor Paul believes that there should be a call for artist.

Town Manager Gomez added that there is a call to artist component in the project.

Interim Town Attorney Blumstein read the motion from the September 27, 2023 meeting from the adopted minutes where the project was adopted into the record. He stated that the motion accepted the 88th street corridor for the use of that roadway for emergency and utility services which means it remains.

Commissioner Velasquez said that they should create a way to access that area within their own property.

George Kousoulas spoke on the item in regards to the utility vault on the property.

Mayor Burkett stated that Mr. Martin Langesfeld texted him and told him the name is Surfside Champlain Memorial.

Interim Town Attorney Blumstein read a portion from Resolution No. 2022-2853

dated January 11, 2022 where the pertinent portion of Section 2 read as follows: "direction to the Town Manager to pursue the closure of 88th street east of Collins Avenue to vehicular traffic for the purpose of providing a memorial park and pedestrian plaza honoring the victims of the Champlain Towers South collapse. The Manager was directed to take all steps necessary to pursue all governmental approvals necessary to permanently close that portion of 88th Street located in between Collins Avenue on the west and the public beach to the east (the "street-end") to vehicular traffic for a memorial park and pedestrian plaza honoring the victims of the Champlain Towers South collapse. The closure of any portion of 88th Street to vehicular traffic is subject to the maintenance of emergency or governmental vehicular access and any access required to reach property north and south of the Street-end".

Mayor Burkett stated that they now have a better idea regarding the memorial and asked the Town Manager to continue to the next project.

Town-wide Vulnerability Assessment with Town Hall Category 5 Adaptation Plan

Town Manager Gomez introduced the item. He stated that vulnerability assessment is something that every Town should have.

Commissioner Velasquez asked if this will also include buildings that are not conforming to FEMA standards. She believes this is a bad idea and she is not in favor of this.

Vice Mayor Paul does not believe that this study will affect that.

A statement was made that public buildings are critical assets. The Town received \$300,000 from FDEP to fully fund this project.

Kristina Brown, Grant Writer spoke regarding this item and stated that FDEP is mandating that all municipalities do this in order to be able to apply for future funding.

Eliana Salzhauer spoke about the Town being in a mandatory evacuation zone.

The Town Commission's consensus was to move forward with this project.

Town Hall Improvements

Town Manager Gomez introduced the item.

Discussion ensued by the Town Commission on their different ideas.

Commissioner Coto stated that the carpet has to go.

Commissioner Velasquez would like the screens that are on the dais be removed.

Vice Mayor Paul would like to see the dais raised so that chairs fit underneath.

Mayor Burkett recommended a refreshment center.

Vice Mayor Paul requested new flooring.

Consensus amongst the Town Commission was for the Town Manager to circulate design options.

Pool Heater

Town Manager Gomez spoke about this item.

Parks and Recreation Director Milian spoke about this item. He stated that the heaters do not last a long time due to the location of the Community Center and the saltwater. This item will be on the April 9, 2024, Town Commission meeting for approval.

Parking Lot Surveillance Camera

Town Manager Gomez explained the item.

Town Commission consensus was ok with this item.

88th Street and Hawthorne Traffic Circle

Town Manager Gomez spoke about this item.

Consensus amongst the Town Commission was to place this item together with the traffic study.

95th Street Sidewalks

Commissioner Vildostegui spoke about the Byron Avenue sidewalks that are disconnected from others. He spoke about his concerns with walkability, and it does not feel safe. He believes this needs to come back and try to do the Byron Avenue connection and then think about the rest.

Vice Mayor Paul stated that this item should go on the workshop related to walkability and beautification.

Consensus was reached to have this item on a future agenda.

Miriam Alvarez a resident of Surfside spoke about the Town Commission meeting of March 26 and the residents' concerns on traffic and safety issued. She introduced the Canadian company she works for and the ideas of traffic control, and electric school busses. She believes her company can be an asset to the Town.

3. Adjournment

There being no further business, the meeting adjourned at 4:55p.m.

Accepted this ____ day of _____, 2024.

Charles W. Burkett, Mayor

Attest:

Sandra N. McCready, MMC, MPA
Town Clerk



Town of Surfside
Special Town Commission Meeting
MINUTES
April 9, 2024
6:00 PM
Commission Chambers

1. Opening

1.A Call to Order

Mayor Burkett called the meeting to order at 6:04 p.m.

1.B Roll Call of Members

Town Clerk McCready called the roll with the following members present.

Present: Mayor Charles W. Burkett, Vice Mayor Tina Paul, Commissioner Ruben Coto, Commissioner Nelly Velasquez and Commissioner Gerardo Vildostegui.

Also Present: Interim Town Attorney Mark Blumstein and Town Manager Hector Gomez.

1.C Pledge of Allegiance

Interim Town Attorney Blumstein provided the pledge of allegiance.

2. Mayor, Commission and Staff Communication

2.A Resignation of Town Manager and Appointment of Interim Town Manager - Mark Blumstein, Interim Town Attorney

The Town Manager issued his resignation letter dated March 27, 2024, giving the Town two-weeks notice of his resignation from March 26, 2024. The Commission should consider action on his notice and determine how to proceed in filling his position, on an interim and/or permanent basis.

Mayor Burkett introduced the item.

Commissioner Velasquez asked if former elected officials had returned their items.

Town Manager Gomez stated how all items were returned except for a phone reported stolen. He stated he found out regarding the lost phone this week.

Mayor Burkett asked the Town Manager who's phone was stolen.

Town Manager Gomez stated the lost phone was the former Mayor's.

Mayor Burkett shared his experience working with Town Manager Gomez. He stated Town Manager Gomez did good things, but a lot of people felt let down. He thanked Town Manager Gomez for his service.

Vice Mayor Paul shared how it saddens her to see the Town Manager leave, but that she understands the circumstances.

Commissioner Coto expressed he appreciates the work Town Manager Gomez had put into the Town.

Commissioner Velasquez thanked the Town Manager for coming forward and accepting it was time to leave the Town. She continued to share her experience working with the Town Manager. She stated how overall the Manager had done a good job.

Commissioner Vildostegui expressed it saddens him to see the Town Manager go. He thanked Mr. Gomez for his service and for offering his services with the transition.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeff Rose thanked Town Manager Gomez and the Town staff for their service. He stated how there is a mass resignation of staff. Mr. Rose proceeded to ask the Mayor regarding the Interim Town Manager. He asked if it was appropriate for him to start meeting with a female interim town manager at his home alone given his track record.

Shlomo Dazninger thanked Town Manager Gomez for his service to the Town, he spoke regarding Mr. Gomez's levels of honesty and transparency.

Mayor Burkett closed the floor to public comments.

A motion was made by Commissioner Velasquez to accept the Town Manager's resignation, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Mayor Burkett asked if there was a motion to appoint a new Interim Town Manager.

Vice Mayor Paul made a motion to appoint an Interim Town Manager.

Interim Town Attorney Blumstein shared the candidate chosen for Interim Town Manager. He shared how the candidate has been working with the Town for over 20 years and is qualified for this position. He announced Marisol Vargas as candidate for the position.

Marisol Vargas addressed the Commission. She continued to give a brief introduction of herself and her history working with the Town.

Mayor Burkett addressed Ms. Vargas regarding her qualities as a Town employee.

Ms. Vargas addressed former Town Manager Gomez and thanked him for his service. She continued to share her gratitude to be appointed as Interim Town Manager and for the opportunity to work with Town staff and residents.

Commissioner Coto shared his experience knowing Ms. Vargas and how he looks forward to working with her.

Vice Mayor Paul shared her happiness to have Ms. Vargas as an Interim Town Manager. She shared her experience knowing and working with Ms. Vargas.

Commissioner Vildostegui shared how he is pleased to have Ms. Vargas stepping in as Interim Town Manager. He expressed how this is history for the Town as Ms. Vargas will be the first female Town Manager in Surfside.

Commissioner Velasquez stated how the Commission fully supports the appointment of Ms. Vargas. She continued to thank Ms. Vargas for stepping in as Interim Town Manager.

An amended motion was made by Vice Mayor Paul to appoint Marisol Vargas as Interim Town Manager, the amended motion was seconded by Commissioner Coto. The motion carried with a 5-0 vote.

[Resolution No. 2023-2996 Employment Agreement with Hector Gomez-Town Manager.pdf](#)

2.B Resolution of Town Commission Approving Agreement with Interim Town Attorney - Mark Blumstein, Interim Town Attorney

The Town Commission should consider formalizing the services of the Interim Town Attorney and the establishment of an in-house legal department within the Town, and empower the Interim Town Attorney to engage other professionals, as deemed necessary and within the budget authorized by the Commission.

Town Clerk Sandra McCready read the resolution into the record.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jared Brunnabend asked the Commission regarding the Interim Town Attorney's contract. He asked the Commission regarding the terms of the contract, as he does not agree with some of the terms. He asked the Commission if Mr. Blumstein will be speaking on social media as a Town resident or the Town's attorney.

Jeff Rose asked the Commission regarding the terms of the Interim Town Attorney's contract. He stated how Mr. Blumstein does not have the qualifications to be an Interim Town Attorney.

Mayor Burkett closed the floor to public comments.

Commissioner Coto shared how he trusts Mr. Blumstein's judgement to correct him if he is doing something wrong.

Vice Mayor Paul thanked Mr. Blumstein for wanting to work with the Town. She shared her thoughts regarding the terms of the Interim Town Manager's contract.

Commissioner Velasquez thanked Mr. Blumstein for his services to the Town. She stated how she is confident in the Interim Town Attorney's judgement.

Mayor Burkett expressed he is thrilled to have Mr. Blumstein as Interim Town Attorney. He stated how the Interim Town Attorney used previous Town Attorney's contracts as template for his own. He addressed the issue regarding why Town employees are resigning and why he thought it was happening. He addressed the issue regarding the former Mayor's lost phone. He stated how the Town is going through a new cycle.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote.

[Reso - Town Attorney - April 2024](#)
[Interim Town Attorney - Agreement](#)

3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Paul to adjourn the meeting at 6:44 p.m., seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote.

Accepted this _____ day of _____, 2024.

Charles W. Burkett,

Mayor Attest:

Sandra N. McCreedy, MMC,
MPA Town Clerk



**Town of Surfside
Regular Town Commission Meeting
MINUTES
April 9, 2024
7:00 PM**

Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

1. Opening

1A. Call to Order

Mayor Burkett called the meeting to order at 7:00 p.m.

1B. Roll Call of Members

Town Clerk McCready called the roll with the following members present.

Present: Mayor Charles W. Burkett, Vice Mayor Tina Paul, Commissioner Ruben Coto, Commissioner Nelly Velasquez and Commissioner Gerardo Vildostegui.

Also Present: Interim Town Attorney Mark Blumstein and Interim Town Manager Marisol Vargas.

1C. Pledge of Allegiance

Interim Police Chief Dolce provided the pledge of allegiance.

1D. Mayor and Commission Remark - Mayor Charles W. Burkett

Mayor Burkett asked the Commission to provide their Commission remarks.

Vice Mayor Paul welcomed everyone and expressed how it feels great to be at the meeting. She shared how she looks forward to serving the Town in the next two years.

Commissioner Vildostegui expressed he is excited to be at his first Commission meeting. He shared how he would like to have weekly office hours with residents at a local coffee shop. He continued to share information regarding two events he would like the public to attend.

Commissioner Velasquez shared how she is happy to see residents at the meeting. She spoke regarding controversial topics the Town might have but how there are solutions to everything. She stated the Town will move forward to a direction that will

benefit all residents. She welcomed the new Interim Town Attorney, Interim Town Manager, and Interim Police Chief.

Mayor Burkett expressed the roundtable session the Commission conducted was very effective and wishes to have another one. He thanked Vice Mayor Paul for the idea of the roundtable.

Vice Mayor Paul stated the roundtable meeting was a great time to learn from the former Town Manager regarding the Town's projects. She continued to thank former Town Manager Gomez for suggesting the roundtable.

Commissioner Coto expressed the roundtable was a great idea due to the Commission's overlapping individual ideas and visions.

Mayor Burkett asked the Town Clerk what community notes were.

Town Clerk McCready explained how community notes is a section where the Mayor and Commission can share announcements regarding community events or other community notes they wish the public to know.

Vice Mayor Paul shared announcements regarding Town events.

1E. Agenda and Order of Business Additions, deletions and linkages

A motion was made by Commissioner Vildostegui to move item 9M (Plans for the 3rd Anniversary of the Champlain Towers South Collapse and Memorial Design) to the beginning of Section 9 (Mayor, Commission and Staff Communications), followed by a new item (discussion on holding a special Commission meeting on April 30th, 2024 regarding the discussion items) in section 9 of tonight's agenda, and item 9H (Industrial Use of Single Family Homes in the Residential District), seconded by Vice Mayor Paul.

Mayor Burkett agreed with the idea of a special meeting and to discuss a date, since the meeting could be sooner than April 30th.

Vice Mayor Paul pulled the meeting minutes from March 12th regarding due to missing information at the end of the meeting.

The motion carried with a 5-0 vote.

1F. Community Notes - Mayor Charles W. Burkett

1G. Appointment of Boards and Committee Members - Town Clerk Sandra N. McCready, MMC

Mayor Burkett introduced the item.

The Town Commission appointed the following individuals to the Downtown Vision Advisory Committee.

Vice Mayor Paul appointed Sarah Rosenblum to the Downtown Vision Advisory Committee.

Commissioner Coto appointed Louisa Agresti to the Downtown Vision Advisory Committee.

Commissioner Vildostegui appointed Francisco Mallmann to the Downtown Vision Advisory Committee.

Mayor Burkett appointed Cynthia Callaway to the Downtown Vision Advisory Committee.

Commissioner Velasquez appointed Mary Santos to the Downtown Vision Advisory Committee.

The Town Commission appointed the following individuals to the Parks and Recreation Committee.

Commissioner Coto appointed Frank MacBride to the Parks and Recreation Committee.

Vice Mayor Paul appointed Oliver Sanchez to the Parks and Recreation Committee.

Mayor Burkett appointed Marina Sarabia to the Parks and Recreation Committee.

Commissioner Velasquez appointed Joshua Epstein to the Parks and Recreation Committee.

Commissioner Vildostegui appointed Shea Schneider to the Parks and Recreation Committee.

Town Clerk McCready reminded the Commission the Pension Board only has two members at-large.

Commissioner Vildostegui asked Mayor Burkett if he could nominate another resident for the Parks and Recreation Committee due to Marina Sarabia being one of the two candidates for the Pension Board.

The Commission decided to hold the Pension Board appointments for next month's meeting until more applications have been received.

The Town Commission appointed the following individuals to the Personnel Appeals Board.

Commissioner Coto appointed Michelle Kligman to the Personnel Appeals Board.

The rest of the Commission Members decided to make their appointments at a later date due to not having enough submissions.

The Town Commission appointed the following individuals to the Planning and Zoning Board.

Town Clerk McCready reminded the Commission regarding the required qualifications for the Board.

Commissioner Coto appointed James McKenzie to the Planning and Zoning Board, as he is an architect.

Commissioner Vildostegui appointed Andrea Travani to the Planning and Zoning

Board, as he is an engineer.

Vice Mayor Paul appointed Lindsey Lecour to the Planning and Zoning Board, as she has the desired experience.

Mayor Burkett appointed Carlos Aparicio to the Planning and Zoning Board, as he is an architect.

Commissioner Velasquez appointed Adrian Chavez to the Planning and Zoning Board.

Town Clerk McCready reminded the Commission if they desire to appoint alternate Board members they would have to be at-large.

Vice Mayor Paul suggested Horace Henderson as first alternate Board Member and Regino Sanchez as second alternate Board member.

A motion was made by Vice Mayor Paul to approve the alternate Board members (Horace Henderson as alternate number 1 and Regino Sanchez as alternate number 2), seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The Commission agreed to appoint members to the Police Trust Fund at a later time due to lack of submissions.

The Town Commission appointed the following individuals to the Tourist Board.

Commissioner Coto appointed Eliana Salzhauer to the Tourist Board.

Commissioner Vildostegui appointed Jerold Blumstein to the Tourist Board.

Vice Mayor Paul spoke regarding the nepotism section on the Town's charter.

Commissioner Vildostegui changed his appointee and appointed Judy Martinez.

Vice Mayor Paul appointed Diana Gonzalez to the Tourist Board.

Mayor Burkett appointed Clara Diaz Leal to the Tourist Board, however, it was discussed that she did not submit an application to the Board but will be asked if she would like to accept.

Commissioner Velasquez appointed Freddy Giron to the Tourist Board.

A motion was made by Vice Mayor Paul to approve the appointments made to the Tourist Board, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

The Commission agreed to appoint members to the Youth Council at the next Commission meeting due to applications being considered at the end of the academic year.

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.

Vice Mayor Paul inquired about a section of the March 12th minutes that was not included.

Town Clerk McCready stated she had reviewed the meeting video upon the inquiry of an elected official, and the meeting had adjourned when Commissioner Meischeid requested to speak. She stated that the Town Commission can amend the minutes by motion and majority vote.

Commissioner Vildostegui made a motion to approve consent with amending the minutes to state what former Commissioner Meischeid and former Mayor Danzinger stated at the end of the March 12, 2024 meeting.

The March 12 minutes were amended as follows:

"Commissioner Marianne Meischeid asked the Commission to speak. She directed to the public and stated the following: "I wish we could all follow the golden rule. Do unto others as you would have them do unto you. Thank you for your service for two years.

Mayor Danzinger answered to Commissioner Meischeid: "For the record, the golden rule is, he who has the gold makes the rule."

The motion received a second by Commissioner Velasquez and the motion carried with a 5-0 vote.

3A. Approval of Minutes - Sandra N. McCready, MMC, MPA, Town Clerk

Approved on consent as amended.

[March 12, 2024 Town Commission Meeting Minutes.pdf](#)

[March 21, 2024 Special Town Commission Meeting Minutes.pdf](#)

[March 25, 2024 Special Town Commission Meeting Minutes.pdf](#)

3B. Arbor Day Proclamation/Resolution Approval - Hector Gomez, Town Manager

For the Town Commission to proclaim April 23, 2023, Arbor Day and to adopt the resolution.

Approved on consent.

[Reso - Arbor Day 2024](#)

[Proclamation Certificate Coins and Key to the Town Request Form](#)

3C. Emergency Purchase of new Pool Heater - Hector Gomez, Town Manager

Town Administration is seeking Town Commission authorization to expend \$33,546.97 for the replacement of the main pool heater in the Community Center.

Approved on consent.

[Attachment A - Heater Corrosion](#)

[Attachment B - Proposal one](#)

[Attachment C - Proposal two](#)

[Reso - Community Center Pool Heater.docx](#)

4. Ordinances

Second Reading

First Reading

4B1. Amending Ordinance 2024-1768 Permit Fees - Mark Blumstein, Interim Town Attorney

For the Town Commission to discuss and adopt this ordinance on first reading.

Town Clerk McCready read the title of the ordinance into the record.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeff Rose asked the Commission regarding the cost per viewing and if this was discussed. He asked regarding the price of the permit fees. He asked the Mayor regarding the financial implications this might cause.

A conversation between Mayor Burkett and Jeff Rose was conducted regarding this matter.

Eliana Salzhauer expressed how the former Commission waived fees and sent the money to other Town funds. She voiced how the former Commission had no fiscal responsibility. She thanked the Commission for valuing legacy residents and keeping condo owners to be able to afford living in the Town.

Commissioner Velasquez shared how the former Mayor advocated SB1526 bill.

Marianne Meischeid shared how she was thankful with the Commission regarding this ordinance.

Jerold Brunabend shared how in 2024 condos are required to do a more extensive capital projects study. He expressed how permit fees being waived is just a small problem regarding the condo buildings. He believes that if the Town Commission is going to waive fees, they should do it for everyone.

Greg Bitz spoke about the foundation of the different buildings; he expressed

something should be done before another catastrophe occurs.

Shlomo Danzinger spoke about the fact that this ordinance is not removing any of the assessment that the buildings currently have. He expressed how this ordinance is removing the permit fees; however, he voiced the Town will not have any funds in the enterprise fund.

Mayor Burkett closed the floor for public comments.

Commissioner Coto expressed how he would like to help single-family residents with lowering their permitting fees since it will promote more renovation and less new construction.

Commissioner Vildostegui spoke regarding the coordination problem condos have that single-family homes do not face with maintenance issues; however, he did mention for a possibility of helping single-family homes with the waiver of the permit fees. He stated how condos are under a unique predatory threat from developers. He shared how the former Commission was spending money on lobbying for SB1526 despite there not being a Commission vote on that matter. He expressed how if the enterprise fund was in some sort of danger, the transfer of funds from major developments are much more responsible for any difficulties in the enterprise fund than the waiving of the permit fees.

Mayor Burkett voiced how Commissioner Vildostegui spoke regarding an elected official in Florida who was a sponsor of the provision to be able to allow elected bodies to tear down older buildings. He shared how that individual said the former Mayor was the biggest proponent of this provision.

Vice Mayor Paul thanked the Commission for agreeing to waive the permit fees. She stated she asked the building official regarding permit fees being charged for new construction versus old construction and expressed how she did not agree with both situations to being charged the same. She shared how by doing this, it helps the older condos to stay up to date on their assessments and prevent condo owners from being pushed out of their homes.

Commissioner Velasquez shared how this particular ordinance is to help the condos. She stated how the Commission will be addressing the issues for the single-family zone at a later date. Commissioner Velasquez expressed this is the right decision for the Town.

Mayor Burkett stated this issue is directed for the condo owners of the Town. He stated how former elected officials have used policies to push residents out of their condo homes for developers to be able to buy out buildings that are too old.

Mayor Burkett closed the floor to public comments.

A motion was made by Vice Mayor Paul to approve the ordinance on first reading, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[Ordinance Amending Sec.14-29 - Permit Fees](#)

4B2. Ordinance 2024-1770 Amending Section 90-74 Temporary Signs - Mark

Blumstein, Interim Town Attorney

For the Town Commission to discuss and approve ordinance on first reading.

Town Clerk McCready read the title of the ordinance into the record.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeff Rose asked the Commission about freedom of speech regarding the regulation of the content of the signs. He expressed the language of the ordinance should be changed to reflect how residents can display five signs of the same content rather than five individual signs with different content.

Eliana Salzhauer shared how there are different types of speech and the restrictions of them.

Mayor Burkett closed the floor to public comments.

Commissioner Vildostegui agreed with Mr. Rose regarding the political speech. He stated how if people wanted to have five signs of the same candidate it should be allowed. He stated he wanted to change the motion to reflect the ordinance without lines 27 and 28 that state the regulation of the sign's content.

A motion was made by Commissioner Coto to approve the ordinance on first reading as amended, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[Ord Amend Sec. 90-74 Temporary Real Estate Signs v2](#)

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. Education and Sharing Day - Commissioner Gerardo Vildostegui

For the commission to approve the resolution as submitted recognizing the importance of a moral and ethical education for our children.

Town Clerk McCready read the title of the resolution into the record.

Commissioner Vildostegui introduced the proclamation to the public. He believed this proclamation should be shared and brought back to the Town.

Vice Mayor Paul thanked Commissioner Vildostegui for bringing this issue forward.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer shared how she does not want religion to be included in politics and how she is not in favor of this proclamation.

Azriel Wasserman thanked Commissioner Vildostegui for bringing this issue forward. Mr. Wasserman continued to respond to Ms. Salzhauer's comment and said how this is not a matter of religion, but a matter of education.

Shlomo Danzinger shared how this proclamation is not a religious proclamation but highlights the importance of education.

Eliana Salzhauer clarified the proclamation is for the Rabbi's birthday.

Shlomo Danzinger clarified proclamations are used for non-governmental issues.

Moses Pinto shared he is in favor of the proclamation. He expressed it does bring issues like not honoring other matters.

Mayor Burkett closed the floor to public comments.

Commissioner Vildostegui expressed how there should be a continuity on the Commission's practice. He shared he is looking forward to speaking on the creation of the Community Relations Board; he stated he believes this Board will help to advise the Commission regarding what shows of respect are appropriate in a diverse community. He stated the proclamation is drafted in secular terms.

Vice Mayor Paul stated she agrees with the proclamation promoting education. She stated she supports honoring public figures that influenced people and had strong values.

Commissioner Coto expressed the proclamation is a good idea. He stated this is a way to move forward and heal the Town.

Commissioner Velasquez agreed with Commissioner Vildostegui regarding being diverse and inclusive with everyone. She agreed with the proclamation being about education.

A motion was made by Vice Mayor Paul to approve the proclamation, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

[Proclamation Request Form](#)

[Education Sharing Day - April 2024](#)

5B. Resolution Rescinding Resolution No. 2024 -3276 Related to the Bond Referendum for Abbott Avenue Stormwater Improvement - Mark Blumstein, Interim Town Attorney

For the Town Commission to discuss and approve.

Town Clerk McCready read the title of the resolution into the record.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jarold Brunabend asked the Town Commission what will be the process to put this item on a ballot if approved tonight.

Jeff Rose asked Vice Mayor Paul how he agrees with the stormwater project being a great project, but he believes the Town does not have the funds to execute it.

Eliana Salzhauer stated how the Town just had a special election in November. She stated how the previous Commission did not add the stormwater improvement project on the ballot.

Greg Bitz stated how it would be more prudent to leave this matter as it is since there are other matters that the Town needs to focus on.

Shlomo Danzinger shared how the project was being priced out, which is why it was not on the ballot in the November special election. He asked for the Finance Director to speak on the stormwater project and the other issues shared tonight.

Mayor Burkett closed the floor to public comments.

Commissioner Velasquez stated how the undergrounding of the powerlines was a project introduced to the residents in November of 2021 approved to borrow \$40 million dollars. She stated how the money for the drainage project will be taken from the general fund plus another almost \$4 million dollars set aside. She expressed how there is no need to put the burden of the residents by borrowing money.

Commissioner Coto stated how there will be revenue for the Town with the new projects coming in. He shared how this resolution is a good idea.

Commissioner Vildostegui stated how the previous Commission did not put out a bid for this project back in November of 2023 during the special election, but that it was still foreseeable that the cost of the project was going to be high. He shared how he does not want this Commission to face the same problems and how he would like to use the Town's general fund. He shared how the Abbott Avenue project needs to be renamed as it not only benefits Abbott Avenue but the whole town. He stated he would like to place a borrowing question on the ballot for a future project. He stated he would like to leave this item for now and revisit it in May or June.

Vice Mayor Paul expressed how the opportunity to have a ballot question will not be lost since the deadline is July 26, 2024. She stated how the project can start due to the \$4 million dollars set aside while the Town waits on the bids. She shared how this project has been put off for too long. Vice Mayor Paul had questions for the former Town Manager regarding his report. She stated how there is no need to borrow \$10 million dollars for this project at this time.

Interim Town Attorney Blumstein reminded the Commission the Town only has one question for the special election as of now.

Commissioner Vildostegui asked if there was a limit on questions.

Interim Town Attorney Blumstein stated the Town needs to request more questions if desired.

A motion was made by Commissioner Velasquez to approve the resolution, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Reso Rescinding Special Election Bond Referendum Abbott Ave
Stormwater Improvements

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

Mayor Burkett opened the floor to Good and Welfare with the following individuals from the public speaking.

Louisa Agresti shared her thoughts regarding former employees resigning.

Jeffrey Platt congratulated the Commission for their successful run for office. He hopes that they have a friendly administration for the next two years. He welcomed the Interim Chief of Police, the Interim Town Manager, and Interim Town Attorney who are doing a great job. He spoke about the decorum statement on the front of the agenda being removed and stated that the meeting was running in an orderly fashion.

Israel Wasserman shared his experience with the new roundabout on 88th street and his and his wife's negative experience with Mayor Burkett while driving through the area. He would appreciate it if they don't make assumptions of who voted for who based on a yamaka.

Mayor Burkett responded to Mr. Wasserman's comments and stated that he was very aggressive while they interacted regarding the 88th street roundabout.

Israel Wasserman stated he came to the meeting to discuss item 9M (Plans for the 3rd Anniversary of the Champlain Towers South Collapse and Memorial Design).

Mayor Burkett replied that he was not hostile and that he would like to move forward and build instead of divide.

Freddy Giron shared how religion should not be a topic in the town. He stated that the Town is an entity that should not have to deal with religions.

Eliana Salzhauer shared how it is important to heal and how it is equally important to look on what has happened and make sure that the rights that were violated for the last two years don't happen again. She further spoke about her son's arrest and the quite thorough investigation that took place. She spoke about all the baker acts that have happened and the inappropriate use of Town resources. She reported the theft of former Mayor Danzinger's Town cellphone, he stated that there are two years of public records that he is not turning in. She suggested putting the former Mayor under oath and seeing how fast he finds his phone.

Frank MacBride asked the Commission for their support in restriping the Hawthorne Tot Lot because there is a car parked at the entrance of the tot lot and he believes this might create an accident. He further asked for parking enforcement to be scheduled every other hour to check the area and instead of requesting to move their car, to cite them. He would like to see the Town create a welcome packet for new residents explaining how trash pickup works, water bills, and other important matters in Town.

Shlomo Danzinger shared his gratitude to the Town's workers for their unwavering dedication during the last two years. He told the residents of Surfside his gratitude for allowing him to serve as their Mayor. He further implores the new Commission to approach their responsibilities with humility and not allow pettiness to get in the way and to overcome the challenges that may lay ahead.

Ann Finley shared her gratitude to the Commission and their priorities on residents' safety. She stated that Dickens Avenue is now safer for the kids that play on the streets. She stated that the drivers that are cutting through are upset residents and encourage them to do the right thing for the benefit of the Town's children.

Officer Tammy Campbell introduced herself as the union president for the Surfside FOP Lodge 135. She asked the Commission for their support in reading statements from the Town union members. She stated that if time was a concern, there were other union members available to continue to read and finish the statement. The Town Commission was ok with Officer Campbell reading the full statement herself. Officer Campbell read the concerns of the union members regarding several comments made by Mayor Burkett and some other members of the Town Commission and how those comments reflect poorly and are disparagement to the police department and its officers. She further stated that they make arrests based on probable cause and in accordance with the laws of the State of Florida, and they review arrests with the State Attorney's Office when necessary. She further spoke about a message written by Mr. Blumstein with the approval of Mr. Burkett but without the approval of the Town Manager or the Interim Town Chief was sent out relating to the arrest of Joshua Epstein. She said in her statement that the national climate of law enforcement is being targeted, it is disheartening to see their local leader villainizing their police department and their officers, and how they have experienced different comments from residents that are causing a division between the residents and the department. She spoke about Mayor Burkett's request to the new Interim Chief to remove the tinted windows from all patrol vehicles because they must lower their windows and wave to residents. She explained how tinted windows are important for the sun exposure of officers in a beachfront community. She also spoke about the 12-hour shifts that has been discussed by Mayor Burkett and how the Mayor has contacted officers directly to give them orders.

Moses Pinto shared his thoughts on the noise ordinance and there are a few deliveries that have been occurring. He believes it may be a street sweeper or one of the businesses. He spoke about the notice sent out related to the 95th street paving. He further stated that he is not in favor of the 88th street roundabout, he stated that he moved from a gated community, and it doesn't work unless you put a security guard. Jerold Brunnabend shared his thoughts on job openings and staffing. He shared his thoughts on transparency regarding all the vacant positions and proper staffing for the Town. He asked on how come there was no discussion, and the community was not notified prior installing the changes on 88th street. He spoke on what's going on and how these changes will create an accident as people are making illegal turns and until Waze doesn't change the directional pattern on this circle, the Town will continue to have the

same issues. He asked who requested the removal of the 15-min parking spots. Juliana Velez shared her thoughts about the 88th street roundabout and the traffic it creates.

Greg Bitz shared how his car had been broken into and the neighborhood patrol had stopped since the Commission got elected. He shared his thoughts on transparency, and he shared his thoughts on the 15-min parking signs and how that affects residents that go to CVS and Starbucks.

Jeff Rose thanked the residents and Town staff for the last two years of his term as Vice Mayor. He shared how Mayor Burkett got elected thanks to Vice Mayor Paul, Commissioner Coto, and Commissioner Vildostegui's votes, and how they should hold him accountable.

Marianne Meisheid congratulated the Commission on their win. She stated that people are already happier and that they have already held successful workshops. She shared a comment regarding the workshop and how Town Manager Gomez brought all the projects taking place in the Town. She spoke about the Collins Avenue watermain replacement and how it should be looked at a little harder.

Gustavo Ortega introduced himself as a special needs teacher and how he is running for Miami-Dade School Board District 3. He has been teaching at Biscayne Beach Elementary for the last 15 years and he loves his profession. He spoke regarding his candidacy.

Pablo Langesfeld asked the commission to push back into the Surfside Collapse investigation. It has been almost three years, and they have no answers. He further asked for the Town of Surfside to do their own investigation because NIST is taking forever. Ann Findley shared her thoughts on the arrest of Joshua Epstein. She shared how she was moved by the police department's statement. She stated that the police department serves this community very well. She stated she is in full support of the police department and that this has been just a really bad time for this community.

Mayor Burkett closed the floor to public comments.

Commissioner Coto shared his thoughts on residents Ann Findley's public comment and how he did agree with the hard work the police put into the Town. He addressed Gustavo Ortega in his comment as well and how teachers should be in the lead. He addressed Mr. Langesfeld and he knows is a very tough situation and we all need to know what happened. Regarding former Vice Mayor Rose comments, Commissioner Coto believes that he ended up with a lot of Mayor Burkett's votes and he appreciates his support. He believes they make a good team and get good things done. Regarding the traffic situation on 88th street, he believes it's tough but that they plan on doing something about it quickly. He addressed Mr. MacBride's comments regarding the Hawthorne Tot Lot issue and asked the Chief to look into the matter.

Vice Mayor Paul responded to the police departments statement and stated that the last

two years have been difficult and unfortunate things happened, but it was important to bring a new Chief and she looks forward to seeing him bring the department together. She believes that the Town has a great police department and that she supports them and hopes they can move pass this.

Commissioner Vildostegui addressed the police officer's statement; he shared his gratitude towards the police department, and he stated that they all showed up all together to the meeting, it makes an impression, and he wants them to know that he is listening. He further stated that he is grateful for the job they do. He shared his thoughts regarding what was said related to Mayor Burkett's comments about the police department and how he believes that those comments were not appropriate. He suggested that there has to be some room for democratic civilian management and that's the essence of democracy and if there are disagreements with policy there are normal mechanisms to deal with that and he hopes those are dealt through the proper channels. He further addressed the tinted windows issue and how there may be a possibility of having lighter tints and still have UV protection. He spoke about the proper channels and how the Commission has a role in setting policy, and he hopes they can find a way to work together and talk about what's best for the town. He shared his thoughts on the traffic and parking issues in the Town and how some changes will have a trial-and-error portion to it. Commissioner Vildostegui expressed his confusion regarding the removal of the 15 parking spaces.

Commissioner Velasquez spoke regarding the comments from Ms. Campbell and her interactions with her a couple of years ago with her husband. She feels that there is a better place to deal with situations like this. She suggested a sit-down meeting where they can all have a conversation and discuss the different situations that may be affecting them. She spoke on how the City of New York police vehicles do not have tinted windows, and how having tinted windows provides a disconnect between the police and the residents. She believes that residents should feel comfortable with the police. She further spoke about Joshua Epstein's arrest and how it was handled. Commissioner Velasquez spoke about another incident where a police officer told her that he was investigating some political signs being stolen and that she doesn't believe that we should be using taxpayers' dollars to investigate who stole \$3 signs and she doesn't find that ok. She stated that lying to an elected official is not ok. She further stated that if the Town needs more police officers, she would be ok with that and that maybe working 12 hours shifts may be the cause of issues because they are not getting sufficient rest and people should only work 8 hours a day.

Commissioner Velasquez further said that the police department was used as a weapon against residents for the las two years and she doesn't believe that's appropriate. She spoke about all the baker acts reports and encouraged the new Police Chief to investigate this issue. She further stated that if people are not happy with their jobs, they should look for a new one. Commissioner Velasquez agrees with Ms. Agresti that there should be a full investigation into what happened in the last two years, and an outside investigation

into what happened to Joshua because not all 7 witnesses were interviewed. She is in support of placing a gate on 88th street and providing Town residents with some type of fob to allow the residents to have access. She further stated that the speeding problem should be fixed. She spoke about restriping the Hawthorne Tot Lot area. She wants to ensure that all Town residents are safe.

Mayor Burkett addressed Officer Campbell who was sitting in the public. Officer Campbell responded to Mayor Burkett. This interaction was unable to be transcribed as Officer Campbell was not on the podium. Mayor Burkett spoke on how the police department used to be back in 2006 and how Chief David Allen was brought into town to fix the department and get it accredited. He further addressed some of the comments made by Officer Campbell, like the 12-hour shift. He believes that after 8 hours of work, everyone should go home. He believes that the police officers like the 12-hour shift because they work less days. He further spoke about his actions related to the speeders. He resented how some members of the police department were present at this meeting. He spoke about the police officer incident where he was saying hello and the police officer drove away without acknowledging him. Mayor Burkett spoke about the comment that was made saying that he wanted to defund the police and how he was never in favor of that. He spoke about the position that each one has, they do not want a political police department, he believes that there was a better process than trying to embarrass him in public. He stated that he sees officers that he has been friends with for years. Mayor Burkett stated that he does not want a division between him, and members of the police department, and that Officer Campbell did not accomplish anything as they will still look into the tinted windows, the 12-hours shift, and the traffic and speeders.

There was no support amongst the Town Commission for Officer Campbell to address the Town Commission.

Al Palacios, District 6 Director for the FOP addressed the Town Commission. He stated that the Mayor's comments in previous meetings are flagrant and dangerous, and it was in their opinion the reasons why residents and members of the public are addressing their members in a negative way. He further spoke on how they were talking about an open case and/or a case that just got closed out. The police officers have the power to speak up and say what they believe as the power of regress. He stated that it is illegal for the Mayor to stop a vehicle because they are speeding, and that is impersonating a police officer. There was an exchange between Mr. Palacios and Mayor Burkett. Mr. Palacios spoke about the body worn camera video that is on YouTube but he was not going to get into it.

Mayor Burkett stated that Mr. Palacios' role is to stand up and defend the police officers and that his message is that they are all getting dragged into something that is not good. Surfside has never had a union president standing and speaking against a Mayor.

Sergeant Diana Leon stated that she has been a police officer for the last 17 years and that they are not going to see eye to eye. She stated that they brought their concern forward to the Commission and the residents, that they are not calling for the Mayor to be ousted, but they are humans not robots that you can turn on and off with a switch.

Mayor Burkett stated that he would like to hear what everyone has to say and that is why he allowed Sergeant Leon to come forward and speak, because he cares but he doesn't believe this is healthy.

Sergeant Leon requested not to be interrupted so that she could speak. She suggested fixing what is wrong and moving forward, they are making them aware of their concerns. She encourages all members of the Town Commission to follow the City of Coral Gables Police Department's Instagram page. Two years ago, they brought forward their concerns to their elected officials and they are now 37 police officers down and in crisis. She stated that is what they are trying to prevent here because they love serving this Town but if they do something that makes them unhappy, they will move on.

Mayor Burkett stated that the police officers are unhappy with some of the things, and they showed up and stated their concerns but he believes this could have been handled differently.

Commissioner Velasquez stated that they have a Chief of Police and that they could have addressed their concerns through him, that the way this was done today was inappropriate that if they had an issue, they should have gone through their command officer which is their Chief of Police.

Interim Attorney Blumstein reminded the Town Commission that this portion of the meeting has gone a lot longer than the 45 minutes allowance by town code for Good and Welfare. If the will of the Commission is to continue, there should make a motion.

There was no interest in continuing with Good and Welfare.

7. Town Manager and Town Attorney Reports

7A. April Town Manager's Report - Hector Gomez, Town Manager

Interim Town Manager Vargas stated how the report was prepared by the former Town Manager. She stated if the Commission had any questions, she could answer them via email or address them during the next Commission meeting.

Jeff Rose asked the Commission if there was going to be a public comment section for the Town Manager's report.

Mayor Burkett asked the Commission if they will be allowing questions on this

portion of the agenda.

The Commission did not agree to allow public comments.

Mr. Rose continued to give his public comment.

Mayor Burkett asked Interim Chief of Police Dolce to give Mr. Rose a time out outside of the Commission chambers for 15 minutes.

Jeff Rose asked the Mayor if he was going to remove a resident by having the Chief take him out.

Mayor Burkett stated that he was out of order and that he needed to sit down. He can return after 15 minutes and if he can learn how to be respectful and follow the Commission directions he can return and speak some more.

Vice Mayor Paul stated she had questions regarding the Town Manager's report, but that she will discuss them with the Interim Town Manager before the next meeting.

A motion was made by Commissioner Velasquez to approve the Town Manager's Report, seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote. [2024 April Town Manager's Report.pdf](#)

7B. Town Attorney Report - Mark Blumstein, Interim Town Attorney

Interim Town Attorney Blumstein presented the Town Attorney report. He spoke about the 9250 Bay Drive case related to the lot splitting (page108 of the agenda packet). He explained that this was an item addressed by the previous Town Commission and he had an opportunity to review the matter with the Miami-Dade Plat Committee. The sequencing of the event resulted in the issuance of the resolution that was approved by the previous town commission and certified on the day of the election which was March 19th. He subsequently learned that the matter resulted in the waiver of plat. He added that it came to his attention that there were some issues with the application with the Miami-Dade County code in the process and the County requirements for the plat approval and the sequence of event could allow the town to challenge if they so choose to. This process is outlined on section 28 of the Miami-Dade County code and to the extent that the Commission desires for the Town Attorney to file in accordance with Chapter 28 to challenge the decision and seek the striking of the County records of the finding of the plat as non in conformance with Miami-Dade County code.

Mayor Burkett asked if the Interim Town Attorney feels comfortable in arguing that it is not in conformance.

Interim Town Attorney Blumstein responded that based on the facts and the records provided by Miami-Dade County Plat Committee there is an argument to be made as to at least one item that required to be before the Miami -Dade County Plat Committee before they approved it, and if you strictly apply the code exactly how it

was written, there is an argument to be made. He further stated that he can't say now if that will be well received by the County or the applicant, but it is an avenue. They will send a letter from the Town to the Miami-Dade County Plat Committee.

The mayor asked if there was a motion to do that.

A motion was made by Commissioner Velasquez to move forward and challenge the waiver of the plat, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Interim Town Attorney Blumstein spoke about the matter that is open and pending on page 210 regarding Schnabel Engineer vs KCE that has led to an initiation in Virginia. He is seeking some direction from the Commission as to any authority he may have to resolve it for the Town as the Town's representative for those purposes and if they give him that authority, he will seek to resolve it as they are in mediation.

Commissioner Coto asked for the total cost of the matter and what his recommendation is.

Interim Town Attorney Blumstein stated that he will look to resolve it for less than the claim. He further stated that there are claims known as nuisance claims and he hopes that he can resolve it.

Commissioner Velasquez stated that in light of everything that happened in the last two years she suggested an independent investigation on phones disappeared and records lost.

Mayor Burkett explained to Commissioner Velasquez that this is related to the Schnabel Engineering case.

Commissioner Vildostegui asked if the Interim Town Attorney saw it helpful to hold an executive session.

Interim Town Attorney responded negatively.

Vice Mayor Paul would like to discuss with the Interim Town Attorney her knowledge of what happened and fully support the Town Commission's direction.

A motion was made by Vice Mayor Paul for the Interim Town Attorney to mediate this case, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

A motion was made by Commissioner Velasquez to approve the Interim Town Attorney report, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

[Town Attorney Report - April 9 2024](#)

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

9A. Miami-Dade County League of Cities Director and Alternate Director Designation - Sandra N. McCready, MMC, Town Clerk

For the Town Commission to appoint a Director and an alternate Director to the Miami Dade County League of Cities Board.

Mayor Burkett introduced the item.

Commissioner Vildostegui expressed his interest in serving as alternate director.

Vice Mayor Paul expressed her interest in serving as director.

A motion was made by Commissioner Velasquez to appoint Vice Mayor Paul as the Miami-Dade County League of Cities Director and Commissioner Vildostegui as the alternate director, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

[Attachment A - Miami-Dade League of Cities](#)

9B. Calvin Giordano & Associates (CGA) Continued IT Services Contract - Commissioner Nelly Velasquez

For the Town Commission to cancel Calvin Giordano & Associates contract and consider hiring an in house IT employee.

Mayor Burkett introduced the item.

Commissioner Velasquez spoke regarding the need of the Town to have an in-house IT department instead of a contractor.

Vice Mayor Paul asked regarding the contract and the services being paid, as they are not clear on the contract.

Finance Director Collazo stated he does not know the exact number the IT contractor is being paid but gave a ballpark of about \$180,000.

Vice Mayor Paul asked regarding the maintenance of the website and what is being done by the contractor. She stated how the additional services were tech director, network manager, and police department services.

Finance Director Collazo clarified how those services were a separate line item, but that they were all provided by the same company.

Vice Mayor Paul listed all the services provided by the company. She asked regarding the broadcasting services and how the Town is charged by event. She asked if the Town paid for the January 31st meeting services. She stated how she supported Commissioner Velasquez's request. She spoke in regards to the time frame to have information turned over and conduct a search for an in-house IT department.

Commissioner Velasquez voiced how the Commission should give direction to the Interim Town Attorney and Interim Town Manager to bring back this item next month or to conduct a special meeting to discuss the contract and how to move forward.

Interim Town Attorney Blumstein expressed how he will be waiting on the direction of the Town Commission regarding this matter.

Mayor Burkett asked Interim Town Manager Vargas to put together a memo that reflects how much the Town spent last year on IT services and to give cost estimates for an in-house IT department.

Vice Mayor Paul expressed how this job might require more than one person. She shared how a cost estimate of multiple employees for the IT department can be done or if other IT contracts would benefit the Town. She stated she would like to see which of the two options is more cost effective.

Commissioner Velasquez expressed her negative thoughts on the current IT contractor and how it is time to bring an in-house IT department.

Mayor Burkett spoke regarding the employee's pension.

Interim Town Attorney Blumstein stated he will speak with the Interim Town Manager regarding the approach of this matter and discuss it during the next scheduled meeting.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer shared her thoughts regarding public records and the competency of the IT department.

Jeff Rose shared his thoughts regarding having an IT contractor and having an in-house IT department.

Louisa Agresti shared her thoughts regarding the current IT contractor and how they are not a competent provider.

Shlomo Danzinger thanked the current IT department for the many years of service. He shared his thoughts on how he believed how having an in-house IT department is more expensive than having a contractor.

Jerold Brunnabend spoke regarding how the Commission should not terminate a contract without having solutions.

Mayor Burkett closed the floor to public comments.

Interim Town Attorney Blumstein expressed he will bring this item back for the next Commission meeting.

[Attachment A - RESO 17-2421](#)

9C. Abbott Avenue Drainage Improvements Project - Commissioner Nelly Velasquez

For the Town Commission to discuss and provide direction to the Town Manager on next steps of how to proceed with the project.

Mayor Burkett introduced the item.

Commissioner Velasquez spoke regarding the delay of this project. She voiced the urgency of fixing the flooding issues in the Town. She expressed how the Town has 3.5 million dollars for the project, but that it should be put out to bid in order to cast a wider net. She shared how fixing Abbott Avenue will help with the flooding in the rest of the Town.

Mayor Burkett spoke how the former Mayor had said the Town had two mobile pumps and how the Public Works Director said the Town did not own any mobile pumps. The Mayor expressed how the Town should purchase mobile pumps. He stated how the Town should rent the pumps to see if they are beneficial for the floodings.

Vice Mayor Paul asked regarding the design for this project made during 2021.

Public Works Director Stokes stated how the first design went out for bid for two pumps which came back for \$8.9 million dollars. The design was redesigned for one pump for \$100,000 cheaper.

A conversation between the Commission and Public Works Director Stokes was conducted.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeff Rose spoke regarding the pump project. He agreed with the Mayor regarding the rental of the pumps.

Shlomo Danzinger expressed how he does not appreciate how the Mayor was speaking for him and how the statement of the Town having two pumps was inaccurate. He stated how there was one pump installed in Harding and Hawthorne area.

Mayor Burkett closed the floor to public comments.

Mayor Burkett asked the Commission if they wanted to end the meeting at 11 p.m. or if they would like to address more items.

Commissioner Vildostegui expressed how he would like to speak on items 9D (Authorize the Town Manager to Negotiate Driveway Access Relocation for 8801 Collins Avenue to Accommodate Additional Memorial Space) and 9E (Creation of a Community Relations Board).

Vice Mayor Paul shared she would like to address some concerns from the Town Manager's report.

Commissioner Velasquez expressed how she would like to discuss the parking fees.

A motion was made by Commissioner Velasquez to move forward with the Abbott Avenue drainage project with the rental of the temporary two pumps, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

[Abbott Avenue ITB](#)

9D. Authorize the Town Manager to Negotiate Driveway Access Relocation for 8801 Collins Avenue to Accommodate Additional Memorial Space -
Commissioner Gerardo Vildostegui

Mayor Burkett introduced the item.

Commissioner Vildostegui expressed how the memorial for the Champlain Towers victims should be the whole 88th street block from Collins Avenue to the beach. In order to execute this matter, he proposed the idea to negotiate with the property owner on 8801 Collins building which has a small driveway access onto the side street, he also spoke regarding the possibility of moving a fire hydrant.

A motion was made by Vice Mayor Paul to extend the meeting until items 9D (Authorize the Town Manager to Negotiate Driveway Access Relocation for 8801 Collins Avenue to Accommodate Additional Memorial Space), 9E (Creation of a Community Relations Board), 9G (Discussion on Parking Fees), 9H (Industrial Use of Single Family Homes in the Residential District), Vice Mayor Paul's questions regarding the Town Manager's report, and the lift gate on 88th street were discussed, seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote.

Commissioner Vildostegui expressed he would like the Town Manager to discuss with the 8801 building regarding the cost of this initiative.

Mayor Burkett suggested to Commissioner Vildostegui to personally reach out to the Building to express to them the Commission's ideas on this project.

Eliana Salzhuer spoke regarding moving other objects, like electrical, from across the street as well since the whole block needs to be cleared out.

Ms. Salzhuer was reminded her comment was not part of the discussed item, but that will be addressed in another item in the future.

A motion was made by Vice Mayor Paul for the Town Manager to negotiate with the 8801 building to consider moving their driveway for the Champlain Memorial, seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote.

9E. Creation of a Community Relations Board - Commissioner Gerardo Vildostegui

Commissioner Vildostegui introduced the item. He stated how he would like to create a new Committee of residents who are focused on improving the feeling of community in the Town and overall improve the neighbor relations. He suggested on reviewing the Miami-Dade County version of their Community Relations Board with the Interim Town Attorney and come back next month with a better idea to the Commission. He suggested for each Commissioner to appoint one member and have those members appoint two other members. He expressed the Commission should appoint members during the May Commission meeting.

Vice Mayor Paul agreed with the Town Commission to appoint one member each and those members will appoint two more members. She furthered stated that the section 2-208 duties and function of the Miami- Dade County ordinance should be used to create our resolution since the language contains the essence of what they want to accomplish. Vice Mayor Paul spoke about the possibility of reinstating the Budget Committee and Sustainability Committee.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jerold Brunnabend stated that this was something that was discussed during the debate and he agrees with it. He believes that one topic that is appropriate to speak about is Gay Pride month as it is an important topic and the Commission needs to add this to the agenda to discuss next month.

Mayor Burkett closed the floor to public comments.

A motion was made by Commissioner Vildostegui to create the Community Relations Board with language to adopt the Board, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Town Clerk McCready asked Mayor Burkett if Liaisons for the Boards were going to be appointed.

Mayor Burkett asked the Town Commission which Board would they like to be Liaisons for.

Commissioner Coto expressed he would like to be the Liaison for the Parks and Recreation Committee.

Commissioner Vildostegui expressed he would like to be the Liaison for the Planning and Zoning Board.

Vice Mayor Paul expressed she would like to be the Liaison for the Tourist Board.

[community-relations-board-ordinance.pdf](#)

9F. Amending Ordinance 21-1716 to Amend Section 90-48 - Setback Requirements and Considerations for Retroactive Implementation - Vice Mayor Tina Paul

Item was not discussed.

9G. Discussion on Parking Fees - Mayor Charles W. Burkett

Mayor Burkett introduced the item and proposed his suggestions as to how much the parking fees should be raised.

There was discussion on how much Bal Harbour chargers.

Interim Town Attorney spoke about the parking tickets.

The Town Commission consensus was for the Interim Town Attorney to work with the Interim Town Manager and bring back suggestions related to this matter.

Vice Mayor Paul believes that the Town should keep the \$ 4 per hour and have a 3-hour maximum time limit seven days a week and allow the residents to use the overnight parking. She believes that if the price it too high, no one will come to Town. She stated the Town needs to tackle the 3 hour limit and be on top of it.

Commissioner Velasquez believes that it should be raised to \$10.00 with a maximum of three hours and either towed or boot the vehicle after three hours.

Vice Mayor Paul stated that whatever they do have to work with the businesses as they already suffer enough. She would like to try different options at peak hours. She further stated that the dedicated spots are helpful to business owners. Also to allow residents to park overnight between 9pm-7am.

Mayor Burkett suggested overnight decals for those residents that use it.

Mayor Burkett stated that something has to be done and suggested a round table if one is needed. He further believes in raising their fees.

Vice Mayor Paul suggested \$4.00 per hour and 7 days a week, with at three hours maximum time.

Commissioner Vildostegui believes that this subject deserves a roundtable discussion. He doesn't believe in graduated parking rates. He believes it should be an even rate across the board.

He spoke about the possibility of creating a resident system or code within the pay by phone app. He would like to workshop this further as he believes that any decision tonight feels rush.

Vice Mayor Paul stated that she will not be in support of any changes tonight.

Commissioner Coto believes that this should be discussed further and requested three different options.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke and advised the Commission not to move forward with taking a decision as of yet. She stated that the way to do it is by having a community workshop.

Shlomo Danzinger spoke against raising the fees and spoke about the maximum of a parking ticket to be \$36.00.

Jason Nevader thanked the Commission for putting the 15-minute signs back on. He stated that he sees beachgoers parking and not Bal Harbour people. He suggested incrementing the fees slowly by \$0.50 cents and 7 days a week.

Jeff Rose spoke about the possibility of the Town of Surfside valet and parking visitor in the Bal Harbour shops by working with them.

Louisa Agresti spoke about Mr. Rose's ideas and maybe have the restaurants hire employees to valet the visitor's vehicles in the Bal Harbour shops or even hotels in town and provide that service to their clients.

Jerold Brunnabend stated that no one in this Commission is a parking expert and his concerns with the Interim Town Attorney acting as the Town Manager.

Mayor Burkett closed the floor to public comments.

Mayor Burkett would like for them to do something about it and possibly changing the rates tomorrow. He would like to raise and see who the complainants are. He further stated that if they raise them and it doesn't work, they can always change them back.

Commissioner Vildostegui believes that this is something that it is definitely for experts, and he is trying to stay away from raising it to \$10.00.

Commissioner Velasquez would like to go to \$4.00 every day, seven days a week and schedule a workshop where the Town Manager and Town Attorney can provide feedback.

A motion was made by Commissioner Velasquez to amend resolution 2022-2900 to change the hourly parking fees to \$5.00 across the board in all municipal lots, 7 days a week with a maximum of three hours, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Vice Mayor Paul asked regarding the Town Manager's report stating how the field will be Turf.

Commissioner Velasquez clarified there is natural grass on the field.
Item was not discussed.

[Resolution No. 2022-2900-Off-Street Variable Parkins Rates and Time Limitation.pdf](#)

9H. Industrial Use of Single Family Homes in the Residential District - Mayor Charles W, Burkett

Mayor Burkett introduced the item and asked for the Interim Town Attorney to look into the code regarding the industrial use of single-family homes in the residential district.

Interim Town Attorney stated that there were problematic sites that were in front of the Special Magistrate and there were fines assessed to those in violation.

Vice Mayor Paul spoke about an ordinance that can be used in order to obtain compliance with those sites.

Interim Town Attorney Blumstein stated that sometimes it comes to enforcement and staff availability.

Mayor Burkett directed the Interim Town Attorney to look into this to make sure these things are no longer allowed.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Eliana Salzhauer spoke on this item and the people that make their sites a dump and thanked the Commission for addressing this matter.

Commissioner Velasquez spoke regarding what is not allowed in New York and an ordinance from Coral Gables relating to commercial parking.

Shlomo Danzinger stated that this item is to target the former Vice Mayor's business. He urged the Town Commission to have in mind that there are many residents that have companies, and this may affect those as well.

Jeff Rose spoke on the item and stated that the house in question has an active permit.

Mayor Burkett closed the floor to public comments.

A motion was made by Commissioner Velasquez for the Town Manager to put together a proposal and bring it back to the Commission, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

[Town Code Section 34-66 Definitions.pdf](#)

[Town Code Section 34-67 Penalty for Violation.pdf](#) [Town Code Section 34-68](#)

[Assessment of Cost.pdf](#)

[Town Code Section 34-69 Unsightly Accumulations on Improved](#)

[Property.pdf](#) [Town Code Section 34-70 Vegetation.pdf](#) [Town Code Section](#)

[34-71 Vacant Lots.pdf](#)

9I. Discussion on the Planning Department, Planning Approval Process and Planning and Zoning Board - Mayor Charles W. Burkett

Item was not discussed.

9J. Community Center Concession - Vice Mayor Tina Paul

Item was not discussed.

9K. Reverse Resolution No. 2023-Z-3209 Site Plan Approval of 8777 Collins Avenue - Vice Mayor Tina Paul

Item was not discussed.

9L. Discussion regarding Historic Structures - Vice Mayor Tina Paul

Item was not discussed.

9M. Plans for the 3rd Anniversary of the Champlain Towers South Collapse and Memorial Design - Vice Mayor Tina Paul

Mayor Burkett introduced the item.

Vice Mayor Paul expressed how the purpose of placing this item on the agenda is because of the three-year anniversary of the Champlain Towers Collapse is approaching. She stated how she would like to give the Town Manager direction to work with the Memorial Committee.

Commissioner Velasquez asked regarding the change of name for the memorial.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Martin Langesfeld shared how he lost his sister and her husband nearly three years ago in the collapse. He expressed how the previous Memorial Committee had different opinions. He stated how the Committee, and the family members of the victims should get together and decide on a name. He advised for the new Interim Town Manager to be informed and up to date with what has been done in the Committee. He expressed the importance of continuing the investigation on the collapse.

Mayor Burkett expressed his concerns on making sure the Memorial is properly made and named. He expressed how the memorial is to remember the people, not the politicians.

Azriel Wasserman stated how he thinks his wife is the only victim family member that lives in surfside. Mr. Wasserman said he will ask his wife regarding her opinion on the memorial's name. He shared how he would like to put together the Committee.

Vice Mayor Paul stated they will reinstate the former Memorial Committee and add another two members to it. One is David Rodan, a family member and architect, and survivor Yady Santos.

Mr. Wasserman expressed how his wife would object and to take actions sensitively.

Shlomo Danzinger shared his thoughts on why the Town Manager is running the Committee. He expressed how the name of the memorial came from the feedback of the former memorial committee, due to them not wanting to hear the words Champlain Towers.

Eliana Salzhauer expressed how the last two years have been filled with delays regarding the memorial and the Town's projects.

Mayor Burkett closed the floor to public comments.

A motion was made by Vice Mayor Paul to direct the Interim Town Manager to work with the Memorial Committee and Town staff for the memorial anniversary and move forward with the Memorial plans, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

9N. Police Enforcement and Presence throughout Town - Commissioner Ruben A. Coto

Item was not discussed.

9O. Discuss Ordinance Changing the Mixed Use for Religious Exemptions - Commissioner Nelly Velasquez

Item was not discussed.

9P. Discussion on Lot Splitting and Lot Coverage - Commissioner Ruben A. Coto

Item was not discussed.

9Q. Dock Sizes - Commissioner Ruben A. Coto

Item was not discussed.

Lift Gate on 88th Street - Commissioner Velasquez

Commissioner Velasquez introduced the item and believes that this is a great idea and would like to see if the Town Commission would like to provide direction to the Town Manager and Interim Town Attorney to look into placing an arm there and providing residents and emergency vehicles a fob to allow access.

Commissioner Vildostegui voiced how he doesn't believe such a thing exists anywhere in Miami-Dade County, he doesn't believe that the Town will be able to accomplish this if it is a county road. However, he is in favor of the Interim Town Attorney looking into this.

Mayor Burkett opened the floor to public comments.

The following individuals from the public spoke:

Jeff Rose spoke about this item and stated that there was a Town Workshop and most of the Town residents in attendance like the idea of placing some of these arms on some streets in Town.

Shlomo Danzinger spoke on the item and asked Mayor Burkett if the issue on 88th street was an order and/or if the Town obtained approval from the County. He stated that the County will make them take this down. He suggested that they should focus on the speed limit which is not enforceable.

Eliana Salzhauer stated that this was discussed in the Town Workshop where only 10 people attended. She further stated that there were things done in the past without the County's approval. She believes that everything this Commission is discussing is to benefit their residents.

Interim Town Attorney Blumstein stated that the Town of Surfside streets do not belong to the County.

Jared Brunnabend stated that the Town should contact Google and Waze in order to change the pattern so that they don't come through the new circle created. He also recommended for the Town Commission to visit gated communities to see how those work.

Mayor Burkett asked the Town Commission if they will entertain this idea as a pilot program.

Vice Mayor Paul stated that in the meantime there needs to be enforcement there.

A motion was made by Commissioner Velasquez to direct the Interim Town Manager to put together a proposal and bring it back to the Town Commission, seconded by Commissioner Coto.

Commission Vildostegui would like to know more about what is legally allowed in that area.

Mayor Burkett stated that there is no more traffic in that area.

Commissioner Vildostegui expects that this idea doesn't come at the expense of the traffic solutions that they have been talking about. He believes that traffic calming is a different issue from cut through. He expressed how he is worried with over promising with the gate idea.

Further discussion took place related to possible pros and cons of this idea.

A motion was made by Commissioner Velasquez to place the lift gate and bring it back to the Commission for final approval, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

10. Adjournment

There being no further business to discuss before the Commission, a motion was made by Commissioner Velasquez to adjourn the meeting at 12:28am, seconded by Vice Mayor Paul. The motion carried with a 5-0 vote.

Accepted this _____ day of _____, 2024.

Charles W. Burkett, Mayor

Attest:

Sandra N. McCready, MMC, MPA
Town Clerk



**Town of Surfside
Planning and Zoning Board Meeting
MINUTES
February 29, 2024
6:00 PM
Town Commission Chambers**

1. Call to Order/Roll Call

Chair Baumel called the meeting to order at 6:02 p.m.

Former Deputy Town Clerk Herbello called the roll with the following members of the public present:

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Ruben Bravo, Board Member Jonathan Edderai, Board Member Lindsey Lecour and Alternate Board Member Andrew Bales.

Also Present: Town Attorney Tony Recio, Town Planner Judith Frankel, Consultant Town Planner Walter Keller, Commission Liaison Commissioner Fred Landsman and Town Manager Hector Gomez.

2. Town Commission Liaison Report

Commission Liaison Commissioner Fred Landsman provided his Commission Liaison Report. He thanked the Board Members for their service during these last 2 years. He also thanked the Town Planners, Building Official and staff.

A motion was made by Vice Chair Forbes to move item 4D (9466 Harding Avenue) before item 4A (8935 Froude Avenue) and item 7A (Design Guidelines Update) in front of item 5A (Amending Section 90-74 - "Temporary Signs"), seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Chair Baumel asked if any of the Board Members would like to speak regarding their time serving on the Board.

All the Board Members thanked everyone, staff and Town Attorneys and were honored in the time they served.

3. Approval of Minutes

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3.A January 18, 2024 Planning and Zoning Board Meeting Minutes - Sandra N. McCready, Town Clerk

A motion was made by Vice Chair Forbes to approve the January 18, 2024 Planning and Zoning Board Meeting Minutes, seconded by Board Member Lecour. The motion carried with a 5-0 vote.

[January 18, 2024 Planning and Zoning Board Meeting Minutes.pdf](#)

4. Applications

Town Attorney Recio read his quasi-judicial statement into the record.

Former Deputy Clerk Herbello swore in all the members of the public and applicants that will be speaking tonight on all applications.

Town Attorney Recio asked Former Deputy Clerk Herbello if all applicable applications met notice requirements.

Former Deputy Clerk Herbello confirmed notice requirements were met.

Town Attorney Recio polled the members of the Board for any ex-parte communication.

None of the Board Members had ex-parte communication.

4.A 8935 Froude Avenue - New Single-Family House - Judith Frankel AICP, Town Planner

Staff finds this application for a new single-family home meets the zoning code. The Planning and Zoning Board should determine whether the new home is "consistent with and in conformance with the design guidelines set forth in the Town Code". Staff recommends approval with the following conditions:

- Front facade window glass may not be darkly tinted.
- Pervious area calculation must be consistent on the Landscape Plan and site Plan. A separate permit is required for the Landscape Plan at the time of Building permit application.
- Outdoor lighting plan compliant with Ordinance No.24-1767 must be provided at the time of Building permit application.
- A grading and drainage plan (with appropriate retaining wall) must be provided to comply with Ordinance No.24-1769 at the time of Building permit application.
- Pool, driveway and fences must apply for separate permitting.

Town Planner Frankel introduced the item and provided an overview of the application.

Building Official McGuinness provided his staff recommendations as follows: 1) Amend Sheet A2.1 to show the correct main living area Finish Floor Elevation (FFE) of 10'-0" NGVD. 2) Amend Sheet A2.1 to show the correct elevation of the garage in NGVD. 3) Amend Sheet A2.1 to provide flood vents in the garage at a rate of 1 square inch of net open area for each square foot of floor area vented. Vents must

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be no more than 12 inches above grade with a minimum of two vents located on opposing walls. 4) Amend the elevation plans to locate the bottom of the HVAC equipment at or above 10'-0" NGVD. 5) Please provide a Pre-Construction Elevation Certificate at time of building permit application.

Alternate Board Member Bales asked regarding the E-Glass if it is allowed. He asked the limit of what is dark and what is not dark.

Town Planner Frankel stated the design guidelines, and they will be updating those guidelines, but it is not specified in the zoning code, but it is in the design guidelines and provided an explanation.

Board Member Lecour asked regarding the landscaping and the minimum rear set back.

Town Planner Frankel stated the code only requires 20% landscape in the back yard and as long as they are getting to the overall 35% they are fine.

Chair Baumel asked regarding the design guidelines and the actual glass and is favorable with the change with allowing a darker tint to the window to exist and explained the issues she has encountered. She also stated that would help bring down their electricity bill.

Alternate Board Member Bales would be against reflective glass and spoke regarding having the standards of what dark is in the code.

Town Planner Frankel stated what the guideline states.

Discussion among the Board Members took place regarding the tint of the glass, the efficiency of the home and the design guidelines as it pertains to the application and site plans.

Yoann Andreu, architect, spoke on the project and addressed the questions from the Board Members.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Discussion among the Board Members, Town Planner and architect took place regarding the elevation, glass, reflection, tint and roof proofing materials.

A motion was made by Board Member Lecour to approve the application with staff recommendations, seconded by Board Member Edderai. The motion carried with a 3-2 vote with Board Member Bravo and Vice Chair Forbes voting in opposition.

[8935 FROUDE AVE Plans Set](#)

[Attachment A: Images and Zoning Tables](#)

4.B 8841 Garland Avenue - Addition - Judith Frankel AICP, Town Planner

Staff finds this application for a front addition, rear addition, and rear terrace meets the zoning code. The Planning and Zoning Board should determine whether the new additions are "consistent with and in conformance with the design guidelines set forth in the Town Code". Staff recommends approval with the following conditions:

- The existing accessory structure is demolished prior to the application for a building permit.
- The additional space must have a FFE equaling the existing FFE for the home.
- The proposed pool, driveway and fence must be permitted separately. Pervious lot coverage will be verified at permitting.

Town Planner Frankel introduced the item and provided an overview of the application.

Building Official McGuinness provided his staff recommendations as follows: 1) A FEMA 50% Rule Analysis will be performed at time of building permitting using the Miami-Dade County Tax Appraiser's valuation unless a professional appraisal is provided.

Board Member Bravo asked if the request is for the front and the not the back.

Town Planner Frankel stated it is for both.

Board Member Lecour thought they did not have to come to the Board for rear additions.

Chair Baumel stated it is changing the front entrance facade.

Vice Chair Forbes stated that he does not see a rendering of the back.

Valeria Lorens, architect, explained the project and stated it is a small house.

Board Member Lecour asked regarding the south elevation.

Ms. Lorens stated the owners want a larger master bedroom.

Chair Baumel appreciates them keeping the original house. She stated that a flat roof is cheaper and they could put skylights.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

A motion was made by Board Member Lecour to approve the application with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[Attachment A: Images and Zoning Tables.pdf](#)

4.C 9472 Byron Avenue - New Single-Family Home - Judith Frankel AICP, Town Planner

Staff finds this application for a new single-family home generally meets the zoning code with the exception of the F.A.R. calculation. The proposed home as represented in the submitted plans package, has an F.A.R. of 0.75, which exceeds the maximum F.A.R. of 0.72. This represents approximately 190 SF that would need to be reduced. This may be a calculation error, but it must be resolved. Staff recommends deferral of the application to allow the applicant to reduce the F.A.R. At this time the Planning and Zoning Board may determine whether the new home is "consistent with and in conformance with the design guidelines set forth in the Town Code". Once the F.A.R. concern is resolved, staff would recommend approval with the following conditions:

- Height of the decorative parapet and mechanical equipment on the roof must be provided.
- Dimensions for the entry overhand and roof trim must be provided to demonstrate compliance with 90-47.1.
- Outdoor lighting plan compliant with Ordinance No.24-1767 must be provided at the time of Building permit application.
- A grading and drainage plan (with appropriate retaining wall) must be provided to comply with Ordinance No.24-1769 at the time of Building permit application.
- A Landscape Permit is required.
- Pool, driveway and fences must apply for separate permitting.

Town Planner Frankel introduced the item and provided an overview of the application. She is recommending deferral on this item due to the Floor Area Ratio (FAR) calculations. She stated that once the FAR is resolved they would recommend approval with staff recommendations.

Building Official McGuinness provided his staff recommendations as follows: 1) Provide an elevation mark on Sheet A-03 First Floor Plan locating the Finish Floor Elevation (FFE) of the main living area at or above 10'-0". Provide floor elevations for levels other than the main living area: i.e. pool deck and other porch areas.

Dewey Blaststone, architect, provided the FAR calculations and an overview of the project.

Board Member Lecour spoke regarding the discrepancy of the FAR calculations.

Discussion among the Board Members, the architect and staff took place regarding the discrepancy of the FAR calculations.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:
Kacy Woods spoke against the project and the giant homes being built.

Chair Baumel closed the floor to public comments.

The Board Members addressed the comment made by the public speaker.

A motion was made by Board Member Lecour to defer the item to the next meeting, March 28, 2024, seconded by Board Member Edderai. The motion carried with a 5-0 vote.

[Attachment A: Images and Zoning Tables](#)

[Application](#)

[9472 Byron Plans Set](#)

[9472 Byron Ave Landscape Plan](#)

4.D 9466 Harding Avenue - Wall Sign - Judith Frankel AICP, Town Planner

Staff recommends approval with the following condition:

- All illumination must be white.

Town Planner Frankel introduced the item and provided an overview of the application.

Ingrid Cariajo, representing the applicant introduced the item as it relates to the lumens of the sign.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

A motion was made by Board Member Lecour to approve the application with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[9466 Harding Plan Set](#)

[9466 Harding Survey](#)

5. Ordinances

A motion was made by Board Member Lecour to move item 5C (Comprehensive Plan Update (Local Planning Agency Item)) before item 5A (Amending Section 90-74- "Temporary Signs"), seconded by Board Member Bravo. The motion carried with a 5-0 vote.

5.A Amending Section 90-74. - "Temporary Signs" - Judith Frankel AICP, Town Planner

Town Administration recommends that the Planning and Zoning Board discuss the proposed changes and make a recommendation to approve for Town Commission's second reading.

Former Deputy Clerk Herbello read the title of the ordinance into the record.

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Town Planner Frankel introduced the item.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:
Mark Blumstein

Chair Baumel closed the floor to public comments.

A motion was made by Board Member Lecour to recommend to the Town Commission to approve the ordinance on second reading, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[Ord Amend Sec. 90-74 Temporary Real Estate Signs](#)

5.B Roof Replacement Materials in the Single-Family Residential Area - Judith Frankel AICP, Town Planner

Town Administration recommends approval of this ordinance to allow homeowners to re-roof with their existing roofing material.

Former Deputy Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel introduced the item.

Building Official McGuinness provided his staff recommendations as follows: 1) The proposed changes are to replace antiquated language in our LDC. For example, our old code refers "flat" roofs which are prohibited by the Florida Building Code. All roofs must have a slope for positive drainage of stormwater. While low slope roofs may appear to be flat, they actually have and are required by the FBC to have a minimum (nominal) slope of 2% (1/4inch per foot). This language change corrects this misnomer in our code. 2) The addition of TPO (membrane roof coverings) is to acknowledge a commonly used code compliant type of roof covering for low slope roofs which are usually located in the rear of the home covering a porch or lanai area. I recommend adding the following caveat under 6(c) line 66: If the low slope (flat) roof is located in the rear of the home and is not visible from the street then it is exempt from P and Z Board review/approval.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

A motion was made by Vice Chair Forbes to recommend to the Town Commission to approve the ordinance on second reading, seconded by Board Member Lecour. The motion carried with a 5-0 vote.

[Ord Amend 14-31 and 90-50.1 of Code Re-Roof Replacement with Same Materials](#)

5.C Comprehensive Plan Update (Local Planning Agency Item) - Judith Frankel

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AICP, Town Planner

Town Administration asks the Planning and Zoning Board, sitting as the Local Planning Agency (LPA), to review the proposed updates to the Town' Comprehensive Plan. The LPA may suggest revisions and provide comments if desired or recommend transmittal to the Town Commission with any comments or recommendations.

Item was heard before item 5A (Amending Section 90-74 - "Temporary Signs").

Former Deputy Clerk Herbello read the title of the ordinance into the record.

Consultant Town Planner Keller (Marlin Engineering) provided an overview and amendments to the item.

Board Members asked Mr. Keller regarding the numbers as it relates to the housing elements.

Town Attorney Recio addressed some concerns, and he reiterated this is a state mandated process that has to be done every 7 years and what needs to be identified. He stated that lately the State has gotten stricter with the deadlines.

Board Member Bravo asked what would happen if they do not adhere to the deadlines.

Town Attorney Recio stated that they would be out of compliance and that is not a good thing to be in. He further spoke regarding the land use element and the terms of the definition of water and spoke regarding that language.

Board Member Lecour asked if Point Lake is included and its entrances and asked if the clarification can be added.

Discussion among the Board Members, staff and Town Attorney took place regarding the specifics of the plan and additions to the text regarding Point Lake as well.

Consultant Town Planner Keller addressed the comments made.

Chair Baumel opened the floor to public comments.

The following individuals from the public spoke:

Mark Blumstein asked if any of this would trigger a Section 4 referendum.

George Kousoulas spoke regarding the timing of this is quite awkward and stated it is best for the new commission to be the initial and final review. He spoke regarding the Tennis Center parcel.

Carly Koshel, Bercow & Radell, spoke regarding the additional protections as it relates to the canals.

Chair Baumel closed the floor to public comments.

Town Attorney Recio stated that nothing is being rezoned in this process. This is

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setting the policy and outer boundaries of potential developments. He stated the two rezoning would be Veteran's Park (Tennis Center) and 96th Street Park. It is for public recreation purposes.

Discussion took place among the Board Members, Town Attorney and staff regarding the language change to public recreation purposes as well as the density and height of development.

Vice Chair Forbes addressed the comments made by Mr. Kousoulas and does not appreciate the comments he made. He stated that Town Planner Keller has a very detailed plan for the Commission to start the discussion and review.

Board Member Lecour would like clarification on the height issue and the drainage language that needs revision in this document and reads a bit outdated. Her recommendation is to revisit Section 4 and bring it up to date and cleaning up some of the existing language.

Town Planner Keller stated that the drainage issue is more involved than the comprehensive plan and addressed the comments made by Mr. Blumstein. He stated the drainage issue is very complicated and the purpose of the comprehensive plan is more general.

Town Attorney Recio explained the process of submittal of this comprehensive plan after the Commission approves at first reading.

Chair Baumel asked if this height is the number provided in the comprehensive plan.

Town Attorney Recio stated it is already in the comprehensive plan and he addressed the comments made by Board Member Baumel.

After a lengthy discussion regarding the specifics of the comprehensive plan, the following motion was made.

A motion was made by Vice Mayor Forbes to recommend to the Town Commission to move forward with approving this ordinance on first reading with all the comments made including the changes discussed regarding the water and drainage, seconded by Board Member Edderai. The motion carried with a 3-2 vote with Board Member Bravo and Board Member Lecour voting in opposition.

[Attachment A: 2018 Comprehensive Plan](#)

[Attachment B: Comp Plan EAR Update and Summary](#)

[Ordinance Amending Town Comp Plan Adopting EAR Amendments - P&Z](#)

[Exhibit A1: 1 Future Land Use](#)

[Exhibit A2: 3 Housing 2024](#)

[Exhibit A3: 4 Infrastructure Element 2024](#)

[Exhibit A4: Water Supply Work Plan 2024-Appendix to Infrastructure](#)

[Exhibit A5: 5 Coastal Management Element 2024](#)

[Exhibit A6: 7 Recreation and Open Space 2024](#)

[Exhibit A7: 9 Capital Improvements Element 2024](#)

Exhibit A8: 11 Property Rights Elements 2024

6. Next Meeting Date

Former Deputy Clerk Herbello advised the Board Members that the next meeting will be March 28, 2024.

Town Attorney Recio stated that the code states that this current Board continues to serve until a new Board is appointed or until the April meeting.

Consensus was reached to hold the next meeting on March 28, 2024.

7. Discussion Items

7.A Design Guidelines Update - Judith Frankel, AICP, Town Planner

This item was heard before item 5A (Amending Section 90-74 - "Temporary Signs").

Consultant Town Planner Keller and Laura Castaridi (Marlin Engineering) introduced the item and provided an update on the Design Guidelines.

Town Planner Frankel brought up some of the issues with the corner lots.

Discussion took place among the Board Members and Marlin Engineering regarding the suggested design guideline updates that includes parking and the issues currently being encountered.

Town Planner Frankel stated that in about two weeks they would send them a draft of the document for their review and input.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:
George Kousoulas spoke on the item.

Chair Baumel closed the floor to public comments.

No action was taken by the Board.

8. Adjournment

There being no further business to discuss before the Board, a motion was made by Vice Chair Forbes to adjourn the meeting at 9:27 p.m., seconded by Board Member Edderai. The motion carried with a 5-0 vote.

Accepted this 25th day of April, 2024.

Chair

Attest:

Sandra N. McCready, MMC
Town Clerk



**Town of Surfside
Tourist Board
MINUTES
March 4, 2024
5:30 PM**
Town Commission Chambers

1. Call to Order/Roll Call

Chair Tourgeman called the meeting to order at 5:34 p.m.

Former Deputy Town Clerk Herbello called the roll with the following members of the Board present.

Present: Chair Eli Tourgeman, Vice Chair Ben Jacobson, Board Member David Karp, Board Member Ezequiel Singer and Board Member Diana Gonzalez.

Also Present: Town Manager Hector Gomez, Town Attorney Roger Pou, Commission Liaison Mayor Shlomo Danzinger, and Tourism and Communications Director Frank Trigueros.

Chair Tourgeman acknowledged staff, our Town Attorney and Mayor Danzinger.

2. Agenda and Order of Business

A motion was made by Vice Chair Jacobson to have a walk on item to be the new item 7M (Allocate Emergency Funds for Events) to allocate \$22,000 to approve the authorization for emergency funds in coordination with Tourism and Communications Director Trigueros for events, seconded by Board Member Singer. The motion carried with a 5-0 vote.

3. Town Commission Liaison Report

Commission Liaison Mayor Danzinger provided his Commission Liaison Report.

Chair Tourgeman spoke regarding the legality of this Board and how this Board would function after the election. He read Section 70-124 of the code. He spoke regarding reappointment after the election and explained how it would work.

Board Member Karp asked if the Board Members will be notified of the next meeting. Chair

Tourgeman stated the Town Clerk will notify the Board Members and stated it is not

an instant thing that takes place. He stated this Board will continue to serve until such time.
Chair Tourgeman spoke regarding an event this past Saturday and it was an incredible one.

4. Public Comments

Chair Tourgeman opened the floor to public comments.

The following individuals from the public spoke:

Michelle Arambula spoke regarding item 7B (ACT Productions: Jazz Night Block Party Recap) and she stated that last month's event was not up to par and this month's event was an improvement but the events in the past were much better.

Marianne Meischeid stated the event was not good and they ran out of water and there was a long line for food.

Chair Tourgeman closed the floor to public comments.

Chair Tourgeman responded to the comments made by Ms. Arambula and his personal opinion the event was 9 out of 10. He stated to Ms. Meischeid that there was enough water. He responded to her saying that there were a lot of people and that is the goal. Although she did not recognize them it is because that is their goal to put Surfside on the map.

Vice Chair Jacobson responded to the comments made by Ms. Arambula and asked her the two events which are similar and wanted her thoughts between the two.

Ms. Arambula responded and there were more activities and more to do at the Third Thursday event.

Board Member Singer stated the goal of this Board is to bring tourists here.

Board Member Gonzalez stated that the jazz dancers were students from a dance school, and she stated they need to attract tourists and not a dance school.

The Board Members addressed the comments made by the public speakers.

5. Approval of Minutes

5A February 5, 2024 Tourist Board Meeting Minutes - Sandra N. McCready, MMC, MPA, Town Clerk

A motion was made by Vice Chair Jacobson to approve the February 5, 2024 Tourist Board Meeting Minutes, seconded by Board Member Gonzalez. The motion carried with a 5-0 vote.

6. Resort Tax Collection and Vacancies Report

Tourism and Communications Director Frank Trigueros provided an update on the item.

7. Discussion Items

A motion was made by Board Member Gonzalez to move items 7I (Six Month Update: Farmer's Market New Location) and 7J (Surf Food Fest: Food Truck Event March 7) to be heard before item 7E (2024 Tourist Board Block Parties Check In Data, T-Shirt Update), seconded by Board Member Singer. The motion carried with a 5-0 vote.

7A Kosher Food at Events - Vice Chair Ben Jacobson

Vice Chair Jacobson provided a summary of the item. He spoke regarding the last event and the request was that it would be inclusive not only Kosher food. He wanted to thank the entire Board for making sure there is Kosher food in all the events regardless of the comments on Next Door requesting to remove Kosher food from events.

Board Member Gonzalez agrees and this Board has always pushed for inclusion and Kosher food.

Chair Tourgeman stated they will be having a food truck event where they will have all types of different foods.

Board Member Karp spoke regarding the Kosher event and complimented that event.

7B ACT Productions: Jazz Night Block Party Recap - Tourism & Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros provided an update on the item.

Noemi Lopez and Bruce Orosz, ACT Productions, provided an overview of the event.

Chair Tourgeman stated he likes that they take feedback it and put the suggestions into action, and they want every single event to be a success. He thanked them.

Board Member Gonzalez stated that the way the public sees the event might be different from how they see it. She suggested for them to go to another event to get ideas and provided examples.

Vice Chair Jacobson summed up some parts and spoke regarding the water comment and that they do not have to have designer water, they just need enough water. He addressed the issue with the food lines and that is not acceptable. He spoke regarding the different things at the events and some of the issues encountered and possible solutions to them.

Chair Tourgeman asked regarding the funding for food.

Mr. Orosz addressed the comments and additional funding for food would be a great enhancement.

Chair Tourgeman asked how much was the funding.

Tourism and Communications Director Trigueros stated it was \$24,500 and they gave Third Thursdays an additional \$1,500 for food.

Board Member Gonzalez stated for them to look for additional vendors and would suggest them to improve and do better with their budget.

Chair Tourgeman stated for them to move forward with the budget given and see what they could come up with.

7.C ACT Productions: Upcoming March 24 Street Art Festival - Tourism & Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros provided an update on the item.

Noemi Lopez and Bruce Orosz, ACT Productions, provided an overview of the event.

Board Member Gonzalez suggested for them to listen to the recommendations and asked for residents to participate.

Board Member Karp encouraged for them to reach out to the Community Center since they have an art class.

[Street Art Festival March 24](#)

7.D ACT Productions Update: The Mentalist - Tourism & Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros provided an update on the item.

Noemi Lopez and Bruce Orosz, ACT Productions, provided an overview of the event. They stated they are looking at possibly coming up with additional vendors but due to the hotel's regulations, some are not allowed due to the layout they have due to the available space. This makes it very limited on who their sponsors could be. She requested more funding for this specific event due to the policy of the hotel. She suggested changing the date due to the holiday rates given by the vendors. The ideal number would be \$30,000 for the event.

Chair Tourgeman stated his concern is would they be able to pull this off in 2 weeks because if they cannot they have to let them know.

Ms. Lopez stated that performer Guy Bavli would showcase and promote on his channels. She said her concern is going over the capacity of 300.

Chair Tourgeman asked if they can add additional funding. He suggested an increase of \$5,000.

Town Attorney Pou stated this item is noticed and they can allocate additional funds during this item.

Board Member Gonzalez suggested an additional \$3,000.

Chair Tourgeman stated this event is completely different from what they have done in the past.

A motion was made by Vice Chair Jacobson to authorize the allocation an additional \$5,000 from Tourist Funds, seconded by Board Member Karp. The motion carried with a 4-1 vote with Board Member Gonzalez voted in opposition.

[The Mentalist - ACT Productions](#)

7.E 2024 Tourist Board Block Parties Check In Data, T-Shirt Update - Tourism & Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros provided an update on the item, the numbers of attendance and where they came from. He also provided the number of T-shirts that have been sold. They will email the check-in data presentation to the Board Members given a technical problem.

Discussion among the Board Members took place regarding having an update at the next meeting.

7.F 2024 Historical Walking Tours - Tourism & Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros provided an update on the item and the issues encountered finding dates. He stated they can confirm March 17 which is the day they approved the Mentalist, but this is a small event and the other date is April 7.

Chair Tourgeman recommends approving April 7 because they cannot mix and match.

Consensus was reached by the Board to hold the event on April 7.

7.G Business District Storefront Initiative - Board Member David Karp

Tourism and Communications Director Frank Trigueros and Board Member Karp provided an overview of the item which involved storefront displays.

Board Member Karp stated it is an idea for people to get to know the area.

Chair Tourgeman stated some years ago they partnered with Bay Harbour Elementary

and they did an art show and explained how it took place.

Board Member Gonzalez requested more clarity and currently they have a lot of events.

Tourism and Communications Director Trigueros stated he can get more information and work to come up with something and bring it back.

7H Beachside Events Recap: Third Thursdays & Music on the Beach - Tourism & Communications Director Frank Trigueros

Tourism and Communications Director Frank Trigueros provided an update on the item.

Alan Andai provided an overview of the event.

Discussion among the Board Members took place regarding the recap of the event as well as allocating additional funds for food.

A motion was made by Board Member Karp to approve an additional \$1,000 for the February Third Thursdays event, seconded by Vice Chair Jacobson. The motion carried with a 5-0 vote.

7I Six Month Update: Farmer's Market New Location - Tourist Board Chair Eli Tourgeman

Tourism and Communications Director Frank Trigueros provided an update on the item.

Javier Valmana provided an overview of the upcoming Food Truck Event with a and a presentation of the event.

Chair Tourgeman is looking forward to this event.

Board Member Karp asked if he could have an electronic survey. Mr. Valmana stated he will do that.

Discussion took place regarding the private property on Harding Avenue to possibly use it for future event as well as the different vendors that will be attending.

7J SURF FOOD FEST: Food Truck Event March 7 - Tourist Board Chair Eli Tourgeman

Tourism and Communications Director Frank Trigueros provided an update on the item.

Javier Valmana provided an overview of the Food Truck Event and a presentation of the event.

Chair Tourgeman is looking forward to this event.

Board Member Karp asked if he could have an electronic survey. Mr. Valmana stated he will do that.

Discussion took place regarding the private property on Harding Avenue to possibly use it for future event as well as the different vendors that will be attending.

[Food Truck Proposal Surf Food Fest](#)

7.K Monument Sign Update - Tourist Board Chair Eli Tourgeman

Tourism and Communications Director Frank Trigueros provided an update on the item. He stated it should be ready by late April or May and they will advise all the Board Members.

Chair Tourgeman asked regarding the Surfside letters.

Tourism and Communications Director Trigueros stated it is currently on hold and there is a larger dune resiliency project going on and that does require Commission approval. He stated that the additional turtle sculptures have been ordered for the business district.

[Approved Monument Sign](#)

7.L Board Member Comment

Chair Tourgeman expressed his sincere thanks to the Liaison of this Board, Mayor Danzinger, for his support of this Board which has been very welcoming and viable. He stated it has been his privilege to leading this Board for the last 2 years and thanked all the Board Members for their commitment and dedication of service. This Board has done more events for residents and tourists than others have done.

Board Member Gonzalez stated it was a pleasure serving this Board and her goal has always been to make things better and coming with the comments given to her by residents. She thanked the Town Clerks and Jose Feliz.

Board Member Karp thanked Mayor Danzinger and the other Board Members and the hard work staff does to get this together.

Vice Chair Jacobson thanked all the members of the Board and staff and believes they made a difference.

Board Member Singer thanked all the members of the Board and staff and is happy with the work they have done.

7.M Allocate Emergency Funds for Events

Vice Chair Jacobson introduced the item to allow emergency funds.

A motion was made by Vice Chair Jacobson to allocate and additional \$20,000 for events with an approval by a board member, seconded by Board Member Singer. The motion carried with a 5-0 vote.

8. Next Meeting

Former Deputy Clerk Herbello advised the Board Members of the next meeting on April 1, 2024 at 5:30 p.m.

Consensus was reached to hold the next meeting on April 1, 2024.

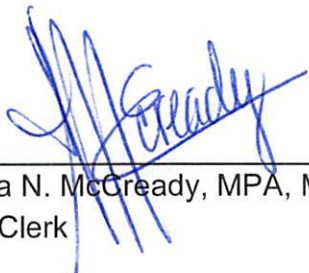
9. Adjournment

There being no further business to discuss before the Board, a motion was made by Board Member Gonzalez to adjourn the meeting at 7:47 p.m., seconded by Vice Chair Jacobson. The motion carried with a 5-0 vote.

Accepted this 6th day of May, 2024.


Chair

Attest:


Sandra N. McCready, MPA, MMC
Town Clerk



MEMORANDUM

ITEM NO. 3C.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Sandra N. McCready, MMC, Town Clerk
Date: May 14, 2024
Subject: Certification of Surfside General Municipal Elections held March 19, 2024

Town Administration recommends adoption of the Resolution.

The Town of Surfside held its General Elections on Tuesday, March 19, 2024. The general election consisted of electing a Mayor and four commissioners to serve for a term of two years. Attached is a resolution certifying and declaring the official results of the General Election.

[Resolution Certifying Town General Elections](#)

[Certification Letter - Surfside General Municipal 03.19.24](#)

[Results Official EL45 03.29.24 -Surfside 03.19.24 Signed](#)

RESOLUTION NO. 24 - _____

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE GENERAL MUNICIPAL ELECTION HELD ON MARCH 19, 2024, FOR THE ELECTION OF MAYOR AND FOUR (4) TOWN COMMISSIONERS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) held a general municipal election on Tuesday, March 19, 2024, for the election of Mayor and four Commissioners of the Town of Surfside, Florida (“Election”); and

WHEREAS, the qualifying period for the Election closed on November 22, 2023 at noon; and

WHEREAS, Charles W. Burkett and Shlomo Danzinger qualified to run for the Office of Mayor, and Jerold Blumstein, Ruben Bravo, Jared Brunnabend, Ruben A. Coto, David Forbes, Fred Landsman, Victor May, Tina Paul, Jeffrey Rose, Nelly Velasquez, and Gerardo Vildostegui, qualified to run for the Office of Town Commissioner(s); and

WHEREAS, Ruben Bravo withdrew from the race for the Office of Town Commissioner on February 21, 2024; and

WHEREAS, the Miami-Dade County Canvassing Board has canvassed the returns, has tabulated the ballots of the early voting, mail in votes, and election day voting, and has determined the total number of votes at said Election; and

WHEREAS, the results of the March 19, 2024 Election were certified on Friday, March 29, 2024, by the Miami-Dade County Supervisor of Elections, Christina White (Exhibit A” to the Resolution); and

WHEREAS, the Town Commission hereby certifies the results of the March 19, 2024 Election.

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

Section 1. Recitals Adopted. The above and foregoing recitals are true and correct and are hereby adopted and incorporated herein.

Section 2. Certification of General and Special Elections. The Town Commission finds, declares and certifies the results of the March 19, 2024 Election for the Office of the Mayor and the Office of the Town Commissioner(s) pursuant to the Certificate of County Canvassing Board Miami-Dade County (See Exhibit “A” attached).

It is hereby certified and declared that, pursuant to the votes cast in the Election held on Tuesday, March 19, 2024, Charles W. Burkett was duly elected Mayor, Tina Paul was duly elected Vice Mayor and Ruben A. Coto, Nelly Velasquez and Gerardo Vildostegui were duly elected to the Town Commission for the term which shall commence at 8:00 p.m. on Wednesday, March 20, 2024 and end on the third Wednesday in March 2026.

Section 3. Implementation. The Town Clerk is hereby authorized and directed to take all action necessary and perform all incidental duties in connection herewith as required by law.

PASSED and ADOPTED on this 14th day of May 2024.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Ruben A. Coto	_____
Commissioner Nelly Velasquez	_____
Commissioner Gerardo Vildostegui	_____
Vice Mayor Tina Paul	_____
Mayor Charles W. Burkett	_____

Charles W. Burkett, Mayor

ATTEST:

Sandra N. McCready, MMC, Town Clerk

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

Mark Blumstein
Interim Town Attorney



CERTIFICATION

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Christina White, Supervisor of Elections for Miami-Dade County, Florida, do hereby certify that the attached is a true and correct copy of the Official Results for the Miami-Dade County Presidential Preference Primary Election conducted on March 19, 2024, which included the **Surfside General Municipal Election**:

Mayor

Office of Town Commissioner



WITNESS MY HAND AND
OFFICIAL SEAL, AT MIAMI,
MIAMI-DADE COUNTY, FLORIDA,
ON THIS 29TH DAY OF MARCH, 2024

Christina White
Supervisor of Elections
Miami-Dade County

Enclosure

SUMMARY REPT-GROUP DETAIL

Presidential Primary Election
 March 19, 2024
 Miami-Dade County, FL
 Nonpartisan

OFFICIAL RESULTS

Run Date:03/29/24 02:21 PM

Report EL45A Page 003

	TOTAL VOTES	%	ED	VBM	EV
Surfside Mayor					
(VOTE FOR) 1					
Charles W. Burkett	1,061	52.42	490	354	217
Shlomo Danzinger	963	47.58	347	335	281
Total	2,024		837	689	498
Over Votes	0		0	0	0
Under Votes	24		8	11	5

Surfside Town Commissioner					
(VOTE FOR) 4					
Jerold Blumstein	458	6.05	221	148	89
Ruben A. Bravo.	112	1.48	39	62	11
Jared Brunnabend	670	8.85	231	215	224
Ruben Antonio Coto	941	12.44	435	313	193
David Forbes	676	8.93	243	204	229
Fred Landsman	877	11.59	303	304	270
Victor May	50	.66	22	20	8
Tina Paul	1,037	13.70	464	350	223
Jeffrey "Jeff" Rose	823	10.88	282	287	254
Nelly Velasquez	918	12.13	420	317	181
Gerardo Vildostegui	1,005	13.28	469	324	212
Total	7,567		3,129	2,544	1,894
Over Votes	24		4	20	0
Under Votes	601		247	236	118

So Miami Lease exceed 50yrs City property/Hall redevelop					
(VOTE FOR) 1					
Yes	662	57.32	159	453	50
No.	493	42.68	131	329	33
Total	1,155		290	782	83
Over Votes	0		0	0	0
Under Votes	39		5	20	14



MEMORANDUM

ITEM NO. 4B1.

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

From: Mark Blumstein, Interim Town Attorney

Date: May 14, 2024

Subject: **Ordinance Amending Section 90-41 "Regulated Uses" by Providing Exemptions to Drug Stores**

For the Town Commission to adopt the ordinance on first reading.

Presently, Town Code precludes drug stores within 850 feet of one another. Businesses that seek to move to Surfside may at times include a pharmacy/drug store as part of, but not the primary purpose for, the leased premises. The proposed amendment to Town Code would now allow a drug store to be located within the restricted zone so long as at least eighty (80) percent of the square footage of the leased space is used for an authorized commercial purpose under Town Code other than the dispensing of prescription drugs.

[90-41 Regulated Uses - Drug Stores](#)

ORDINANCE NO. 2024 - _____

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", BY PROVIDING DRUG STORES EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2 Statutes, provide municipalities the authority to exercise any power for municipal purposes, except
3 where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it
5 periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in
6 order to update regulations and procedures for maintain consistency with state law and to implement
7 municipal goals and objectives; and

8 **WHEREAS**, the Town Commission seeks to provide an exemption for Drug Stores to be
9 allowed within the eight hundred fifty (850) feet restricted zone so long as at least eighty (80)
10 percent of the square footage of the leased space is used for an authorized commercial purpose
11 under Town Code other than the dispensing of prescription drugs.

12 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held
13 its hearing on the proposed amendment on _____, 2024 with due public notice and input;
14 and

15 **WHEREAS**, the Town Commission held its first public hearing on May 14, 2024 and
16 recommended approval of the proposed amendments to the Code of Ordinances having complied
17 with the notice requirements by the Florida Statutes; and

18 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
19 these regulations as required by law on _____, 2024 and further finds the proposed
20 change to the Code necessary and in the best interest of the community.

21

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
 23 **TOWN OF SURFSIDE, FLORIDA¹:**
 24

25 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
 26 this reference:
 27

28 **Section 2. Town Code Amended.** Section 90-41. – “Regulated Uses” of the Surfside Town
 29 Code of Ordinances is hereby amended and shall read as follows¹:

30 **Sec. 90-41. Regulated uses.**

- 31 (a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in
 32 which they are located and are deemed to be consistent with the comprehensive plan. These
 33 uses are permitted as of right, subject to the required permits and procedures described in this
 34 section. Permitted uses require final site plan review and approval for compliance with the
 35 standards applicable to a particular permitted use as provided in this zoning code.
- 36 (b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use
 37 in this chapter shall be established until after the person proposing such use has applied for
 38 and received all required development permits.
- 39 (c) Table—Regulated uses.

40 * * *

<i>Office Uses and Professional Services</i>	<i>SB-B40</i>
Drug stores and sundries	<u>P(30)</u>
* * *	* * *
<u>Medical Marijuana Dispensary</u>	<u>P(30)</u>
* * *	* * *
<u>Sundries</u>	<u>P</u>
* * *	* * *

41 Key: P: Permitted Blank: Not Permitted (#): Refer to Notes CU:
 42 Conditional Use

43 * * *

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.

44 (d) *Uses table notes.*

45 * * *

46 (30) The following uses shall be separated from similar existing uses, or similar approved
47 but unbuilt uses, within the Town limits, by the minimum distances specified below,
48 measured from front door to front door:

49 (a) For purposes of this calculation, front door shall mean the primary public
50 access to the business which shall not include any alley, rear or secondary
51 access point.

52 (b) Medical Marijuana Dispensary: Eight hundred fifty (850) feet.

53 (c) Drug stores: Eight hundred fifty (850) feet, except this restriction shall not
54 apply when at least eighty (80) percent of the square footage of the leased space is
55 used for an authorized commercial purpose under Town Code other than the
56 dispensing of prescription drugs.

57 **Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance is held
58 to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
59 no way affect the validity of the remaining portions of this ordinance.

60 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby
61 ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside
62 Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
63 accomplish such intentions; and the word “Ordinance” may be changed to “Section” or other
64 appropriate word.

65
66 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or
67 Resolutions in conflict herewith are hereby repealed.

68
69 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

70
71 **PASSED** and **ADOPTED** on first reading this ____ day of _____ 2024.

72
73 **PASSED** and **ADOPTED** on second reading this _____ day of _____, 2024.

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75
76 On Final Reading Moved by: _____

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78 On Final Reading Second by: _____

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FINAL VOTE ON ADOPTION:

Commissioner Ruben A. Coto _____
Commissioner Nelly Velasquez _____
Commissioner Gerardo Vildostegui _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra N. McCreedy, MMC, Town Clerk

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

Mark Blumstein, Interim Town Attorney



MEMORANDUM

ITEM NO. 4B2.

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

From: Mark Blumstein, Interim Town Attorney

Date: May 14, 2024

Subject: **Ordinance Amending the Resort Tax Powers and Duties and filing requirements.**

For the Town Commission to adopt ordinance in first reading.

Amend the filing requirements and Powers and duties of Resort Tax Board Members such that board members may serve to advise the Town Commission for resort tax expenditures and delete any minimum allocations for specified purposes of resort tax receipts.

[Ordinance Amending Powers and Duties Resort Tax Board](#)

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Section 2. Town Code Amended. The Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Section 70-124 “Composition; appointment; vacancies; compensation; removal from office, etc.” and Section 70-126, “Power and duties.”, as follows:

Chapter 70 – Taxation

Article IV. – Resort Tax

Division 2. – Resort Tax Board

Sec. 70-124. Composition; appointment; vacancies; compensation; removal from office, etc.

- (a) *Number, term and qualification of members.* The board shall consist of five members. Each commissioner shall appoint one board member. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five members shall be persons who reside in Surfside and at least three of the five members shall be persons who have experience in any of the following areas: tourism, public relations, marketing, event planning and/or tourism related activities. One town commissioner shall serve as a non-voting ex-officio member of the board.
- (b) *Resiliency member.* One board member shall also possess education and/or experience in sustainability and resiliency, which may include environmental science.
- (c) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest, possible date by the town commission for the remainder of the unexpired term.
- (d) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- (e) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.
- (f) *Acceptance of appointment.* Before serving on the board ~~entering upon the duties of office,~~ each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the Town Clerk. ~~Each appointed member is required to provide the town clerk with a Form 1 Statement of Financial Interests, within three business days of being appointed to the board.~~

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

- 80 (g) *Removal of members from office; attendance.* A board member may be removed
81 from office only by a majority vote of the entire membership of the town commission;
82 however, whenever a board member shall fail to attend three consecutive meetings
83 without prior notification to the director or town manager, the chairman shall certify
84 such non-attendance to the town commission, and, upon such certification, the board
85 member shall be deemed to have been removed and the Town Commission shall fill
86 the vacancy pursuant to paragraph (c) above.

87 Sec. 70-126. – Power and duties.

88
89 The board shall have the following enumerated powers and duties.

- 90
91 (1) To ~~adopt and/or recommend procedures as it related to~~ recommend to the Town
92 Commission the adoption and/or amendment procedures as they relate to
93 publicity, advertising, promotional events, ~~tourist board~~ and this board's activities.
94
95 (2) To recommend to the Town Commission any expenditure of ~~expend~~ resort tax
96 funds collected pursuant to Chapter 70 of the Town Code. ~~Specifically, those~~
97 ~~amounts allocated by the commission during their annual budgetary process, the~~
98 ~~minimum being 34 percent of the resort tax collected, to advertising promotion and~~
99 ~~special events as part of the tourist bureau budget.~~
100
101 (3) To recommend to the Town Commission any ~~employ or retain an~~ advertising
102 and/or public relations consultant and/or firm as it relates to specific ~~tourist board~~
103 activities. ~~The tourist board shall designate a member to assist the town manager,~~
104 ~~upon request, in the process of selecting a director for the department.~~
105
106 (4) To recommend to the Town Commission the ~~authorize~~ placement of advertising in
107 various media.
108
109 (5) To organize special events to promote the Town ~~for the promotion of~~ Surfside as
110 a tourist destination, as approved by the Town Commission.
111
112 (6) To create a ~~formalized~~ timely budget plan, in form and substance approved by the
113 town manager, for consideration by the Town Commission during its annual ~~with~~
114 ~~staff in consultation with the town manager or designee and to submit the budget~~
115 ~~plan to the town manager every year as part of the budgetary process.~~

116
117
118 * * *

119
120 **Section 3. Severability.** If any section, sentence, clause or phrase of this
121 ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
122 then said holding shall in no way affect the validity of the remaining portions of this
123 ordinance.
124

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes
between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

125 **Section 4. Inclusion in the Code.** It is the intention of the Town
126 Commission, and it is hereby ordained that the provisions of this Ordinance shall become
127 and made a part of the Town of Surfside Code of Ordinances, that the sections of this
128 Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word
129 "Ordinance" may be changed to "Section" or other appropriate word.

130
131 **Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of
132 Ordinances or Resolutions in conflict herewith are hereby repealed.

133
134 **Section 6. Effective Date.** That this Ordinance shall become effective upon
135 adoption.

136
137 **PASSED AND ADOPTED** on first reading this ____ day of _____, 2024.

138
139 **PASSED AND ADOPTED** on second reading this ____ day of _____, 2024.

140
141 **First Reading:** **Second Reading:**
142 Motion by: _____ Motion by: _____
143 Second by: _____ Second by: _____

144
145 **FINAL VOTE ON ADOPTION**
146 Commissioner Ruben A. Coto _____
147 Commissioner Nelly Velasquez _____
148 Commissioner Gerardo Vildostegui _____
149 Vice Mayor Tina Paul _____
150 Mayor Charles W. Burkett _____

151
152
153 _____
154 Charles W. Burkett, Mayor

154 Attest:
155
156 _____
157 Sandra Novoa, MMC
158 Town Clerk

159
160 Approved as to Form and Legal Sufficiency:
161
162 _____
163 Mark Blumstein, Interim Town Attorney

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted double strikethrough** and double underline.



MEMORANDUM

ITEM NO. 5A.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Mayor Charles W. Burkett
Date: May 14, 2024
Subject: **Approval of the Interim Town Manager Agreement**

For the Town Commission to review and approve.

The Town Commission, during their April 9, 2024 Special Town Commission meeting, appointed Ms. Vargas as the Interim Town Manager. The appointment of Ms. Vargas as the Interim Town Manager was approved unanimously by Town Commission. The proposed Agreement memorializes the terms and conditions of her appointment.

[Reso - Interim Town Manager](#)

[Marisol Vargas - Interim Town Manager Agreement](#)

RESOLUTION NO. 2024-____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE EMPLOYMENT AGREEMENT OF MARISOL VARGAS AS INTERIM TOWN MANAGER PURSUANT TO THE EMPLOYMENT AGREEMENT ATTACHED HERETO AS EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside (Town”) appointed Marisol Vargas to the position of Interim Town Manager on April 9, 2024 (“Effective Date”);

WHEREAS, the Town Commission now desires to formalize the terms and conditions of her employment as Interim Town Manager in accordance with the Employment Agreement attached hereto as Exhibit “A”;

WHEREAS, the Employment Agreement attached hereto as Exhibit “A” has been executed by Marisol Vargas, demonstrating her acceptance of the terms and conditions by which she will serve the Town as Interim Town Manager.

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

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Approval of Employment Agreement. The Employment Agreement between Marisol Vargas and the Town attached hereto as Exhibit “A” is hereby approved as of the Effective Date.

Section 3. Implementation of Contract. The Mayor is hereby authorized to take any and all necessary or further action to execute and implement said Employment Agreement.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption and the Employment Agreement as of the Effective Date.

PASSED AND ADOPTED this 14th day of May, 2024.

Motion by _____.

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Ruben Coto _____
Commissioner Nelly Velasquez _____
Commissioner Gerardo Vildostegui _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett
Mayor

ATTEST:

Sandra N. McCreedy, MMC
Town Clerk

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

Mark Blumstein
Interim Town Attorney

EMPLOYMENT AGREEMENT
INTERIM TOWN MANAGER

This Employment Agreement (“Agreement”) is made and entered into this _____ day of May, 2024, between the Town of Surfside, a Florida municipal corporation (the “Town”) and Marisol Vargas (“Vargas” or “Town Manager”).

RECITALS

WHEREAS, Section 34 of the Town Charter (the “Charter”) requires that there shall be a Town Manager who is the Chief Administrative Officer of the Town; and

WHEREAS, Vargas was appointed as interim Town Manager by the Town Commission at its April 9, 2024 Special Commission Meeting; and

WHEREAS, Vargas represents that she has the expertise and skills to serve as Town Manager; and

WHEREAS, the Town desires to employ the services of Vargas as Town Manager and Vargas wishes to accept such employment; and

NOW, THEREFORE, in consideration of the premises and mutual covenants contained in this Agreement, the parties agree as follows:

Section 1. Recitals.

The above and foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Duties.

2.1 The Town Manager shall have all powers and perform all duties and responsibilities required by this Agreement and prescribed in the Charter and applicable sections of the Town Code.

2.2. The Town Manager shall also perform such other duties and carry out such policy directives as determined by a majority of the Town Commission from time to time.

2.3. The Town Manager shall provide the Town Commission with a monthly report, which shall include a list of directives from the Town Commission and the status of achievement of the same. The report shall be included in the monthly Commission Agenda Package.

24 The Town Manager shall attend all Commission meetings unless excused by the Commission. She shall also attend the Town's Planning & Zoning Board meetings, Tourist Board meetings and Pension Board meetings. In addition, she shall attend other standing and ad hoc committee meetings and other meetings as appropriate to fulfill her duties as Town Manager unless she has schedule conflicts that preclude her attendance. The Town Manager may assign a designee to attend certain meetings, if she is unavailable.

25 The Town Manager shall be available to confer and/or meet with the Mayor and Commissioners, as requested and as needed.

Section 3. Salary.

3.1 The Town Manager shall receive an initial annual salary in the amount of **\$120,000.00**, retroactive to April 9, 2024, the date of her appointment, payable in equal installments in accordance with the Town's existing pay periods.

3.2 For purposes of this Agreement, the Town Manager's anniversary date for her first annual performance evaluation shall be April 9, 2024 (the "Performance Evaluation Anniversary Date").

Section 4. Performance Evaluations.

4.1 The Town agrees to conduct formal performance evaluations of the Town Manager in a format acceptable to a majority of the Town Commission by July 9, 2024 and after twelve (12) and twenty-four (24) months of service from the Town Manager's Performance Evaluation Anniversary Date, if applicable. The Town Commission shall thereafter evaluate the performance of the Town Manager at least once annually on or before the Anniversary Date of each year. It is understood and agreed that if the Town

Manager receives a positive evaluation from the Commission, the Town Manager may receive a salary or benefit increase, but any such increase is solely within the discretion of the Commission, approved at a public meeting.

4.2 The evaluation specified in Sections 4.1 shall be based upon: (i) the Town Manager's performance of the duties specified in Section 2; (ii) the Town Manager's achievements of the Town Commission's policy directives; and (iii) the Town Manager's progress towards completion of appropriate professional development programs.

Section 5. Holidays.

The Town Manager shall be entitled to all holidays recognized by the Town.

Section 6. Annual (Vacation) Leave.

6.1 The Town Manager shall accrue **30 business days** of annual leave per calendar-year on a pro rata basis equally per pay period. The Town Manager shall submit leave slips for annual leave usage in accordance with Town policy for all other Town employees. The Town Manager shall be permitted to roll over her current accrued vacation leave balance. The carryover and payout of accrued vacation leave will be governed by Town policy for non-union civilian employees unless such policy directly conflicts with this Agreement, in which case the conflicting provision of this Agreement shall control. After five (5) years of continuous employment as Town Manager, she shall accrue 30 business days of annual leave per calendar-year on a pro rata basis equally per pay period.

6.2 In all instances other than in the event of an emergency, where prior verbal or written notice and approval is not feasible, the Town Manager shall not be absent or take leave more than ten (10) consecutive business days without prior verbal or written notice to and approval of the Mayor or designee. Prior to such leave, the Town Manager shall notify the Commission of who the Acting Town Manager will be during that leave and how the Town Manager may be reached while on leave in case of an emergency.

Section 7. Sick Leave.

The Town Manager shall accrue 20 business days of sick leave per calendar-year on a pro rata basis equally per pay period. The Town Manager shall submit leave slips for sick leave usage in accordance with Town policy for all other Town employees. The Town Manager shall be permitted to roll over her current accrued sick leave balance. The carryover and payout of accrued sick leave will be governed by Town policy for non-union civilian employees unless such policy directly conflicts with this Agreement, in which case the conflicting provision of this Agreement shall control.

Section 8. Retirement Plan.

Within 14 business days of the effective date of this Agreement, the Town Manager shall elect either to (i) receive a **15% contribution** of her base salary into an ICMA/Mission Square retirement plan (such contribution to be made on a pro rata basis equally per pay period) or (ii) she may choose to continue to participate in the Town's Retirement Plan as codified in Chapter 2 of the Town Code, as may be amended from time to time. The Town Manager shall make such election in writing to the Town's Human Resource Director. If no such election is made, the Town Manager shall participate in the ICMA/Mission Square retirement plan as set forth above.

Section 9. Health Insurance.

The Town shall provide the Town Manager and her eligible dependents with health insurance coverage (i.e., medical, dental and vision), at the Town's cost, in the Town's health insurance plans available to all other Town employees, retroactive to her appointment on April 9, 2024.

Section 10. Life Insurance.

The Town shall provide the Town Manager with term life insurance equal to her annual salary.

Section 11. Professional Dues and Expenses.

11.1 The Town shall pay for all customary professional dues and subscriptions necessary for the Town Manager's participation in the ICMA/Mission Square, FCCMA and AICP. In addition, the Town Manager's participation in other municipal and professional organizations shall be as approved in the Town's annual budget.

11.2 The Town shall pay for the Town Manager's participation in those local civic and non-profit job-affiliated organizations that the Town Manager is authorized to participate in by the Town Commission, as approved in the Town's annual budget.

11.3 The Town, through its Controller, shall pay reasonable non-personal job-related expenses incurred by the Town Manager as part of her duties. Such payments shall be made on a reimbursement basis, based upon the Town Manager's actual receipts and expense vouchers. A budget for such anticipated expenditures shall be approved in the Town's annual budget.

11.4 The Town shall provide the Town Manager with an automobile allowance of **\$750 per month**, retroactive to her appointment on April 9, 2024.

Section 12. Cellular.

The Town shall provide the Town Manager with a cellular telephone **or** provide an allowance of **\$100 per month**.

Section 13. Travel.

The Town Manager is hereby approved to attend the annual FCCMA Conference or an equivalent conference at the Town's expense, provided that her attendance at this Conference does not interfere with the performance of her duties as Town Manager. In addition, the Town shall pay for the reasonable and customary registration and travel expenses of the Town Manager for meetings and professional development activities as directed or annually budgeted by the Town Commission.

Section 14. Days.

Unless otherwise specified, any reference to days in this Agreement shall mean calendar days.

Section 15. Bonds.

The Town shall pay for the cost of any bonds for the Town Manager required by Florida Law or the Town Charter.

Section 16. Indemnification.

The Town shall indemnify the Town Manager against any tort, professional liability claim, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring during the performance of the Town Manager's duties. This provision shall not apply to acts or omissions of the Town Manager committed while acting outside the course and scope of her employment, committed in bad faith or with malicious purpose, or committed in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 17. Term.

The effective date of this Agreement shall be **May 15, 2024**, a date subsequent to the Town Commission adopting Resolution No. _____ approving this Agreement. However, this effective date shall not alter the start date for her salary reflected in Section 3 or the allowance afforded by Section 11.4 of this Agreement. The Town Manager shall serve at the pleasure of the Town Commission. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Town Commission to terminate the services of the Town Manager at any time during a regular or special Town Commission meeting, subject to the provisions set forth in this Agreement.

Section 18. Termination.

18.1 In accordance with the Charter, the Town Manager shall serve at the pleasure of the Town Commission. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Town Commission to terminate the services of the Town Manager at any time during a regular or Special Town Commission meeting.

18.2 In the event the Town Commission wishes to terminate the Town Manager without cause, the Town Manager shall return to her Town employment as Human Resources & Risk Specialist, but at the annual salary of **\$110,000.00**. The Town shall not provide the Town Manager with her automobile allowance, cellular telephone allowance, or any other benefit or reimbursement (except that specifically set forth in this paragraph) beyond the date of her termination.

18.3 Notwithstanding the provisions of Section 18.2, in the event Town Manager is terminated for misconduct as defined in Section 443.036(29), Florida Statutes, the Town shall have no obligation to provide the Town Manager with any form of continued employment with the Town or any severance pay or payouts for unused vacation or sick leave. Misconduct includes, but is not limited to: (i) breach of any material term or condition of this Agreement; (ii) conviction of a felony; (iii) gross insubordination; (iv) willful neglect of duty; or (v) adjudicated violation of the Florida Code of Ethics for Public Officers and Employees, the Miami-Dade Conflict of Interest and Code of Ethics, the Town Charter, or the Town's Conflict of Interest Ordinance.

18.4 Upon satisfaction of contractual provisions specified in Section 18.2, upon resignation as provided for in Section 18.5, or inability to perform as provided for in Section 18.6, the Town shall have no further contractual obligations to the Town Manager. Any severance payment shall constitute stipulated and liquidated damages and the maximum amount of financial liability for which the Town may be liable in the event of termination or breach of contract.

18.5 In the event that the Town Manager voluntarily resigns her position during the Term of this Agreement, the Town Manager shall provide the Town with 30 days' advance written notice, unless the parties agree in writing to a different period of time. In the event of resignation by the Town Manager under this Section, the Town Manager may elect to return to her prior Town position, as set forth in Section 18.2 of this Agreement.

18.6 If the Town Manager is unable to perform her duties as specified in Section 2 of this Agreement for a period of 10 consecutive days or 20 non-consecutive days during any one-year period for any reason other than an approved Family Medical Leave Act (“FMLA”) absence, the Town Commission may terminate this Agreement. If the Town Manager takes FMLA-approved leave and exceeds her statutorily-protected FMLA-approved leave in any one-year period, the Town Commission may terminate this Agreement. In the event of the Town Manager’s death, this Agreement shall be terminated. If this Agreement is terminated under this Section, the Town Manager may return to her prior position with the Town, as set forth pursuant to Section 18.2 of this Agreement.

Section 19. Miscellaneous Provisions.

19.1 **Complete Agreement.** It is understood and agreed that this document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and that the parties agree that there are no commitments, agreement, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

19.2 **Amendment.** No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and with equal dignity herewith.

19.3 **No Waiver.** The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

19.4 **Severability.** If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, illegal, invalid, or unenforceable, the remainder of this Agreement, or portions thereof, shall not be affected and shall remain in full force and effect.

195 **Non-Assignment.** The rights and obligations herein granted are personal in nature and cannot be transferred or assigned by the Town Manager.

196 **Governing Law.** Florida law shall govern this Agreement and any litigation which may arise from this Agreement shall be filed and litigated in the Circuit Court in and for Miami-Dade County, Florida, or, if in Federal Court, in the Southern District of Florida.

197 **Notice.** Notice to either party shall be deemed given if sent by certified mail, return receipt requested, by recognized public or private postal facilities, by hand delivery, or delivered at a Town Commission meeting. Notice shall be sent as follows:

For the Town: Charles W. Burkett, Mayor
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863 (Telephone)

With a copy to: Mark Blumstein, Esq.
Interim Town Attorney
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863 x 225 (Telephone)

For the Town Manager: Marisol Vargas
Interim Town Manager
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863 (Telephone)

Section 20. WAIVER OF JURY TRIAL.

BOTH THE TOWN AND THE TOWN MANAGER KNOWINGLY, VOLUNTARILY, AND IRREVOCABLY WAIVE THEIR RIGHT TO A TRIAL BY JURY IN ANY CIVIL PROCEEDINGS THAT MAY BE INITIATED BY EITHER PARTY WITH RESPECT TO ANY TERM OR CONDITION OF THIS AGREEMENT.

IN WITNESS WHEREOF, the Town, by signature of the Mayor, as authorized by the Town Commission, in accordance with Resolution No. _____ passed on May 14, 2024, has executed this Agreement the day and year first above written.

TOWN OF SURFSIDE

By: _____
Charles W. Burkett, Mayor

Date: _____

ATTEST:

Sandra N. McCready, MMC
Town Clerk

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

Mark Blumstein, Esq.
Interim Town Attorney

TOWN MANAGER

Marisol Vargas

Date _____



MEMORANDUM

ITEM NO. 5B.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Commissioner Gerardo Vildostegui
Date: May 14, 2024
Subject: **Approving a Resolution Creating a Community Relations Board**

For the Town Commission to discuss and approve the attached resolution creating a Community Relations Board.

During the April 9, 2024 Regular Town Commission meeting, the Town Commission directed the Town Administration to bring back a statement of the Board's purpose and objectives. The Town Commission expressed support for a Board whose composition and appointment would be as follows:

Each member of the Town Commission to appoint one member and then those members can appoint two other members.

Commissioner Vildostegui has worked with the Town Attorney on the attached resolution and is now proposing that the five original Board members select four additional members, rather than two, for a total of nine Board members. The larger Board can be more representative of different sub-groups within our wider community.

[Reso Comm Relations Board - ver3.docx](#)

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE SURFSIDE COMMUNITY RELATIONS BOARD; ADOPTING THE BOARD'S CHARTER AND ORGANIZATIONAL STRUCTURE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") values and prides itself on its community spirit; and

WHEREAS, the Town strives to be a community where residents from different racial, ethnic, linguistic, religious, cultural, economic, and generational groups live together in joy and harmony; and

WHEREAS, the Town recognizes that political polarization, both locally and nationwide, can undermine the spirit of community in the Town and can, if unchecked, promote strife and division among residents; and

WHEREAS, the Town is committed to ending the spread of hate, bigotry, and harassment based on race, color, religion, national origin, ethnicity, sex, gender, gender identity and expression, sexual orientation, disability, age, or any other protected characteristic as defined by law; and

WHEREAS, the Town has expressed and reaffirmed this important commitment in previous resolutions, such as Resolution No. 2021-2797

(“Cultivating an Inclusive Community”) and Resolution No. 2022-2857 (“Condemn Anti-Semitism”); and

WHEREAS, the Town desires to establish the Surfside Community Relations Board (the “Board”) as a continuing committee that will foster a spirit of community in the Town, as further detailed in the Board’s Charter attached hereto as Exhibit “A”; and

WHEREAS, the Board can advise the Town Manager, the Town Commission, and its Boards and Committees on how to promote a spirit of community and on how to respond to events that might create division and strife in the Town; and

WHEREAS, the Board shall serve in a fact-finding and informational capacity that reports to the Town Manager and Town Commission liaison; and

WHEREAS, the Town Commission finds that the establishment of the Board is in the best interest and welfare of the Town and its residents.

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

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

Section 2. Establishment of Board. The Town Commission hereby establishes the Board as a continuing committee of the Town Manager that will serve

in a fact-finding and informational capacity to the Town in accordance with the Board Charter attached hereto as Exhibit “A.”

Section 3. Board Charter; Organization. The Town Commission hereby approves and adopts the Board’s Charter attached hereto as Exhibit “A.” The Charter may be amended by the Town Commission, from time to time, as deemed prudent or necessary.

Section 4. Implementation. The Town Manager is hereby directed and authorized to take any and all actions deemed necessary to implement the Board and the purposes of this Resolution.

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

PASSED AND ADOPTED this 14th day of May, 2024.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Ruben Coto _____
Commissioner Nelly Velasquez _____
Commissioner Gerardo Vildostegui _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W, Burkett, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Mark Blumstein
Interim Town Attorney

Exhibit “A”

SURFSIDE COMMUNITY RELATIONS BOARD

The Town of Surfside (“Town”) Community Relations Board (“Board”) Charter establishes the purposes and tasks of the Board as a fact-finding committee of the Town Manager, and the organizational structure of the Board.

- A. Purpose.** The purpose of the Board is to assist the Town in promoting a sense of community among residents; in addressing the causes of division and strife within the community; and in eliminating hate, bigotry, and harassment based on race, color, religion, national origin, ethnicity, sex, gender, gender identity and expression, sexual orientation, disability, age, or any other protected characteristic as defined by law.
- B. Membership and Qualifications.** The Board shall consist of nine (9) members who are registered electors and reside in the Town of Surfside. In selecting members for the Board, the Commission and the Board shall aim to appoint a group that, collectively, represents the full diversity of the Surfside community and that is broadly representative of the various social, racial, religious, linguistic, cultural, economic, and generational groups that make up the population of the Town.
- C. Appointments.** Each Town Commissioner shall appoint one member to the Board. The five (5) members thus appointed shall convene within three weeks of their appointment to select four (4) additional members. The Board shall serve until the March 2026 Town election or as directed by the Town Commission, whichever occurs first.
- D. Organization.** The Board shall be a fact-finding and informational committee of the Town Manager. The Board shall meet monthly, and its meetings shall be open to the public. The Board shall comply with the Florida Government in the Sunshine Law, with all applicable provisions of law governing public hearings and public notice, and with all applicable codes of ethics and conflict-of-interest laws. Any member who fails to attend three (3) regularly scheduled meetings in a twelve-month period may be removed from the Board, and the Town Commission shall be given notice of such vacancy.

E. Tasks. The tasks of the Community Relations Board shall include, but not be limited to, the following:

1. To study and to discuss the state of community relations in the Town.
2. To develop programs and activities dedicated to the improvement of community relations.
3. To attempt to act as a conciliator in controversies involving community relations.
4. To recommend to the Town Manager and to the Town Commission such resolutions or ordinances as will aid in carrying out the Board's purpose.
5. To advise the Resort Tax Board and the Parks and Recreation Committee on how their programs and activities might better serve to improve community relations.
6. To enlist the support of civic and religious leaders in accomplishing the Board's objectives.

F. Commission Liaison. The Town Commission shall annually appoint its liaison to the Board, which shall report to the Town Commission on the Board's activities on a regular basis.

G. Budget. The Town Commission authorizes a budget of \$10,000 for the Board in the current fiscal year, with appropriations for future fiscal years to be determined by the Town Commission during its budgetary process.



MEMORANDUM

ITEM NO. 5C.

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

From: Mark Blumstein, Interim Town Attorney

Date: May 14, 2024

Subject: **Approval of the Intergovernmental Agency Agreement with Miami-Dade County to Perform Traffic Engineering Functions**

For the Town Commission to review and approve.

Background Summary:

The Town of Surfside, in pursuit of enhancing traffic calming measures and pedestrian safety within its community, embarked on a comprehensive evaluation of existing conditions through a town-wide Traffic and Pedestrian Safety Study, completed in March of 2024. This initiative, driven by the Town Commission and Administration, aimed to identify underlying issues and propose effective mitigation strategies to address the evolving landscape characterized by population growth, increased pedestrian activity, and ongoing development.

Recognizing the importance of updated data and periodic assessments, the Town engaged the Corradino Group, an engineering firm to develop the study. The scope of services encompassed various critical components, including comprehensive traffic data collection, operational analyses, intersection capacity assessments, and community outreach initiatives. The community outreach workshops hosted over the past year have resulted in an overwhelming amount of community support for the implementation of traffic calming measures and speed control efforts throughout the Town.

The decision to undertake the recent study was informed by the success of the previous town-wide Traffic Study conducted in 2012, which led to significant safety enhancements such as speed humps and traffic roundabouts. However, given the dynamic nature of the community and transportation patterns, periodic updates were deemed necessary to accurately capture changing conditions.

Town Traffic Engineering Responsibilities:

Building upon the findings and recommendations of the 2024 traffic study, the Town identified the need to assume responsibilities for certain traffic engineering functions exclusively

pertaining to its local municipal streets. In alignment with this objective, the Town sought to enter into an intergovernmental agency agreement with Miami-Dade County to perform these functions, including the design, construction, and overall implementation of traffic calming solutions. The Town Administration commenced discussions with the County in 2023 and the County agreed to enter into an intergovernmental agreement with the Town for such functions.

The draft intergovernmental agreement outlines the parameters for the Town to assume traffic engineering functions, subject to approval and coordination with Miami-Dade County. It delineates the types of traffic calming devices that the Town may install and maintain, along with the necessary procedures and approvals required for their implementation.

The agreement will further the Town's commitment to enhancing pedestrian safety and traffic management within its jurisdiction, while also acknowledging the collaborative efforts with Miami-Dade County to ensure a cohesive approach to traffic management. Hence, the proposed intergovernmental agreement represents a proactive step by the Town of Surfside to address traffic-related concerns and prioritize the safety and well-being of its residents and visitors.

[Reso - Intergovernmental Agency Agreement](#)

[Town of Surfside Intergovernmental Agreement - Traffic Engineering Functions](#)

[Exhibit A - Detail Sheets](#)

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY RELATING TO TRAFFIC ENGINEERING FUNCTIONS ATTACHED HERETO AS EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miami-Dade County (“County”) has exclusive jurisdiction of traffic control and traffic engineering services; and

WHEREAS, the Town of Surfside (“Town”) has completed its 2023 Townwide Traffic and Pedestrian Safety Study (“Study”); and

WHEREAS, the Town seeks to assume responsibility for its traffic engineering functions on its municipal streets in accordance with its Study, including any additional engineering studies and installation of traffic calming solutions; and

WHEREAS, the Town’s Public Works Department is capable, equipped and qualified to perform any work necessary in this regard; and

WHEREAS, the Town is best suited to perform said functions; and

WHEREAS, the County has proposed entering into an Interlocal Agency Agreement attached hereto as Exhibit “A” (“Agreement”), relating to traffic engineering functions; and

WHEREAS, the Town Commission seeks to approve the Agreement and authorize the Interim Town Manager to enter into the Agreement with the County relating to traffic engineering functions, in substantially the form attached hereto as Exhibit “A”; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

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

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Approval of Intergovernmental Agency Agreement. The Agreement attached hereto as Exhibit "A" is hereby approved as of the Effective Date.

Section 3. Implementation of Contract. The Interim Town Manager is hereby authorized to take any and all necessary or further action to execute and implement said Agreement.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption and the Agreement as of the Effective Date.

PASSED AND ADOPTED this 30th day of April, 2024.

Motion by _____.

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Ruben Coto _____
Commissioner Nelly Velasquez _____
Commissioner Gerardo Vildostegui _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett
Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Mark Blumstein
Interim Town Attorney

**INTERGOVERNMENTAL AGENCY AGREEMENT
TO PERFORM TRAFFIC ENGINEERING FUNCTIONS**

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (“Agreement”) is made and entered into this__day of_____, 2024, by and between the TOWN OF SURFSIDE (the “Town”), a municipal corporation of the State of Florida, and MIAMI-DADE COUNTY (the “County”), a political subdivision of the State of Florida.

WHEREAS, pursuant to Sections 2-95 and 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the County; and

WHEREAS, in 2023, the Town conducted the Townwide Traffic and Pedestrian Safety Study through the Corradino Group, driven by the primary objective of enhancing traffic calming measures and improving pedestrian safety throughout the Town, prompting the need for a comprehensive evaluation of existing conditions and effective mitigation strategies; and

WHEREAS, following the findings and recommendations of the traffic study, the Town desires to assume responsibilities for certain traffic engineering functions pertaining to its local municipal streets exclusively and has requested the County to allow it to perform the function of conducting any additional engineering studies as needed, and install traffic calming solutions throughout Town municipal streets as provided herein; and

WHEREAS, the Town has the ability to plan, design, and perform construction inspection of such projects within its Public Works Department and has represented to the County that it is capable, equipped, and qualified to perform the duties and functions requested herein; and

WHEREAS, the Town believes it is best suited to perform such functions, given the evolving demographic of the community and the prevalent preference for walking as the primary mode of transportation within the Town, which may be influenced by various cultural and religious practices throughout the area; and

WHEREAS, additionally the residential neighborhoods of the Town are situated to the west of major County and state roads, enabling the Town to effectively manage and maintain traffic calming devices on municipal streets while minimizing disruptions and impact to the arterial roads along Collins Avenue and Harding Avenue, A1A; and

WHEREAS, the County and the Town agree that nothing contained in this Agreement shall diminish or impact the rights of either entity or constitute an admission with respect to jurisdiction, sovereign or permitting powers, or in any other matter related to the installation, use and maintenance

of the traffic control devices unless specifically set forth herein, including but not limited to any County powers under the Miami-Dade County Code,

NOW, THEREFORE, THE TOWN AND THE COUNTY AGREE AS FOLLOWS:

Section 1. Recitals Adopted. That the above-stated recitals are incorporated herein by reference and confirmed.

Section 2. Traffic Control Devices. The Town may install and maintain the following designated types of traffic calming devices, and/or signs (collectively the “Traffic Calming Devices”) and only on those local municipal streets operated and maintained by the Town within its boundaries, and not less than 250 feet from existing traffic signals, County roadways, State roadways and the boundaries of the Town limits; or within school zones, or adjacent to bicycle facilities or hospitals:

- a) Traffic Circles
- b) Speed Humps/Speed Tables/Cushions
- c) In-Street Pedestrian Crossing Signs
- d) Raised Intersections

Section 3. Installation. Any such Traffic Calming Devices may be installed on local municipal streets after a traffic engineering study has been performed and signed and sealed by a Florida licensed professional engineer and has received written approval by the Town Manager or his/her designee. A copy of such traffic study must be submitted to the County Department of Transportation and Public Works (“DTPW”).

Any such Traffic Calming Devices may be installed on local municipal streets only after sealed and signed design plans have been reviewed and received written approval by the Town, through its Town Manager or his/her designee. Provided that such design plans utilize the standard County design attached as Exhibit “A”, no additional review or approval by the County shall be required before installation. To the extent that design plans deviate from the standard design attached as Exhibit “A”, such plans shall be submitted to the County for its review and written approval before installation. A copy of such design plans must be submitted to the applicable Department of the County.

Section 4. Decals. The Town shall attach a decal to the back of the sign panels indicating ownership and date of installation.

Section 5. Standards. All Traffic Control Devices installed by the Town in accordance with this Agreement shall conform to the applicable requirements established by the following publications including latest revisions:

- a. Florida Department of Transportation's Standard Specifications for Road and Bridge Construction;
- b. Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration
- c. Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration; and
- d. Miami-Dade County Public Works Manual (available from the Public Works and Waste Management Department, Reproduction Services, 111 NW 1st Street, Suite 1604, Miami, FL 33128).
- e. A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials (AASHTO).
- f. Roundabouts: An Informational Guide, Federal Highway Administration, U.S. Department of Transportation.
- g. Florida Roundabout Guide, Florida Department of Transportation.
- h. Miami-Dade County Traffic Flow Modification(s)/Street Closure Procedure, Revised January, 2009, or any other comparative criteria available to municipalities which have been approved by the County, with the decision to elect one option or the other to be determined at the TOWN's discretion.
- i. Florida Greenbook (Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways)

Section 6. Maintenance Responsibility. The Town assumes sole and complete responsibility for the maintenance of Traffic Control Devices that are installed by the Town within its boundaries, including the Traffic Control Devices installed by the Town prior to this Agreement. The Town shall be responsible for the aesthetics of all installed Traffic Control Devices (e.g. peeling, graffiti, flyers, stickers, etc.). If the Town fails to maintain the Traffic Control Devices, then it shall be responsible for any and all costs incurred by the County to replace them or remove them.

Section 7. Liability and Indemnification. The Town assumes sole and complete liability for any and all accidents and/or injuries which may, or are alleged to, occur or arise out of the installation, operation, or maintenance of Traffic Control Devices and hereby indemnifies to the extent allowed by Section 768.28, Florida Statutes, and holds the County harmless from any and all claims, including but not limited to negligence arising out of or relating to installation, operation, or maintenance of the Traffic Control Devices.

Section 8. No Waiver of Sovereign Immunity. Notwithstanding any other term in this Agreement, nothing herein shall be deemed a waiver of the Town or the County's immunity, sovereign rights, or limitations of liability as provided by Section 768.28, Florida Statutes, as may be amended from time to time.

Section 9. Public Records. The Town shall be responsible for keeping records of any and all installations and repairs, and for furnishing pertinent documents as and when said records may be requested. The Parties shall each maintain their own respective records and documents associated with this Agreement in accordance with the requirements for records retention set forth in Chapter 119, Florida Statutes

Section 10. Headings. The headings or captions of sections or paragraphs used in this Agreement are for convenience of reference only and are not intended to define or limit their contents, nor are they to affect the construction of or to be taken into consideration in interpreting this Agreement.

Section 11. Ambiguities. The preparation of this Agreement has been a joint effort of the Parties hereto and both Parties have had the benefit of consultation with legal counsel of their choosing prior to its execution. The resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

Section 12. Entirety. This Agreement embodies the entire agreement between the Parties with respect to the matters addressed herein. Previous agreements and understandings of the Parties with respect to such matters are null, void, and of no effect. Notwithstanding any other provision contained herein, no third-party beneficiaries are created with respect to any claims against the County by virtue of this Agreement.

Section 13. Amendments. This Agreement may be amended, modified, or altered, and its material provisions may be waived, only by written instrument, and only if properly executed by all parties hereto.

Section 14. Effective Date. That this Agreement shall become effective on the date first written above after such Agreement is fully executed by all parties hereto.

Section 15. Termination. Either the Town or the County may, in their respective sole and complete discretion, terminate this Agreement, with or without cause and/or convenience of the terminating party, upon twenty (20) business days written notice; provided, however, that at the option of the County, the Town shall continue to maintain, repair, and be responsible for any Traffic Control Devices installed by the Town while this Agreement was in effect. Prior to the termination of this Agreement, however, the Town may elect to remove any one or all Traffic Control Devices installed by the Town; provided the Town shall restore the roadway and area in which the Traffic Control Devices was located to the condition that existed before the Town's installation.

Section 16. Execution. This Agreement may be executed in one or more hard or electronic counterparts, which, when taken together, shall constitute one fully executed instrument.

Section 17. Notice. Any notices to be given hereunder shall be in writing and shall be deemed to have been given if sent by hand delivery, recognized overnight courier (e.g., Federal Express), or by written certified U.S. mail, with return receipt requested, addressed to the Party for whom it is intended, at the place specified. The method of delivery shall be consistent among all of the persons listed herein. For the present, the Parties designate the following as the respective places for notice purposes:

- a. **For the County:** Miami-Dade Department of Transportation and Public Works, Attn: Director, 111 NW 1st Street, Suite 1510, Miami, FL 33128
- b. **With a Copy To:** Miami-Dade County Attorney's Office, 111 NW 1st Street, Suite 2810, Miami, FL 33128
- c. **For the Town:** Town of Surfside, Attn: Town Manager, 9293 Harding Avenue, Surfside, Florida 33154
- d. **With a Copy To:** Town Attorney, 9293 Harding Avenue, Surfside, Florida 33154

IN WITNESS WHEREOF, the Town and the County have set their hands the day and year above written.

ATTEST:

MIAMI-DADE COUNTY

BY: _____
COUNTY MAYOR OR DESIGNEE

BY: _____
COUNTY DEPUTY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

MIAMI-DADE COUNTY ATTORNEY'S OFFICE

ATTEST:

TOWN OF SURFSIDE

BY: _____
TOWN CLERK

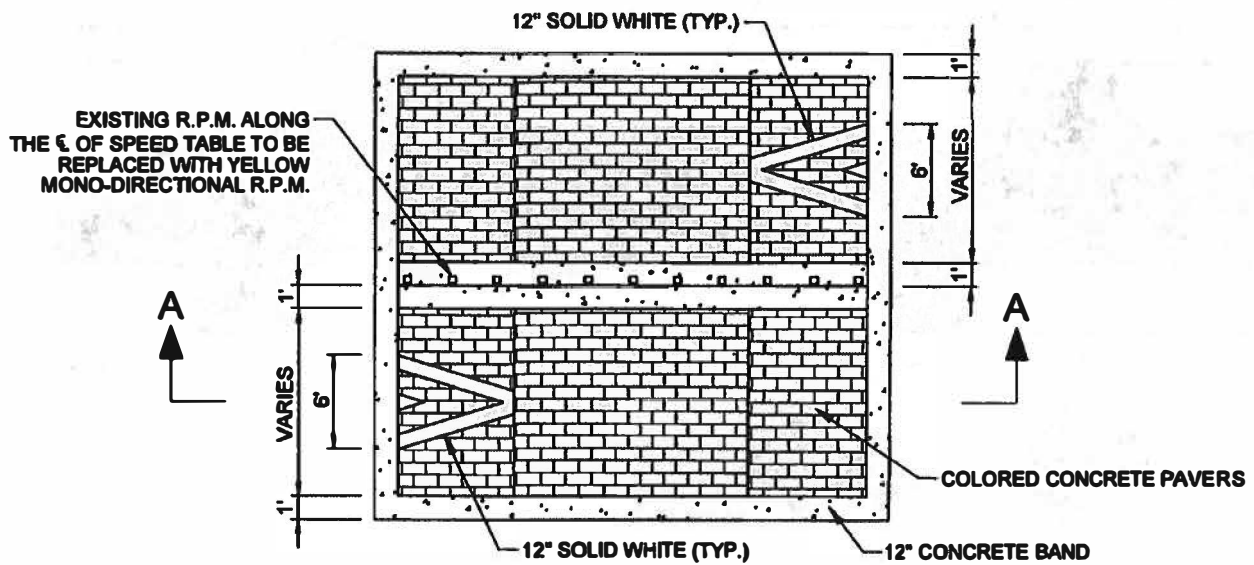
BY: _____
TOWN MANAGER

APPROVED AS TO FORM, AND LEGAL SUFFICIENCY:

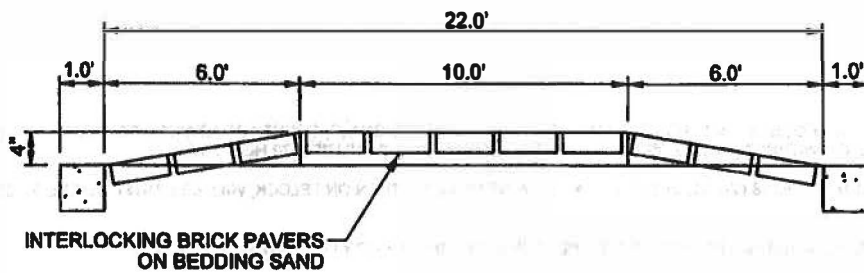
BY: _____
TOWN ATTORNEY

EXHIBIT "A"

STANDARD DESIGNS



FLAT-TOPPED SPEED HUMP DETAIL



SECTION A-A

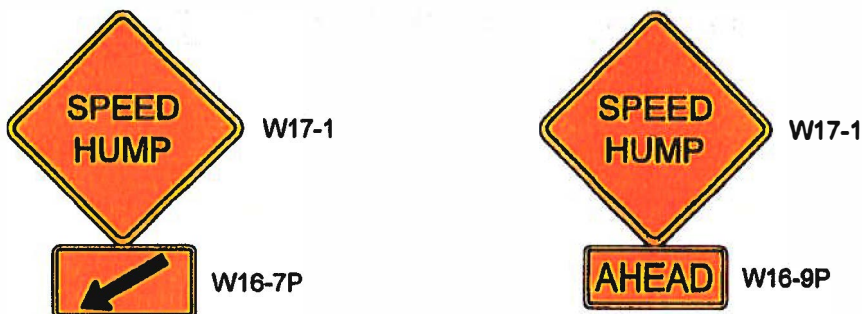
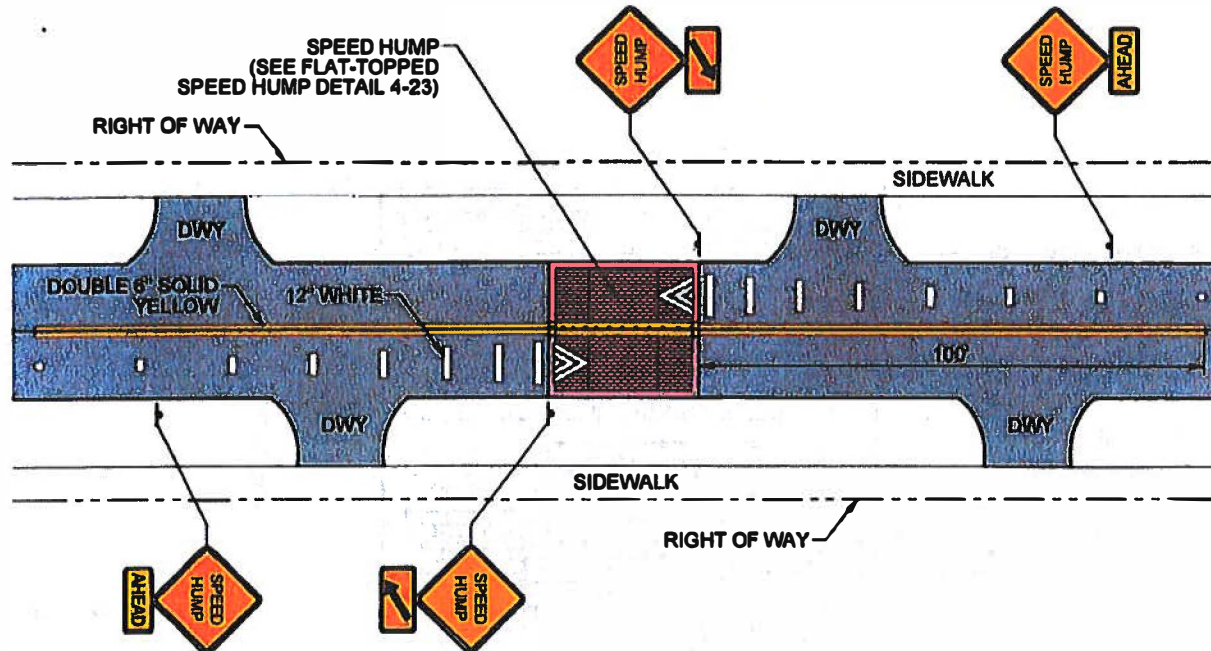
APPROVED:
 REVISED: SEP 2018
 SCALE: N.T.S.

DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 STANDARD DETAILS

FLAT-TOPPED
 SPEED HUMP

4-23

Page: 81



NOTES:

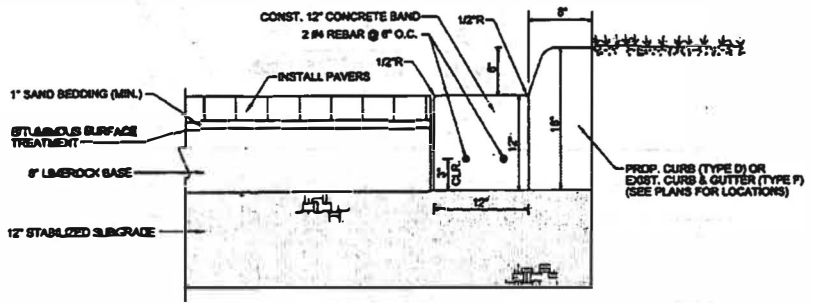
- SPEED HUMPS SHALL NOT BE INSTALLED LESS THAN 250 FEET FROM EXISTING TRAFFIC SIGNALS, COUNTY ROADWAYS, STATE ROADWAYS AND THE BOUNDARIES OF THE CITY LIMITS; OR WITHIN SCHOOL ZONES, OR ADJACENT TO BICYCLE FACILITIES OR HOSPITALS.
- INSTALLATION OF ADVANCED WARNING SIGNS (W17-1, W16-7P), IN A SEGMENT OF MORE THAN ONE BLOCK, WILL BE LIMITED TO THE BEGINNING AND END OF THE SEGMENT.
- THE STREET MUST BE A LOCAL RESIDENTIAL STREET OPERATED AND MAINTAINED BY THE CITY WITHIN ITS BOUNDARIES.
- THE STREET SHALL NOT HAVE MORE THAN ONE TRAFFIC LANE IN EACH DIRECTION.
- THE STREET IS POSTED AT OR HAS A SPEED LIMIT OF 30 MPH OR LESS.
- SPEED HUMPS WILL NOT BE CONSIDERED WITHIN 50 FEET OF AN INTERSECTION, IN FRONT OF A DRIVEWAY, WITHIN AN INTERSECTION OR ADJACENT TO FIRE HYDRANTS.
- THE STREET SHOULD NOT BE LOCATED ALONG AN EMERGENCY RESPONSE ROUTE, REGIONAL TRANSIT OR SCHOOL BUS ROUTE.

APPROVED:
 REVISED: SEP 2018
 SCALE: N.T.S.

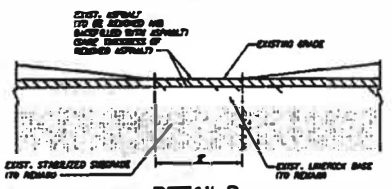
DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 STANDARD DETAILS

SPEED HUMP
 SIGNAGE

4-24



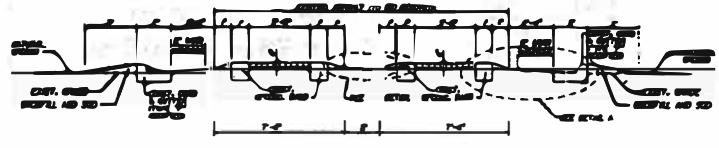
CONCRETE PAVER AND BANDING DETAIL AT INTERSECTIONS



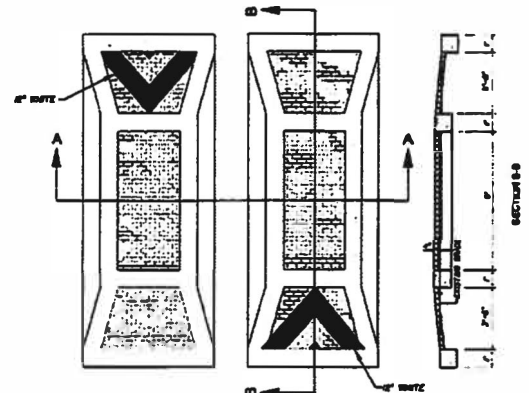
DETAIL B

- (A) COLORED CONCRETE PAVERS
 - MANUFACTURER: GEM PAVER SYSTEMS, INC.
 - STYLE: OLD MIAMI
 - COLOR: TAN / CHARCOAL
 - SIZE: 8 1/2" x 8 1/2" x 8 1/2" x 4 1/2"
 - THICKNESS: 2 1/2"
- (B) 12" CONCRETE BANDING
 - UNCOLORED
 - MEDIUM BROOM FINISHED

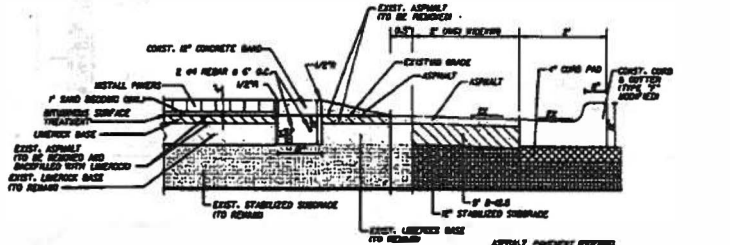
- NOTES:**
1. COLOR SAMPLES AND SPECIFICATIONS OF THE PAVERS SHALL BE SUBMITTED TO THE CITY OF CORAL GABLES FOR APPROVAL PRIOR TO INSTALLATION.
 2. ALL CONCRETE SHALL BE CORAL GABLES BEIGE 83.



SECTION A-A



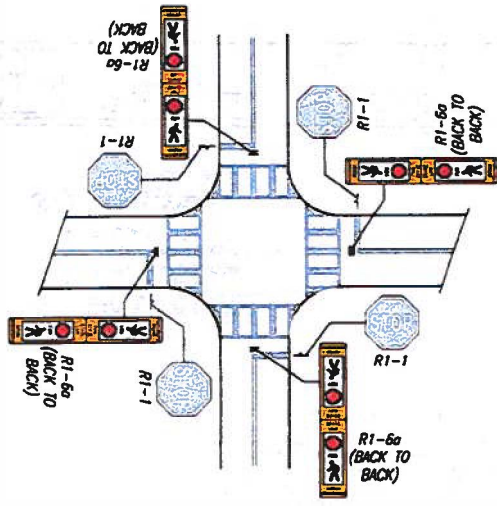
FLAT-TOPPED SPEED CUSHION



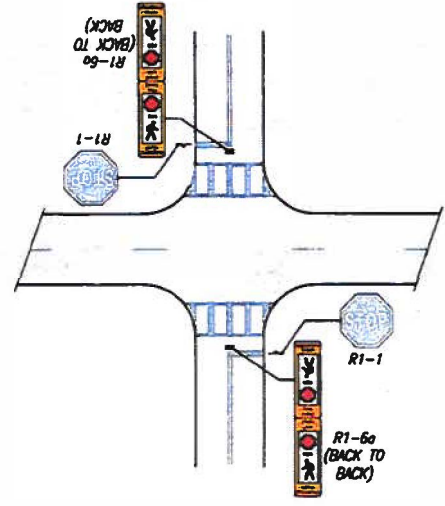
DETAIL A

ASPHALT FINISHED SURFACE
 1/2" ASPHALT FINISHED SURFACE (TYPE SP-AS)
 AND FINISHED CURB (R-43) 12" HIGH WITH
 1" TYPE D-14 AND 12" STABILIZED SUBGRADE

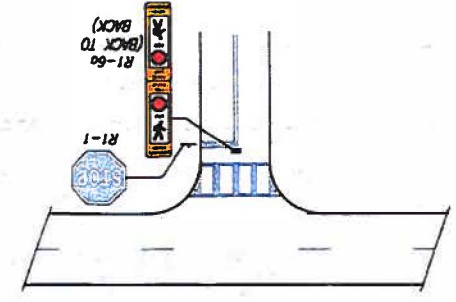
	DAVID PLUMMER & ASSOCIATES, INC. TRANSPORTATION • CIVIL • NEIGHBORHOOD • ENVIRONMENTAL 1100 S.W. 15th Ave., Suite 100, Coral Gables, FL 33134 (305) 441-1111 • FAX (305) 441-1112 • WWW.DPA-CORALGABLES.COM	PROJECT:	TITLE:	DATE:	DRAWN BY:	CHECKED BY:
		SPEED CUSHION	TYPICAL SECTIONS AND DETAILS	11/11/11	JPL	JPL



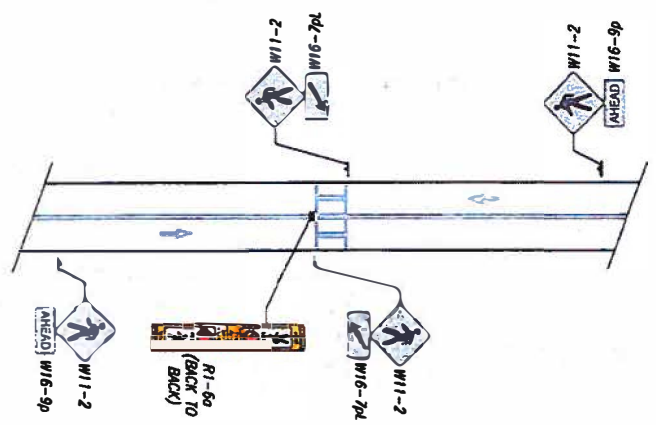
FOUR LEG INTERSECTION
4-WAY STOP



FOUR LEG INTERSECTION
2-WAY STOP



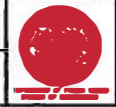
T-INTERSECTION
ONE-WAY STOP



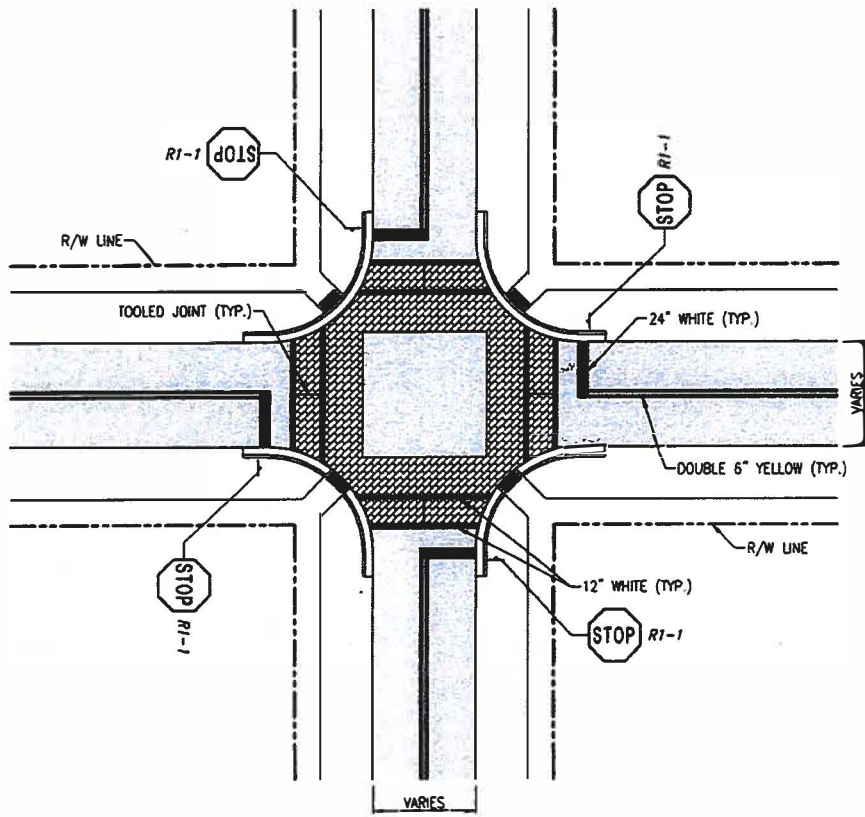
MID-BLOCK CROSSWALK
WITH WARNING SIGNING

**IN STREET PEDESTRIAN
CROSSING SIGNS**
City of Coral Gables

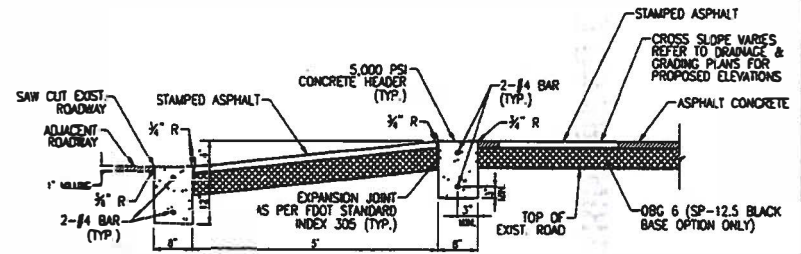
DRAW C.M.	CHECK Y.S.	APPR Y.S.
SCALE 1"=30"	DATE 08-29-2017	



A SUMMARY OF THE CITY OF CORAL GABLES' SIGNING SYSTEM IS AVAILABLE AT: www.coralgables.gov/signing



RAISED INTERSECTION DETAIL
SCALE: 1"=20'



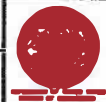
RAISED INTERSECTION DETAIL
SCALE: 1"=30'

NOTE:

1. A RAISED INTERSECTION TYPICAL INSTALLATION IS AT A SIGNAL CONTROLLED OR ALL-WAY STOP CONTROLLED INTERSECTION.

Raised Intersection
CITY OF CORAL GABLES

DRAW C.M.	CHECK J.K.	APPR J.K.
SCALE AS NOTED	DATE 09-11-2018	





MEMORANDUM

ITEM NO. 5D.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission
From: Mark Blumstein, Interim Town Attorney
Date: May 14, 2024
Subject: **Nurse Enhancement Initiative for School Year 2024-2025**

Consider Approval of MOU to continue support for Nurse at RKBBHE

Neighboring Municipalities have supported placement of a Nurse at RKBBHE over the past 6 years and the proposed agreement seeks to continue this initiative for another year.

[Reso Approving MOU - Amend. No. 7 to MOU School Nurse Initiative 24-25](#)

[Nurse Enhancement Initiative Behavioral Health Services Summary Report and Expanded Services Update](#)

[Nurse Amend No. 7 Municipalities 24-25 \(Form Approved\)](#)

RESOLUTION NO. 2024- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AMENDMENT NO. 7 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 2024/2025 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.

WHEREAS, on May 17, 2018, the Town of Surfside (“Town”) entered into a Memorandum of Understanding (“MOU”) with the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands and the Village of Bal Harbour (“Participating Municipalities”), and the Miami Beach Chamber Education Foundation, Inc. (“MBCEF”), to fund and implement the Nurse Enhancement Initiative for the Ruth K. Broad Bay Harbor K-8 Center; and

WHEREAS, the MOU provides that Participating Municipalities will provide their proportionate share of funds for the Nurse Enhancement Initiative; and

WHEREAS, the MOU was amended by Amendment No. 2 to the MOU, executed on July 9, 2019, to extend the Nurse Enhancement Initiative for FY 2019-20 and set forth the proportionate share of funding for Participating Municipalities; and

WHEREAS, the MOU was amended by Amendment No. 3 to the MOU dated August 19, 2020, to extend the Nurse Enhancement Initiative for FY 2020-2021 and set forth the proportionate share of funding for Participating Municipalities; and

WHEREAS, the MOU was amended by Amendment No. 4 to the MOU dated July 21, 2021, to extend the Nurse Enhancement Initiative for FY 2021-22 and set forth the proportionate share of funding for Participating Municipalities; and

WHEREAS, the MOU was amended by Amendment No. 5 to the MOU dated May 10, 2022, to extend the Nurse Enhancement Initiative for FY 2022-23 and set forth the proportionate share of funding for Participating Municipalities; and

WHEREAS, the MOU was amended by Amendment No. 6 to the MOU dated July 11, 2023, to extend the Nurse Enhancement Initiative for FY 2023-24 and set forth the proportionate share of funding for Participating Municipalities; and

WHEREAS, the parties wish to further amend the MOU in order to assign the proportionate share of funding to Participating Municipalities for FY 2024-25, requiring the Town to contribute \$8,112.00, as set forth in Amendment No. 7 to the MOU (“Amendment”), attached hereto as Exhibit “A”; and

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

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

Section 1. Recitals. That the above and foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2. Approval of Amendment to MOU; Authorization. The Amendment between the Town, Participating Municipalities and MBCEF, substantially in the form attached hereto as Exhibit “A”, is hereby approved. The Town Commission authorizes the Town Manager

to execute the Amendment on behalf of the Town, together with such changes as may be approved by the Town Manager and Town Attorney as to form and legal sufficiency.

Section 3. Implementation. The Town Manager is authorized to take all the action necessary to implement the purposes of this Resolution and the Amendment.

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

PASSED AND ADOPTED this 14th day of May, 2024.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Ruben A. Coto _____
Commissioner Nelly Velasquez _____
Commissioner Gerardo Vildostegui _____
Vice Mayor Tina Paul _____
Mayor Charles W. Burkett _____

Charles W. Burkett, Mayor

ATTEST:

Sandra McCready, MMC
Town Clerk

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

Mark Blumstein, Interim Town Attorney

MIAMI BEACH

OFFICE OF THE CITY MANAGER

LTC # 165-2024

LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Rickelle Williams, Interim City Manager *RW*

DATE: May 1, 2024

SUBJECT: Nurse Enhancement Initiative Behavioral Health Services Summary Report and Expanded Services Update

The purpose of this Letter to Commission is to update the Mayor and City Commission on the status of our Nurse Enhancement Initiative for Behavioral Health/Mental Health youth support services from August 2023 through April 2024 for North Beach Elementary, Miami Beach South Pointe Elementary, Miami Beach Fienberg Fisher K-8, Biscayne Beach Elementary, Treasure Island Elementary, Ruth K. Broad Bay Harbor K-8 Center, Miami Beach Nautilus Middle School, and Miami Beach Senior High School.

Overall, **131** youth received **779 mental health support sessions** in the 2023-2024 school year through April 19, 2024 from the Licensed Clinical Social Worker (Social Worker) in select Miami Beach feeder public schools. The below provides the number of sessions provided to youth at select Miami Beach feeder schools receiving services during the 2023-2024 school year through a partnership with neighboring municipalities, Borinquen Medical Centers, The Children's Trust and the Miami Beach Chamber Education Foundation:

School Name	# of youth mental health sessions
• Miami Beach Senior High School	509
• North Beach Elementary	116
• Treasure Island Elementary	39
• Ruth K. Broad Bay Harbor K-8 Center	115

The enhanced behavioral services provide on-site access to a licensed clinical social worker to provide services including, but not limited to, the following:

- Academic Issues
- Attention Issues
- Anger Management
- Anxiety
- Attention Issues
- Disruptive Behavior
- Depression
- Stress Management
- Family Issues

Services were not provided to some Miami Beach schools through this initiative in the 2023-2024 school year due to staffing challenges of our partners. Alternate service models were explored by staff to fill the open mental health professional position for the 2024-2025 school year to ensure services are available for all youth.

On April 3, 2024 Resolution No. 2024-32980 was approved to expand services to underserved Miami Beach public schools including Miami Beach South Pointe Elementary, Miami Beach Fienberg Fisher K-8, Miami Beach Nautilus Middle School, and Biscayne Beach Elementary. Staff have engaged the Miami-Dade County Public Schools(M-DCPS) and the Miami Beach Chamber Education Foundation, Inc. to expand services by providing access to the Whole Child Telewellness services program. Anticipated services through this partnership will include but not be limited to the following:

- Implementation of the whole child program to offer telewellness services to approximately 2,753 students at select Miami Beach public schools for both physical and mental health care
- Access to telewellness visits at no cost to families with provider visits covered by insurance, and partnerships with M-DCPS
- Access to on demand licensed and qualified telewellness providers for delivery of comprehensive services for students in select Miami Beach public schools from home via phone and/or computer
- Follow-up and case management support for all students in select Miami Beach schools, including appointment scheduling for in-person services, assistance navigating the healthcare system/Medicaid, coordination for ongoing wellness supports, and coordination with existing school supports
- Clinical operations conducted on a platform designed specifically for collaboration with schools including a self-contained electronic medical record (EMR), emergency contact workflow, and data reporting capabilities
- HIPAA and FERPA compliant
- All necessary technology (iPads, headphones, etc.)
- Full training, onboarding, and certification of school and district health office staff to operate services
- Parent/Guardian sign-up (consent) materials, training, and support
- Dedicated staff support (onsite and virtual)



Staff from the Office of Education and Performance Initiatives will be reaching to municipal partners to determine interest in sustaining the Nurse Enhancement Behavioral/Mental Health Initiative in the 2024-2025 school year for those schools funded by neighboring municipalities. Mental health professionals currently providing services in select public schools may be reached directly via email at the below email addresses:

Ashley Silverio
Julia Egbers

Asilverio@borinquenhealth.org
Jegbers@borinquenhealth.org

This initiative supports our strategic priority to be known for educational (PreK-12) excellence. If you have any questions, please feel free to contact me or Dr. Leslie Rosenfeld, Chief Education and Performance Officer.

JDG/LDR

**AMENDMENT NO. 7
TO
THE MEMORANDUM OF UNDERSTANDING
AMONG
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION, INC.
TO
IMPLEMENT A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2024-2025**

Amendment No. 7 (“**Amendment**”) is made and entered into this ____ day of _____, 2024, by and among the **City of Miami Beach, Florida (“CMB”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1700 Convention Center Drive, Miami Beach, Florida 33139; **North Bay Village (“NBV”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 1666 John F. Kennedy Causeway, #3, North Bay Village, Florida 33141; the **Town of Bay Harbor Islands (“TBHI”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9665 Bay Harbor Terrace, Bay Harbor Islands, Florida 33154; the **Town of Surfside (“TS”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 9293 Harding Avenue, Surfside, Florida 33154; **Bal Harbour Village (“BHV”)**, a municipal corporation organized and existing under the laws of the State of Florida, having its principal place of business at 655 96th Street, Bal Harbour, Florida 33154; and the **Miami Beach Chamber Education Foundation, Inc. (“MBCEF”)**, a Florida not-for-profit corporation, having its principal place of business at 100 16th Street, Suite 6, Miami Beach, Florida 33139 (collectively, the “Parties”) to amend the Memorandum of Understanding entered into on May 17, 2018 (“**MOU**”), as amended by Amendments No. 1 through No. 6, as follows:

RECITALS

WHEREAS, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the “**Participating Municipalities**”); and

WHEREAS, following the Parties’ determination that students at Miami Beach North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the “**Participating Schools**”) did not have full-time on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative, and another Memorandum of Understanding on April 23, 2014, to provide healthcare services to the Participating Schools during the 2013/2014 and the 2014/2015 School Years; and

WHEREAS, due to the success of Nurse Initiatives during the 2013/2014 and 2014/2015 School Years, the Parties implemented an enhanced nurse initiative (“**Nurse Enhancement Initiative**”) for the 2015/2016, 2016/2017, and the 2017/2018 School Years for the Participating Schools because the basic healthcare services previously funded in the Nurse Initiative by the Participating Municipalities, the MBCEF, and the Children’s Trust (“**TCT**”), were provided by TCT via the new School Health Programs; and

WHEREAS, on May 17, 2018, CMB, NBV, TBHI, TS, BHV, and MBCEF executed the MOU for the continuation of the Nurse Enhancement Initiative for the Participating Schools for the 2018-2019 School Year; and

WHEREAS, the Parties executed Amendment No. 1 to the MOU, dated December 24, 2018, adding an additional day of service at Ruth K. Broad Bay Harbor K-8 Center; and

WHEREAS, on September 11, 2019, the Mayor and City Commission adopted Resolution No. 2019-30956, approving Amendment No. 2 to the MOU and approving funding of CMB's contribution for each subsequent School Year, on a recurring basis, subject to funding approval during CMB's budgetary process and provided that CMB's contribution amount does not exceed \$15,400.00; and

WHEREAS, the Parties executed Amendment No. 2 to the MOU, dated September 19, 2019, extending the Nurse Enhancement Initiative for the Participating Schools for the 2019-20 School Year; and

WHEREAS, the Parties executed Amendment No. 3 to the MOU, dated August 19, 2020, extending the Nurse Enhancement Initiative for the Participating Schools for the 2020-21 School Year; and

WHEREAS, the Parties executed Amendment No. 4 to the MOU, dated July 21, 2021, extending the Nurse Enhancement Initiative for the Participating Schools for the 2021-22 School Year; and

WHEREAS, the Parties executed Amendment No. 5 to the MOU, dated July 26, 2022, extending the Nurse Enhancement Initiative for the Participating Schools for the 2022-23 School Year; and

WHEREAS, the Parties executed Amendment No. 6 to the MOU, dated July 28, 2023, extending the Nurse Enhancement Initiative for the Participating Schools for the 2023-24 School Year; and

WHEREAS, The MOU and Amendments No. 1 through No. 6 to the MOU shall be collectively referred to herein as the "MOU"; and

WHEREAS, due to the success of the Nurse Enhancement Initiative services, the Parties wish to provide the Nurse Enhancement Initiative for the 2024-2025 School Year; and

WHEREAS, a Nurse Enhancement Initiative should be established at the Participating Schools for School Year 2024-2025 as herein provided and pursuant to a separate agreement between MBCEF and TCT; and

WHEREAS, MBCEF shall provide funding to TCT for the 2024-2025 Nurse Enhancement Initiative in the amount of \$7,000.00.

NOW, THEREFORE, in consideration of the mutual conditions and promises contained herein, the Parties agree to amend the MOU as follows:

1. ABOVE RECITALS.

The above recitals are true and correct and are incorporated as part of this Amendment.

2. MODIFICATIONS.

The MOU is hereby amended (deleted items ~~struck through~~ and inserted items underlined) as follows:

Paragraph 3 of the MOU is hereby deleted in its entirety and replaced with the following:

3. On or before October 31, 2024, the Participating Municipalities shall provide their proportionate share of the funds for the 2024-2025 Nurse Enhancement Initiative to MBCEF, subject to budget approval by the Participating Municipalities, which funds MBCEF shall hold in escrow pending the execution of its agreement with TCT, referenced in paragraph 1 of the MOU. The Participating Municipalities' proportionate share of funding for the 2024-2025 School Year shall be paid by October 31, 2024, in the following amounts for 44 weeks, from October 1, 2024 to June 5th 2025 and August 1, 2025 to September 30, 2025:

- i) CMB shall provide funding in the amount of \$15,400;
- ii) NBV shall provide funding in the amount of \$6,600;
- iii) TBHI shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center;
- iv) TS shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center; and
- v) BHV shall provide funding in the amount of \$8,112 for 2 days of service at Ruth K. Broad Bay Harbor K-8 Center.

4. RATIFICATION.

Except as amended herein, all other terms and conditions of the MOU shall remain in full force and effect. In the event there is a conflict between the provisions of this Amendment and the MOU, the provisions of this Amendment shall govern.

(THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK)

IN WITNESS THEREOF, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA, a municipal corporation of the State of Florida

By: _____
Rafael E. Granado, City Clerk

By: _____
~~Anna F. Frank, City Manager~~
Rickelle Williams, Interim City Manager

Date: _____

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney *SH* 03/18/21
Date

ATTEST:

NORTH BAY VILLAGE, a municipal corporation of the State of Florida

By: _____

By: _____

Village Clerk

Village Manager

Date: _____

Approved as to Form and Language
and for Execution

ATTEST:

TOWN OF BAY HARBOR ISLANDS, a municipal corporation of the State of Florida

By: _____

By: _____

Town Clerk

Mayor/Town Manager

Date: _____

Approved as to Form and Language
and for Execution

By: _____

ATTEST:

TOWN OF SURFSIDE, a municipal corporation of the State of Florida

By: _____
Town Clerk

By: _____
Mayor/Town Manager

Date: _____

Approved as to form and Language
and Legal sufficiency

ATTEST:

BAL HARBOUR VILLAGE, a municipal corporation of the State of Florida

By: _____
Village Clerk

By: _____
Mayor/Village Manager

Date: _____

Approved as to form and Language
and Legal sufficiency

ATTEST:

**MIAMI BEACH CHAMBER EDUCATION
FOUNDATION, INC., a Florida not-for-profit
corporation**

By: _____

By: _____

Date: _____



TOWN MANAGER'S REPORT

May 14, 2024

I. TOWN DEPARTMENTS

Building Department

A. Building Department permit and inspection numbers as of April 30, 2024, are as follows:

- Building Permits issued – 135
- Inspections performed – 232
- Lien search – 15
- TCOs/COs/CCs issued – 3

Code Compliance Division

A. As of April 30, 2024, the total number of open cases being managed is 208. Of these cases, 106 are actively working towards compliance; five cases are on-hold; 11 cases are in the Special Master hearing queue; 16 cases are in post-hearing status; 20 code cases have been issued liens and remain unpaid; 50 code cases have service liens and remain unpaid. All properties with unpaid liens are sent reminder letters twice a year.

B. The Code Compliance staff has conducted approximately 172 inspections from March 27, 2024, to April 29, 2024.

C. The Division presented 11 cases to the Code Compliance Special Master Hearing on April 17, 2024.

D. Collected Civil Penalty Fines – Unresolved cases accrue fines until the code violation is resolved. After the violation is corrected, the property owner is notified to remit the fine amount due, reach a settlement agreement with the Town, or request a Mitigation of Fines Hearing.

The following is a summary by fiscal year of the fine amounts collected by the Town:

- FY24: As of April 30, 2024, 55 cases have paid/settled for a total monetary collection of \$73,284.00.

- FY23: As of September 30, 2023, 100 cases paid/settled for a total monetary collection of \$ \$90,417.61.

E. The Code Compliance Division has assisted the Finance Department by conducting 16 Code lien searches for the month of April 2024.

F. The Code Compliance Division continues to assist the Town Clerk's Office with public records requests.

Community Services/Tourism & Public Communications Department

A. Freebee Launch in Surfside – To help promote the launch of Freebee ridesharing in Surfside, the Tourism and Communications team worked with the Freebee team to develop visual assets that could be posted across Town channels. The launch information was posted on the Town website via banner, the digital sign, Nextdoor, Facebook, Instagram as well as text message. Large flyers have also been posted at the Publix community billboard.

B. Celebrating Earth Day, Plastic Fishing Festival – The Tourist Board partnered with resident activist Rodrigo Butori for the 2024 Earth Day Plastic Fishing Festival on April 21. The event was a great success with hundreds of activists and participants coming out to take part in the creative endeavor in the name of conservation. The Team also supported the Parks & Recreation Earth Day Fair and bird release.

C. Block Party Season Close – The busy season of spring events continues for the Tourism team with the continuation of the *Music on the Beach 'Steel Drums'* taking place this month on May 12. The Town's two block party series: *Surfstreet Saturdays* and *Third Thursdays*, will both end this month with *Latin Night* (May 4) and *Health & Wellness* (May 16) themes respectively.

D. Surfside Remembrance Event, 98 Points of Light Publication – Tourism and Communications Director reached out to vendor Diamonette to solicit an estimate for the 2024 Remembrance event footprint. The Diamonette team is standing by for additional direction from the Town or Memorial Committee in case any changes are needed. Additionally, the team is working on the special "*98 Points of Light*" publication which includes write ups for the victims of the collapse submitted by their direct relatives.

Human Resources

Human Resources continues to provide support and assistance to the Town Administration, departments and staff in relation to a variety of items/services to include:

A. AFSCME – AFSCME elections were held on April 11, 2024. The tabulation of the ballots reported that 45 of 50 eligible members participated. There were 40 YES votes, 4 NO votes and 1 challenged vote. AFSCME Florida Council prevailed in the election.

B. Positions Filled – Chief of Police, Assistant Chief of Police, Police Captain, Executive Assistant to Town Attorney, Capital Improvement Projects Director, Deputy Clerk, and Communications Operator.

C. Risk Management – Submitted liability related claims and responded to adjuster questions. Attended a training for municipal and law enforcement agencies by the United States Department of Justice and the City of Miami Beach on the Americans with Disability Act (ADA) rules for employment held on April 18, 2024.

D. Background Investigations – Coordinated and conducted background investigations, level 2 screening and FDLE reporting, pre-employment physicals, and psychological evaluations when applicable. Facilitated the employment orientation for new hires.

E. Safety and Wellness Initiatives – Provided staff with information regarding the Town's Employee Assistance Program, weekly webinars and classes for mental health support, nutrition, fitness, support groups, community health initiatives and exercise classes.

Finance Department

Monthly Budget to Actual Summary as of March 31, 2024 – *Attachment "A"*

Parks and Recreation Department

A. Facilities/Hours of operation – Parks and Recreation continues to assist in the oversight of construction of 96th Street Park. P&R oversees the following facilities: The Community Center/Aquatic Facility, Tennis Center, the Beach Lifeguard Tower, Beach Chair Service, Hawthorne Tot Lot, and the Dog Park. The Tennis Center is now operated through reservations only. Hours for the pickleball programming are in place. Hours have been adjusted to maximize tennis and pickleball hours. The pool continues to operate with lap swimming registrations during all hours of operation. Pool hours continue to be adjusted month to month to maximize daylight hours. Pool hours are from 7:00 a.m. to 8:00 p.m. for the month of April and the Lifeguard Tower from 9:00 a.m. to 5:00 p.m.

B. YMCA After School Programming – After school is run weekly from 1:50 p.m. to 6:00 p.m. at the Community Center. Additionally, the Kids Day Off Program continues to run successfully with numbers increasing for each program day.

C. YMCA Spring Camp – Spring Camp ran successfully from Monday, March 25 through Friday, March 29. The participants enjoyed a curriculum filled with outdoor activities, arts and crafts, and other fun and interactive activities.

D. Spring Programming – Registration for the Spring mini session is underway, and programs begun the week of April 29, 2024.

E. Events – Our Annual Splash into Spring Egg Hunt was held Sunday, March 10 at the Community Center. We had a great turnout with over 200 participants, and water activities, and prize baskets were provided. The 42nd Annual Baynanza Biscayne Bay Cleanup Day took place on Saturday, April 13, from 9 a.m. to 12 p.m. April is Earth Day month and our Resource Fair was Sunday, April 21.

F. Senior Trips & Brunches – The Senior Brunch on Friday, March 15 featured a St. Patrick's Day theme with over 35 seniors, and we had some great rounds of bingo. The Brunch for April took place Friday, April 12 from 11 a.m. – 1:00 p.m. Additionally, the Senior Trip for April took place on April 24 with a field trip at the Gold Coast Railroad Museum.

G. Beach Chair Service – Beach Chair Service continues to be very popular with Surfside residents. The hours of operation for March are 9:00 a.m. – 5:00 p.m. Beach Time Max at this time will adjust on a day-to-day basis and as needed if more than 2 chairs per family can be provided. The service continues to operate as scheduled. The new chairs are now in operation.

H. Miscellaneous items – Artificial turf was installed around all trees inside the Hawthorne Tot Lot. The turf will increase the safety of the park as it hides all the exposed roots from the trees. The noise cones have been installed on the new AC units at the Community Center. Mile Markers on the walking path and hard pack have been replaced and updated with a new design.

Planning Department

Development Application Process (2012 – Present) – *Attachment "B"*

Police Department

A. Police Department Statistics (April 1 – April 23, 2024)

- Traffic Citations – 375
- Parking Citations – 1,199
- Arrests – 7
- Dispatch Events – 957
- Incident/Crime Reports – 40

B. National Police Appreciation Week

May is the month where the Nation celebrates Memorial Day and National Police Appreciation Week. The National Police Appreciation Week is celebrated annually and will take place this year from May 13th to May 18th, 2024. National Police Appreciation Week is a collaborative effort of many organizations dedicated to honoring America's law enforcement community.

In 1962, President John F. Kennedy signed a proclamation which designated May 15th as Peace Officers Memorial Day and the week in which that date falls as Police Week. Tens of thousands of law enforcement officers from around the world traditionally converge on Washington, D.C. to participate in several planned events which honor those that have paid the ultimate sacrifice. The Memorial Service began in 1982 as a gathering in Senate Park of approximately 120 survivors and supporters of law enforcement. Decades later, the event, more commonly known as National Police Week, has grown to a series of events which attracts thousands of survivors and law enforcement officers to our Nation's Capital each year. Locally there are several events to honor the men and women of law enforcement.

The Police Department personnel will be honored by the Town and Command Staff for their exemplary service and dedication to the law enforcement profession during National Police Appreciation Week.

C. Police Events/Community Outreach

- The 43rd Annual Miami-Dade Law Enforcement Officers Memorial Ceremony is May 2, 2024 at 6:30 p.m. at Tropical Park. Chief Enrique Doce and Assistant Chief Wayne Holbrook will attend this event.
- The SurfStreet Saturdays block party is May 4, 2024 from 6:00 p.m. – 9:00 p.m. on 93rd Street between Collins and Harding Avenue. The Police Department will assist the Tourist Board with traffic control, street closures and pedestrian safety from 1:00 p.m. to 10:00 p.m.

- The Surfside Farmers Market will be located at the 96th Street Beach Entrance and the Hard Pack from 9:30 a.m. to 3:30 p.m. The Police Department will assist with traffic control during set up and breakdown, security during the event, and ensuring pedestrian safety from 7:00 a.m. to 5:00 p.m. on the following dates:
 - May 5, 2024
 - May 12, 2024
 - May 26, 2024
- The Surfside Police Department will host three community blood drives from 10:00 a.m. – 5:00 p.m. on the following dates and locations:
 - May 5, 2024 -Town Hall municipal parking lot
 - May 11, 2024 - 94th Street municipal parking lot
 - May 29, 2024 - Town Hall municipal parking lot
- Arley Flaherty will be sworn in as the Police Department's new Captain on May 6, 2024 in the Town Manager's Office.
- The Police Department is hosting a Meet and Greet with the Community and Command Staff on May 8, 2024 from 5:00 p.m. to 7:30 p.m. in the Commission Chambers.
- Officer Donoso will proudly represent the Surfside Police Department as a member of a multijurisdictional Honor Guard Team on May 10, 2024 for the graduation ceremony for Criminal Justice students from St. Thomas University.
- Music on the Beach, hosted by the Tourist Board, is May 12, 2024 from 2:00 p.m. to 4:00 p.m. at 9300 Collins Avenue (on the beach). The Police Department will assist with traffic control during set up and breakdown, security during the event, and ensure pedestrian safety.
- The Town of Surfside's Third Thursday event is May 16, 2024 from 6:00 p.m. to 9:00 p.m. in the 200 block of 93rd Street. The Police Department will assist with traffic control during set up and breakdown, security during the event, and ensuring pedestrian safety from 1:00 p.m. to 10:30 p.m.
- Community Service Aides Felix Fermin, Donald Laurent and Henry Popoteur will attend a Police Service Aide Foundations course from May 20th to June 6th, 2024 at Broward College.
- The Grand Opening of the Miami-Dade College North Campus School of Justice will be May 21, 2024 at 9:00 a.m. Chief Enrique Doce, Assistant Chief Wayne Holbrook and Captain Arley Flaherty will attend this event.
- The inauguration (ribbon cutting) of the new Civic Center/Police Headquarter in the Town of Golden Beach will be May 23, 2024 from 6:00 p.m. to 9:00 p.m. Chief Enrique Doce, Assistant Chief Wayne Holbrook and Captain Arley Flaherty will attend this event.
- The Parks and Recreation Department will host their annual Memorial Day Ceremony on May 27, 2024 at 10:00 a.m. at Veterans Park. Chief Enrique Doce, Assistant Chief Wayne Holbrook and Captain Arley Flaherty will attend this event. Members of the Police Department's Honor Guard Team will participate in the ceremony.

- The Regional Hurricane Strategy Meeting - Emergency Operation District 4 meeting will be held on May 30, 2024 from 9:30 a.m. to 11:00 a.m. at Florida International University. Chief Enrique Doce will attend the meeting.
- The monthly Coffee with the Cops – May 30, 2024, at 10:00 a.m. at Starbucks.

II. SEE CLICK FIX REPORT

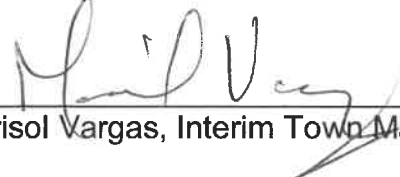
Requests filtered by request category that have been created 04/01/2024 - 04/30/2024

Request Category	Created in period	Closed in period	Average days to close
96 Street Park (P & R)	1	1	1.1
Code Compliance (Safety Concern)	1	1	4.5
Code Compliance (Violation)	2	2	0.8
Drainage/Flooding (PW)	0	0	
Other	5	0	
Police (Safety Concern)	0	0	
Beach Patrol	0	0	
Parking Issue	1	1	3

III. TOWN PROJECTS

Projects Detail Sheets – Attachment “C”

Respectfully submitted by: _____



 Marisol Vargas, Interim Town Manager

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2024
As of MARCH 31, 2024
42% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

5/14/2024

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
GENERAL FUND - 001			
REVENUE	\$ 18,348,228	\$20,587,470	89%
EXPENDITURES	11,361,116	\$20,587,470	55%
Net Change in Fund Balance	\$ 6,987,112		
Fund Balance-September 30, 2023 (Unaudited)	18,071,829		
Fund Balance-March 31, 2024 (Reserves)	<u>\$ 25,058,941</u>		
			A
			B
TOURIST RESORT FUND - 102			
REVENUE	\$ 3,389,199	\$6,806,630	50%
EXPENDITURES	2,930,252	\$6,806,630	43%
Net Change in Fund Balance	\$ 458,947		
Fund Balance-September 30, 2023 (Unaudited)	7,231,674		
Fund Balance-March 31, 2024 (Reserves)	<u>\$ 7,690,621</u>		
			C
			D
POLICE FORFEITURE FUND - 105			
REVENUE	\$ -	\$55,308	0%
EXPENDITURES	\$ 9,435	\$55,308	17%
Net Change in Fund Balance	\$ (9,435)		
Fund Balance-September 30, 2023 (Unaudited)	125,863		
Fund Balance-March 31, 2024 (Reserves)	<u>\$ 116,428</u>		
TRANSPORTATION SURTAX FUND - 107			
REVENUE	\$ 85,966	\$338,126	25%
EXPENDITURES	\$ 262,675	\$338,126	78%
Net Change in Fund Balance	\$ (176,709)		
Fund Balance-September 30, 2023 (Unaudited)	567,333		
Fund Balance-March 31, 2024 (Reserves)	<u>\$ 390,624</u>		
BUILDING FUND - 150			
REVENUE	\$ 818,879	\$1,323,037	62%
EXPENDITURES	875,251	\$1,323,037	66%
Net Change in Fund Balance	\$ (56,372)		
Fund Balance-September 30, 2023 (Unaudited)	2,963,482		
Fund Balance-March 31, 2024 (Reserves)	<u>\$ 2,907,110</u>		
CAPITAL PROJECTS FUND - 301			
REVENUE	\$ 2,974,844	\$15,994,344	19%
EXPENDITURES	7,927,098	\$15,994,344	50%
Net Change in Fund Balance	\$ (4,952,254)		
Fund Balance-September 30, 2023 (Unaudited)	8,349,476		
Fund Balance-March 31, 2024 (Reserves)	<u>\$ 3,397,222</u>		

NOTES:

1) Many revenues for March 2024 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

2) Expenditures include payments and encumbrances. An encumbrance is a reservation of a budget appropriation to ensure that there is sufficient funding available to pay for a specific obligation.

A The total fund balance of \$18,071,829 includes \$8,721,494 committed for operations & maintenance, hurricane/natural disaster, budget stabilization and capital. The balance of \$9,350,335 is unassigned fund balance (reserves).

B Includes \$9,471,791 committed for operations & maintenance, hurricane/natural disaster, budget stabilization, and capital. The balance of \$15,587,150 is unassigned fund balance (reserves).

C The total fund balance of \$7,231,674 includes \$849,846 committed for hurricane/natural disaster, budget stabilization, and capital. The balance of \$6,381,828 is unassigned fund balance (reserves).

D Includes \$985,816 committed for hurricane/natural disaster, budget stabilization, and capital. The balance of \$6,704,805 is unassigned fund balance (reserves).

PROPRIETARY FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
WATER & SEWER FUND - 401			
REVENUE	\$ 2,909,899	\$4,679,010	62%
EXPENDITURES	2,246,617	\$4,679,010	48%
Change in Net Position	\$ 663,283		
Unrestricted Net Position-September 30, 2023 (Unaudited)	(350,162)		
Unrestricted Net Position-March 31, 2024 (Reserves)	\$ 313,121		
MUNICIPAL PARKING FUND - 402			
REVENUE	\$ 9,538,227	\$1,721,119	554%
EXPENDITURES	941,410	\$1,721,119	55%
Change in Net Position	\$ 8,596,817		
Unrestricted Net Position-September 30, 2023 (Unaudited)	3,239,589		
Unrestricted Net Position-March 31, 2024 (Reserves)	\$ 11,836,406		
SOLID WASTE FUND - 403			
REVENUE	\$ 1,067,587	\$2,061,293	52%
EXPENDITURES	1,152,545	\$2,061,293	56%
Change in Net Position	\$ (84,958)		
Unrestricted Net Position-September 30, 2023 (Unaudited)	(56,952)		
Unrestricted Net Position-March 31, 2024 (Reserves)	\$ (141,910)		
STORMWATER FUND - 404			
REVENUE	\$ 636,391	\$2,160,901	29%
EXPENDITURES	578,578	\$2,160,901	27%
Change in Net Position	\$ 57,814		
Unrestricted Net Position-September 30, 2023 (Unaudited)	3,123,948		
Unrestricted Net Position-March 31, 2024 (Reserves)	\$ 3,181,762		
FLEET MANAGEMENT FUND - 501			
REVENUE	\$ 991,265	\$1,359,129	73%
EXPENDITURES	1,089,833	\$1,359,129	80%
Change in Net Position	\$ (98,568)		
Unrestricted Net Position-September 30, 2023 (Unaudited)	1,313,289		
Unrestricted Net Position-March 31, 2024 (Reserves)	\$ 1,214,721		

Andria Meiri

Andria Meiri, Budget Officer

Marisol Vargas

Marisol Vargas, Interim Town Manager

Town of Surfside
Net Funds Historical Balances
Period 2020 - March 2024

FUND	9/30/2020	9/30/2021	9/30/2022	9/30/2023	3/31/2024	CAGR ^(a)
General	\$ 18,286,748	\$ 21,091,150	\$ 17,599,304	\$ 18,071,829	\$ 25,058,941	-0.4%
Tourist Resort	2,109,658	4,264,457	6,766,124	7,231,674	7,690,621	50.8%
Police Forfeiture	168,289	221,034	176,457	125,863	116,428	-9.2%
Transportation Surtax	442,856	569,453	625,174	567,333	390,624	8.6%
Building	1,991,388	1,904,548	3,079,893	2,963,482	2,907,110	14.2%
Capital Projects	4,899,128	5,894,823	12,354,395	8,349,476	3,397,222	19.4%
Water & Sewer	(1,733,610)	(1,389,877)	(491,258)	(350,162)	313,121	70.4%
Municipal Parking	1,293,993	1,657,883	2,284,812	3,239,589	11,836,406	35.8%
Solid Waste	219,615	(271,836)	(18,214)	(56,952)	(141,910)	-163.8%
Stormwater	3,205,050	3,581,622	3,447,087	3,123,948	3,181,762	-0.9%
Fleet Management	825,468	1,091,020	1,349,961	1,313,289	1,214,721	16.7%
Total	\$ 31,708,583	\$ 38,614,277	\$ 47,173,735	\$ 44,579,369	\$ 55,965,045	12.0%

(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. Time period presented 9/30/2020 to 9/30/2023.

last updated on 7/20/2024

DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT)											
Application Date Location	Project Description	Zoning Process			Density/Intensity		Variances		Building Permit		Status
		DRG	P&Z	TC	Site Plan Ext	Approved	Requested	Received	Application No.	Status	
Original Submittal: 7/13/2012 Site plan amendment: 4/16/16 9011 Collins Avenue	Surf Club - restoration of the famous surf club historic structure and for the construction of new improvements	DRG - 7/31/2012, 8/23/12, site plan amendment: 5/16/16, 8/4/16, 3/9/17, 5/11/17 P&Z - Original site plan: 9/27/12, site plan amendment: 8/31/17 TC - Original site plan: 10/15/12, site plan amendment: 10/10/17 Site Plan Ext			762 units	257 units	None	None	13-727	Issued	Fort Partners has indicated a desire to obtain a final CO and Landscape approval needs to be resolved. A landscape inspection was performed and comments were provided by the Town Planner on November 5, 2021. Once the comments are addressed a final inspection will be required. Awaiting CO
7/20/2012 9450 Collins Ave	The Shul - New multiuse glass atrium and adjoining learning center (3 stories)	DRG - 2/11/13, 3/27/13, 7/9/13 P&Z - 2/27/14 TC - 10/28/14 Site Plan Ext			3 story expansion of 8,558.9 square feet	None	None	None	14-509	Issued	Work is well underway as permitted in three phases. Phase I is the new school which is currently substantially complete and operating, with a TCO as Phase I. Phase II is the multi-use glass atrium. Phase III is the remodel of the old section of the building.
8/12/2015, 12/23/20, 9/20/23 Site Plan Amendment 9133 Collins Ave & 9149 Collins Ave	Surf Club II - Redevelopment of property with a multi-family residential project and renovation of existing historic structures, to include underground parking and revisions to balcony design. Site Plan Amendment submitted 9/20/2023 to remove hotel element and expand restaurant. Historic building moved 100 feet for construction of underground parking now reserved back to original location.	DRG - 9/4/15, 3/9/17, 9/17/17, 2/9/21 P&Z - 12/17/17, 2/11/21, 4/29/21 TC - 2/13/2018, 4/13/21, 6/8/21 Scheduled Site Plan Ext - Site Plan Extension approved by TC on 7/28 TC Meeting, Applicant requested extension of site plan due to FL Declaration of Emergency. Additional Covid extension - New Permit Due Date December 26, 2021 Amendment - P&Z November 30th, 2023 w/ DRG 11/17/23 TC - 1/9/2023 Reso 24-2-3264			199 units	Site Plan Amendment 23 apartments, 0 hotel rooms and 7 caretaker quarters	None	None	20-536	Permit Issued	Construction of new 12 story condominium is fully underway. Core shell building completed April 2023. Now performing custom interior completions of units and common areas.
Original submittal: 2/11/2016 Revised submittal: 5/31/18 9380, 9372, 9364, 9348, 9340, 9322, 9316 & 9300 Collins Ave (See Page 2)	9300 Collins Ave - demolition of all existing buildings, improvements, construction of 3-story building	DRG - Original submittal: 3/10/16, 4/27/16 Revised submittal: 6/27/18, 8/28/18, 11/1/18 P&Z - Original approval: 7/18/16, revised approval: 11/29/18 TC - Original approval: 11/70/16, Approved 2/26/19 Site Plan Ext - Request submitted to extend approval due to emergency declaration (Hurricane Dorian). Additional COVID and TSOEIA extensions - Permit Due Date 2/4/24. New Request submitted to extend approval due to emergency declarations Hurricane Ian and Subtropical Storm Nicole) - New Permit Due Date to 5/28/25			250 units	Request is for 205 units	None	None	21-14128C	Foundation-Only Permit ready to issue SUBSEQUENTLY ABANDONED BY APPLICANT.	Foundation-Only Permit Application has been abandoned in lieu of ownership change of property. New project design is underway. Must be a mixed use structure.
5/4/2016 8955 Collins Ave	Residential Condominiums	DRG - 6/20/16, 7/27/16 P&Z - 10/27/16 11/10/16 TC - 11/10/2016 Site Plan Ext			110 units	16 units	None	None	16-602	Issued	The Town Planner signed off on the Landscape Plan on June 17, 2022. Public Works Department is working to resolve a couple of issues so that the Building Department can issue a permanent CO.
3/14/22 9309 - 9317 Collins Ave	93 Ocean - Demolition of 2 existing 3 story buildings and construction of 12 story condominium building with 27 dwelling units.	DRG - 8/23/22 P&Z - 8/25/22 TC - 11/29/22 Site Plan Ext - filed 11/27/23			58 Units	27 units	None	None		Pending demolition of two existing buildings. Applied for on-site management trailer	Pending Demolition of Two Existing Condominium Buildings.
5/19/2017 4/1/22 8995 Collins Ave	Surf House - site plan approval for expansion to existing multi-family building deemed architecturally significant per Sec. 90-33(3) of the Town Code.	DRG - 6/19/17, 8/24/17, 9/28/17, May 2022 P&Z - 2/22/18, 4/26/18, 5/31/18, approved on 10/27/19 TC - 12/10/19 Site Plan Ext - 2 COVID Extensions New Permit Deadline 9/27/23 Site Plan Amendment - P&Z approval May 28, 2022 TC - Approved Site Plan Amendment June 16, 2022			99 units	Resolution # 19-2661 approved by Town Commission on December 10, 2019 for Density Reduction from 34 to 19 Units; Other interior exterior and construction revisions.	Original application requested 3 Variances. Final application did not include any Variances. Site Plan Amendment - December 10, 2019 for Density Reduction from 34 to 19 Units; Other interior exterior and construction revisions.	None		Demo permit (retaining NW corner) issued; Temp. Const. Fencing issued; No Building Permit applied for yet. Revising Landscaping Plan and driveway.	Planning and Zoning Board recommended approval of Site Plan Amendment with reduction to 19 units and interior and exterior revisions on May 26, 2022. Town Commission approved Site Plan Amendment on June 16, 2022. Pool and pool deck may remain in historic location with repairs as necessary due to the Architectural significance status of the site. September 2023 vertical demolition of structure is complete except 1st story NW corner to be saved by design.
Original Submittal: 1/06/2015 Revised submittals: 8/01/2016, 12/23/2016, 03/09/2018, 10/29/2018 9/25/2020 8851 Harding Avenue (See page 2)	18 multi-family units	DRG - 01/22/15, 08/18/16, 01/23/17, 03/23/18, 11/29/2018 Meeting Pending, 2/25/21 P&Z - 01/31/19 P&Z recommended approval (Requires P&Z Reconsideration) 2/25/21 P&Z Denied Plan TC - Denied by the Commission (requires reconsideration by TC), TC Approval 5/26/21 Site Plan Ext			33 units	Current request is for 18 units. Town Planner, DRG recommended approval. P&Z recommended denial	1 requested: Section 90-32. - Off-street loading requirements (Loading Space Size). Not Required in 2021 Plan	Not needed in 2021 request		Has not applied for permit; after 5/26/23 the site plan is null and void since no permit has been applied for.	Site Plan Approval 5/26/21; Per Sec. 90-20.3 after 24 months from the date the final site plan is approved a building permit for a principal building has not been issued and remains in effect, the site plan shall be null and void.

DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT), Cont.

Application Date Location	Project Description	Zoning Process	Density/Intensity		Variances		Building Permit		Status
			Allowed	Approved	Requested	Received	Application No.	Status	
7/3/2019 9580 Abbott Ave	Young Israel Variance Request to eliminate landscaping to provide for a handicapped accessible ramp	DRG - N/A P&Z - 8/29/2019 TC - 10/29/19 Site Plan Ext -			1 requested: eliminate landscaping along the north side of the building	None		Complete	Construction of ramp complete
1/7/2020 8926 Collins Avenue	Arte request to have FPL vault encroach into landscape buffer.	DRG - N/A P&Z - 1/30/20 TC - 2/11/20 Site Plan Ext -			Landscape buffer	Approved		Complete	This parcel on the west side of Collins Avenue was also inspected along with the residential component on the east side of Collins Avenue. See discussion on first page spreadsheet.
11/18/2021 9165 Collins Ave (formerly the Hillcrest) now Surfclub Residences North	Site Plan approval to develop an 11 story, 14 unit MF Bldg with 33 parking spaces in the H120 Zoning District on the north side of the Seaway and south side of the Carlisle.	DRG - 1/14/22 - Via Zoom - Approved Proceeding to P & Z P&Z - 1/27/22 - Deferred to 2/24/22 P&Z Mtg P&Z - 2/24/22 - Recommended approval TC - Site Plan Approval received 4/12/22	58 units	Proposing 14 units	None	None		Demolition of Hillcrest is complete. Applied for Foundation-Only Permit.	DRG recommended on January 14, 2022 proceeding to P&Z on January 27, 2022. After discussion, P&Z decided to continue the item to the February 24, 2022. P&Z recommended approval at the February 24, 2022 meeting. TC approved Site Plan on 4-12-22. Foundation-Only permit has been issued and non vibrational Deep Soil Mixing is underway.
4/27/2022 8809 Harding Avenue	Site Plan Application for 8 Townhouse Units	DRG - September 27th 2022 P&Z - September 29, 2022 TC - Set for 11/29/22	33 Units	Proposing 8 units	None. Preliminary review comments were prepared at the request of the Applicant. Actual Site Plan submission for September 29th P & Z.			Applied for permit 1/27/23, under review at present. Unity of Title and ROW Dedication to be finalized. FPL transformer location identified, no variance needed.	Site Plan Application received 4/27/22. Applicant requested preliminary review prior to proceeding to formal Site Plan Review. Resubmission for 9/29/22 P & Z with DRG on 9/27/22. P&Z approved site plans with addition of street trees. Met with Development team on 10/27/22. Town Commission approved at 11/29/22 TC meeting. Application for Building Permit is pending applicant's response to plan review comments by Planning and Plumbing.
10/1/2016, 5/6/21, 9/1/22 9116 Harding Ave (AKA 303 Surfside Blvd.)	303 Surfside - 4 Townhouses (2018) 303 Surfside - 6 Townhouses (2021) and (2022)	DRG - 11/2/16, 2/7/17, 5/18/17, 6/21 TBD P&Z - 6/27/18, 6/21, 10/27/22 TC - 4/14/2018 New approval 2/14/23 Site Plan Ext -	6 units Due to 15% reduction for aggregation	6 units	None	None	23-5066	In Review	Submitted plans on 9/1/22 and were reviewed at the P&Z on 12/15/22 with a DRG held on 10/17/22. Concerns with density at the site; pulled from 10/27/22 P&Z agenda. Density issues resolved 11/28/22, 6 units allowed. Approved at 12/15/22 P&Z. Approved by TC on February 14th, 2023.
12/15/22 9100 Collins - Market Hall	Part of Surf Club complex - Office space for hotel staff, office/business center for hotel guests, market hall (café and market), underground parking and roof top tennis court	DRG - 10/17/22 P&Z - 12/15/22 TC - 2/14/2023	68 units	No residential	None	None		Has not applied for permit yet	Approved by P&Z at 12/15/22 meeting. Approved by TC on February 14th, 2023.
8/29/2022 200 96th Street	Surf Harbor, LLC. Proposed 3 story Office Building with at grade parking garage. Application for new construction of a 3-story office bldg. Including parking garage at grade and roof deck (15,790 SF of office space)	DRG - TBD P&Z - TBD TC - TBD On-hold as office is not an allowable use under the Comp Plan. Project would need ability to use the Parking Trust Fund			Will require Zoning Change			No Building Permit application filed to date.	Application, plans and check submitted for 3 story Office Building. Proposed plans require possible Land Use Plan Amendment and rezoning. Site will need access to the Parking Trust Fund to comply with parking requirements. Discussions underway to determine needed activities in order to process application. Lawyers discussed plans with Mayor, Commissioner and Town Staff. Aim to seek Zoning change.
6/12/2023 8777 Collins Avenue	Site Plan Application proposing 52 unit multi-family building	DRG - 8/9/2023 P&Z - 8/31/2023 TC - 9/27/23 Approved with conditions	207 Units	52 Units proposed	None	None		Building Permit not filed.	Application, plans and check submitted on June 12th, 2023. Two design options presented. One attempts to meet current code. The other will need an ordinance change. Only the second plan was presented to P&Z. FEMA Map Change Approval or Preliminary Maps to go into effect prior to Building Permit submittal. Otherwise no underground parking garage allowed on single use building per FEMA. Approved by Town Commission with condition of FDOT approval for Collins Avenue Loading Dock.
Latest Submittal 8/22/2023 8851 Harding Avenue	8 townhome units	DRG - 9/15/2023 P&Z - 9/28/23 TC - 11/14/2023 Approved Site Plan Ext -	33 units	Current request is for 8 units	None	None	23-5091	In Review	Site requires unity of title prior to permitting.
10/16/2023 9300 Collins Avenue	Site Plan Application proposing 87 unit multi-family rental building, underground garage and synagogue	DRG - 11/16/2023 P&Z - 11/30/2023 TC - 1/9/2023	103 Residential Units	87 Units proposed	None	None			Approved at Town Commission and RLUIPA relief granted



96th Street Park



Current Project Phase

Construction phase

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Architect of Record Project Management General Contractor	Savino Miller Design 300 Engineering Lunacon Construction

Funding

\$7,800,000

*Contract Amount contracted**

Budget Approval Date September 28, 2022

Commission Authorization to Expend Date November 15, 2022

**Refer to Change Order Memo dated Feb. 29, 2024 for additional construction costs included.*

Scope

The project is a full park re-development with a 2-story multi-use structure, an artificial turf field, and play ground area. A kayak launch component has also been incorporated.

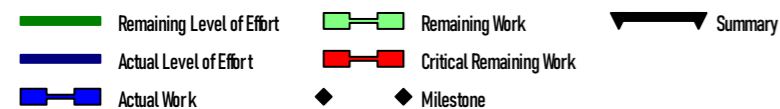
Project Timeline

Refer to the attached schedule.

Project Update

Construction is 80% complete with a targeted completion date of July 1st, 2024. Project was running behind schedule due to time extensions resulting from weather and material lead time.

Activity ID	Activity Name	Activity Status	Critical	Original Duration	Start	Finish	Total Float	Duration % Complete	2024						
									Feb	Mar	Apr	May	Jun	Jul	Aug
Surfside 96th Street Park_Monthly Update -March2024				73	15-Apr-24	27-Jun-24	-118	0%	27-Jun-24, Surfside 96th Street Park_Mo						
Milestone				73	15-Apr-24	27-Jun-24	-118	0%	27-Jun-24, Milestone						
General Milestones				30	28-May-24	27-Jun-24	-118	0%	27-Jun-24, General Milestones						
BL011070	Substantial Completion	Not Started	☑	0		28-May-24	-118	0%	◆ Substantial Completion						
BL011080	Project Final Completion	Not Started	☑	0		27-Jun-24	-118	0%	◆ Project Final Completion						
Client Milestones				0	15-Apr-24	15-Apr-24	-120	0%	▼ 15-Apr-24, Client Milestones						
ADD1000	Permanent Power On	Not Started	☑	0		15-Apr-24*	-120	0%	◆ Permanent Power On						
Focus Areas				73	16-Apr-24	27-Jun-24	-118	0%	27-Jun-24, Focus Areas						
BL14720	Punchlist Duration	Not Started	☐	30	28-May-24	27-Jun-24	-118	0%	28-May-24, Hydraulic Elevator						
Hydraulic Elevator				43	16-Apr-24	28-May-24	-118	0%	Remaining Interior Works after Elevator Installation (Estim						
BL15540	Remaining Interior Works after Elevator Installation (Estimated Time)	Not Started	☑	18	07-May-24	28-May-24	-99	0%	▼ 24-Apr-24, Elevator Milestones						
Elevator Milestones				0	24-Apr-24	24-Apr-24	-119	0%	◆ Elevator at Site						
ELEV00	Elevator at Site	Not Started	☑	0		24-Apr-24	-119	0%	▼ 24-Apr-24, Pre-Installation						
Pre-Installation				8	16-Apr-24	24-Apr-24	-99	0%	Material Deliveries for Elevator (Long Lead Item)						
BL13120	Material Deliveries for Elevator (Long Lead Item)	Not Started	☑	8	16-Apr-24	24-Apr-24	-99	0%	▼ 06-May-24, Installation						
Installation				10	25-Apr-24	06-May-24	-99	0%	Mechanical Equipment Installation						
BL14340	Mechanical Equipment Installation	Not Started	☑	6	25-Apr-24	01-May-24	-99	0%	Elevator Car Installation						
BL14350	Elevator Car Installation	Not Started	☑	6	30-Apr-24	06-May-24	-99	0%	27-Jun-24, Testing/Commissioning and P						
Testing/Commissioning and Punchout				30	28-May-24	27-Jun-24	-118	0%	Creation of Punchlist						
BL14680	Creation of Punchlist	Not Started	☑	5	28-May-24	02-Jun-24	-118	0%	Completion of Punchlist Rectifications						
BL14690	Completion of Punchlist Rectifications	Not Started	☑	25	02-Jun-24	27-Jun-24	-118	0%							

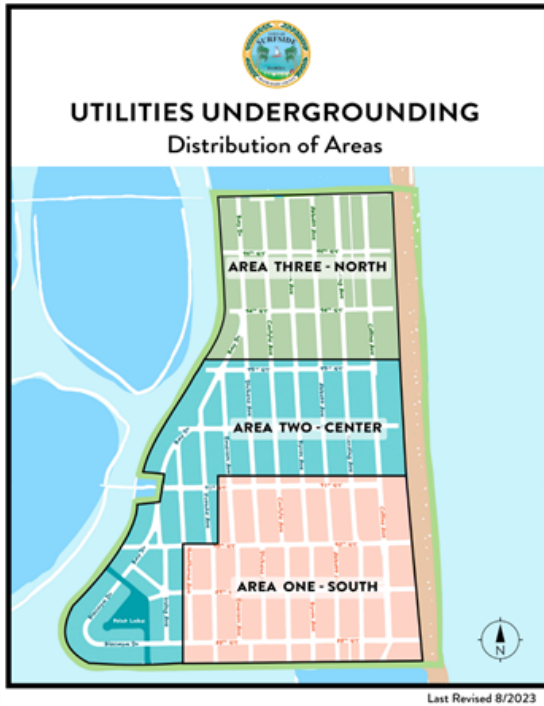


LCG-Surfside96thStreet-Critical Path
Surfside 96th Street Park_Monthly Update -March2024





Townwide Utilities Undergrounding



Current Project Phase

Engineering and Design Phase

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Engineer of Record	Kimley-Horn
Architect of Record	N/A
Project Management	Kimley-Horn

Funding

<i>Total Budgeted*</i>	\$37,178,512
<i>Budget Approval Date**</i>	Varies

<i>Commission Authorization to Expend Date</i>	Various agreements have been approved to date
--	---

* - Budget figure is based on Surfside Executive Summary estimate

** - Various agreements have been approved to date.

Scope

The project consists of the undergrounding all current above ground utilities throughout Town. These utilities include electrical mains, feeders, communications and residential drop connections. The project debt issuance was approved through voter referendum during the 2022 General Elections.

Project Timeline

Refer to attached schedule.

Project Update

Kimley-Horn received the survey for Area 3 – North, and have begun to develop the Construction Plans, which are anticipated to be completed in the July/August 2024 timeframe. Additionally, Town is currently working on procurement documents for Construction Manager at Risk (CMAR). Refer to attached timeline.

Area 3 - North												
Feb-26	Mar-26	Apr-26	May-26	Jun-26	Jul-26	Aug-26	Sep-26	Oct-26	Nov-26	Dec-26		
Utility Provider Coordination												
Data Collection												
Easement Acquisition												
			Construction Documents									
							Permitting Assistance					
									Bid Phase Services			

Area 2 - Central															
Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25	Jan-26	
Utility Provider Coordination															
Data Collection															
Easement Acquisition															
			Construction Documents												
								Permitting Assistance							
												Bid Phase Services			

Area 1 - South												
Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	
Utility Provider Coordination												
Data Collection												
Easement Acquisition												
			Construction Documents									
								Permitting Assistance				
										Bid Phase Services		

ID	Task Name	Start	Finish	Qtr 4, 2023			Qtr 1, 2024			Qtr 2, 2024			Qtr 3, 2024			Qtr 4, 2024			Qtr 1, 2025
				Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
1	Town of Surfside Undergrounding	Wed 11/1/23	Tue 12/10/24																
2	Area 3 - North	Wed 11/1/23	Tue 12/10/24																
3	Design	Wed 11/1/23	Fri 11/22/24																
4	Outside Resources	Wed 11/1/23	Fri 11/22/24																
5	Utility Provider Coordination	Wed 11/1/23	Fri 11/22/24																
6	ATT Preliminary Design	Wed 11/1/23	Wed 1/31/24																
7	Breezeline Preliminary Design	Wed 11/1/23	Wed 1/31/24																
8	FPL Binding Cost Estimate and Final Design	Mon 9/30/24	Fri 11/22/24																
9	ATT Final Design	Mon 10/14/24	Fri 11/22/24																
10	Breezeline Final Design	Mon 10/14/24	Fri 11/22/24																
11	Easements	Mon 4/1/24	Fri 8/30/24																
12	Acquisition	Mon 4/1/24	Fri 8/30/24																
13	Permitting	Mon 9/30/24	Fri 11/22/24																
14	FDOT Applications	Mon 9/30/24	Fri 10/11/24																
15	FDOT Permit Review	Mon 10/14/24	Fri 11/22/24																
16	Kimley-Horn Resources	Wed 11/1/23	Fri 11/15/24																
17	Data Collection	Wed 11/1/23	Fri 6/28/24																
18	Obtain and Review Record Information	Wed 11/1/23	Thu 11/30/23																
19	Site Visit and Meter Locations	Mon 11/13/23	Fri 12/8/23																
20	Survey	Mon 11/13/23	Fri 3/29/24																
21	Geotechnical Investigation	Mon 4/1/24	Fri 5/31/24																
22	Subsurface Utility Exploration	Wed 5/1/24	Fri 6/28/24																
23	Construction Documents	Mon 4/1/24	Fri 11/15/24																
24	Base Map	Mon 4/1/24	Tue 4/30/24																
25	Development	Mon 4/1/24	Tue 4/30/24																
26	Conduit Routing and Equipment Placement Plan	Wed 5/1/24	Fri 8/30/24																
27	Development	Wed 5/1/24	Fri 8/30/24																
28	Commercial/Customer-Owned Service Design	Wed 5/1/24	Wed 7/31/24																
29	Technical Specifications	Thu 8/1/24	Fri 8/30/24																
30	Development	Thu 8/1/24	Fri 8/30/24																
31	Quality Control	Mon 9/2/24	Fri 9/27/24																
32	Town Review	Mon 9/30/24	Fri 10/11/24																
33	OPC	Mon 10/28/24	Fri 11/15/24																
34	Development	Mon 10/28/24	Fri 11/15/24																
35	Bid Phase	Mon 10/14/24	Tue 12/10/24																
36	Procurement	Mon 10/14/24	Tue 12/10/24																

Project: 20231229 Town of Surf Date: Mon 4/8/24	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			



Surfside Memorial



Current Project Phase

Design Phase

Project Contact Information

Department	CIP
Director	Andre Eugent
Engineer of Record	N/A
Architect of Record	N/A

Funding

Total Budget	\$2,500,000
Design	\$248,000

**All funding from grants and appropriations*

Scope

The Town is seeking to create the Surfside Memorial to honor and remember the lives lost in the tragic event that occurred on June 24, 2021, when the CTS Building collapsed. The Surfside Memorial will serve as a permanent remembrance of the immense loss suffered by the Surfside community and will offer a place for families, friends, and visitors to reflect, understand the truth of that day, and find solace through the peace and serenity conveyed through this site.

Project Timeline

Refer to attached schedule.

Project Update

Town Commission at its January 2024 Commission meeting approved the design team (Keith) to start designing the Surfside Memorial. Town staff met with Surfside Memorial Committee members and Keith. The design phase is anticipated to last 15 months.



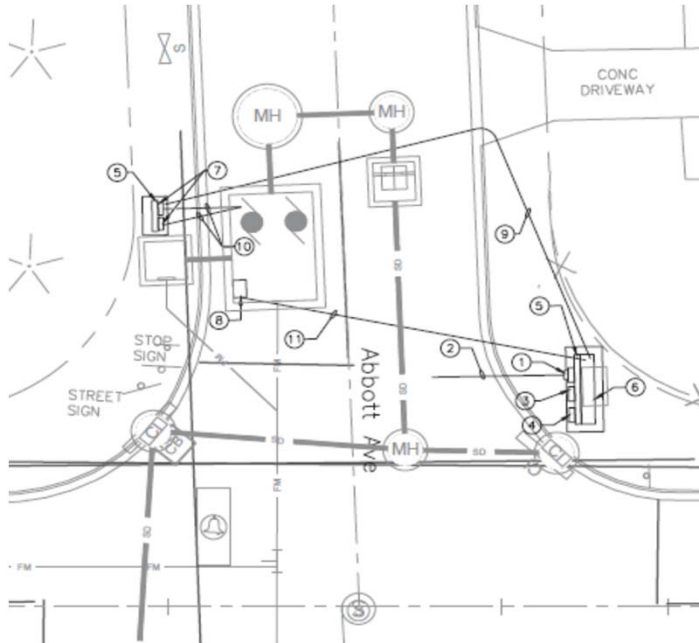
Abbott Avenue Drainage Improvements

Current Project Phase

Town Commission to discuss for further direction.

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Engineer of Record	Keith Engineering NA
Architect of Record	NA
Project Management	



Funding

	\$3,850,000
Total Budgeted*	September 28, 2022
Budget Approval Date	
Commission Authorization to Expend Date	TBD - Administration will seek authorization to expend upon awarding work to contractor

* - Construction and CEI budget

Scope

The construction will entail the addition of one new pump station with respective force main in order to alleviate flooding on Abbott Avenue from 90th Street to 94th Street.

Project Timeline*

Engineering and Design
 Permitting
 Procurement (est.)
 NTP for Construction (est.)
 Construction (est.) Based on redesign

Phase Start

August 2023
 Done
 April 2024
 TBD
 TBD

Phase End

October 2023
 Done
 May 2024
 TBD
 TBD

Project Update

ITB was put out for bid on April 15, 2024 and bid opening scheduled for May 2024. The bids received will be evaluated and a contractor selected.



Collins Avenue Water Main

Current Project Phase

Design Phase

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Engineer of Record	Nova Consulting N/A
Architect of Record	Nova Consulting
Project Management	

Funding

<i>Total Budgeted</i>	\$340,206 (Design) September 28, 2022
<i>Budget Approval Date</i>	
<i>Commission Authorization to Expend Date</i>	August 9, 2022



Scope

The current undersized water main on Collins Avenue is past its use life and requires upsizing with replacement. The Town sought and obtained a grant for design services for the project. The water main currently services all the facilities along the Collins Avenue corridor.

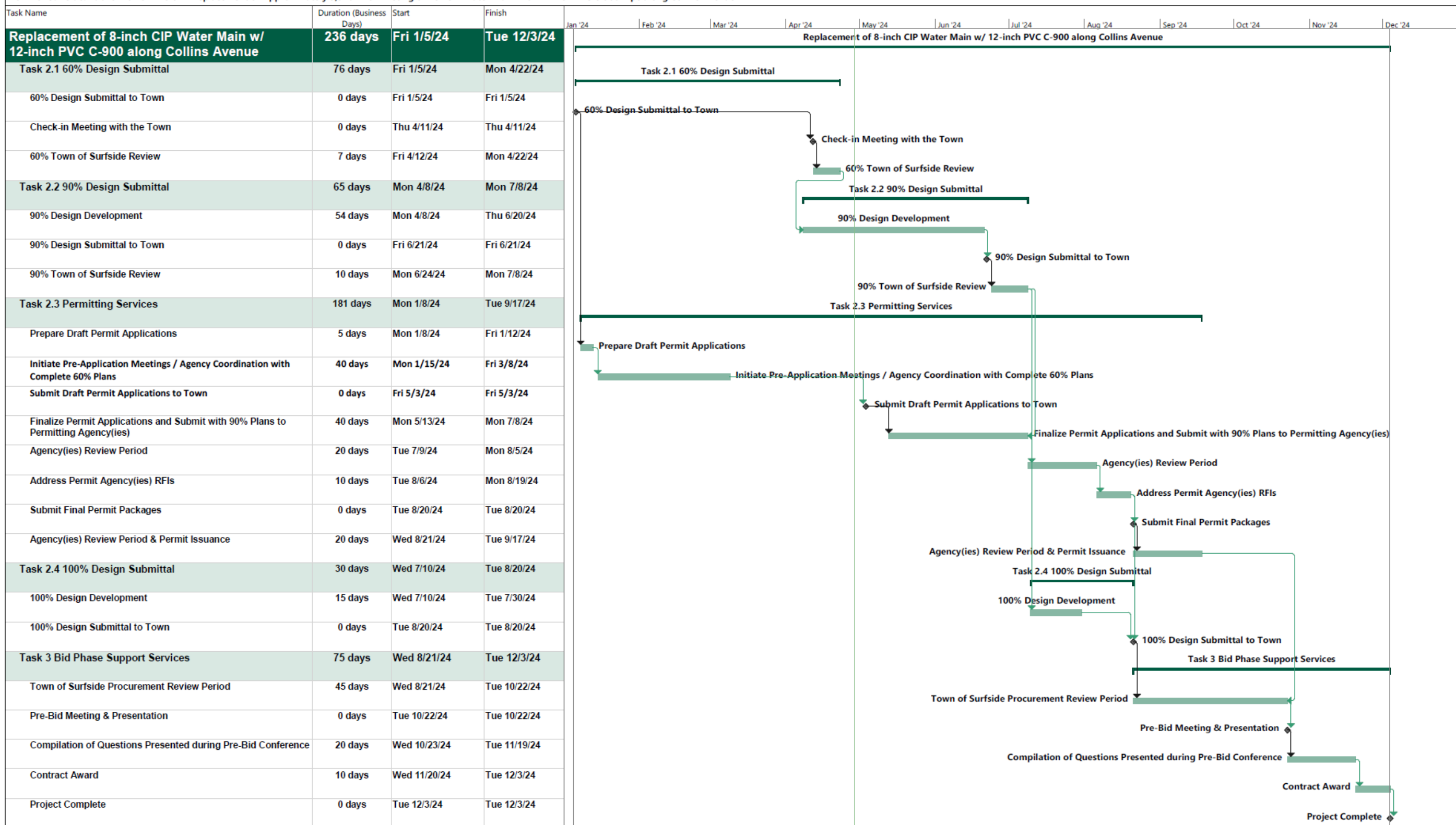
Project Timeline

Refer to attached schedule.

Project Update

Projects is in 60% design phase. Town submitted an appropriation request to the State.

Town of Surfside: Public Works Division - Replacement of Approximately 5,920 LF of Existing 8-inch CIP Water Main with 12-inch PVC C-900 Pipe along Collins Avenue



Project: Replacement of 8-inch CIP w/ 12-inch PVC C-900 along Collins Avenue
Date: Mon 4/29/24

Task Split Milestone Summary Progress

Design Schedule Update



Mon 4/29/24



Dune Resiliency and Beautification



Current Project Phase

Design/Permitting Phase

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Engineer of Record	Kimley-Horn
Architect of Record	TBD
Project Management	Public Works

Funding

<i>Total Budgeted</i>	\$72,000
<i>Budget Approval Date</i>	September 28,2022
<i>Commission Authorization to Expend Date</i>	TBD

Scope

The Commission tasked Town administration to promote both dune beautification and resiliency improvements. Town administration is seeking engineering and design services in order to meet the objective in a manner that is Florida Friendly and promotes the natural plant diversity of the dunes.

Project Timeline

Refer to attached schedule.

Project Update

Town is pursuing another Florida Department of Environmental Protection (FDEP) grant to assist with funding. Town is in the process of permitting.

Dune Resiliency and Beautification Project Schedule

Task	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24
Task 1 - Kickoff Meeting															
Task 2 - Topographic Survey															
Task 3 - Construction Plans															
30% Plan preparation															
60% Plan preparation															
Final Plan preparation															
Task 4 - Permit Coordination															
Project Coordination															



93rd Street 200 Block Paver Beautification

Current Project Phase

Town Commission to discuss for further direction.

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Engineer of Record	N/A
Architect of Record	N/A



Funding

Total Budgeted	\$400,000
Budget Approval Date	
Commission Authorization to Expend Date	N/A

Scope

93rd Street is the hub for all Town Hall and Community Center events. Town Commission has commissioned staff with enhancing the 93rd Street corridor between Harding Avenue & Collins Avenue with pavers and hardscape improvements.

Project Timeline

	Phase Start	Phase End
<i>Design Procurement</i>	<i>January 2024</i>	<i>January 2024</i>
<i>Design</i>	<i>TBD</i>	<i>TBD</i>
<i>Construction</i>	<i>TBD</i>	<i>TBD</i>

Project Update

Town Administration will task 9300 Development to commence design phase per development order.



Town Hall Improvements (Commission Chambers and Police Department)

Current Project Phase

Replacing from material purchased.



Project Contact Information

Department	Public Works/Police Dept
Director	R. Stokes/E. Doce
Engineer of Record	N/A
Architect of Record	N/A

Funding

Total Budgeted	\$165,000
Budget Approval Date	

Commission Authorization to Expend Date	February 13, 2024
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Scope

The Town of Surfside Commission Chambers located at 9293 Harding Avenue is highly utilized for various Town meetings. The Commission Chambers is in need of an upgrade to include replacing carpeting, chairs, lighting, amongst other items. Remodel, replace flooring and update sections of the Police Department. The Police Department Communications section is more than 15 years old and in need of replacement. The project scope includes: remodel Communications room; convert a portion of the Communications room into Sergeants office space for four work stations (from three) to alleviate overcrowding; remodel existing sergeants office space into a interview room to provide a private setting for officers to use during interviews of both suspects and victims. The Police Department has private setting to interview victims and suspects; replace the linoleum flooring throughout the police department and the upstairs training room; remodel kitchen area.

Project Timeline	Phase Start	Phase End
Procurement	TBD	TBD
Contract	TBD	TBD
Construction	TBD	TBD

Project Update

At its February meeting, the Town Commission approved the requested upgrades.



Parking Lot Security Cameras

Current Project Phase

Procurement Phase



Project Contact Information

Department	Finance/IT
Director	Jose Feliz
Engineer of Record	AT&I Security Systems
Architect of Record	N/A

Funding

<i>Total Budgeted</i>	\$80,000
<i>Budget Approval Date</i>	
<i>Commission Authorization to Expend Date</i>	January 2024

Scope

Security updates consisting of surveillance cameras and Cloud services at various parking lots.

Project Timeline

Procurement
Implementation

Phase Start

December 2023
TBD

Phase End

January 2024
TBD

Project Update

Town Commission approved a resolution which authorizes to expand on video surveillance and recording camera system for parking lots located at Town Hall Lot and 94th Street Lot. Equipment has been ordered.



Downtown Walkability Improvements



Current Project Phase

On hold until further Commission direction.

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Engineer of Record	
Architect of Record	

Funding	\$50,000
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Total Study Cost

\$120,000

*Design and Implementation strategy cost**

** Approved by Resolution at Dec. 13 Town Commission meeting
Additional \$20,000 budgeted to account for Phase I permitting*

Scope

The 2 blocks of Harding Avenue from 94th Street to 96th Street provide the entrance to the Town for those arriving from the north. It is also the commercial hub for residents and is visited by vehicles, pedestrians and bicyclists. The corridor carries through traffic traveling south along busy A1A. An evaluation of the feasibility of providing wider sidewalks in this section of Harding Avenue to support safety, provide a more walkable experience for shoppers and slow vehicle speeds has been conducted. Marlin Engineering presented findings to the Town Commission in September 2022.

Project Timeline

Refer to attached schedule.

Project Update

On hold until further Commission direction.



91st Street - "Surfside Boulevard" Beautification Project



Current Project Phase

On hold until further Commission direction.

Project Contact Information

Department	Capital Improvement Projects
Director	Andre Eugent
Engineer of Record	Kimley-Horn
Architect of Record	
Project Management	

Funding

<i>Total Budgeted</i>	\$1,050,000 (construction)
<i>Budget Approval Date</i>	
<i>Commission Authorization to Expend Date</i>	September 28, 2022

Scope

Through various sources, the Town has obtained funds with the intent to beautify the current 91st Street also known as Surfside Boulevard. The project beautification scope of services is to be determined but will follow after major utilities project occur in the area.

Project Timeline

Refer to attached schedule.

Project Update

On hold until further Commission direction.

□



TOWN OF SURFSIDE

Office of the Town Attorney
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009
Telephone (305) 861-4863 x225

TO: Mayor and Town Commission

FROM: Mark Blumstein, Esq., *Interim* Town Attorney

CC: Marisol Vargas, Acting Town Manager

DATE: May 14, 2024

SUBJECT: Office of the Town Attorney Report for Regular Commission Meeting

The Interim Town Attorney attended/prepared and/or rendered advice for the following Commission meetings, workshops, roundtables, public meetings and/or Board and Committee meetings:

April 25, 2024 – Planning & Zoning Board Meeting
April 30, 2024 - Special Town Commission Meeting
May 6, 2024 – Resort Tax Board Meeting
May 7, 2024 – CTS Committee Meeting

Assisted with the agendas and drafted the resolutions and ordinances, where applicable, for the above noted meetings, in addition to drafting or assisting with the preparation of communications, reviewing, revising and, as appropriate, negotiating the legal requirements of the relative contracts, agreements and supporting documents.

Participated in settlement discussions with KCE and Schnabel Engineering regarding pending claims before the Henrico Circuit Court in the Commonwealth of Virginia.

I. Commission Support:

Assisted members of the Town Commission and Staff with Sunshine Law, Public Records, and policy initiatives. Always available in the office, by phone or email.

II. Staff Support:

Assist the Town Administration and Staff with application review, contract and agreement review; preparation of ordinances, as directed by the Commission; procurement and purchasing, various solicitations for Town services and providers (RFQs and RFPs) and agreements; IT related agreements; Parks & Recreation Department contracts and services; Tourist Board purchases and agreements; Code enforcement and interpretation, and attendance at Special Master Hearings, upon request; ethics issues and complaints; police funding, matters and agreements, forfeiture, public records and complaints; building permit and enforcement issues; public records and media requests; litigation representation and support, subpoenas, oversight and case management; Town Code interpretation and application; labor, employment and pension matters; assistance with implementation of the AFSCME Florida Council 79 for Town civilian employees; collective bargaining negotiations and agreement with the FOP; Town Manager recruitment process and employment agreement; EEOC complaints; ethics complaints and inquiries; various procurements and service provider contracts for Town Departments and the Tourist Board; Zoning Code clarifications and ordinances; and implementation of utilities undergrounding project.

III. Key Issues and Action Items:

The workload has been diverse and has included specific issue support to many departments. Key issues and action items since the last report of April 9, 2024 include:

1. Review of outside counsel billing statements.
2. Assist with public records requests.
3. Prepare correspondence to Miami-Dade Plat Committee regarding 9250 Bay Drive lot split and corresponding Town Resolution 2024-3268.
4. Assist with issuance of ITB for Abbott Avenue Stormwater Project.

□

5. Review and approve Unity of Title documents pertaining to 932 and 940 88 Street, Surfside, FL 33154.
6. Prepare Resolution and corresponding contract for engagement of new Town Planner.
7. Prepared Resolution and corresponding contract for Acting Town Manager.
8. Prepared proposed Ordinance pertaining to Resort Tax Board.
9. Prepared proposed Ordinance amending Regulated Uses in business district.
10. Prepared resolution for newly established parking rates.
11. Review of requirements for board appointments by Town Commission.
12. Review of Town contracts pertaining to 96 Street Park.
13. Review of pending litigation of which the Town is a party.
14. Assist Town Manager with engagement of Building Official.
15. Assist Town Manager with engagement of Floodplain Manager.
16. Assist Code Compliance with implementation of newly enacted Temporary Sign Ordinance.
17. Assist Building Department with implementation of newly enacted Permit Fees Ordinance.
18. Review of IT Department for purposes of new solicitation for IT Services.
19. Review of KCE Agreement with the Town and status of same.
20. Review of proposed new contract from Police for fuel card services.
21. Communicate with Miami-Dade County regarding Interlocal Agreement.

IV. PENDING LITIGATION:

Solimar Condominium Association, Inc. v. Town of Surfside, Case No. 3D23-1572 in the Third District Court of Appeal. On August 30, 2023, Solimar filed a Notice of Appeal of the Final Judgment Order (from the underlying trial court Case No. 2019-025481-CA-01 in the Circuit Court 11th Judicial Circuit, Miami-Dade County, Florida) in the Third District Court of Appeal. The Town filed a Notice of Appearance on September 20, 2023. Solimar filed its Initial Brief on December 15, 2023. The Town filed its Answer Brief on March 14, 2024. Solimar's Reply Brief is due by May 13, 2024, by agreement of the parties.

This litigation pertains to the Town's Stormwater Ordinance enacted in 1998 and was deemed time barred by the lower tribunal. Solimar challenges the ruling on appeal.

Schnabel Engineering, LLC, Plaintiff, v. KCE Structural Engineers, P.L. and Town of Surfside, Defendants, Case No. CL23-7597, Henrico County Circuit Court, Virginia. A lawsuit by Schnabel Engineering was served on KCE Structural Engineers on November 28, 2023. Prior Town counsel concluded that, pursuant to the agreement between the Town and KCE for the CTS collapse investigative services, the Town agreed to defend, indemnify, and hold KCE harmless from any and all claims, expenses and damages not caused by KCE's sole negligence arising from or alleged to arise from the performance or nonperformance of services by KCE, including other Town consultants and KCE's subconsultants.

KCE engaged Schnabel Engineering to provide services pursuant to written agreements requiring prior written authorization by the Town to perform work by Schnabel and/or COSMO (Italian Space Agency).

On December 12, 2023, the Town Commission authorized the retention of attorneys in Virginia to respond to the lawsuit. By agreement of the parties, a response to the Complaint is due by May 31, 2024. Mediation is a condition precedent to suit. The parties, through counsel, are seeking to resolve without a formal mediation conference. A "shade" meeting is scheduled to proceed on May 14, 2024. The amount of the controversy is less than \$100,000.00, exclusive of interest, fees and costs.

Information on other pending litigation matters, including matters handled by the FMIT appointed defense counsel, has or will be provided individually to members of the Town Commission, upon request.

V. Special/Anticipated Future Matters:

Continued assessment of the impacts of new case law and legislation from Federal, State and County, challenging local home rule authority and analysis of legislation proposed in the 2023 Florida Legislative Session. Preparation and establishment of the Town's legislative priorities for the 2024 Legislative Session.

Anticipated future work includes:

1. Monitoring of NIST's investigations as to the cause of the CTS collapse;
2. CTS memorial site/park and 88th Street closure to vehicular traffic;
3. Public records requests;
4. Ethics complaints, inquiries and opinions;
5. Implementation of various policy directives from the Commission;
6. Contract for construction and administration of for 96th Street Park construction;
7. Review and monitoring of all Development Orders and approvals;
8. Police matters and mutual aid and other agreements;
9. Various procurements and service or provider agreements for Town improvements, equipment, facilities and programs, including sewer regulatory services;
10. Dune Resiliency and Beautification, Collins Avenue Water Main Design and Permitting, Stormwater Masterplan, Transportation Masterplan;
11. Tourist Board Programs and Events Vendors;
12. Upgrades to Zoning Code Design Standards; Zoning Code ordinances; Ordinance Regulation Public Rights-of-Way and R/W Encroachment Agreement;
13. Revised Invitation to Bid and Contract negotiations for the Abbott Avenue Drainage Improvements Project, including grant funding;
14. Implementation and funding for Surfside Boulevard improvements;
15. Implementation of undergrounding of utilities project, bond financing, and alley and easement issues;

16. Implementation of walkability initiatives and traffic directives;
17. Grant funding and implementation of CTS Memorial Site, including assistance with RFQ and RFP for design of CTS Memorial Site;
18. Updates to telecommunications ordinance; People's Gas System (TECO) Franchise Agreement renewal;
19. MOU with Indian Creek Village for Sewer Facilities;
20. RFQ for CCNA specialized engineering services;
21. Selection of Firm for CTS Memorial Design Services and negotiation of agreement;
22. RFP for stormwater maintenance services;
23. RFP for Insurance Services; and
24. RFQ/RFP for Utility Undergrounding Project.



**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9A.

Date: May 14, 2024

From: Mark Blumstein, Interim Town Attorney

Subject: CTS/KCE and Memorial Updates

Suggested Action: – Provide direction as it pertains to Town contracts with KCE and with regard to Town Memorial.

Background/Analysis: – The Town has engaged professionals to investigate the cause of the building collapse. To date, no report or conclusion has been provided to the Town. Direction is sought as to whether to unconditionally terminate any Town agreements with KCE.

The committee formed following the CTS tragedy desires to maintain the Town's name for purposes of identifying the memorial and to maintain its location on 88 Street. Direction is sought to proceed with design accordingly.

KCE STRUCTURAL ENGINEERS, P.C.

CONSULTING ENGINEERS • 1818 JEFFERSON PLACE, N.W. • WASHINGTON, D.C. 20036

PHONE: 202-833-8622

WWW.KCESTRUCTURAL.COM

FAX: 202-833-3877

June 25, 2021 (revised June 27, 2021 PM)

Town of Surfside, Florida
9293 Harding Avenue
Surfside, FL 33154

Attn: Mayor Charles W. Burkett
Town Manager Andrew Hyatt

RE: Collapse of Champlain Towers South (8777 Collins Avenue)
Professional Structural Engineering Consultation

KCE Job No. 2021-11

Gentlemen:

We are pleased to confirm herewith our proposal to provide structural engineering services, as described below, for the above-referenced situation.

SCOPE OF WORK

We will provide consulting engineering services to you, and the Town and County Building Official, building inspectors, and State and Governmental authorities to assist you in understanding the cause(s) of the above-noted collapse, the condition of remaining existing building and adjacent similar buildings as best as can be determined, and will provide remediation studies, material testing, geotechnical evaluations, and original design evaluations.

We will need as soon as possible any available information regarding the original building structural design, foundation systems, geotechnical studies, building construction inspection reports, storm history in area, high and low tide information, previous building certifications, ongoing 40-year certification information, governmental notices regarding building deficiencies, etc., and studies by others.

We will also need as soon as possible, record of building movement (if any), site survey and topographic survey, buried utility lines, information on any nearby excavations or foundation installations, and information on any nearby dewatering procedures.

We will also need to know, if possible, who the original developer, contractor(s), structural engineers, and architects were, in order to ensure there are no conflicts of interest, although given the building is over 40-years old that information may not be available.



Professional Registrations: AZ,DE,DC,FL,GA,IN,LA,MD,MA,NJ,NY,NC,PA,TN,TX,VT,VA,WV,NCEES



We have brought onto our team as a consultant to us Meuser Rutledge Consulting Engineers (MRCE), a world-renowned geotechnical engineering specialist, as well as separate materials evaluation consultants and surveyors.

As our consultation is in progress, we will, when needed, perform an in-depth evaluation of the cause(s) of the collapse based on the information supplied.

Additional services and tasks (including without limitation, investigations or inspections of other buildings/sites in the area, preparation or assistance with a demolition plan for the property) will require the prior written approval of the Town.

COMPENSATION

Our services will be performed on a time and materials basis, three (3) times direct personnel expense, principal at the direct hourly rate of three hundred and fifty dollars (\$350) per hour, plus reimbursable expenses at cost plus 5%.

Our services, if needed for deposition, arbitration appearance, court appearance or on-call services, will be performed on a time and materials basis, three (3) times direct personnel expense, reimbursable expenses at cost plus 5%, and principal at the direct hourly rate of four hundred and fifty dollars (\$450) per hour.

Time spent in arbitration, in court or on call, if required in connection with this matter, will be charged at a flat daily rate of five thousand dollars (\$5,000) for each day, or part thereof, spent in providing such services.

All payments are to be against monthly invoices.

It is understood that billing rates, other than principal, will be computed using actual payroll costs for each individual working on the Project; the rate for principal's time is subject to change on January 1st of each year.

PRINTING/PLOTTING COSTS

All printing/plotting costs shall be charged directly to you at the Blueprinter of your choice, unless performed in-house, in which case costs will be billed as reimbursable expense.

REIMBURSABLE EXPENSES

Reimbursable expenses (including in-house printing, in-house plotting, postage, delivery, photocopying, transportation per diem, telephone, computer costs, lidar scans, metallurgical testing, concrete testing, geotechnical evaluations, etc.) shall be reimbursable.

Reimbursable expenses will be charged to you at cost plus 5%, and will be billed as the costs are incurred.

PAYMENT

Payments to us shall be made by you within forty-five (45) days of submission to you of our monthly invoices.

Late payments may be subject to an interest penalty (computed at two percentage points above the prime rate (per *Wall Street Journal*) in effect on the due date of the invoice), and/or may result in our stopping all work on the Project until payment is made.

RESPONSIBILITIES

Subject to the provisions and monetary limitations of Section 768.28(5), Florida Statutes, which limitations shall be applicable regardless of whether such provisions would otherwise apply, and to the extent permitted by law, you shall defend, indemnify and hold KCE harmless, to the full extent permitted by law, from all claims, expenses and damages not caused by KCE's sole negligence arising from or alleged to arise from the performance or nonperformance of services by others, including other consultants and contractors or subconsultants, regardless of any approval or review of such services by KCE, and without any limitation on any rights or remedies KCE might otherwise have.

It is further understood that KCE's liability for any claims, expenses and damages arising from or alleged to arise from the performance of our services under this agreement is limited to the amount of our fee, as noted above, for such services.

JURISDICTION

This Contract and our work described here shall be governed by the laws of the State of Florida. Venue shall be located in Miami-Dade County, Florida.

TERMINATION

This agreement may be terminated by either party by seven (7) days' written notice in the event of substantial failure to perform in accordance with the terms hereof by the one party through no fault of the other party. If terminated due to the fault of others, other than KCE, KCE shall be paid for services performed to the date of termination, including reimbursements then due, plus terminal expense.

ACCEPTANCE

We are proceeding with this engagement as of this writing.

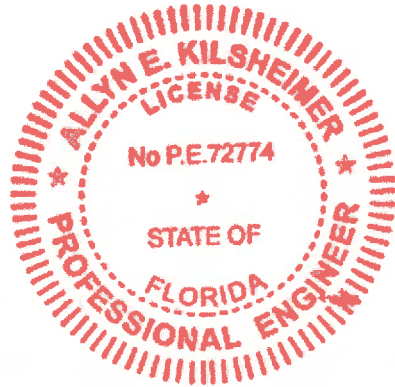
Acceptance of this proposal by you certifies that it is a legal and binding Contract and that you agree to abide by the terms and conditions stated herein. Such acceptance shall constitute formal notice to proceed as necessary.



Please signify your acceptance of this proposal by signing below and returning one copy to this office.

Very truly yours,



Allyn E. Kilsheimer, PE
President



ACCEPTED BY 
TITLE Town Manager
WITNESS  *Jason Greene*
DATE 6-27-2021

AEK:ms

Town Attorney

KCE STRUCTURAL ENGINEERS, P.C.

CONSULTING ENGINEERS • 1818 JEFFERSON PLACE, N.W. • WASHINGTON, D.C. 20036

PHONE: 202-833-8622

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FAX: 202-833-3877

June 25, 2021 (revised June 27, 2021, revised July 19, 2021, revised July 29, 2021)

Town of Surfside, Florida
9293 Harding Avenue
Surfside, FL 33154

Attn: Mayor Charles W. Burkett
Town Manager Andrew Hyatt

RE: Collapse of Champlain Towers South Tasks 1, 2, and 3	KCE Job No. 2021-11
Independent Professional Structural Engineering Consultation As Noted	2021-11-01
	2021-11-02
	2021-11-03
	2021-11-04
	2021-11-05

Dear Mayor Burkett and Mr. Hyatt:

We are pleased to re-confirm herewith our proposal modified from our executed agreement of June 27, 2021 to provide structural engineering services, as described below, for the above-referenced situation.

SCOPE OF WORK

We have provided and will continue to provide consulting engineering services to the Town of Surfside to assist you and other governmental authorities in understanding the cause(s) of the above-noted collapse, the pre-demolition stability of the portion of the building that did not collapse, and the condition of adjacent similar and non-similar buildings as best as can be determined from the exposed and visible structural elements, and will provide sampling, material testing, geotechnical evaluations, and original design evaluations of the Champlain Towers South building.

You have provided any available information regarding the original building structural design, foundation systems, geotechnical studies, building construction inspection reports, storm history in area, high and low tide information, previous building certifications, ongoing 40-year certification information, governmental notices regarding building deficiencies etc. and studies by others concerning the condition of Champlain Towers South.

You have also provided where available record of building movement (if any), site survey and topographic survey, buried utility lines, information on any nearby excavations or foundation installations, and information on any nearby dewatering procedures adjacent to Champlain Towers South, as well as utility work, beach replenishment work, etc.



Professional Registrations: AZ,DE,DC,FL,GA,IN,LA,MD,MA,NJ,NY,NC,PA,TN,TX,VT,VA,WV,NCEES



We have brought onto our team as a consultant to us Meuser Rutledge Consulting Engineers (MRCE), a world-renowned geotechnical engineering specialist, as well as separate materials evaluation consultants, surveyors, and others listed in **Attachment A**.

Our current work is described below.

Task 1: Engineering analysis to support the search and rescue efforts at Champlain Towers South (CTS) and protect the public safety from a potential collapse of the remaining structure.

This effort included research, modeling, and analysis of the Champlain Towers South building. KCE has provided support to and shared data with various agencies onsite including Miami-Dade County Fire and Police, and FEMA when requested. Environmental testing for possible asbestos from samples taken several days after the initial collapse and other hazardous materials for the protection of emergency workers and general public safety has been reported.

Due to FEMA and Miami-Dade Fire and Police stated safety concerns and an ongoing police investigation, KCE has not had access as of this date to the debris piles, basement area, or offsite storage areas, KCE has performed limited sampling and testing at Champlain Towers North (CTN). As both buildings may have been built at the same time with similar structural design scenarios with what appears to be a similar design, KCE used data collected from CTN to assist in our analysis and determination of the structural integrity of the portion of CTS that did not initially collapse. This analysis was critical in assisting to determine when requested the safety of the workers at the CTS site.

Task 2: Engineering analysis to determine the cause of the CTS collapse (in progress)

This task consists of sampling and testing of materials and soils/rock when access to the CTS Site is granted by the appropriate authorities for that purpose, for us to use in our ongoing engineering modeling to incorporate in situ materials. Insofar as records exist, and as provided to us, we will also review documents describing structural repairs and structural maintenance efforts of CTS. The focus of our work will be to determine, with a reasonable degree of engineering certainty as best we can, the cause(s) of the CTS collapse. It is anticipated that KCE will have access to the information concerning CTS that is in the possession of Miami-Dade County, its police force, and NIST. KCE has provided the protocol of testing (Memo #3) and the sequence of testing operations (Memo #3A) to the Town. KCE will provide its independent professional engineering report of its findings when completed.

Task 3: Engineering support to Town's Building Department (in progress)

This task will consist of requested review and limited structural inspections of the exposed and visible conditions as requested by the Town Manager or Assistant Town Manager of additional buildings in the Town. All buildings listed in **Attachment B** have been approved for this task.

TERM

The term of this Agreement shall commence on the Effective Date (June 25, 2021) and shall remain in effect for a one (1) year term, unless earlier terminated in accordance with this Agreement. The Town

Manager may extend the term of this Agreement on the same terms and conditions except as noted herein for two (2) additional one (1) year periods upon written notice to KCE of such renewal(s).

COMPENSATION

KCE's services will be performed on a time and materials basis, principal at the direct hourly rate of three hundred and fifty dollars (\$350) per hour and hourly rates for all services provided in **Attachment C** attached hereto, plus reimbursable expenses at the rates set forth in **Attachment D** attached hereto.

Our structural litigation consultation services, except for deposition, arbitration appearance, court appearance or on call of the principal, will be performed on a time and materials basis, and principal at the direct hourly rate of four hundred and fifty dollars (\$450) per hour, plus reimbursable expenses at the rates set forth in **Attachment D** attached hereto.

Time of the principal spent in depositions, arbitration appearances, court appearances, mediation, trial, or on call, if required in connection with this matter, will be charged at a flat daily rate of five thousand dollars (\$5,000) for each day, or part thereof, spent in providing such services.

KCE will invoice for its work on a monthly basis, with payment due as provided below.

It is understood that billing rates, other than principal, will be computed using actual payroll costs for each individual working on the Project; the rate for principal's time is subject to change on January 1st of each year.

PRINTING/PLOTTING COSTS

All printing/plotting costs shall be reimbursable, unless performed in-house, in which case costs will be billed as reimbursable expense.

REIMBURSABLE EXPENSES

Reimbursable expenses (including in-house printing, in-house plotting, postage, delivery, photocopying, transportation, per diem, telephone, computer costs, Lidar scans, metallurgical sampling and testing, concrete sampling and testing, geotechnical sampling and testing and evaluations, construction of temporary facilities if needed, work (e.g., saw cutting, lifting of materials, jackhammer, etc.) necessary for our evaluation, equipment needed for our evaluation, etc.) shall be reimbursable.

Reimbursable expenses will be charged to you at the additional fees as set forth in **Attachment D** attached hereto, and will be billed as the costs are incurred.

PAYMENT

Payments to us shall be made by you within forty-five (45) days of submission to you of our monthly invoices.

Late payments may be subject to an interest penalty (computed at two percentage points above the prime rate (per *Wall Street Journal*) in effect on the due date of the invoice), and/or may result in our stopping all work on the Project until payment is made.

RESPONSIBILITIES

Subject to the provisions and monetary limitations of Section 768.28(5), Florida Statutes, which limitations shall be applicable regardless of whether such provisions would otherwise apply, and to the full extent permitted by law, the Town of Surfside shall defend, indemnify, and hold KCE harmless from any and all claims, expenses and damages not caused by KCE's sole negligence arising from or alleged to arise from the performance or nonperformance of services by KCE, including other Town of Surfside consultants and KCE's subconsultants, regardless of any approval or review of such services by KCE.

It is further understood that KCE's liability for any claims, expenses and damages arising from or alleged to arise from the performance of its services under this Agreement is limited to the amount of its fee, as described above.

INDEPENDENCE

Our work will be an independent professional engineering evaluation of the cause/causes of the CTS collapse based on in situ material testing, engineering evaluation, and the experience of our extensive team of experts and will be presented to the Town.

JURISDICTION

This Agreement and KCE's work described herein shall be governed by the laws, regulations and ordinances of the State of Florida, Miami-Dade County, and the Town of Surfside.

TERMINATION

This Agreement may be terminated by either party for cause or convenience upon seven (7) days' written notice. Upon receipt of the Town's written notice of termination, KCE shall immediately stop work unless directed otherwise in writing by the Town Manager. In the event of termination by the Town, KCE shall be paid for all services up to the date of termination including reimbursements then due and incurred. KCE shall transfer possession of all books, records, reports, working drafts, documents, maps, and data pertaining to the Services to the Town, in a hard copy and electronic format within fourteen (14) days from the date of the written notice of termination or the date of expiration of this Agreement. KCE may, retain copies of the materials delivered to the Town.

If terminated due to the fault of others, other than KCE, KCE shall be paid for services performed to the date of termination, including reimbursements then due, and including a reasonable fee for services or work associated with termination and transition to the Town.

INSURANCE

KCE has maintained and will maintain throughout the duration of this Agreement insurance of such types and in such amounts specified below as satisfactory to Town, including the Town as an Additional Insured on the policies required below except Professional Liability and Worker's Compensation/Employer's

Liability, underwritten by a firm rated A-X or better by A.M. Best at the time of execution of this Agreement, and qualified to do business in the State of Florida. The insurance coverage affording additional insured status shall be primary insurance with respect to the Town, its officials, employees, and agents. Any insurance maintained by the Town shall be in excess of the KCE's insurance and shall not contribute to KCE's insurance which affords additional insured status. The insurance coverages shall include the amounts set forth in this section and may be increased by the Town as it deems necessary or prudent, with the prior written approval of KCE. The Town shall have KCE and its principal (Allyn E. Kilsheimer) added as additional insureds on the Town's insurance policies

Commercial General Liability coverage with limits of liability of \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of KCE. The General Aggregate Liability limit and the Products/Completed Operations Liability Aggregate limit shall be in the amount of \$2,000,000 each.

Workers Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability of \$1,000,000.00 each accident. No employee, subconsultant or agent of KCE shall be allowed to provide Services pursuant to this Agreement who is not covered by Worker's Compensation insurance.

Business Automobile Liability of \$1,000,000 per occurrence, combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.

Professional Liability Insurance in an amount of Five Million Dollars (\$5,000,000.00) per claim and in the aggregate.

Certificate of Insurance Certificates of Insurance have been provided to the Town, reflecting the Town as an Additional Insured (except with respect to Professional Liability Insurance and Worker's Compensation/Employer's Liability Insurance). Each certificate evidences that no less than (30) thirty-day advance written notice will be provided to Town prior to cancellation of said policies of insurance. KCE shall be responsible for assuring that the insurance required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the Town. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The Town reserves the right to inspect and return a certified copy of such policies, upon written request by the Town. If a policy is due to expire prior to the completion of the Services, renewal Certificates of Insurance shall be furnished prior to the date of their policy expiration. Acceptance of the Certificate(s) is subject to approval of the Town.

Additional Insured. Except with respect to Professional Liability Insurance and Worker's Compensation/Employer's Liability Insurance, the Town is to be included as an Additional Insured for the liability of the Town resulting from Services performed by or on behalf of KCE in performance of this Agreement. KCE's insurance applicable to the Town as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the Town shall be in excess of and shall not contribute to KCE's insurance. KCE's insurance affording additional insured status shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to

each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

Waiver of Subrogation KCE's insurance policies shall include a blanket waiver of subrogation endorsement in favor of the Town.

Deductibles All deductibles or self-insured retentions are declared to and be reasonably approved by the Town. KCE shall be responsible for the payment of any deductible in the event of any claim.

The provisions of this section shall survive termination of this Agreement.

OWNERSHIP AND ACCESS TO RECORDS AND AUDITS

KCE acknowledges that all inventions, innovations, improvements, developments, methods, designs, analyses, drawings, reports, compiled information, and all similar or related information (whether patentable or not) which relate to Services to the Town which are conceived, developed or made by KCE during the term of this Agreement ("Work Product") belong to the Town. KCE shall promptly provide such Work Product to the Town and perform all actions reasonably requested by the Town (whether during or after the term of this Agreement) to establish and confirm such ownership.

KCE agrees to keep and maintain public records in KCE's possession or control in connection with KCE's performance under this Agreement. The Town Manager or his designee shall, during the term of this Agreement and for a period of three (3) years from the date of termination of this Agreement, have access to and the right to examine and audit any records of the KCE involving transactions related to this Agreement. KCE additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. KCE shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the Town.

Upon request from the Town's custodian of public records, KCE shall provide the Town with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes or as otherwise provided by law.

Unless otherwise provided by law, any and all records, including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the Town.

Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the KCE shall be delivered by the KCE to the Town Manager, within seven (7) days. All such records stored electronically by KCE shall be delivered to the Town in a format that is compatible is with the Town's information technology systems.

KCE's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the Town.

Notice Pursuant to Section 119.0701(2)(a), Florida Statutes. IF KCE HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO KCE'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.

Custodian of Records: Sandra McCreedy, MMC
Mailing address: 9293 Harding Avenue
Surfside, FL 33154
Telephone number: 305-861-4863
Email: smccready@townofsurfsidefl.gov

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS.

KCE shall comply with the State of Florida and other requirements as noted herein, in connection with funding or reimbursement provided to the Town. KCE shall comply with the Contract Provisions for Non-Federal Entity Contracts Under Federal Awards attached hereto as **Attachment E**.

ASSIGNABILITY

This Contract can be assigned to other parties with mutual agreement by the parties hereto.

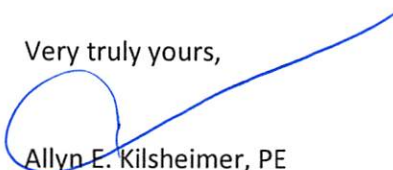
ACCEPTANCE

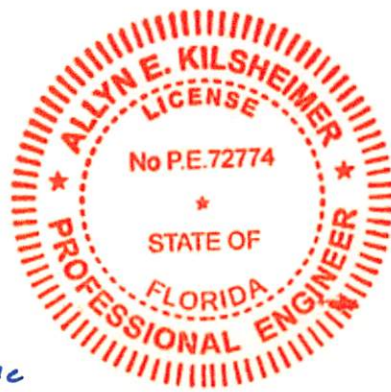
We are proceeding with this engagement as of this writing.

Acceptance of this proposal revised as requested by you constitutes a revision to our agreed upon proposal of June 27, 2021 (Attachment F) and continues to be a legal and binding Contract and that you continue to agree to abide by the terms and conditions stated herein. Such acceptance shall constitute formal notice to continue to proceed as necessary.

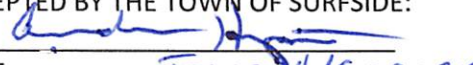
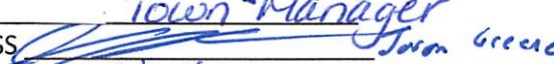
Please signify your acceptance of this revised proposal requested by you by signing below and returning one copy to this office.

Very truly yours,


Allyn E. Kilsheimer, PE
President



ACCEPTED BY THE TOWN OF SURFSIDE:


TITLE Town Manager
WITNESS  Jason Greene
DATE 8/10/2021

AEK:ms


Town Attorney

ATTACHMENT A

LIST OF KCE'S EXCLUSIVE CONSULTANTS

1. Mueser Rutledge Consulting Engineers (MRCE) - geotechnical engineer
2. American Petrographic Services – petrographic analysis of concrete cores, review of steel samples
3. Materials Evaluation and Engineering, Inc. – metallurgical consultant
4. VIKA, Inc. - surveying and Lidar
5. Metallurgical Technologies (Rimkus) – review of steel samples
6. ECS Mid-Atlantic, LLC– original debris environmental testing the first weekend and concrete core breaks as and when supplied
7. Reliable Concrete Cutting of Florida – core drilling
8. GPRS of Florida – ground penetrating radar
9. Schnabel Engineering, LLC/EO59 LLC – satellite imagery (if needed)
10. Engineering and Inspections Unlimited - X-Ray technology
11. NDT Corporation (NDT) - geophysical testing
12. Soil/rock drilling company – J&R Precision Drilling
13. 3vGeomatics
14. Bracing contractor, if needed – World Diamond Services
15. Packaging of Samples – World Diamond Services
16. Trucking in Florida, if needed – World Diamond Services
17. Delivery – UPS or FedEx (or if required, secure individual delivery service)
18. Videographer – not yet selected
19. Off-site secure storage – not yet selected
20. Contractor to keep the existing basement site dry and clean – Ric-Man Construction, Inc.

ATTACHMENT B

**ADDITIONAL BUILDINGS FOR KCE STRUCTURAL INSPECTION OF EXPOSED AND VISISBLE CONDITIONS
(as of 7/19/21. More buildings may be added by Town Manager or Assistant Town Manager direction.)**

1. Champlain Towers East (8855 Collins Avenue)-Partial
2. Champlain Towers North (8877 Collins Avenue)
3. Carlisle on the Ocean (9195 Collins Avenue)
4. Waverly West (9172 Collins Avenue)
5. The Waverly East at Surfside Beach (9201 Collins Avenue)
6. Four Winds Condominiums (9225 Collins Avenue)
7. Regent Palace Condominiums (9309 and 9317 Collins Avenue)
8. Marbella Condominiums (9341 Collins Avenue)
9. 9500 Oceans Condominiums Suites (9511 Collins Avenue)

ATTACHMENT C

KCE SCHEDULE OF HOURLY BILLING RATES

Principal (acting as Principal) – Allyn Kilsheimer	\$350.00 / hour
Design Engineer – Jewel Shrestha.....	\$181.70 / hour
Design Engineer – Molly Mariano.....	\$172.60 / hour
Field Engineer – Joe Quintana.....	\$163.60 / hour
Field Engineer – Emilio Rouco.....	\$127.20 / hour
Field Engineer – Affan Khan.....	\$118.10 / hour
Field Engineer – Enefiok Anwana.....	\$100.00 / hour
Draftsman – Joseph Cirafici.....	\$ 72.60/ hour
Spec Writer – Margaret McIntyre.....	\$122.70 / hour
CADD Manager – Conrad Stevenson.....	\$145.50 / hour
CADD Operator – Michael Doak.....	\$90.90/ hour
Office Manager – Meghan Staley.....	\$175.40 / hour
Operations Manager – Stanley Jagan.....	\$136.20 / hour
Contracts Administrator – Alexandra Cain.....	\$89.10 / hour
Controller – Navid Mehrsefat.....	\$159.00 / hour
Administrative – Torie Youngblood.....	\$111.80 / hour
Administrative – Lisa Smith.....	\$90.90 / hour
Administrative – Juan Benavides.....	\$81.80 / hour
Pacometer – Rehan Ali.....	\$25.00 / hour
Reimbursable expenses	See attached table

ATTACHMENT D

KCE FEES ON REIMBURSABLE EXPENSES

Reimbursable Expense Amount Per Monthly Invoice from Consultant or Vendor	Fee
\$0-\$1,000	\$50
\$1,000.01 – \$5,000	\$100
\$5,000.01-\$10,000	\$250
\$10,000.01-\$15,000	\$500
\$15,000.01-\$30,000	\$750
\$30,000.01-\$45,000	\$1,500
\$45,000.01-\$60,000	\$2,250
\$60,000.01-\$75,000	\$3,000
\$75,000.01-\$90,000	\$3,750
\$90,000.01-\$105,000	\$4,500
\$105,000.01-\$120,000	\$5,250
\$120,000.01-\$135,000	\$6,000
\$135,000.01-\$150,000	\$6,750
\$150,000.01+	\$7,500

ATTACHMENT E

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

(A) Contracts for more than the simplified acquisition threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) **Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246 , “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.” During the performance of this contract, the **Provider** agrees as follows:

- (1) The **Provider** will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- (2) The **Provider** will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.
- (3) The **Provider** will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- (4) The **Provider** will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
 - (5) The **Provider** will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
 - (6) In the event of the **Provider's** noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
 - (7) The **Provider** will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- (D) **Davis-Bacon Act, as amended (40 U.S.C. 3141-3148)**. When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute and when required by the federal funding authority, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal

awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor, sub-contractor, or sub-recipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. In situations where the Davis-Bacon does not apply, neither does the Copeland “Anti-kickback” Act.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, contractors must comply with the following:

(1) Overtime Requirements: No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (b)(1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of \$27 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The Recipient or other applicable authority shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any

liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) **Subcontracts:** The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section.

These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) **Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or sub-recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or sub-recipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act

- (1) The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.
- (2) The contractor agrees to report each violation to the (name of the state agency or local or Indian tribal government) and understands and agrees that the (name of the state agency or local or Indian tribal government) will, in turn, report each violation as required to assure notification to the (name of recipient), Federal Agency, and the appropriate Environmental Protection Agency Regional Office.
- (3) The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA or HUD.

(H) Federal Water Pollution Control Act

- (1) The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.
- (2) The contractor agrees to report each violation to the (name of the state agency or local or Indian tribal government) and understands and agrees that the (name of the state agency or local or Indian tribal government) will, in turn, report each violation as required to assure notification to the (name of recipient), Federal Agency, and the appropriate Environmental Protection Agency Regional Office.
- (3) The contractor agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA or HUD.

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

- (1) This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- (2) The **Provider** must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
- (3) This certification is a material representation of fact relied upon by Town of Surfside, Florida (insert name of subrecipient). If it is later determined that the **Provider** did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the Town of Surfside, Florida (name of state agency serving as recipient and name of subrecipient), the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
- (4) The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier-to-tier up to the non-Federal award.

(K) See §200.322 Procurement of recovered materials.

(L) Access to Records. The following access to records requirements apply to this contract:

- (1) The contractor agrees to provide the Town of Surfside, Florida (insert name of state agency or local or Indian tribal government), the State of Florida, HUD, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.
- (2) The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- (3) The contractor agrees to provide the head of the Federal Agency or his authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.

(M) The contractor shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre- approval.

(N) The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

(O) The contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract."

(P) As applicable, the Contractor shall comply with all State and Federal rules and regulations when performing under this Agreement. The Contractor shall comply with all Federal Emergency Management Agency (FEMA) rules, regulations, notices, or requirements applicable to services rendered under this agreement.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

EXHIBIT "A-1"

BYRD ANTI-LOBBYING COMPLIANCE AND CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements (To be submitted with each bid or offer exceeding \$100,000) The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or Current as of 9-26-16 11 cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Provider, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

Handwritten Signatures of Authorized Principal(s):

PROVIDER NAME: _____

AUTHORIZED SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

ATTACHMENT F

ORIGINAL EXECUTED PROPOSAL OF JUNE 27, 2021

KCE STRUCTURAL ENGINEERS, P.C.

CONSULTING ENGINEERS • 1818 JEFFERSON PLACE, N.W. • WASHINGTON, D.C. 20036

PHONE: 202-833-8622

WWW.KCESTRUCTURAL.COM

FAX: 202-833-3877

June 25, 2021 (revised June 27, 2021 PM)

Town of Surfside, Florida
9293 Harding Avenue
Surfside, FL 33154

Attn: Mayor Charles W. Burkett
Town Manager Andrew Hyatt

RE: Collapse of Champlain Towers South (8777 Collins Avenue)
Professional Structural Engineering Consultation

KCE Job No. 2021-11

Gentlemen:

We are pleased to confirm herewith our proposal to provide structural engineering services, as described below, for the above-referenced situation.

SCOPE OF WORK

We will provide consulting engineering services to you, and the Town and County Building Official, building inspectors, and State and Governmental authorities to assist you in understanding the cause(s) of the above-noted collapse, the condition of remaining existing building and adjacent similar buildings as best as can be determined, and will provide remediation studies, material testing, geotechnical evaluations, and original design evaluations.

We will need as soon as possible any available information regarding the original building structural design, foundation systems, geotechnical studies, building construction inspection reports, storm history in area, high and low tide information, previous building certifications, ongoing 40-year certification information, governmental notices regarding building deficiencies, etc., and studies by others.

We will also need as soon as possible, record of building movement (if any), site survey and topographic survey, buried utility lines, information on any nearby excavations or foundation installations, and information on any nearby dewatering procedures.

We will also need to know, if possible, who the original developer, contractor(s), structural engineers, and architects were, in order to ensure there are no conflicts of interest, although given the building is over 40-years old that information may not be available.



Professional Registrations: AZ,DE,DC,FL,GA,IN,LA,MD,MA,NJ,NY,NC,PA,TN,TX,VT,VA,WV,NCEES



We have brought onto our team as a consultant to us Meuser Rutledge Consulting Engineers (MRCE), a world-renowned geotechnical engineering specialist, as well as separate materials evaluation consultants and surveyors.

As our consultation is in progress, we will, when needed, perform an in-depth evaluation of the cause(s) of the collapse based on the information supplied.

Additional services and tasks (including without limitation, investigations or inspections of other buildings/sites in the area, preparation or assistance with a demolition plan for the property) will require the prior written approval of the Town.

COMPENSATION

Our services will be performed on a time and materials basis, three (3) times direct personnel expense, principal at the direct hourly rate of three hundred and fifty dollars (\$350) per hour, plus reimbursable expenses at cost plus 5%.

Our services, if needed for deposition, arbitration appearance, court appearance or on-call services, will be performed on a time and materials basis, three (3) times direct personnel expense, reimbursable expenses at cost plus 5%, and principal at the direct hourly rate of four hundred and fifty dollars (\$450) per hour.

Time spent in arbitration, in court or on call, if required in connection with this matter, will be charged at a flat daily rate of five thousand dollars (\$5,000) for each day, or part thereof, spent in providing such services.

All payments are to be against monthly invoices.

It is understood that billing rates, other than principal, will be computed using actual payroll costs for each individual working on the Project; the rate for principal's time is subject to change on January 1st of each year.

PRINTING/PLOTTING COSTS

All printing/plotting costs shall be charged directly to you at the Blueprinter of your choice, unless performed in-house, in which case costs will be billed as reimbursable expense.

REIMBURSABLE EXPENSES

Reimbursable expenses (including in-house printing, in-house plotting, postage, delivery, photocopying, transportation per diem, telephone, computer costs, lidar scans, metallurgical testing, concrete testing, geotechnical evaluations, etc.) shall be reimbursable.

Reimbursable expenses will be charged to you at cost plus 5%, and will be billed as the costs are incurred.

PAYMENT

Payments to us shall be made by you within forty-five (45) days of submission to you of our monthly invoices.

Late payments may be subject to an interest penalty (computed at two percentage points above the prime rate (per *Wall Street Journal*) in effect on the due date of the invoice), and/or may result in our stopping all work on the Project until payment is made.

RESPONSIBILITIES

Subject to the provisions and monetary limitations of Section 768.28(5), Florida Statutes, which limitations shall be applicable regardless of whether such provisions would otherwise apply, and to the extent permitted by law, you shall defend, indemnify and hold KCE harmless, to the full extent permitted by law, from all claims, expenses and damages not caused by KCE's sole negligence arising from or alleged to arise from the performance or nonperformance of services by others, including other consultants and contractors or subconsultants, regardless of any approval or review of such services by KCE, and without any limitation on any rights or remedies KCE might otherwise have.

It is further understood that KCE's liability for any claims, expenses and damages arising from or alleged to arise from the performance of our services under this agreement is limited to the amount of our fee, as noted above, for such services.

JURISDICTION

This Contract and our work described here shall be governed by the laws of the State of Florida. Venue shall be located in Miami-Dade County, Florida.

TERMINATION

This agreement may be terminated by either party by seven (7) days' written notice in the event of substantial failure to perform in accordance with the terms hereof by the one party through no fault of the other party. If terminated due to the fault of others, other than KCE, KCE shall be paid for services performed to the date of termination, including reimbursements then due, plus terminal expense.

ACCEPTANCE

We are proceeding with this engagement as of this writing.

Acceptance of this proposal by you certifies that it is a legal and binding Contract and that you agree to abide by the terms and conditions stated herein. Such acceptance shall constitute formal notice to proceed as necessary.

Please signify your acceptance of this proposal by signing below and returning one copy to this office.

Very truly yours,



Allyn E. Kilsheimer, PE
President



ACCEPTED BY



TITLE

Town Manager

WITNESS

 Jason Greene

DATE

6-27-2021

AEK:ms

 Town Attorney

**ADDENDUM TO AGREEMENT FOR INFRASTRUCTURE MONITORING SERVICES
BETWEEN SCHNABEL ENGINEERING, LLC AND
KCE STRUCTURAL ENGINEERS, PC**

THIS ADDENDUM TO AGREEMENT FOR INFRASTRUCTURE MONITORING SERVICES (“Addendum”) is made and entered into as of June 28, 2021 (“Effective Date”) by and between **SCHNABEL ENGINEERING, LLC** (“Schnabel”) and **KCE STRUCTURAL ENGINEERS, PC** (“KCE”), joined by the **TOWN OF SURFSIDE, a Florida Municipal Corporation** (“Town”).

WITNESSETH:

WHEREAS, Schnabel and KCE entered into that certain Infrastructure Monitoring Services Agreement for services to be provided on behalf of the Town of Surfside (“Town”) in connection with the Champlain Towers South Building Collapse on June 24, 2021 attached hereto and incorporated herein by reference (hereinafter the “Agreement”); and

WHEREAS, Schnabel and KCE wish to amend the Agreement to (i) add and require the prior written authorization of the Town and Allyn Kilsheimer of KCE in order to proceed with any work or services under the Agreement, and to acquire or purchase any data or images from the Italian Space Agency (“Products”), (ii) provide for a not to exceed amount of \$12,000 for any Products acquired or purchased from the Italian Space Agency, and (iii) require compliance with Chapter 119, Florida Statutes (Florida Public Records Law);

NOW, THEREFORE, for and in consideration of the mutual promises herein contained, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Schnabel and KCE do hereby agree and covenant, notwithstanding the terms and conditions of the Agreement, as follows:

1. **Defined Terms.** All initial capitalized terms used in this Addendum shall have the same meaning as set forth in the Agreement unless otherwise provided.
2. **Recitals.** The recitals set forth above are incorporated herein and made a part of this Addendum.
3. **Prior Written Authorization to Proceed with Services and Products.** Schnabel shall not provide any work or services pursuant to this Agreement, and shall not acquire or purchase Products from the Italian Space Agency without the prior written authorization of the Town and Allyn Kilsheimer of KCE. The parties agree that no work, services, or Products shall be incurred or purchased until such time as the Town and Allyn Kilsheimer of KCE provide written authorization to proceed with requested services and Products, including images and data from the Italian Space Agency selected by KCE and the Town.
4. **Not to Exceed Amount.** In no event shall fees and costs payable by the Town and/or KCE exceed \$12,000 for all Products acquired or purchased from the Italian Space Agency. All fees and costs payable by the Town and/or KCE for the Products shall not exceed \$12,000.

5. Ownership and Access to Records; Public Records. Notwithstanding anything to the contrary in the Agreement, the Agreement and all deliverables and services provided by Schnabel are subject to Florida's Public Records Law (Chapter 119, Florida Statutes), including but not limited to the following:

- 5.1 All records, books, documents, maps, data, images, deliverables, papers and financial information (the "Records") that result from Schnabel providing Services or Products to KCE and the Town under the Agreement shall be the property of KCE and the Town.
- 5.2 Schnabel agrees to keep and maintain public records in its possession or control in connection with Schnabel's performance under the Agreement. Schnabel additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. Schnabel shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the Town.
- 5.3 Upon request from KCE or the Town custodian of public records, Schnabel shall provide KCE and the Town with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.
- 5.4 Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of Schnabel shall be delivered by Schnabel to KCE and the Town Manager, at no cost to the Town, within seven (7) days. All such records stored electronically by Schnabel shall be delivered to KCE and the Town in a format that is compatible with the Town's information technology systems. Once the public records have been delivered upon completion or termination of this Agreement, Schnabel shall destroy any and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.
- 5.5 Any compensation due to Schnabel shall be withheld until all records are received as provided herein.
- 5.6 Schnabel's failure or refusal to comply with the provisions of this section shall result in the immediate termination of the Agreement by KCE or the Town.

Section 119.0701(2)(a), Florida Statutes

IF SCHNABEL HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SCHNABEL 'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.

Custodian of Records: SANDRA MCCREADY, MMC,
TOWN CLERK

Mailing address: 9293 Harding Avenue
Surfside, Florida 33154

Telephone number: 305-861-4863

Email: smccready@townofsurfsidefl.gov

6. **Counterparts.** This Addendum may be executed in counterparts and any counterpart evidencing signature by one party may be delivered by telecopy, facsimile or electronic mail. Each executed counterpart of this Addendum will constitute an original document and all executed counterparts, together, will constitute the same Agreement.

7. **Ratification; Addendum Controls.** Except as expressly amended herein, all of the terms and provisions of the Agreement remain unmodified and in full force and effect. In the event of any conflict between the terms of the Agreement and the terms of this Addendum, the terms of this Addendum shall govern as necessary to resolve any such conflict.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this Addendum on the dates set forth below their respective signatures:

SCHNABEL ENGINEERING, LLC

By: Allen Cadden

Name: Allen Cadden, PE, D.GE

Title: Principal

Date: 8-5-21

KCE STRUCTURAL ENGINEERS, PC

By: [Signature]

Name: Gillian Kisha

Title: pres

Date: 09/10/21

ATTEST:

[Signature]
Sandra N. McCready, MMC
Town Clerk

**JOINED BY: THE TOWN OF SURFSIDE, a
Florida Municipal Corporation**

By: [Signature]
Andrew Hyatt

Title: **Town Manager**

Date: 8/4/21

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

[Signature]
Town Attorney



**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9B.

Date: May 14, 2024

From: Commissioner Nelly Velasquez

Subject: Discussion on Chapter 3 "Purchasing" related to the Town Manager's Expending Authority

Suggested Action: – For the Town Commission to discuss amending the ordinance for the \$25,000 expenditures allowance to be used specifically for Public Works emergencies. The Town Commission should further discuss what should be the Town Manager's authority for any other expenditure of public funds.

Background/Analysis: – The Town Manager's expenditure is currently \$25,000 per ordinance number 2020-1708 adopted on January 14, 2020 attached as **Attachment "A"**. The Town Commission should consider lowering the threshold for non emergency expenditures.

ORDINANCE NO. 2020-1708

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 3 “PURCHASING” OF THE TOWN CODE RELATING TO PURCHASING LIMITATIONS AND EXEMPTIONS FROM COMPETITIVE BIDDING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 3 of the Town Code, “Purchasing”, contains purchasing procedures for the Town of Surfside (“Town”) applicable to expenditure of public funds in connection with procurement and purchasing of good, services and construction; and

WHEREAS, the cost of purchasing goods and services has increased since the purchasing limitations of \$8,500 were established in the Town Code, and timely and effective purchasing is necessary for the proper functionality, operation and efficiency of the Town; and

WHEREAS, the Town Commission wishes to amend Section 3-6(c) of the Town Code to increase the spending limit or authority to \$25,000 without Town Commission approval for the purchase of goods and services; and

WHEREAS, the Town Commission wishes to amend section 3-7 of the Town Code to modify the small purchasing procedures to require three quotes or bids for purchases in excess of \$15,000; and

WHEREAS, the Town Commission wishes to further amend and expand Section 3-13 of the Town Code to provide for additional exemptions from competitive bidding for the purchase of goods and services; and

WHEREAS, the Town Commission finds that amending Chapter 3 of the Town’s Code as set forth herein is in the best interest of the Town, and will provide for the timely and effective purchasing by the Town and promote functionality and operational efficiency.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlighted ~~double-strikethrough~~ and double underline.

Section 2. Amending Chapter 3 of the Town Code. That Chapter 3, "Purchasing", of the Town Code is hereby amended and shall read follows:

* * *

Chapter 3 – PURCHASING

Sec. 3-1. - Purpose.

The purpose of the purchasing procedures of the Town of Surfside (hereinafter, "chapter") is to provide for the fair and equitable treatment of all persons involved in purchasing by the town, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

Sec. 3-1.1. - Non-discrimination; contract requirements; waiver.

(a) *Definitions.* As used in this section, the following terms shall have the following meaning:

Boycott means to blacklist, divest from, or otherwise refuse to deal with a nation or country, or to blacklist or otherwise refuse to deal with a person or entity when the action is based on race, color, national origin, religion, sex, gender identity, sexual orientation, marital or familial status, age, or disability in a discriminatory manner. The term boycott does not include a decision based upon business or economic reasons, or boycotts, embargoes, trade restrictions, or divestments that are specifically authorized or required by federal law or state law.

Business means any sole proprietorship, organization, association, corporation, limited liability partnership, limited liability company, or other entity or business association, including wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations awarded a contract pursuant to this article.

(b) *Contract requirements; waiver.*

- (1) The town shall not enter into a contract with a business unless the contract includes a representation that the business is not currently engaged in, and an agreement that the business will not engage in, a boycott, as defined in this section.
- (2) The town commission may, in its sole discretion, elect to waive the requirements of this section upon an affirmative vote when the town commission deems the waiver necessary for the health, safety, or welfare of the town.

Sec. 3-2. - Applicability.

This chapter applies to contracts for the procurement of supplies, services and construction entered into by the town after the effective date of this chapter. It shall apply to every expenditure of public funds by the town for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance or state assistance of contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations or state law or regulations. Nothing in this chapter shall prevent the

Town from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

Sec. 3-3. - Public access to procurement information.

Procurement information shall be a public record to the extent provided in F.S. ch. 119, and shall be available to the public as provided in such statute.

Sec. 3-4. - Establishment of purchasing agent.

The town manager or his/her designee (for all purposes) shall be the chief purchasing agent of the town. Subject to the terms of this chapter, and unless the town attorney chooses otherwise, the purchasing agent shall contract for, procure or so process the procurement, purchase, storage and distribution all supplies, materials, equipment and certain contractual services required by any office, department or agency of the town. The purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials, and equipment purchased for or belonging to the town. All expenditures pursuant to this chapter shall conform to the provisions of the Town Charter.

Sec. 3-5. - Unauthorized purchases.

Except as herein provided in this chapter, it shall be a violation of this chapter for any town officer, employee, or other person to order the purchase of, or make any contract for, materials, supplies or services within the purview of this chapter, in the name of or on behalf of the town other than through the purchasing agent or a designee of the purchasing agent, and the town shall not be bound by any purchase order or contract made contrary to the provisions herein.

Sec. 3-6. - Purchasing limitations; effect on competitive bidding requirement.

- (a) *Purchases less than ~~\$2,500.00~~15,000.00*. Purchases of, or contracts for, materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended within a fiscal year is not in excess of ~~\$15,000.00~~ 2,500.00 may be made or entered into by the town manager without submittal to the town commission and without competitive bidding. Single purchases or contracts in excess of ~~\$15,000.00~~ 2,500.00 shall not be broken down to amounts less than ~~\$15,000.00~~ 2,500.00 to avoid the requirements of this section.
- (b) *Purchases of ~~\$15,000.00~~ 2,500.00 or more but less than ~~\$8,500.00~~ 25,000.00*. Purchases of, or contracts for, materials, supplies, equipment, improvements, or services for which funds are provided in the budget, where the total amount to be expended within a fiscal year is ~~\$2,500.00~~ 15,000.00 or more, but which do not exceed ~~\$8,500.00~~ 25,000.00 may be made, or entered into, by the town manager without submittal to the town commission, but shall require compliance with the competitive bidding requirements set forth in Section 3-7(a) of this chapter. Single purchases or contracts in excess of ~~\$25,000.00~~ 8,500.00 shall not be broken down to amounts less than ~~\$25,000.00~~ 8,500.00 to avoid the requirements of this section.
- (c) *Purchases in excess of ~~\$25,000.00~~ 8,500.00*. The town commission shall approve all purchases of or contracts for materials, supplies, equipment, public improvements, or

services where the total amount to be expended within a fiscal year is more than ~~\$25,000.00~~ 8,500.00, ~~except expenditures for purchases of equipment or contracts for repairs, maintenance and replacement for public works and utilities where the amount to be expended is less than \$25,000.00.~~

- (d) *Purchases in excess of \$25,000.00.* For purchases in excess of \$25,000.00 the town commission shall follow the formal provisions below as set forth in Section 3-7(b).
- (e) [*Purchases in excess of budget.*] The town manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time the town commission amends the budget to increase the appropriation to the applicable level.
- (f) *Local preference.* There shall be a five-percent local preference given to local businesses who are holders of current town local business tax receipts for businesses which are physically located within the town limits of Surfside and a three-percent local preference given to local businesses who located outside the corporate limits of the Town of Surfside but are holders of current town local business tax receipts for businesses which are physically located within a ten-mile radius of the corporate limits of the Town of Surfside (hereinafter referred to as "local bidder"). Said five-percent local preference must be asserted by the party seeking it at the time the competitive quotation, bid or proposal is made and shall be calculated by the selection committee evaluating competitive quotations, bids or proposals which are governed by this section of the Code. The local preference shall not apply if the solicitation specifications of the town so state. Further, said local preference, as described above, shall only be applied in certain situations and shall be specifically governed by the below-described limitations:
 - (1) A local preference for competitive quotations, bids or requests for proposals shall only be applied when the funds to be used to purchase said items or pay for such services are general funds of the city and not funds received from the federal government, the State of Florida or Miami-Dade County. In cases of the use of those funds, no local preference shall apply.
 - (2) Local preference shall not apply when the funds to be used for the purchase of such goods or the payment for such services are funds derived from grants or loans from any other governmental entity, including any taxing power approved for a special use by any other governmental agency such as tax increment financing and other approved government grants or loans.
 - (3) That when local preference has been used in computing award recommendations, either for the purchase of goods or for the purchase of services, the town commission shall not reject the low bid solely based upon the locale of the said business, provided however, that if a local bidder has submitted a bid that comes within three-percent of the actual lowest bid, the bid may be awarded to the local bidder automatically, assuming it is otherwise determined to be the lowest most responsive, responsible bidder.

Sec. 3-7. - Competitive bidding procedure.

- (a) ~~Purchases of \$15,000.00 or more but less than \$25,000.00~~ ~~Purchases under \$25,000.00.~~
- (1) Whenever competitive bidding is required by this chapter, the town manager ~~shall~~ may direct that bid proposals which provide specifications for the purchase or contract be prepared.
 - (2) The town manager shall solicit bids from at least three persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.
 - (3) The town manager may publish a public invitation to bid items, ~~under \$25,000.00.~~
 - (4) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the town commission and/or the town manager as the case may be, subject to the right of the town to reject any and all bids, to waive any irregularity in the bids or bidding procedures and subject also to the right of the town to award bids and contracts to bidders other than the low bidder. Until a formal contract is executed, the town reserves the right to reject all bids.
- (b) *Purchases \$25,000.00 or more.* Bids for purchases of \$25,000.00 or more shall be awarded in the same manner as purchases as set forth in ~~subsection 3(a) above,~~ except these additional requirements shall pertain:
- (1) *Conditions for use.* All contracts with the town in amounts over \$25,000.00 shall be awarded by competitive sealed bidding except as otherwise provided in this chapter, or as otherwise approved by town commission.
 - (2) *Invitation for bids.* An invitation for bids (including, but limited to, RFPs and RFQs) shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.
 - (3) *Public notice.* Public notice of the invitation for bids shall be given not less than 14 calendar days prior to the date set forth in the notice for the opening of bids. Such notice may be given by publication in a subscription newspaper of general circulation in the town. The notice shall state the place, date, and time of bid opening. All bids shall be received in the town manager's office on, or before, the date and time set forth in the notice.
 - (4) *Bids; bid opening.*
 - a. Sealed bids will be initiated on the outside of the envelope by the person receiving the package, the time and date will be stamped on the envelope which should be marked "important, bid enclosed." The bid package will be held in a secure place until the scheduled time for the bid opening.
 - b. Bids shall be opened publicly, in the presence of one or more witnesses, at the time and place designated in the public notice of the invitation for bids. The amount of each bid and such other relevant information as the town manager deems appropriate, together with the name of each bidder, shall be recorded.

- (5) *Cancellation of invitations for bids or requests for proposals.* An invitation for bids, or request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole, or in part, as may be specified in the solicitation, when it is in the best interests of the town. The reasons therefore shall be made part of the contract file. Each solicitation issued by the town shall state that the solicitation may be canceled and that any bid or proposal may be rejected, in whole or in part, in the best interests of the town. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar items.
- (6) *Correction or withdrawal of bids; cancellation of awards.* In general, bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. However, correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted, where appropriate. Mistakes discovered before bid opening may be modified, or the bid may be withdrawn by written or telegraphic notice received in the office designated in the invitation for bids prior to time set for bid opening. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the town, or fair competition, shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
- a. The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - b. The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the purchasing agent.
 - c. Notwithstanding the foregoing, the town commission shall have the authority to waive any and all irregularities in any and all proposals.

Sec. 3-8. - Award.

- (a) All contracts shall be awarded by the town manager, as stated above, to the lowest responsible and responsive bidder. In addition to price, there shall be considered the following:
- (1) The capacity, ability and skill of the provider to perform the contract;
 - (2) Whether the provider can perform the contract within the time specified without delay or interference;
 - (3) The character, integrity, reputation, judgment, experience and efficiency of the provider;
 - (4) Professional licensure required when service of a skilled nature as required by law to perform such service and/or skill;
 - (5) The quality of performance of previous contracts;

- (6) The previous and existing compliance by the provider with laws and ordinances relating to the contract;
 - (7) The ability of the provider regarding future maintenance and service for the use of the subject of the contract;
 - (8) The town manager may, by administrative order, establish a set of criteria of a numerical nature that may be utilized in awarding contracts hereunder.
- (b) The contract shall be awarded by the town manager or the town commission, as the case may be, with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.
 - (c) In the event the lowest, most responsive and responsible bid for a project exceeds available funds, and the town commission does not make available additional funds, the town manager is authorized, when time or economic considerations preclude resolicitation of bids, to negotiate an adjustment of the bid price as long as the scope of work is not changed with the lowest, most responsive and responsible bidder, in order to bring the bid within the amount of available funds. Final negotiation shall be in written form as approved by the town manager.
 - (d) The town retains the right to reject all bids should negotiations fail. This negotiation may not be used to ascertain the lowest responsive and responsible bid.
 - (e) Until a formal contract is executed, the town reserves the right to reject all bids.

Sec. 3-9. - Responsibility of bidders or offerors.

If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsive, a written determination of non-responsibility, setting forth the basis of the finding shall be prepared by the town manager or the purchasing agent. Grounds for determination of nonresponsibility may include, but are not limited to, the unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to nonresponsibility. A copy of the determination shall be sent promptly to the nonresponsive bidder or offeror. The final determination shall be made part of the contract file and be a public record.

Sec. 3-10. - One response.

If only one responsive bid or proposal for commodity or contractual service is received, in response to an invitation for bid/proposal, an award may be made to the single bidder/proposer, if the town manager finds the price submitted is fair and reasonable, and that other prospective bidders had reasonable opportunity to respond, or there is not adequate time for resolicitation. Further, the town manager reserves the right, if it is in the best interests of the town, to negotiate with the sole bidder/proposer for the best terms, conditions and price. The town manager shall document the reasons that such action is in the best interest of the town. Otherwise, the bid/proposal may be rejected and:

- (1) New bids or offers may be solicited;
- (2) The sole bid/proposal may be rejected;

- (3) If the town manager determines in writing that the need for the supply or service continues, but that the price of the one bid/proposal is unreasonable and there is not time for resolicitation or resolicitation would likely be futile, the procurement may then be conducted under section 3-13(4) or (6), as appropriate.

Sec. 3-11. - Bidding documentation to remain property of town.

All bids and accompanying documentation received from bidders in response to the invitation to bid shall become the property of the town and will not be returned to the bidders. In the event of contract award, all documentation and work product produced as part of the contract shall become the exclusive property of the town. This subsection is applicable to request for proposal and request for letter of interest documents, which also become property of the town.

Sec. 3-12. - Waiver of competitive bidding procedures.

The town commission may authorize the waiver of competitive bidding procedures upon the recommendation of the town manager that it is in the town's best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services, or other factors. Purchases authorized by waiver process shall be acquired after conducting a good faith review of available sources and negotiation as to price, delivery and terms.

Sec. 3-13. - Exemptions from competitive bidding.

The following shall be exempt from the competitive bidding procedures outlined in this chapter:

- (1) Transactions described in section 3-6 of this chapter.
- (2) Contracts for professional services, except for those contracts ~~of more than \$8,500.00 for professional services~~ governed by F.S. § 287.055 (the Consultants Competitive Negotiations Act).
- (3) Purchases made under state general service administration contracts, federal, county or other governmental contracts, ~~or~~ competitive bids with other governmental agencies, or through cooperative purchasing.
- (4) Purchases arising out of or because of emergencies which shall be defined as a situation, occurrence or matter necessitating immediate or quick action and not permitting adequate time to utilize the competitive bidding process. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item(s) procured under the contract, and the identification number of the contract file.
- (5) Under circumstances where time constraints do not permit the preparation of clearly drawn specifications or situations where, after competitive bidding, no bids meeting bid requirements are received, all compliant bids received are too high, or all bids are rejected for failure to meet bid requirements (i.e., bids are noncompliant).

- (6) Supplies, equipment or services available from a sole source only may be exempted from the bidding requirements of this chapter by the town manager upon the filing of a written request by a department head to the town manager outlining the conditions and circumstances involved, after conducting a good faith review of available sources, a contract may be awarded without competition when the town manager or purchasing agent determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, brand, service, or construction item capable of fulfilling the needs of the town. The town manager or purchasing agent shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be available as a public record and shall identify each purchase order and/or contract.
- (7) Exempt contractual services and products. Other exempt contractual services and products not subject to the competitive procurement requirements of this Code are listed as follows:
- a. ~~Academic program reviews or lectures or seminars by individuals~~ Postage, common carrier shipments, paralegal services, expert witnesses, court reporters, abstracts of titles for real property, and title insurance for real property;
 - a.b. ~~Memberships dues for professional, trade or other similar organizations, job-related travel, seminars, tuition, registration fees, training, and health and employment related screenings and inquiries;~~
 - b.c. ~~Artistic services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting, sculpture and the like. However, contracts for artistic instructors, coaches and assistants are deemed contractual services subject to the requirements of competitive procurement.~~
 - e.d. ~~Performing artists, event organizers, and entertainment, recreational and sports providers, ers~~ as approved by the town manager/~~purehasing agent~~ when deemed in the town's best interests, for the benefit of the citizens of Surfside and the general public at any town ~~sanctioned activity~~function.
 - d.e. ~~Advertising, legal notices, promotional materials, and patented and/or copyrighted materials;~~
 - e.f. ~~A P~~public works and utilities purchases or contracts for materials, supplies, equipment, public improvements or services, repairs, maintenance and replacements, related to all Town facilities, properties, fleet and infrastructure, including but not limited to, stormwater, electric, lighting, water, sewer, ~~telephonetelecommunications~~, roads, buildings, and sidewalks;
 - g. ~~Items purchased for resale to the public;~~
 - h. ~~Services provided by institutions of higher learning, non-profit organizations, and other governmental entities;~~
 - i. ~~Food and catering services;~~
 - j. ~~Renewal of software and hardware licenses and maintenance agreements; and~~

f.—Parts and supplies required for Town operations and administration, including, but not limited to, bathrooms, breakroom, office and police or public safety-related supplies and equipment.

- (8) Competitive proposals shall not be required when a purchase is made for materials, equipment, prefabricated elements and components, appliances, fixtures and supplies, bought under a sales tax saving procedure constituting part of a construction project award, which construction contract has been awarded in accordance with this chapter.

Sec. 3-14. - Contract administration.

- (a) A contract administration system designed to ensure that a bidder/offeror/contractor is performing in accordance with the solicitation under which a contract was awarded and the terms and conditions of the contract shall be maintained by the town manager.
- (b) All determinations and other written records pertaining to the solicitation, award or performance of a contract shall be maintained for the town in a contract file by the town manager and be retained and disposed of in accordance with the records retention guidelines and schedules approved by the town clerk.

Sec. 3-15. - Protest procedures.

This article shall govern any protest made by a participant in any competitive process utilized for the selection of a person or entity in regard to any response to a town request for proposal/invitation to bid and/or request for qualification ("request for proposals").

- (1) Protest of any town recommendation for an award in response to a request for proposals shall be filed with the town clerk and mailed by the protesting to all participants in the competitive process within seven days of the town's recommendation for an award or the town's actual award whichever comes first. Such protest shall be in writing, shall state the particular grounds on which it is based, shall include all pertinent documents and evidence and shall be accompanied by a cashier's check in the amount of \$250.00 to reimburse the town for all administrative costs associated with the appeal process. Any grounds not stated shall be deemed waived.
- (2) Protests shall be referred by the town clerk to the town attorney who shall select a hearing examiner who shall hold a hearing and submit written findings and recommendations within ten days of the filing of the protest. The hearing examiner shall consider the written protests, supporting documents in evidence, the town's recommendations and supporting documentation and all evidence presented at the hearing. Such finding and recommendation shall be filed with the town clerk.
- (3) Hearing examiners may be retired judges, certified mediators or other impartial parties as selected by the town attorney.
- (4) The hearing examiner's findings and recommendations shall be presented to the town commission for final action at the next regular or specially scheduled meeting. Notice shall be mailed to all participants in the competitive process at least seven days in advance of any final action by the town commission. The notice shall include the hearing examiner's findings and recommendations.

- (5) Failure to follow the protest procedures set forth herein shall automatically nullify any protest or claim brought by an aggrieved bidder, offeror or contractor.

Sec. 3-16. - Ethics in public contracting.

In addition to all ethical rules and guidelines set forth by the commission on ethics, the Code of the Town of Surfside, the Miami-Dade County Code, as applicable to the Town of Surfside, and the State of Florida, the town manager may impose any one or more of the following sanctions on a town employee for violations of ethical standards set forth by the town, Miami-Dade County or the State of Florida including, but not limited to, oral or written warnings or reprimands, suspension with or without pay for specified periods of time or termination of employment. For nonemployees, for violations of ethical standards, the town commission may terminate any contract with the Town of Surfside.

* * *

Section 3. Codification. That it is the intent of the Town Commission that the provisions of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective on second reading.

PASSED on first reading on the 10 day of December, 2019.

PASSED AND ADOPTED on second reading on the 14 day of January, 2020.

First Reading:

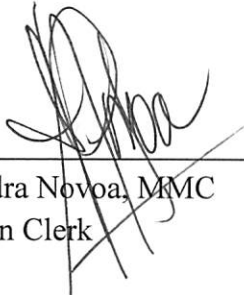
Motion by: Vice Mayor Gielchinsky
Second by: Commissioner Karukin

Second Reading:

Motion by: Commissioner Karukin
Second by: Commissioner Cohen

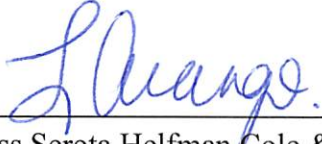


Daniel Dietch, Mayor



Sandra Novoa, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:



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

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	<u>Yes</u>
Commissioner Michael Karukin	<u>Yes</u>
Commissioner Tina Paul	<u>Yes</u>
Vice Mayor Barry Cohen	<u>Absent</u>
Mayor Daniel Dietch	<u>Yes</u>



**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9C.

Date: May 14, 2024

From: Commissioner Gerardo Vildostegui

Subject: Recognition of LGBT Pride Month in June

Suggested Action: – At the June meeting, I will propose a formal resolution recognizing June as LGBT Pride Month. For now, I am asking my fellow Commissioners to vote to direct the Town Manager to organize a raising of the LGBT Pride Flag at the Community Center sometime on or around the first Friday of June (June 7), in accordance with past practice in 2023 and 2021. I also ask the Commission to authorize the Manager and staff to plan additional Pride Month events and activities, at their discretion.



**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9D.

Date: May 14, 2024

From: Commissioner Gerardo Vildostegui

Subject: Discussion of Sec. 66-7 Ban on Gas-Powered Leaf-Blowers and of the Related Public-Education Campaign and "Warning Period"

Suggested Action: – (1) The Commission should direct the Town Manager and the Communications staff to prepare an educational campaign regarding the specific threats to human health from gas-powered leaf blowers. The campaign should include printed materials such as a flyer or brochure, and it should, if possible, contain information in English, Spanish, and Creole. Communications staff should be encouraged to cooperate with their counterparts in nearby cities that have recently banned gas-powered leaf-blowers, such as Miami Beach and North Bay Village, to produce and distribute the materials.

(2) Furthermore, during the "warning period" that precedes enforcement of sec. 66-7 (i.e., Mar. 1 - Sept. 1, 2024), Code Enforcement should offer these printed materials to residents and to paid landscape workers whenever Code Enforcement issues a warning.

(3) Finally, the Commission should clearly announce its policy that the provisions of 66-7 should be widely and uniformly enforced beginning Sept. 1, 2024.

Background/Analysis: – Gas-powered leaf blowers pose a serious threat to human health, especially for people who routinely operate them. The vibrations from these machines can cause neurological damage, the noise can damage hearing and raise blood pressure, and the resultant air-pollution from chemicals and from particulate matter is linked with a variety of negative health outcomes.

Sec. 66-7 of our Code already institutes a ban on gas-powered leaf blowers, beginning Mar. 1, 2024. Sec. 54-78(15)(a) creates a six-month "warning period" beginning Mar. 1, with stricter enforcement set to begin on Sept. 1, 2024.

The extant provisions of our Code supplanted an earlier ban on gas-powered leaf blowers. Under that previous ban, however, enforcement appears to have been sporadic. It is important that the existing ban, when it takes full effect in September, be consistently and reliably enforced, as failure to enforce this provision undermines the authority of this law and of other laws that protect public health, public safety, and the natural environment. The Commission should take steps now to ensure that the "warning period" achieves its intended

aims and to set the stage for proper enforcement of sec. 66-7 beginning September 1.

Budget Impact: – Estimated \$2000 for outside translation and printing services, plus staff time.

EDUCATIONAL BULLETIN

TRANSITIONING FROM GAS-POWERED TO ELECTRIC OR BATTERY-OPERATED LEAF BLOWERS

Beginning March 1, 2024, the use of gas-powered leaf blowers is prohibited within the Town of Surfside.

Please help us transition to battery or electric-powered leaf blowers by Sep. 1, 2024.



A partir de Marzo 1, 2024, el uso de los sopladores de hojas que son operados con gasolina quedará prohibido.

Por favor ayúdenos a hacer la transición a sopladores de hojas eléctricos o de batería recargable antes del 1 de septiembre, del 2024.



Please call us with any questions or concerns

Llámenos si tiene alguna pregunta o inquietud



305-861-4863 ext. 233.

For more information, please scan the QR code.

Para obtener más información, favor de escanear el código QR.





**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9E.

Date: May 14, 2024

From: Vice Mayor Tina Paul

Subject: **Ballot Question regarding Food & Beverage Tax (1 percent Homeless and Domestic Violence tax)**

Suggested Action: – To consider allowing a ballot measure in the upcoming general election for Surfside voters to decide if they would like to participate in the countywide food & beverage penny tax program to combat homelessness and support victims of domestic violence by removing our exemption for the 1 percent tax or for the Town to continue providing a significant donation to the Miami-Dade County Homeless Trust on a yearly basis.

Background/Analysis: – Surfside is one of three communities currently exempt from the 1 percent tax program which has been in place for 30 years. The other two exempt municipalities are Miami Beach and Bal Harbour. Both Miami Beach and Bal Harbour are placing a ballot measure for voters to decide this issue on their respective ballots on November 5, 2024.

Surfside donated \$50,000. to the Miami-Dade County Homeless Trust in 2019 and 2020, a total amount of \$100,000. donation. This donation was provided to compensate our exemption from the 1 percent tax and prompted the other municipalities who do not contribute the 1 percent tax to also provide donations to the Miami-Dade County Homeless Trust, and resulted in the Florida State Legislature also providing a \$100,000. donation in 2019.

Prior to Surfside's generous donation to the Miami-Dade County Homeless Trust, the County pursued the 1 percent tax on Surfside and the two municipalities, as a legislative priority by Resolution (see attached).

The Miami-Dade County Homeless Trust works closely with the Domestic Violence Oversight Board in efforts to combat homelessness and support victims of domestic violence. These efforts can not fully address this issue until the current housing crisis and root cause for homelessness are addressed.

While the addition of the beach communities to the local 1 percent food & beverage tax option will generate more funds for the Miami-Dade County Homeless Trust, our communities, visitors, and businesses will absorb the cost. There may be a better option, if Miami-Dade County considers adding a 1 percent tax on luxury developments and new developments. By

taxing luxury developments and new developments with the 1 percent tax instead of the beach municipalities, more revenues for these needed services would be generated while providing a level of accountability for the displacement of county residents and community gentrification caused by these developments. This option is not currently being considered though it would ultimately provide a benefit to the general public and the communities most affected by the surge of Homelessness.

In the letter to the Town from Miami-Dade County Homeless Trust dated January 13, 2021, (see attached), the two \$50,000. donations from Surfside were acknowledged with details of how the funds provided necessary assistance to Homeless and Domestic Violence victims. The beach municipalities should be able to continue providing a substantial donation to the Miami-Dade County Homeless Trust in lieu of the 1 percent tax, however an actual solution for Homelessness and Domestic Violence needs to be sought after by all municipalities in Miami-Dade County and the Florida State Legislature.

Additional Information: If you or someone you know is Homeless or about to become homeless, please call the Homeless Helpline at 1-877-994-HELP (4357).

03-11-19 A09:28 IN

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

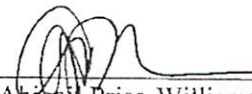

DATE: February 20, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to expand the local option food and beverage tax to include food and beverage sales in Bal Harbour Village, the City of Miami Beach, and the Town of Surfside which are currently exempt; waiving the requirements of Resolution No. R-764-13 limiting the number of state legislative priorities and amending Resolution No. R-1105-18 to include this item as an additional state legislative priority for the 2019 session; preliminarily identifying this item as a priority for the 2020 session; urging Bal Harbour Village, the City of Miami Beach, and the Town of Surfside to support the County's legislative efforts to expand the local option food and beverage tax; and authorizing the members of the Domestic Violence Oversight Board to lobby those municipalities for that purpose

Resolution No. R-214-19

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Vice Chairwoman Rebeca Sosa and Chairwoman Audrey M. Edmonson.


Abigail Price-Williams
County Attorney 

APW/cp

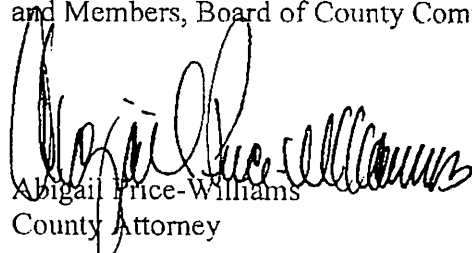


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 20, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(14)
2-20-19

RESOLUTION NO. R-214-19

RESOLUTION URGING THE FLORIDA LEGISLATURE TO EXPAND THE LOCAL OPTION FOOD AND BEVERAGE TAX TO INCLUDE FOOD AND BEVERAGE SALES IN BAL HARBOUR VILLAGE, THE CITY OF MIAMI BEACH, AND THE TOWN OF SURFSIDE WHICH ARE CURRENTLY EXEMPT; WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING THE NUMBER OF STATE LEGISLATIVE PRIORITIES AND AMENDING RESOLUTION NO. R-1105-18 TO INCLUDE THIS ITEM AS AN ADDITIONAL STATE LEGISLATIVE PRIORITY FOR THE 2019 SESSION; PRELIMINARILY IDENTIFYING THIS ITEM AS A PRIORITY FOR THE 2020 SESSION; URGING BAL HARBOUR VILLAGE, THE CITY OF MIAMI BEACH, AND THE TOWN OF SURFSIDE TO SUPPORT THE COUNTY'S LEGISLATIVE EFFORTS TO EXPAND THE LOCAL OPTION FOOD AND BEVERAGE TAX; AND AUTHORIZING THE MEMBERS OF THE DOMESTIC VIOLENCE OVERSIGHT BOARD TO LOBBY THOSE MUNICIPALITIES FOR THAT PURPOSE

WHEREAS, certain Florida counties are permitted by section 212.0306, Florida Statutes, to levy a local option food and beverage tax (the "Food and Beverage Tax"); and

WHEREAS, Miami-Dade County (the "County") authorized the levy of the Food and Beverage Tax by ordinance, now codified in section 29-51 of the Miami-Dade County Code of Ordinances; and

WHEREAS, at least 15 percent of the proceeds of the Food and Beverage Tax must be used for the construction and operation of new domestic violence centers, with the remaining proceeds to be used for the provision of homeless services, shelter and housing; and

WHEREAS, no Food and Beverage Tax is levied upon food and beverage sales in Bal Harbour Village, the City of Miami Beach, or the Town of Surfside (the “Beach Municipalities”) as those municipalities are exempt pursuant to section 212.0306(2)(d), Florida Statutes, which expressly exempts sales in municipalities which pay the municipal resort tax authorized by chapter 67-930, Laws of Florida; and

WHEREAS, the Domestic Violence Oversight Board (the “DVOB”) is empowered to advise this Board as to all matters relating to domestic violence, including the use of the Food and Beverage Tax proceeds; and

WHEREAS, on July 27, 2018, the DVOB adopted Resolution No. 2018-1 (the “DVOB Resolution”), attached hereto as Attachment A, describing the need for increased funding for shelter and services for those experiencing homelessness and those fleeing domestic violence and urging this Board to act; and

WHEREAS, as explained in the DVOB Resolution, domestic violence is a safety threat countywide, with no exception to the violence for the Beach Municipalities; and

WHEREAS, as explained in the DVOB Resolution, all three of the County-owned or operated emergency domestic violence shelters are at or near full capacity, with some domestic violence survivors turned away for lack of space, and a fourth shelter currently under development is expected to be operating at full capacity as soon as it is opened; and

WHEREAS, as explained in the DVOB Resolution, the County’s homeless and domestic violence centers serve residents in need countywide, including residents of the Beach Municipalities; and

WHEREAS, the DVOB Resolution urges this Board to include in the County's 2019 legislative priorities that the Florida Legislature and the Miami-Dade Legislative Delegation work to expand the Food and Beverage Tax to include food and beverage sales in the Beach Municipalities; and

WHEREAS, this Board desires to identify this issue as a 2019 state legislative priority, and to preliminarily identify this issue as a 2020 state legislative priority; and

WHEREAS, the DVOB Resolution further urges this Board to adopt and support a resolution to urge the Beach Municipalities to support the County's legislative efforts to expand the Food and Beverage Tax to include food and beverage sales in the Beach Municipalities; and

WHEREAS, this Board agrees with the DVOB Resolution that additional revenues need to be identified in order to fund current and future needs for services, shelter and housing for those experiencing homelessness and those fleeing domestic violence; and

WHEREAS, the DVOB Resolution estimates that collecting the Food and Beverage Tax in the Beach Municipalities could increase the annual tax proceeds by approximately \$6.5 million; and

WHEREAS, collection of the Food and Beverage Tax in the Beach Municipalities requires a legislative amendment to section 212.0306, Florida Statutes, specifically section 212.0306(2)(d), to remove the exemption for sales in those areas; and

WHEREAS, this Board desires to adopt the DVOB Resolution and incorporate it as if fully set forth herein; and

WHEREAS, this Board desires to expand the Food and Beverage Tax to include sales in the Beach Municipalities in order to provide additional funding to provide shelter and related services to those experiencing homelessness and those fleeing domestic violence; and

WHEREAS, this Board desires to authorize the members of the DVOB to lobby the Beach Municipalities to support the expansion of the Food and Beverage Tax,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Approves the foregoing recitals, which are incorporated herein by reference.

Section 2. Urges the Florida Legislature to expand the Food and Beverage Tax to include food and beverage sales in the Beach Municipalities.

Section 3. Waives the requirements of Resolution No. R-764-13 limiting the number of state legislative priorities and amends Resolution No. R-1105-18 to include this item as an additional state legislative priority for the 2019 session.

Section 4. Preliminarily identifies the legislative action set forth in Section 2 above as a priority for the 2020 legislative session.

Section 5. Urges the Beach Municipalities to support the County's legislative efforts to expand the Food and Beverage Tax to include food and beverage sales in the Beach Municipalities.

6

Section 6. Authorizes the members of the DVOB to lobby the Beach Municipalities to support the legislative amendment and expansion of the Food and Beverage Tax described in this resolution.

Section 7. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the members of the Bal Harbour Village Council, Miami Beach City Commission, and the Mayor, Vice Mayor and Town Commission of the Town of Surfside.

Section 8. Directs the County's state lobbyists to advocate for the actions set forth in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2019 State Legislative Package to include this item as a priority and to preliminarily identify this item as a priority when this Board determines priorities for the 2020 session as provided in Resolution No. R-764-13.

The Co-Prime Sponsors of the foregoing resolution are Vice Chairwoman Rebeca Sosa and Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

	Audrey M. Edmonson, Chairwoman		aye
	Rebeca Sosa, Vice Chairwoman		aye
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of February, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Linda L. Cave

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "BKN", is written over a horizontal line.

Brenda Kuhns Neuman

ATTACHMENT A

RESOLUTION NO. 2018-1

SEP 10 AM 11:09

RESOLUTION OF THE DOMESTIC VIOLENCE OVERSIGHT BOARD URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO INCLUDE IN THE COUNTY'S 2019 LEGISLATIVE PRIORITIES THAT THE FLORIDA LEGISLATURE AND THE MIAMI-DADE LEGISLATIVE DELEGATION WORK TO AMEND AND EXPAND THE LOCAL OPTION FOOD AND BEVERAGE TAX, AUTHORIZED TO BE LEVIED BY SECTION 212.0306, FLORIDA STATUTES TO INCLUDE FOOD AND BEVERAGE SALES IN THE MUNICIPALITIES OF BAL HARBOR, SURFSIDE, AND MIAMI BEACH; URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO ADOPT AND SUPPORT A RESOLUTION TO URGE SUCH MUNICIPALITIES TO SUPPORT THE COUNTY'S LEGISLATIVE EFFORTS TO EXPAND THE LOCAL OPTION FOOD AND BEVERAGE TAX, AUTHORIZED TO BE LEVIED BY SECTION 212.0306, FLORIDA STATUTES, TO INCLUDE FOOD AND BEVERAGE SALES IN EACH OF THESE MUNICIPALITIES; AND URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS TO AUTHORIZE MEMBERS OF THE DOMESTIC VIOLENCE OVERSIGHT BOARD TO LOBBY SUCH MUNICIPALITIES TO SUPPORT THE COUNTY'S LEGISLATIVE EFFORTS TO EXPAND THE LOCAL OPTION FOOD AND BEVERAGE TAX TO INCLUDE FOOD AND BEVERAGE SALES IN EACH OF THESE MUNICIPALITIES

WHEREAS, Florida counties are permitted by Section 212.0306, Florida Statutes, to levy a local option food and beverage tax ("Food and Beverage Tax"); and

WHEREAS, Miami-Dade County (the "County") authorized the levy of the Food and Beverage Tax by ordinance, now codified in Section 29-51 of the Miami-Dade County Code of Ordinances; and

WHEREAS, at least 15 percent of the proceeds of the Food and Beverage Tax must be used for the construction and operation of new domestic violence centers, with the remaining proceeds to be used for the provision of homeless services, shelter and housing; and

WHEREAS, no Food and Beverage Tax is levied upon food and beverage sales in Bal Harbor, Surfside or Miami Beach (the "Beach Municipalities") as those municipalities are exempt pursuant to Section 212.0306(2)(d), Florida Statutes, which expressly exempts sales in municipalities which pay the municipal resort tax authorized by chapter 67-930, Laws of Florida; and

WHEREAS, domestic violence is a safety threat countywide, with no exception to the violence for the Beach Municipalities; and

WHEREAS, according to the Florida Department of Law Enforcement ("FDLE") Uniform Crime Report ("UCR"), between 2013 and 2017, there were 47,086 domestic violence-related offenses in Miami-Dade County and 21,562 domestic violence-related arrests; and

WHEREAS, according to FDLE, those numbers include, for that same time period, 2,143 domestic violence-related offenses and, according to the Miami-Dade County Criminal Justice Information System ("CJIS"), 1,698 domestic violence-related arrests, combined, in the Beach Municipalities; and

WHEREAS, domestic violence and homelessness are closely related; and

WHEREAS, nationally, 63 percent of women experiencing homelessness have experienced domestic violence as adults and more than 90 percent of women experiencing homelessness have had physical or sexual abuse some time in their lives, according to the National Network to End Domestic Violence; and

WHEREAS, the Domestic Violence Oversight Board (the "DVOB") desires to help those fleeing domestic violence and those experiencing homelessness to secure safe, sustainable housing; and

WHEREAS, to assist those fleeing domestic violence, advocates focus first on safety and security, including emergency shelter; and

WHEREAS, to meet the need for emergency shelter from domestic violence, the County owns three state-certified domestic violence emergency shelters with a total of 163 beds and 18 cribs, one of which was constructed with the proceeds of the Food and Beverage Tax; and

WHEREAS, all three of the County's emergency domestic violence shelters are operating at or near full capacity, with some domestic violence survivors turned away for lack of space; and

WHEREAS, the County's homeless and domestic violence centers serve residents in need countywide, including residents of the Beach Municipalities; and

WHEREAS, according to the Homeless Management Information System ("HMIS"), between May 2013 and May 2018, 4,020 residents of Miami Beach who received homeless emergency shelter and other housing assistance reported that they were fleeing domestic violence; and

WHEREAS, according to the OSNIUM database management information system used by the three County-owned state-certified domestic violence emergency shelters, as well as program records from these shelters, over the last three years, 60 residents of Miami Beach have stayed in these three County domestic violence shelters; and

WHEREAS, the construction of a fourth County domestic violence shelter is scheduled to be completed in late 2019, using proceeds of the Food and Beverage Tax for domestic violence ; and

WHEREAS, once completed, the fourth domestic violence shelter will add 60 beds for domestic violence survivors but is expected to also be operating at or near full capacity as soon as it is completed; and

WHEREAS, additional domestic violence shelters need to be built to meet current and future needs of people fleeing domestic violence; and

WHEREAS, the Miami-Dade Office of Budget Management estimates that the Food and Beverage Tax proceeds for domestic violence will not support the construction of a fifth domestic violence shelter until FY 2035-2036; and

WHEREAS, additional revenues need to be identified in order to fund current and future needs for services, shelter and housing for those experiencing homelessness and those fleeing domestic violence; and

WHEREAS, according to information received from the Miami-Dade County Tax Collector's office, collecting the Food and Beverage Tax in the Beach Municipalities, based on reliable estimates, should increase the annual tax proceeds by approximately \$6.5 million; and

WHEREAS, these additional tax proceeds would significantly help provide the funding that will be needed for additional domestic violence shelters and homeless services, shelter, and housing that would serve residents countywide; and

WHEREAS, collection of the Food and Beverage Tax in the Beach Municipalities requires a legislative amendment to Section 212.0306, Florida Statutes, specifically Section 212.0306(2)(d), to remove the exemption for sales in those areas; and

WHEREAS, the role of the DVOB is to advise the Miami-Dade Board of County Commissioners (the "County Commission") as to all matters relating to domestic violence, including the use of the Food and Beverage Tax proceeds; and

WHEREAS, the DVOB desires to increase funding for domestic violence shelter and services in order to meet current and future needs of the residents of the County; and

WHEREAS, expanding the Food and Beverage Tax to include sales in the Beach Municipalities would provide much-needed funds and assist the County in providing shelter and related services to those fleeing domestic violence; and

WHEREAS, the DVOB desires to urge the County Commission to include in the County's Fiscal Year 2018-2019 legislative priorities that the Florida Legislature and the Miami-Dade Legislative Delegation work to amend and expand the Food and Beverage Tax to include food and beverage sales in the Beach Municipalities; and

WHEREAS, the DVOB further desires to urge the County Commission to adopt and support a resolution to urge the Beach Municipalities to support the County's legislative efforts in order to solve the countywide need to assist those fleeing domestic violence and those experiencing homelessness, which include residents of the Beach Municipalities,

NOW, THEREFORE, BE IT RESOLVED BY THE DOMESTIC VIOLENCE OVERSIGHT BOARD, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board urges the County Commission to include in the County's 2019 legislative priorities that the Florida Legislature and the Miami-Dade Legislative Delegation work to amend and expand the Food and Beverage Tax to include food and beverage sales in the Beach Municipalities.

Section 3. This Board urges the County Commission to adopt and support a resolution to urge the Beach Municipalities to support the County's legislative efforts to amend and expand the Food and Beverage Tax to include food and beverage sales in the Beach Municipalities.

Section 4. This Board further urges the County Commission to authorize the members of the DVOB to lobby the Beach Municipalities to support the legislative amendment and expansion of the Food and Beverage Tax described in this resolution.

Section 5. This Board directs the County staff to transmit a copy of this resolution to the County Commission and the Clerk of the Board.

It was offered by Board Member Carrie Q. Soubal, who moved its adoption. The motion was seconded by Chairman Miguel De Grandy, Esquire, and upon being put to a vote, the vote was as follows:

Miguel De Grandy, Esq., Chair **aye**
Carrie Q. Soubal, Vice-Chair **aye**

Sharon Aaron absent	Ronald L. Book, Esq. aye
Constance Ann Collins, Esq. absent	Hon. Councilwoman Lisa Davis absent
Lucia Davis-Raiford aye	Hon. Rosa Figarola absent
Chaplain Hector Figueroa aye	Rosa E. Kasse aye
Ivon Mesa absent	Hon. Migna Sanchez-Llorens aye
Kay M. Sullivan absent	

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of July, 2018.

MIAMI-DADE COUNTY DOMESTIC
VIOLENCE OVERSIGHT BOARD

By: 

Miguel De Grandy, Esq., Chairperson
Domestic Violence Oversight Board

Approved by County Attorney as
to form and legal sufficiency.



Brenda Kuhns Neuman
Assistant County Attorney

14

Select Year:

The 2023 Florida Statutes (including Special Session C)

[Title XIV](#)

[Chapter 212](#)

[View Entire Chapter](#)

TAXATION AND FINANCE TAX ON SALES, USE, AND OTHER TRANSACTIONS

212.0306 Local option food and beverage tax; procedure for levying; authorized uses; administration.—

(1) Any county, as defined in s. [125.011\(1\)](#), may impose the following additional taxes, by ordinance adopted by a majority vote of the governing body:

(a) At the rate of 2 percent on the sale of food, beverages, or alcoholic beverages in hotels and motels only.

(b) At the rate of 1 percent on the sale of food, beverages, or alcoholic beverages in establishments that are licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels; however, the tax shall not apply to any alcoholic beverage sold by the package for off-premises consumption.

(2)(a)1. The sales in any establishment licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels, that had gross annual revenues of \$400,000 or less in the previous calendar year, are exempt from the tax authorized by paragraph (1)(b).

2. For purposes of determining qualification for this exemption, each such establishment must determine the annual gross revenues of the business at the end of each calendar year. If an establishment's exemption status changes, the establishment must cease or begin collection of the tax effective the following February 1, in accordance with its new exemption status. An establishment must notify the tax collector of the county levying the tax of such change in writing no later than 20 days after the end of the calendar year.

3. Each newly opened establishment must collect the tax authorized by paragraph (1)(b) for 45 days commencing with its first day of business. After such time a newly opened business may cease collecting the tax if its projected gross annual revenues are \$400,000 or less. Projected gross annual revenues shall be determined by dividing gross revenues for the first 45 days by 45, and multiplying the resulting quotient by 365. Newly opened businesses which cease collecting the tax must notify the tax collector of the county levying the tax within 20 days after the last day the tax is collected. A newly opened establishment which has been in business for less than 45 days as of the end of its first calendar year is exempt from the provisions of subparagraph 2. for that calendar year.

(b) Sales in any veterans' organization are exempt from the tax authorized by paragraph (1)(b).

(c) All transactions that are exempt from the state sales tax are exempt from the taxes authorized by subsection (1).

(d) Sales in cities or towns presently imposing a municipal resort tax as authorized by chapter 67-930, Laws of Florida, are exempt from the taxes authorized by subsection (1); however, the tax authorized by paragraph (1)(b) may be levied in such city or town if the governing authority of the city or town adopts an ordinance that is subsequently approved by a majority of the registered electors in such city or town at a referendum held at a general election as defined in s. [97.021](#). Any tax levied in a city or town pursuant to this paragraph takes effect on the first day of January following the general election in which the ordinance was approved. A referendum to

reenact an expiring tax authorized under this paragraph must be held at a general election occurring within the 48-month period immediately preceding the effective date of the reenacted tax, and the referendum may appear on the ballot only once within the 48-month period.

(3)(a) The proceeds of the tax authorized by paragraph (1)(a) shall be allocated by the county to a countywide convention and visitors bureau which, by interlocal agreement and contract with the county, has been given the primary responsibility for promoting the county and its constituent cities as a destination site for conventions, trade shows, and pleasure travel, to be used for purposes provided in s. 125.0104(5)(a)2. or 3., 1992 Supplement to the Florida Statutes 1991. If the county is not or is no longer a party to such an interlocal agreement and contract with a countywide convention and visitors bureau, the county shall allocate the proceeds of such tax for the purposes described in s. 125.0104(5)(a)2. or 3., 1992 Supplement to the Florida Statutes 1991.

¹(b) For the first 12 months, the proceeds from the tax authorized by paragraph (1)(b) shall be used by the county to assist persons who have become, or are about to become, homeless. These funds shall be made available for emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment, employment and training, education, and housing. Thereafter, not less than 15 percent of these funds shall be made available for construction and operation of domestic violence centers, and the remainder shall be used for the other purposes set forth in this paragraph. In addition, the proceeds of the tax and the interest accrued on those proceeds may be used as collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith. Prior to enactment of the ordinance levying and imposing the tax provided for by paragraph (1)(b), the county shall appoint a representative task force including, but not limited to, service providers, homeless persons' advocates, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for addressing the needs of persons who have become, or are about to become, homeless. The governing board of the county shall adopt this countywide plan for addressing homeless needs as part of the ordinance levying the tax.

(c) The county and each municipality in that county shall continue to contribute each year at least 85 percent of aggregate expenditures from the respective county or municipal general fund budget for county-operated or municipally operated homeless shelter services at or above the average level of such expenditures in the 2 fiscal years preceding the date of levying this tax.

(4) A certified copy of the ordinance that authorizes the imposition of a tax authorized by this section shall be furnished by the county to the Department of Revenue within 10 days after the adoption of the ordinance.

(5) A tax authorized by this section may take effect on the first day of any month, but may not take effect until at least 60 days after the adoption of the ordinance levying the tax.

(6) Any county levying a tax authorized by this section must locally administer the tax using the powers and duties enumerated for local administration of the tourist development tax by s. 125.0104, 1992 Supplement to the Florida Statutes 1991. The county's ordinance shall also provide for brackets applicable to taxable transactions.

(7) Each county shall also appoint an oversight board including, but not limited to, service providers, domestic violence victim advocates, members of the judiciary, concerned citizens, a victim of domestic violence, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for disbursing the funds made available for the construction and operation of domestic violence centers. Each member of the county's governing board shall appoint a member, and the county manager shall appoint

two members, to the oversight board.

History.—s. 2, ch. 89-362; s. 4, ch. 93-233; ss. 1, 2, ch. 94-351; ss. 71, 72, ch. 94-353; s. 21, ch. 2023-157.

¹**Note.**—As amended by s. 71, ch. 94-353. Paragraph (b) was also amended by s. 1, ch. 94-351. The ch. 94-353 version is published here as the last expression of legislative will. Paragraph (b), as amended by s. 1, ch. 94-351, reads:

(b) For the first 12 months, the proceeds from the tax authorized by paragraph (1)(b) shall be used by the county to assist persons who have become, or are about to become, homeless. These funds shall be made available for emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment, employment and training, education, and housing. Thereafter, not less than 15 percent of these funds shall be made available for construction and operation of domestic violence centers, and the remainder shall be used for the other purposes set forth in this paragraph. In addition, the proceeds of the tax and interest accrued may be used as collateral, pledged or hypothecated, for any projects authorized by this paragraph, including bonds issued in connection therewith. Prior to enactment of the ordinance levying and imposing the tax provided for by paragraph (1) (b), the county shall appoint a representative task force including, but not limited to, service providers, homeless advocates, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for addressing the needs of persons who have become, or are about to become, homeless. The governing board of the county shall adopt this countywide plan for addressing homeless needs as part of the ordinance levying the tax.

Note.—Former s. 125.0104(3)(n).

Which states have the highest and lowest rates of homelessness?

New York, Vermont, and Oregon have the highest rates of homelessness across the 50 states.

Updated on Fri, March 29, 2024 by the [USAFacts Team](#)

[Home](#) / [Economy](#) / [Articles](#) / Which states have the highest and lowest rates of homelessness?

About 653,000 Americans experienced homelessness in January 2023 according to [Department of Housing and Urban Development \(HUD\)](#) point-in-time data, which [measures homelessness](#) across the US on a single night each winter. That's a 12.1% increase from the same report in 2022.

The national rate of Americans experiencing homelessness in 2023 was approximately 19.4 people per 10,000. Mississippi had the lowest rate of homelessness, at 3.3 people per 10,000, while in other states — namely New York and Vermont — the rate jumps to more than 50 per 10,000. Washington, DC, comprised entirely of a single city, had rates higher than any state, 72.5 per 10,000.

New York and Vermont have the nation's highest homelessness rates among US states.

Homeless population per 10,000 people, 2023

Page 1 of 3 [>](#)

State	Homeless people per 10,000
Washington, DC	72.5
New York	52.7
Vermont	50.9
Oregon	47.6
California	46.6
Hawaii	43.4
Washington	35.9
Alaska	35.6
Maine	30.5
Massachusetts	27.3
Nevada	27.1
Colorado	24.6
Montana	19.2
Arizona	19.2
New Mexico	18.2
New Hampshire	17.4
Rhode Island	16.5
Minnesota	14.6
South Dakota	13.9
Florida	13.6

Data is based on point-in-time count that occurred during January 2023.

Source: Department of Housing and Urban Development • [Get the data](#) • [Embed](#) • [Download image](#) • [Download SVG](#)



In terms of raw numbers, California had the highest number of people experiencing homelessness of any state: 181,399. New York had the nation's second-most with 103,200, followed by Florida with 30,756.

Homelessness isn't a particularly urban or rural issue. Vermont is the nation's **most rural state** — as of 2020, 65% of its population lived in rural

areas — and had one of the highest rates of homelessness. California and Nevada are the states with the highest percentages of inhabitants in urban areas, and their homelessness rates were also in the top 10.

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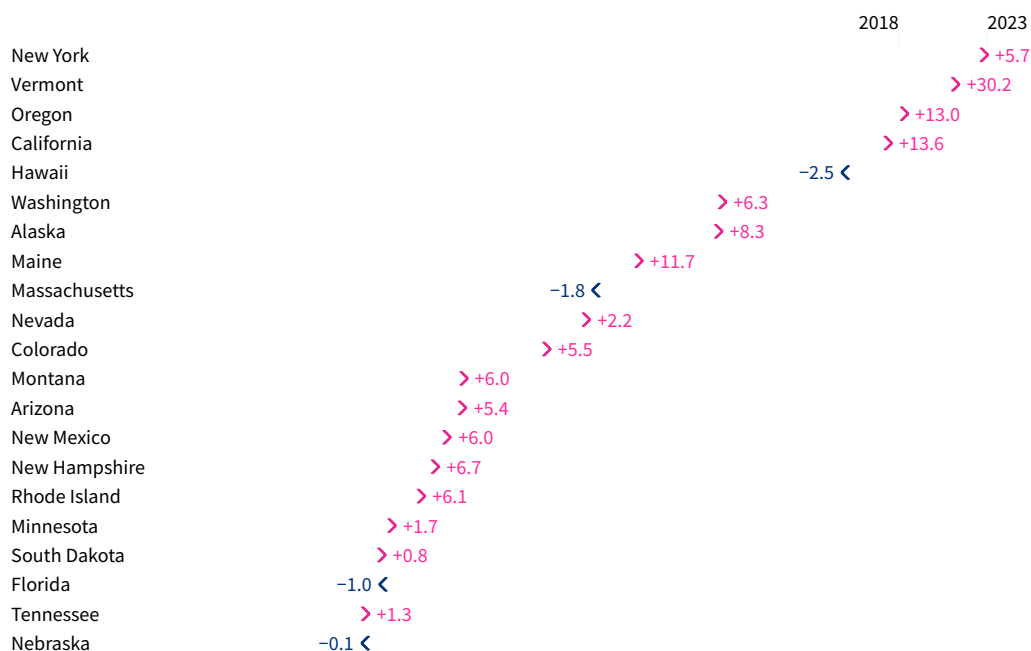
Homelessness also always doesn't look the same; 4% of Vermont's unhoused population were unsheltered, compared to 68% of Californians experiencing homelessness.

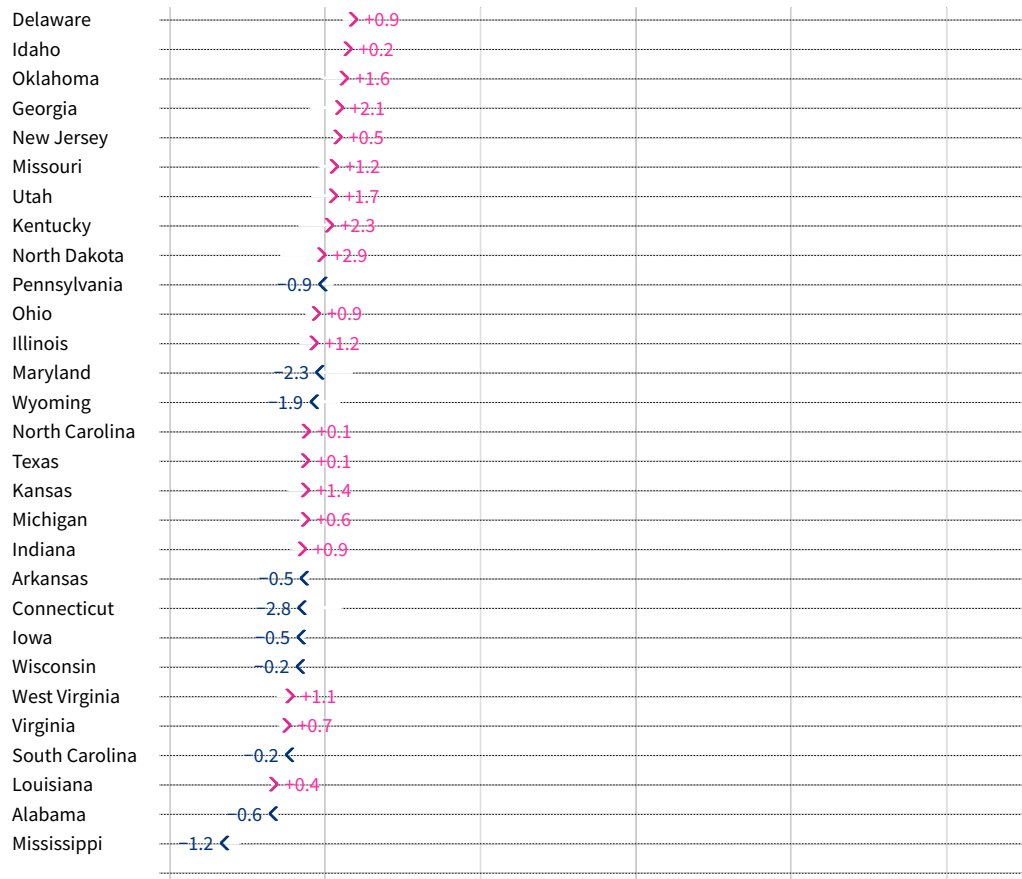
Where have homelessness rates changed the most?

From 2018 to 2023, homelessness in Vermont increased from 20.6 per 10,000 people to 50.9, the biggest increase in any state. California, Oregon, and Maine saw increases of more than 10 people per 10,000.

Some states with high rates of homelessness have seen large increases in the last five years.

Change in number of homeless people per 10,000 residents, 2018–23





Data based on point-in-time counts from January 2018 and January 2023.

Source: Department of Housing and Urban Development • Get the data • Embed • Download image • Download SVG



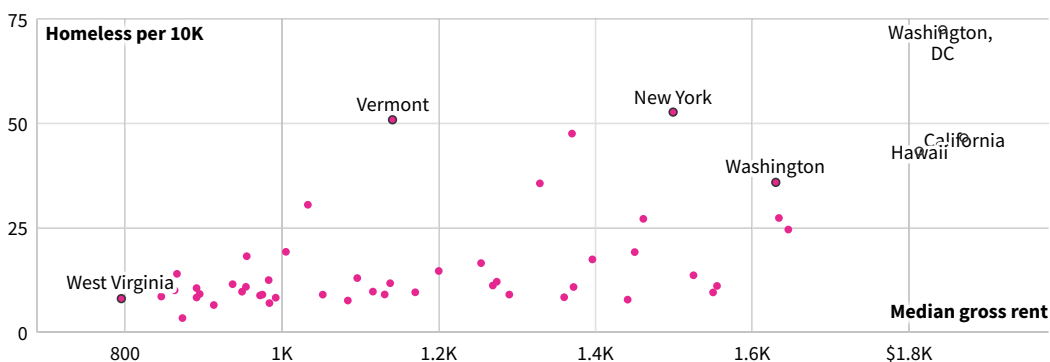
Connecticut, Hawaii, and Maryland had the largest decreases in their homelessness rates, though those decreases were comparably modest — each had two to three fewer homeless people per 10,000 residents.

Why do some states have higher rates of homelessness?

According to a 2020 Government Accountability Office report, rent prices can play a role in **homelessness rates**. California, Washington, DC, and Hawaii had the nation's highest rents in 2022 and among the highest rates of homelessness in 2023; all three were in the top 10 nationally. West Virginia and Mississippi had among the country's lowest rents, and lower homelessness rates.

States with more expensive rent tend to have higher homelessness rates.

2023 homelessness rate and 2022 median gross rent for each state and Washington, DC



Median gross rent reported in the Census Bureau's American Community Survey.

Source: Department of Housing and Urban Development • Get the data • Embed • Download image • Download SVG



These figures are likely also affected by difficulties counting the homeless population. Rural states and states with lots of unsheltered homeless people face unique challenges in estimating their homeless populations.

Read more about [difficulties counting homeless populations](#), learn about [standard of living in the US](#), and get the facts every week by [signing up for our newsletter](#).

Which states have the highest and lowest rates of homelessness?



SOURCES & FOOTNOTES

Department of Housing and Urban Development

2023 Annual Homeless Assessment Report to Congress

Last updated

December 2023



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January 13, 2021

The Honorable Charles W. Burkett
Mayor, Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
mayor@townofsurfsidefl.gov

Dear Mayor Burkett:

On the one-year anniversary of Resolution 2020-2663, we wanted to take this opportunity to again thank the Town of Surfside for its commitment to ending homelessness in Miami-Dade County, expound on how your community's multi-year commitment of \$50,000.00 has helped some of Miami-Dade's most vulnerable residents, and ask that your recurring commitment of resources continue.

Funds provided by the Town of Surfside in Fiscal Year's 2018-2019 and 2019-2020 were leveraged with local and state funding to provide Rapid Rehousing, that is, short- to medium-term rental assistance and support services, for persons trying to get back on their feet after a homeless episode.

- Client #1, a 45-year-old black woman, has a history of serious mental illness and family trauma, including sexual abuse as a child. Following a domestic violence incident, client was incarcerated and became homeless. Client was moved to permanent housing, reunified with her son and has since committed to voluntary treatment to learn how to better cope with her schizophrenia diagnosis.
- Client #2, a 60-year-old Hispanic man with serious mental illness and clinical depression, as well as a long history of substance abuse, is now permanently housed and receiving medication management and group psychotherapy. Rapid rehousing assistance helped to subsidize his rent for nine months. Client is now paying rent and sustaining housing on his own with continued case management.
- Client #3, a 21-year-old black male also suffering with mental illness, was permanently housed using Rapid Rehousing funds. After receiving supportive services and demonstrating an ability to pay rent on his own, client was able to make amends with estranged family and reunite with his mother.

Of course, these are just a sampling of the individuals who we have assisted with the recurring resources which your community has generously committed. While we understand that the concentration of homelessness in Miami-Dade County is not in the Town of Surfside, we have identified and continue to serve persons experiencing homelessness within Surfside town limits. More importantly, we know homelessness is a countywide concern with no jurisdictional boundaries. A whole community approach is needed to tackle this intractable issue.

Flexible resources from your community, as well as the funding received through the countywide Food & Beverage Tax from which the Town of Surfside is exempt, are needed now more than ever. With more than 7,000 evictions looming, the Homeless Trust is bracing for increased inflow into the homeless system. New demands on our services, combined with negative impacts to the local option tax as a result of the pandemic, are hurting our bottom line.

Even so, the Homeless Trust continues to rapidly develop and implement an emergency infrastructure to protect persons experiencing homelessness from COVID-19. Among the measures taken to keep our community's most vulnerable residents safe:

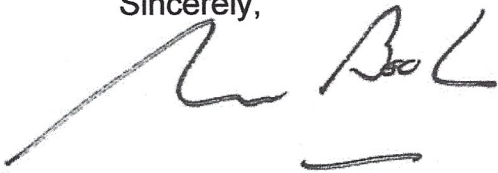
- Established robust testing and tracking protocols administering more than 12,000 PCR tests to sheltered and unsheltered individuals, as well as frontline staff. The positivity rate for the homeless continuum is less than 2%, well below the countywide average.
- Promoted and implemented strict cleaning, disinfection, social distancing and education measures across all homeless Continuum of Care facilities, including emergency shelters.
- Stood up five non-congregate sheltering sites, including a site dedicated to homeless seniors 65+, to keep individuals and families unable to self-isolate or self-quarantine safe. More than 2,800 persons have been served to date.
- Prioritized those most at risk for severe illness with more than 400 persons experiencing homelessness referred to permanent housing.
- Continue to target households facing eviction and most at risk of homelessness for rental assistance resources while also working with community partners to help the thousands of Miami-Dade residents facing eviction. A multi-channel educational campaign, including direct mail, bus posters, rail clocks, social media ads and 311 hold messaging was launched with information on available resources.
- Launched a fundraising campaign with help from the Miami Foundation to secure new facilities to expand permanent housing capacity with a focus on senior citizens and unsheltered single adults. Providing housing options for extremely low-income individuals faced with homelessness is key to fending off the looming eviction crisis.
- In partnership with the Florida Department of Health in Miami-Dade, began administering vaccines to homeless and formerly homeless households 65+ under our umbrella of care.

While the pandemic is just our latest challenge, we have a 25-year record of accomplishment as the U.S. HUD and State of Florida designated lead agency for the homeless Continuum of Care in Miami-Dade. Since the inception of the Homeless Trust, street homelessness in Miami-Dade has been reduced from more than 8,000 people to about 1,000 persons who remain unsheltered today. Our job is not done, but we continue to work in earnest to help those experiencing and at risk of homelessness.

The Honorable Charles W. Burkett
January 13, 2021
Page 3

We are intent on continuing to ensure resources provided by the Town of Surfside do the most good across Miami-Dade, with a particular focus on how they can better serve unsheltered single adults. We ask that the Town's recurring commitment of \$50,000.00 continue. We are available to answer any questions and address any concerns, and again express our gratitude to you, the entire Town Commission and Surfside's Town Manager and leadership team.

Sincerely,



Ronald L. Book
Chairman



Victoria L. Mallette
Executive Director

c: The Honorable Tina Paul, Vice Mayor tpaul@townofsurfsidefl.gov
The Honorable Charles Kesl, Commissioner ckesl@townofsurfsidefl.gov
The Honorable Eliana R. Salzhauer, Commissioner esalzhauer@townofsurfsidefl.gov
The Honorable Nelly Velasquez, Commissioner nvelasquez@townofsurfsidefl.gov
Guillermo Olmedillo, Town Manager, golmedillo@townofsurfsidefl.gov



**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9F.

Date: May 14, 2024

From: Vice Mayor Tina Paul

Subject: Sustainability Initiatives for the Town to Implement.

Suggested Action: – For Surfside to continue to lead with Sustainable initiatives by eliminating single use plastics in Town facilities and Town sponsored events, implementation of a Composting program, encouragement of Edible Gardens, and to consider reestablishing the Sustainability and Resiliency Committee.

Background/Analysis: – Surfside has been a leader in developing a wide range of sustainability and resiliency initiatives related to the impacts of climate change as well as programs that demonstrate a culture of environmental stewardship. These activities are fundamental to promoting and maintaining a well-informed and capable community. This is evidenced by 1) mitigation including such initiatives as creating a Property Assessed Clean Energy (PACE) District, establishing Florida Friendly landscaping requirements, enhancing our urban canopy, incentivizing the installation of solar PV systems, and completing a greenhouse gas emissions inventory; 2) adaptation including such initiatives as revamping our floodplain management regulations, improving our stormwater system, advocating for beach re-nourishment and enhancing our Zoning Code; and 3) resiliency including such initiatives as creating a community garden and green dog park, and various programs that build a sense of community. In addition, Surfside forged strategic relationships with the South Florida Regional Climate Compact, the Resilient 305 Program through the 100 Resilient Cities Initiative of the Rockefeller Foundation, the Compact of Mayors, the American Flood Coalition, the Youth Environmental Alliance, Florida International University, the University of Miami, Environment America’s “Mayors for Solar Energy,” Solar United Neighbors, ICLE-Local Governments for Sustainability, and the CLEO Institute to build a broad coalition to support strengthening our adaptation, mitigation and resiliency initiatives. This Commission shall revisit these alliances and continue efforts to create a more sustainable and resilient community.

Environmental efforts for protection of our fragile ecosystem have stalled in recent years. By reactivating these initiatives within Town owned facilities and events, we can build upon a more conscientious, kinder, thoughtful community with initiatives that minimize our environmental impacts.



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The world has slowly become more connected over time. People take an interest in other cultures and want to experience them themselves. Traveling is an exciting part of life because it broadens



WHAT IS ECOTOURISM?

Ecotourism involves traveling sustainably. When you vacation, domestically or abroad, you stay conscious of the environment as much as possible. Ecotourists try to limit their carbon footprint and support local ecosystems by contributing positively. For example, they could eat at a local restaurant or refrain from using plastic on their trip. Ecotourism has become critical as people try to expand their worldview while staying environmentally conscious.

Why Should You Practice Ecotourism?

Tourism is vital for many communities worldwide. Vacationers spend their money to help small businesses thrive and to stimulate local economies. However, tourism can negatively impact the environment. A 2022 study found that [tourism is responsible for nearly 8%](#) of the world's carbon dioxide (CO₂) emissions, most of which came from food and waste management.

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The pandemic hit the tourism industry with a [steep 74% decline](#) in international travel. Many countries had lockdowns in place to prevent COVID-19 transmission from foreign places. While



The bounce-back of tourism means the same will happen in terms of emissions. In 2022, [GHG emissions increased by 7%](#) in the first quarter compared to 2020.

It is critical to practice ecotourism as global warming becomes more apparent. You'll benefit from learning and becoming a better friend to the environment. Implementing ecotourism comes with many benefits:

- **Educate yourself:** The most significant benefit of ecotourism is educating yourself on environmental issues. If you find ways to be environmentally conscious on your trip, you are more likely to repeat those behaviors at home. Reading literature and research from scientists puts into perspective how the planet needs your help to survive.
- **Protect resources:** Sustainable travel means using natural and renewable resources to improve the planet's health. You're protecting the environment around you from the negative impacts of travel. If you believe in leaving something better than when you found it, ecotourism is the way to go.
- **Help economies:** Practicing ecotourism means other vacationers behind you also get to enjoy a clean environment. One way is by spending your money at local businesses. These shops are the heart of communities and give the location its remarkable personality. Patronising these companies helps them grow and continue their services for future visitors.

How Can You Be Mindful on Vacation?



example, you could look for hotels with biophilic designs. These spaces combine buildings with nature to maintain a connection with the environment. You may see [natural materials like hardwood](#), stones, and trees inside the facility.

Ecotourism means accounting for your environmental impact, but you should also examine how the area cares about green practices. When planning a trip, search for cities that implement eco-friendly policies to promote ecotourism. For example, Seattle, Washington, [uses hydroelectric power for nearly 100%](#) of its energy consumption.

2. Beware of Greenwashing

Talking about environmentally friendly practices is one thing, but implementing them and supporting the planet are the next steps that some businesses do not take. You may know this strategy as [greenwashing](#). Due diligence can tell you which organisations stay true to their word and which only use eco-friendliness as a marketing term.

It is essential to be able to spot greenwashing when you travel. Research hotels and businesses in the area and review their practices. How do they align with environmentally positive initiatives that they claim? For example, in 2018, Hilton said it would reduce CO2 emissions. However, critics [accused the company of greenwashing](#) because it cut down palm and mangrove trees to build its resort in the Maldives. Tearing down palm trees significantly affects carbon levels in the atmosphere.

One way to research a company like Hilton for greenwashing is to examine its environmental, social and governance (ESG) scores. These metrics track companies' operations and give an



are some of the best places to support wildlife conservation and educate yourself.



Photo by [Joshua J. Cotten](#) on [Unsplash](#)

Wildlife refuges provide large, safe, and green spaces for animals to thrive. Many of them risk extinction and can thrive in a sanctuary. The money you spend at the refuges goes toward keeping the facilities standing and funding research to examine these animals. There are [wildlife](#)

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stuck in plastic containers or eat things they are not supposed to.

4. Use Green Transportation Methods

Another way to practice ecotourism is to use green transportation methods. This strategy is something you can do abroad and practice at home. Eco-friendly transit reduces your carbon footprint significantly because it reduces greenhouse gas (GHG) emissions and negative environmental impacts.



5. Learn Local Customs

Ecotourism goes hand-in-hand with mindful traveling. When you vacation, try to be one with the culture and immerse yourself. That's how you get the most out of your travels. Learn local customs and find out what the residents do. They say when in Rome, do as the Romans do — and that's a solid start for being an ecotourist.

Eating local food is an excellent way to immerse yourself and be an ecotourist. Ask a guide or resident where the best places to eat are. Small businesses and restaurants are likelier to have a lower carbon footprint than tourist traps. Find establishments that source their food locally. The shortened supply chain delivers delicious items at a lower price than you may see in chains.

Being an Ecotourist Worldwide

Calls for sustainability are growing as humans begin recognising their negative environmental impact. You can find ways to lower your carbon footprint at home, and you should keep the same mindful attitude when traveling abroad. Focus on being an ecotourist and helping the environment wherever you go.

You might also like: [Can Eco Tourism Save Coral Reefs?](#)





**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9G.

Date: May 14, 2024

From: Mayor Charles W. Burkett

Subject: On-Street Parking

Suggested Action: – Have the commission provide direction on how to address parking, traffic flow and construction at the end of Biscaya Drive.

Background/Analysis: – Please see the attached email string. Fla. Stat. Section 316.008(1) (a) may assist in providing relief.

From: [Paul Jacobsen](#)
To: [Charles Burkett](#)
Subject: Re: BISCAYA ISLAND ILLEGAL PARKING
Date: Friday, May 3, 2024 3:38:21 PM
Attachments: [image002.png](#)

[**NOTICE:** This message originated outside of the Town of Surfside -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am going to start parking in the street. My right to park in front of my house or anywhere on the east side of the street is not going to be taken from me for the convenience of the builders. I am going to encourage my neighbors to do the same. How dare the town discriminate against the longtime residents. Get the cones out of there. Enough is enough.

On Fri, May 3, 2024 at 12:28 PM Charles Burkett <mayor@townofsurfsidefl.gov> wrote:

Paul,

I am being told that parking on the side of the street is permitted, while blocking the street is not. An accommodation has been made and parking has been discouraged on the south side of the street, but you raise a fair point in your email.

Stopping the blockage of traffic was the initial goal and I believe for the most part, excepting deliveries by large trucks, that goal has been accomplished.

If the new goal is to prevent any parking on any part of Biscaya Drive, other than for residents, our town attorney will have to provide legal support for that, or, our town commission will have to direct it.

By way of this email, I am asking the town clerk to put this issue on the next agenda so a decision can be made.

Charles

Charles W. Burkett
Mayor



Town of Surfside

9293 Harding Avenue
Surfside, Florida 33154
305-517-1175

Mayor@TownofSurfsidefl.gov

From: Paul Jacobsen <dr.paul.jacobsen@gmail.com>
Sent: Friday, May 3, 2024 11:48 AM
To: Charles Burkett <mayor@townofsurfsidefl.gov>; Tina Paul <tpaul@townofsurfsidefl.gov>; Carmen Santos-Alborna <csantos-alborna@townofsurfsidefl.gov>; Darryl Wall <darrylwall@bellsouth.net>; Jonathan Horn <jsh@horncapital.com>
Subject: BISCAYA ISLAND ILLEGAL PARKING

[**NOTICE:** This message originated outside of the Town of Surfside -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good Morning Charlie,

I have not heard if you have received any clarification of the town code from the town attorney. There are at least 12 construction-related vehicles on the west side of Biscaya Drive after the bend. Meanwhile the residents on the east side of Biscaya Drive are **PROHIBITED BY THE TOWN** from parking in the street in front of their own homes either personally or their guests, service staff, housekeepers, nannies, repairmen, etc.; prohibited by the city by city placing parking cones and tape. Myself not being one of the lawbreaking building class have offered my driveway to my neighbors since **SURFSIDE PROHIBITS ME AND THEM FROM PARKING ON THE STREET IN FRONT OF OUR HOME WHILE THE CONTRACTORS/CONSTRUCTION WORKERS OWN THE STREET.**

I know you want clarification of the town code but it could not be more clear:

"Construction of single family and duplex construction sites shall not be allowed to block the

right-of-way, except for temporary deliveries of materials and machinery that only partially block the right-of-way and allow for continued use of the right-of-way by vehicles and pedestrians."

Nothing has been done. Please advise that the code is going to be enforced. Otherwise I will take action and Surfside will once again be famously newsworthy.

Sincerely,

Paul

NOTE: Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

Sec. 14-28. - Issuance of building permits.

- (a) All plans prior to the issuance of a permit for any building or structure in the town must first have the approval of the town manager or designee.
- (b) No permit shall be required for general maintenance or repairs where such work or repair does not change the occupancy, use, alter the outside appearance of the structure and the value of which does not exceed \$250.00 in labor and material as determined by the building official.
- (c) No permit shall be issued unless the applicant demonstrates to the town manager that applicant has made adequate provision for persons associated with the subject improvements legally to park vehicles on site or otherwise not utilizing on-street parking.
- (d) Applications for building permits that require excavation of sand seaward of the coastal construction control line must comply with the beach sand quality regulations as described in sections 34-2 to 34-8 of the Town Code of Ordinances.
- (e) All applications for complete or partial demolitions of 50 percent or more of a single-family home shall require the applicant to mail written courtesy notices via certified mail to the abutting single-family property owners and single-family property owners parallel to the subject property line across any right-of-way notifying the property owners that the demolition will occur within 180 days from the date of the letter. The letter shall provide contact information for the applicant or agent of the applicant if there are questions relating to the demolition.

(Code 1960, § 6-4; Ord. No. 1440, § 1, 9-9-03; Ord. No. 1631, § 3, 3-10-15; Ord. No. 17-661, § 2, 5-9-17)

State Law reference— Permits, F.S. § 553.79.

Select Year:

The 2023 Florida Statutes (including Special Session C)

[Title XXIII](#)[MOTOR VEHICLES](#)[Chapter 316](#)[STATE UNIFORM TRAFFIC CONTROL](#)[View Entire Chapter](#)**316.008 Powers of local authorities.—**

- (1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:
- (a) Regulating or prohibiting stopping, standing, or parking.
 - (b) Regulating traffic by means of police officers or official traffic control devices.
 - (c) Regulating or prohibiting processions or assemblages on the streets or highways, including all state or federal highways lying within their boundaries.
 - (d) Designating particular highways or roadways for use by traffic moving in one direction.
 - (e) Establishing speed limits for vehicles in public parks.
 - (f) Designating any street as a through street or designating any intersection as a stop or yield intersection.
 - (g) Restricting the use of streets.
 - (h) Regulating the operation of bicycles.
 - (i) Regulating or prohibiting the turning of vehicles or specified types of vehicles.
 - (j) Altering or establishing speed limits within the provisions of this chapter.
 - (k) Requiring written crash reports.
 - (l) Designating no-passing zones.
 - (m) Prohibiting or regulating the use of controlled access roadways by any class or kind of traffic.
 - (n) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.
 - (o) Designating hazardous railroad grade crossings in conformity to criteria promulgated by the Department of Transportation.
 - (p) Designating and regulating traffic on play streets.
 - (q) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except on a crosswalk.
 - (r) Regulating pedestrian crossings at unmarked crosswalks.
 - (s) Regulating persons upon skates, coasters, and other toy vehicles.
 - (t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.
 - (u) Enacting ordinances or erecting signs in the rights-of-way to control, regulate, or prohibit hitchhiking on streets or highways, including all state or federal highways lying within their boundaries.
 - (v) Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision and enforcing violations under the provisions of this chapter and chapter 318.
 - (w) Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highways, whether by public or private parties and providing for the construction and maintenance of such streets and highways.
- (2) The municipality, through its duly authorized officers, shall have nonexclusive jurisdiction over the prosecution, trial, adjudication, and punishment of violations of this chapter when a violation occurs within the

municipality and the person so charged is charged by a municipal police officer. The disposition of such matters in the municipality shall be in accordance with the charter of that municipality. This subsection does not limit those counties which have the charter power to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers pertaining to the consolidation and unification of a traffic court system within such counties.

(3) No local authority shall erect or maintain any official traffic control device at any location so as to regulate the traffic on any state road unless approval in writing has first been obtained from the Department of Transportation.

(4) A county or municipality may enact an ordinance providing a fine for the violation of s. [316.1955](#) in excess of the fine specified by s. [318.18\(6\)](#), except that such a fine may not exceed \$250. Any such ordinance may provide for the deposit of such fines in a separate county or municipal account to be used in the following manner:

(a) One-third to be used to defray expenses for the administration of this subsection.

(b) Two-thirds to be used to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities in the county or municipality and to provide funds to conduct public awareness programs in the county or municipality concerning persons who have disabilities.

(5)(a) A county or municipality may enact an ordinance providing a fine for the violation of s. [316.1945\(1\)\(b\)2.](#) or 5. in excess of the fine specified by s. [318.18\(2\)](#), except that such fine may not exceed the fine specified in s. [318.18\(2\)](#) by more than \$3. However, such ordinance shall provide that the fines collected pursuant to this subsection in excess of the fines which would be collected pursuant to s. [318.18\(2\)](#) for such violations shall be used by the county or municipality for the purpose of funding a firefighter education program. The amount of the fines collected pursuant to this subsection in excess of the fines which would be collected pursuant to s. [318.18\(2\)](#) for such violations shall be reported on a monthly basis by the clerk of the court to the appropriate county or municipality.

(b) A county or municipality may enact an ordinance which dedicates a portion of any fine collected for a violation of such ordinance for the purpose of funding a firefighter education program, if such ordinance is limited to the regulation of parking within a firesafety zone.

(6) A county or municipality may enact an ordinance providing for the establishment of a “combat automobile theft” program, and may charge a fee for the administration of the program and the cost of the decal. Such a program shall include:

(a) Consent forms for motor vehicle owners who wish to enroll their vehicles.

(b) Decals indicating a vehicle’s enrollment in the “combat automobile theft” program. The Department of Law Enforcement shall approve the color, design, and other specifications of the program decal.

(c) A consent form signed by a motor vehicle owner provides authorization for a law enforcement officer to stop the vehicle when it is being driven between the hours of 1 a.m. and 5 a.m., provided that a decal is conspicuously affixed to the bottom left corner of the back window of the vehicle to provide notice of its enrollment in the “combat automobile theft” program. The owner of the motor vehicle is responsible for removing the decal when terminating participation in the program, or when selling or otherwise transferring ownership of the vehicle. No civil liabilities will arise from the actions of a law enforcement officer when stopping a vehicle with a yellow decal evidencing enrollment in the program when the driver is not enrolled in the program provided that the stop is made in accordance with the requirements of the “combat automobile theft” program.

(7)(a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, electric bicycles, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

(b)1. Except as provided in subparagraph 2., a personal delivery device and a mobile carrier may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices and mobile carriers.

2. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network created under s. [339.81](#) or components of the Florida Greenways and Trails System created under chapter 260.

(8)(a) A county or municipality may use traffic infraction detectors to enforce s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when a driver fails to stop at a traffic signal on streets and highways under its jurisdiction under s. [316.0083](#). Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.

(b) Pursuant to paragraph (a), a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.

(c) Pursuant to s. [316.0083](#), a county or municipality may use traffic infraction detectors to enforce s. [316.074\(1\)](#) or s. [316.075\(1\)\(c\)1.](#) when a driver fails to stop at a traffic signal on state roads under the original jurisdiction of the Department of Transportation when permitted by the Department of Transportation.

(9)(a) A county or municipality may enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to s. [316.1895](#):

1. Within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program;
2. Within 30 minutes before through 30 minutes after the start of a regularly scheduled school session;
3. During the entirety of a regularly scheduled school session; and
4. Within 30 minutes before through 30 minutes after the end of a regularly scheduled school session

through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation. A school zone's compliance with s. [316.1895](#) creates a rebuttable presumption that the school zone is properly maintained.

(b) A county or municipality may place or install, or contract with a vendor to place or install, a speed detection system within a roadway maintained as a school zone as provided in s. [316.1895](#) to enforce unlawful speed violations, as specified in s. [316.1895\(10\)](#) or s. [316.183](#), on that roadway.

(c) A county or municipality must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone as authorized by this subsection. As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to this subsection.

History.—s. 1, ch. 71-135; s. 3, ch. 71-982; s. 1, ch. 76-72; s. 2, ch. 83-164; s. 1, ch. 84-234; s. 1, ch. 85-227; s. 1, ch. 85-325; s. 3, ch. 86-154; s. 1, ch. 89-34; s. 25, ch. 90-330; s. 1, ch. 93-30; s. 33, ch. 94-306; s. 1, ch. 96-200; s. 4, ch. 96-350; s. 81, ch. 99-248; s. 4, ch. 2010-80; s. 1, ch. 2010-163; s. 44, ch. 2010-223; s. 16, ch. 2011-4; s. 2, ch. 2017-150; s. 2, ch. 2018-130; s. 3, ch. 2020-69; s. 2, ch. 2023-174.



**Town of Surfside
Regular Town Commission Meeting
May 14, 2024**

DISCUSSION ITEM MEMORANDUM

Agenda #: 9H.

Date: May 14, 2024

From: Commissioner Nelly Velasquez

Subject: Code of Ethics

Suggested Action: –

Commission consideration of amendments to Town Code of Ethics and/or seeking a Charter amendment regarding same.

Background/Analysis: – Consider strengthening the Town’s Code to prevent elected officials of the Town from receiving any financial benefit or income from doing work in Town or for the benefit of any resident, property owner or business in Town, while in elected office and for a period of time thereafter.

ARTICLE VII. CODE OF ETHICS¹

Sec. 2-226. Code of ethics adopted.

- (a) Our government is a representative democracy. Those who are elected, appointed, hired, volunteer or campaign to serve the public as representatives accept a public trust. The public entrusts its powers and resources to its servants to use only in the public interest. Public trust requires public servants to fulfill their public duties faithfully and honestly, and to subordinate any personal interest, which conflicts with the public interest. The town adopts the following ordinance to provide for specific guidelines for minimum ethical standards for public servants, officials and employees.
- (b) It is the policy of the town that no officer or employee of the town shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the town's residents in their government, the town will enact a code of ethics setting forth standards of conduct required of the town's public officers and employees, in the performance of their official duties. It is the intent of the town that this Code shall serve as a guide for the official conduct of the public officers and employees of the town. For the purposes of this article the term "officer" and "public officer" shall include the town commission and all appointed town board and committee members.

(Ord. No. 1474, § 2, 4-10-07)

Sec. 2-227. Code of ethics generally.

The conduct of the officers and employees of the town shall be governed by the code of ethics of the town, which shall include:

- (1) The state "code of ethics for public officers and employees", codified in F.S. ch. 112, as may be amended from time to time; and
- (2) The "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance," codified at section 2-11.1 et seq., Miami-Dade County Code, as may be amended from time to time; and
- (3) Any provisions that the town commission may adopt from time to time in addition to those set forth in subsections (1) and (2) above.

(Ord. No. 1474, § 2, 4-10-07)

¹Editor's note(s)—Ord. No. 1474, § 2, adopted April 10, 2007, set out provisions intended for use as §§ 2-149—2-159. For purposes of clarity, and at the editor's discretion, these provisions have been included as §§ 2-226—2-236.

Sec. 2-227.1 Honor code for elected and appointed town officials and town employees.

- (a) It shall be the policy of the town that all elected and appointed town officials and town employees shall adhere to the public service honor code ("honor code"). The honor code consists of the following minimum standards regarding the responsibilities of all public servants in the town.
- (b) Each elected and appointed public official and employee of the town shall, when acting in his or her official capacity, comply with the following standards:
 - (1) Serve and protect the public interest above any personal or institutional interest or loyalty; and
 - (2) Act as the public's surrogate by protecting it against waste or fraud; and
 - (3) Respect and uphold laws, ordinances, resolutions, rules, and regulations that protect the public against abuses in town government by assisting law enforcement and other federal, state, county and local authorities charged with protecting the public trust; and
 - (4) Report any information concerning activity which may constitute a crime, of which he or she has personal knowledge, immediately and personally to the state attorney and/or the Miami-Dade County Commission on Ethics and Public Trust; and
 - (5) Cooperate fully with law enforcement agencies or other official investigative authorities in providing truthful testimony and other relevant information pertaining to any alleged violation of the public trust.
- (c) Town supervisors shall counsel and encourage employees in their respective departments to report violations of town code, including waste, fraud or other abuse of public resources, to the appropriate agency.
- (d) The honor code shall be enforced as follows:
 - (1) The town manager or the town manager's designee may use the administrative process of the town for violations of the honor code committed by all officials or employees subject to the authority of the town manager.
 - (2) The Miami-Dade County Commission on Ethics and Public Trust shall have jurisdiction over violations of the honor code committed by elected town officials and by all other town officials and employees not subject to the administrative authority of the town manager. The Miami-Dade County Commission on Ethics and Public Trust shall follow the procedures outlined in section 2-1074 of the Miami-Dade County Code in conducting such investigations or hearings. The Miami-Dade County Commission on Ethics and Public Trust may impose a letter of reprimand or letter of instruction following a determination that a violation of the honor code has occurred. Such action by the Miami-Dade County Commission on Ethics and Public Trust shall not prevent the town or any department head or supervisor from taking any additional action or imposing any penalty that they are authorized to take or impose.
 - (3) Whenever any elected or appointed town official or employee is in doubt as to the proper interpretation or application of the honor code as to himself or herself, he or she may request a binding opinion from the Miami-Dade County Commission on Ethics and Public Trust.
 - (4) Adherence to the honor code by town employees shall be included, wherever appropriate and to the extent legally permissible, in the criteria for evaluations for merit increases, promotions, and professional recognition.
 - (5) The Miami-Dade County Commission on Ethics and Public Trust may include the honor code in its ethics training programs for town officials and employees.

-
- (e) The town shall not dismiss, discipline, or take any other adverse personnel action against an employee for complying with the honor code. Further, the town shall not take any adverse action that affects the rights or interests of any employee in retaliation for the employee's compliance with the honor code. If the town takes any of the adverse actions stated in the preceding sentences as a result of an employee's compliance with the honor code, the employee shall be entitled to apply to the town manager and to the Miami-Dade County Commission on Ethics and Public Trust for redress, each of which shall take appropriate steps within their authority and discretion to ensure that no employee is penalized for compliance with the honor code.

(Ord. No. 17-1660 , § 2, 2-16-17)

Sec. 2-228. Penalty.

The ethics commission created pursuant to Miami-Dade County Ordinance No. 97-105 shall have primary jurisdiction for enforcement of this code of ethics.

(Ord. No. 1474, § 2, 4-10-07)

Sec. 2-229. Gifts.

- (a) Gift defined. The term "gift" means the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration.
- (b) Exceptions. The provisions of subsection (a) of this section shall not apply to:
- (1) Political contributions specifically authorized by state law;
 - (2) Gifts from relatives or members of one's household, unless the person is a conduit on behalf of a third party to the delivery of a gift that is prohibited under subsection (c) of this section;
 - (3) Awards for professional or civic achievement but only if the value of said awards is less than \$500.00;
 - (4) Material such as books, reports, periodicals or pamphlets either solely informational or of an advertising nature but only if the value of said material is less than \$500.00.
- (c) Prohibitions. Public officers and employees shall neither solicit, demand or accept any gift the public officer or employee knew or should have known was offered or given with the intention to persuade them to take, or not take, official action, or to perform, or not perform, a duty required by their government service . It is also unlawful for any person or entity to offer, give or agree to give to any public officer or employee, to accept or agree to accept from another person or entity, any gift for or because of:
- (1) An official public action taken, or to be taken, or which could be taken, or an omission or failure to take a public action;
 - (2) A legal duty performed or to be performed, or which could be performed, or an omission or failure to perform a legal duty;
 - (3) A legal duty violated or to be violated, or which could be violated by any public officer or employee; or
 - (4) Attendance or absence from a public meeting at which official action is to be taken.
- (d) Disclosure. Public officers and employees shall disclose as provided herein any gift, or series of gifts, from any person or entity that are not intended to influence official action, having a value in excess of one hundred dollars (\$100.00). Said disclosure shall be made by filing a copy of the disclosure form required by F.S. ch. 112, for "local officers" with the town clerk simultaneously with the filing of the form with the secretary of state.

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(Supp. No. 48)

(Ord. No. 1474, § 2, 4-10-07; Ord. No. 17-1667 , § 2, 12-13-17)

Sec. 2-230. Exploitation of official position prohibited.

- (a) No advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employees, officers or quasi-judicial personnel shall use or attempt to use an official position to secure special privileges or exemptions for that person or others except as may be specifically permitted by other ordinances and resolutions previously adopted or hereafter adopted by the town commission.
- (b) Continuing application for two (2) years after town service.
 - (1) No person who has served as an elected town official shall for a period of two (2) years after his or her town service has ceased, lobby any town commissioner, officer or departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which the town or one of its departments or instrumentalities is a party or has any interest whatever, whether direct or indirect.
 - (2) No former advisory personnel, autonomous personnel, officer or quasi-judicial personnel shall for a period of two (2) years after his or her town service has ceased, lobby the town board or committee on which he or she served in connection with any matter related to the board or committee's enforcement, oversight or authority.

(Ord. No. 1474, § 2, 4-10-07; Ord. No. 17-1667 , § 2, 12-13-17)

Sec. 2-231. Certain appearances and payment prohibited.

- (a) No commissioner, officer, departmental personnel or the business entity by which they are employed, or employee shall appear before any town board and make a presentation on behalf of a third person with respect to any matter, license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall the person receive any compensation or gift, directly or indirectly, for services rendered to a third person, who has applied for or is seeking some benefit from the town, in connection with the particular benefit sought by the third person. Nor shall the person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the town through the suit in question.
- (b) No advisory personnel, autonomous personnel, officer or quasijudicial personnel shall appear before the town commission, either directly or through an associate, and make a presentation on behalf of a third person with respect to any matter, license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive any compensation or gift, directly or indirectly, for services rendered to a third party that has applied for or is seeking some benefit from the town commission in connection with the particular benefit sought by the third party. Nor shall the person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the town commission through the suit in question.
- (c) No advisory personnel, autonomous personnel, officer or quasijudicial personnel, after deliberating, considering, ruling or recommending on an application filed with the board or committee upon which they serve, shall appear before a higher board or the town commission to testify as an affected party.
- (d) No current advisory personnel, autonomous personnel, officer or quasi-judicial personnel shall either directly or through an associate, appear, represent or act on behalf of a third party before the town commission, town board or committee, or any town department with respect to any action sought by the third person. Nor shall such person either directly or through an associate be engaged as a lobbyist for and on behalf of a

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(Supp. No. 48)

third person with respect to any official action by any town official or town personnel sought by such third person.

(Ord. No. 1474, § 2, 4-10-07; Ord. No. 17-1667 , § 2, 12-13-17)

Sec. 2-232. General policy employees.

- (a) One objective of the town is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber as demonstrated by work performance and job behavior.
- (b) Employees of the town represent the town in all of their dealings with the public. Their appearance, attitude, and behavior all announce to our customers, the taxpayers, what may be expected from the town's government. For these reasons, we stress the importance of a good public image and courteous behavior as minimum standards for town employees.
- (c) It is the policy of the town to expect from its employees compliance with all personnel rules and regulations, applicable state statutes and federal regulations, in the performance of duties, as well as compliance with all safety rules and standards.
- (d) The town advocates the concept that the quality of public service can attain maximum efficiency and effectiveness through a personnel management system based on merit principles.
- (e) The foregoing provisions relating to town employees shall also be applicable to officers.

(Ord. No. 1474, § 2, 4-10-07)

Sec. 2-233. Conflict of interest.

To avoid misunderstandings and conflict of interests, which could arise, the following policy will be adhered to by employees and officers of the town. This policy is in accordance with F.S. § 112.311 et seq., code of ethics for public officers and employees.

- (1) Employees and officers shall not accept any gifts, favors, or services that may reasonably tend to improperly influence them in the discharge of their official duties;
- (2) Employees and officers shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others;
- (3) Employees and officers shall not accept employment or engage in any business or professional activity, which they may reasonably expect, would require or induce them to disclose confidential information acquired by them by reason of their official position;
- (4) Employees and officers shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit;
- (5) Employees and officers shall not have personal investment in any enterprise, which will create a conflict between their private interest and the public interest;
- (6) Employees and officers shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in any for profit business relationship and any interest in real property which the employees and officers hold with any other employee or officer;
- (7) In addition to the foregoing, town commissioners shall disclose to the town clerk, upon a form created by the town clerk, any direct or indirect interest in non-homesteaded real property located within the town within 30 days upon purchasing said property. (Upon the passage of this article, the town

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commissioners shall have 30 days from the effective date, to file disclosure.) Thereafter, the town commissioners will be required to file the real property disclosure in accordance with this subparagraph (7) on a yearly basis along with his/her Form 1. However, if for any reason the town clerk does not receive same, s/he shall, in writing and via certified mail, request such official who has failed to file the required disclosure to do so. Thereafter, failure to make this filing, within ten days from receipt of the clerk's notice, shall result in the same penalties as failure to file a Form 1 disclosure as required by the county and state.

(Ord. No. 1474, § 2, 4-10-07)

Sec. 2-234. Town attorney to render opinions on request.

Whenever any advisory personnel, autonomous personnel, candidate, commissioner, departmental personnel, employee, officer or quasi-judicial personnel is in doubt as to the proper interpretation or application of this conflict of interest and code of ethics article, or whenever any person who renders services to the town is in doubt as to the applicability of the article, that person may submit to the town attorney a full written statement of the facts and questions. The town attorney shall then render an advisory nonbinding opinion to such person and shall publish these opinions without use of the name of the person advised unless the person permits the use of a name. Binding opinions may be sought from the county ethics commission. The town clerk shall publish these opinions on the town's website.

(Ord. No. 1474, § 2, 4-10-07)

Sec. 2-235. Lobbying.

This section shall be applicable to all lobbyists as defined below, and shall also constitute a standard of conduct and behavior for all lobbyists. The provisions of this section shall be applied in a cumulative manner.

- (1) Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:
 - a. Town personnel. Those town officers and employees specified to include the mayor and town commissioners, town board or town committee members, and all town employees.
 - b. Lobbyist. All persons, attorneys, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) any ordinance, resolution, action or decision of the town commission; (2) any action, decision, recommendation of a town board or committee; or (3) any action, decision or recommendation of town personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the town commission, or a town board or committee. "Lobbyist" specifically includes the principal as well as any employee engaged in lobbying activities, 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; 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, and any person whose representation is limited to interactions with town staff or appearances at a public meeting as a representative of a single family property owner for a design review or development approval application for the single family property owned by that property owner.

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- c. Principal. All persons, firms, or corporations who employ a lobbyist.
- (2) Lobbyist registration, fees, renewal and withdrawal.
- a. All lobbyists shall register with the town clerk before engaging in any lobbying activities in the town. Every person required to register as a lobbyist shall:
- i. Register as a lobbyist.
 1. Complete the annual lobbyist registration form, as prepared by the town clerk, stating under oath his or her name, business address, the name and business address of each person or entity which has employed the registrant to lobby, and the specific issue(s) on which the lobbyist has been employed to lobby. If the lobbyist represents a corporation or is a principal, owner or employee of a corporate or other entity, it shall also be identified.
 2. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five-percent or more ownership interest in the corporation, partnership, or trust.
 - ii. Pay an annual lobbyist registration fee of \$250.00.
 - iii. Register and disclose terms for each principal represented.
 1. Complete the annual principal registration form, as prepared by the town clerk, prior to conducting any lobbying for each principal (client) being lobbied. Such application shall include a requirement that the lobbyist state under oath, his or her name, business address, the name and business address of each person or entity by which s/he has been employed to lobby, the specific issue on which the lobbyist has been employed to lobby, as well as a letter of permission signed by the person, entity, principal or the principal's representative, stating that the lobbyist is authorized to represent him/her/it, together with a disclosure of the terms and amount of compensation paid by each principal to the lobbyist. Each lobbyist and his/her principal shall attach a copy of a fee letter and specify whether any consideration or fee shall be received for such lobbying activities. In the alternative, such lobbyist shall submit to the town clerk a joint affidavit, sign by the lobbyist and his/her principal, disclosing the terms amount of compensation (to be) paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged.
 2. Pay an annual principal registration fee of \$100.00.
 3. If multiple lobbyists from the same firm represent the same principal, then only one principal registration form and principal registration fee of \$100.00 is required to be filed for that principal. All lobbyists from the same firm who represent the same principal must file a separate lobbyist registration form and a lobbyist registration fee of \$250.00. All lobbyist are required to file an expenditure report as outline below in 2 (a) (iv). Any lobbyist from the same firm may submit all the necessary documents to the town clerk on behalf of the firm.
 - iv. File a lobbyist expenditure report.
 1. By January 15 of each year, all lobbyists shall submit to the town clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media

advertising, publications, travel, lodging and special events, and town personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the town clerk.

2. The town clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of \$50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by February 15 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Miami-Dade Commission on Ethics and Public Trust.

A lobbyist or principal may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust, with a copy to the Town Clerk, within 15 calendar days of receipt of the notification of the failure to file the required disclosure form.

- v. File a notice of withdrawal. Each person who withdraws as a lobbyist for a particular principal (client) shall file an appropriate notice of withdrawal.
 - b. All lobbyist and principal registration forms, expenditure reports, notices of withdrawal, and applicable fees shall be submitted to the town clerk. Such forms may be amended from time to time administratively.
 - c. Exemption from lobbyist registration fees. A principal, owner or employee of any business located in the Town of Surfside, including a corporation, partnership, company or other entity, who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support for or opposition to any item before the town commission or board, shall register with the clerk and comply with all requirements imposed on lobbyists in this section, and must provide disclosure as to what capacity he/she is appearing before the town commission or board, but shall not be required to pay any lobbyist registration fees.
- (3) Expiration of lobbyist and principal registrations. All lobbyist and principal registrations expire December 31 of each year.
 - (4) Processing of registration fees. The registration fees required by this section shall be deposited by the town clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal, and the town commission may, in its discretion, waive the lobbyist and/or principal registration fee upon a finding of financial hardship.
 - (5) Change in lobbyist information. Any change to the information originally filed pursuant to this section shall require that the lobbyist file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports. Additionally, in the event official action on the specific lobbying issue is scheduled to occur during said three-day period, the lobbyist and principal shall, prior to said official action, further disclose the amendment by publicly stating on the record, at which the official action is to occur, the subject amendment. The lobbyist has a continuing duty to supply accurate information and amend said reports when so needed.

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- (6) Creation of a lobbyist log. The town clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to F.S. § 11.045.
 - (7) Town clerk to publish information. The town clerk shall publish to the town commission, town appointed boards or committees, town manager and other personnel a list of registered lobbyists and their principals, for which they are authorized to lobby, and any other disclosure made to the town clerk that is required pursuant to state and county law. The information shall be disseminated by the town clerk prior to town commission meetings and public hearings.
 - (8) Town sign-in sheet. Every lobbyist and principal of a local business shall sign in at the front desk each time he or she meets with town personnel at a town facility, or shall deliver a memorandum of said meeting to the town clerk within 24 hours of meeting with town personnel at any other location, and shall inform the town clerk, in writing, of (1) the name of the lobbyist or the principal of the local business; (2) the town personnel in attendance; (3) the time and place of the meeting; and (4) the issue discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.
 - (9) Penalties for violation.
 - a. The town clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.
 - b. A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.
 - c. The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed the Miami-Dade County Commission on Ethics and Public Trust may, in addition to the penalties set forth in this section, prohibit such person from lobbying before the town commission or any committee, board or personnel of the town as provided herein.
 - i. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:
 1. First violation: For a period of 90 days from the date of determination of violation.
 2. Second violation: For a period of one year from the date of determination of violation.
 3. Third violation: For a period of five years from the date of determination of violation.
 - ii. As used herein, a "direct violation" shall mean a violation committed by a lobbyist representing said bidder or proposer.
 - d. A contract entered into in violation of this section shall also render the contract voidable. The town manager shall include the provisions of this section in all town bid documents, RFP, RFQ,

and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

- e. All members of the town commission, and all town personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Town commission members or town personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the town commission members, or town appointed committee or board or town personnel.
- (10) Lobbyist contingency fees prohibited. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the town commission; (2) any action, decision or recommendation of the town manager or any town appointed board or committee; or (3) any action, decision or recommendation of town personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the town commission, or a town appointed board or committee.
- (11) Conflict provision. It is acknowledged that Section 2-11.1(s) of the Miami-Dade County Code is a minimum standard to govern lobbying activities. If there is any conflict between this section and the county code, this section shall control.

(Ord. No. 1474, § 2, 4-10-07; Ord. No. 13-1599, § 2, 1-15-13; Ord. No. 1628, § 2, 12-9-14; Ord. No. 17-1667, § 2, 12-13-17; Ord. No. 18-1679, § 2, 3-13-18; Ord. No. 18-1692, § 2, 12-11-18; Ord. No. 19-1703, § 2, 10-10-19)

Sec. 2-236. Relatives of commissioners on boards and committees.

No relative of a commissioner may serve on any commission appointed board or committee. For the purposes of this section "relative" shall mean, the commissioner's spouse, parent, children, step children, grandparent, aunt, uncle, niece, nephew, father-in-law, mother-in-law, brother-in-law, sister-in-law, first cousin, or grandchild. This section shall not apply to appointments made prior to the enactment of this article.

(Ord. No. 1474, § 2, 4-10-07)

Sec. 2-237. Disclosure of business relationships.

- (a) Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:
- (1) Business relationship. A member of the town commission or a town board has a business relationship with an applicant, Interested Person or entity if any of the following exist:
 - a. The member of the town commission or town board or committee has any ownership interest, directly or indirectly, in excess of one percent in the entity.
 - b. The member of the town commission, town board or committee is a partner, co-shareholder or joint venturer with the interested person in any business venture.
 - c. The entity or interested person is a client of the member of the town commission, town board or committee, or a client of another professional working for the same employer as the member of the town commission, town board or committee.
 - d. The member of the town commission, town board or committee is a client of the entity or the interested person.

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- e. The entity or interested person is a customer of the member of the town commission, town board or committee (or his or her employer) and transacts more than five percent of the business in a given calendar year of the member of the town commission, town board or committee (or his or her employer) or more than \$25,000.00 of business in a given calendar year; or
 - f. The member of the town commission, town board or committee is a customer of the entity or the interested person and transacts more than five percent of the business in a given calendar year of the entity or interested person or more than \$25,000.00 of business in a given calendar year.
- (2) Applicant. Any individual or entity requesting action of the town and all persons representing such individual or entity (including, but not limited to, all attorneys, architects, engineers and lobbyists), and any individual who, directly or indirectly, owns or controls more than five percent of any such entity requesting action of the town.
 - (3) Interested person. Any person who speaks for or against any resolution or ordinance before the town commission or for or against any matter before any town board or committee who has a direct financial interest in the action (including, but not limited to, vendors, bidders and proposers), except that owner-occupied residential property owners shall not be deemed to have a direct financial interest in zoning and/or land use decisions that may affect their property or the value thereof.
- (b) Disclosure of business relationships.
- (1) Time of disclosure. Except as prohibited by law, each member of the town commission or any town board or committee shall disclose the existence of any business relationship of which he or she is aware that he or she has, or has had within the prior 24-month period, with any applicant or interested person, at the time that the applicant or interested person appears before the town commission, town board or committee.
 - (2) Disclosure subsequent to action taken. Except as prohibited by law, if a member of the town commission or any town board or committee learns, within 30 days after action is taken in connection with any applicant or interested person appearing before the town commission or town board or committee, that he or she had a business relationship with any applicant or interested person who appeared before the town commission or town board or committee, he or she shall disclose such business relationship in writing to the town clerk that was not disclosed at the initial meeting.
 - (3) Establishment of business relationship after appearance. Except as prohibited by law, if a member of the town commission or any town board or committee establishes a business relationship with any applicant or interested person within 12 months after the applicant or interested person appeared before the town commission or town board or committee, the member of the town commission or town board or committee shall disclose such business relationship in writing to the town clerk.
 - (4) Abstention. In any situation where a member of the town commission or town board or committee discloses a business relationship under this section, the member may abstain from voting or acting on an item because of the appearance of a possible conflict of interest.
 - (5) Failure to disclose. If any member of the town commission or town board or committee believes that another member has willfully failed to make a disclosure required under this section, he or she may submit evidence supporting the alleged failure to disclose to the town manager, who shall place the item on the next available regular town commission agenda. If three or more members of the town commission determine that an accused town commissioner willfully failed to make the required disclosure, the accused town commissioner shall be deemed to be censured. If three or more members of the town commission determine that an accused member of a town board or committee has willfully failed to make a required disclosure, the accused board or committee member shall be removed from the board or committee. The town commission has primary jurisdiction to enforce this

section and no such authority is conferred on the Miami-Dade Commission on Ethics and Public Trust to investigate alleged failures to disclose business relationships under this section.

(Ord. No. 19-1695 , ;s 2, 3-12-19)

Secs. 2-238—2-260. Reserved.