



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

**Tuesday, June 18, 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. Citizens' Independent Transportation Trust Presentation - Marisol Vargas, MPA., Interim Town Manager  
[CITT2 Presentation](#)

## 2. Quasi-Judicial Hearings

3. Consent Agenda All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.

3A. Approval of Minutes - Sandra N. McCready, MMC, Town Clerk  
[April 30, 2024 Special Town Commission Meeting Minutes](#)  
[May 14, 2024 Regular Town Commission Meeting Minutes](#)

3B. Board and Committee Meeting Minutes - Sandra N. McCready, MMC, Town Clerk  
[April 25, 2024 Planning and Zoning Board Meeting Minutes](#)  
[May 6, 2024 Tourist Board Meeting Minutes](#)

## 4. Ordinances

### Second Reading

4A1. 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 REMOVING DRUG STORES FROM RESTRICTED ZONE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

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

- 4A2. 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 - Resort Tax Board - Second Reading](#)

**First Reading**

- 4B1. Amending Section 70-122.** - Taxes to Constitute Special Fund. - Mark Blumstein, Interim Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 70-122, OF DIVISION 1.–“RESORT TAX”, OF ARTICLE IV.–“RESORT TAX”, CHAPTER 70 OF THE TOWN CODE, TO AMEND THE TAXES TO CONSTITUTE SPECIAL FUND; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance Amending 70-122 - Resort Tax - June 2024](#)

- 4B2. Ordinance Amending Section 90-70 Sign Code** - Mark Blumstein, Interim Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 90-70 et. seq. OF ARTICLE VI. – “SIGNS”, CHAPTER 90 OF THE TOWN CODE, TO AMEND THE EXEMPT SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE**

[Ordinance Amending Sign Ordinance](#)

- 4B3. Ordinance Amending Purchasing Authority by Town Manager** - Mark Blumstein, Interim Town Attorney

**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.**

[Ordinance Amending Chapter 3 - Purchasing](#)

- 4B4. Ordinance Imposing Homeless and Domestic Violence Tax** - Mark Blumstein, Interim Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA ADOPTING THE HOMELESS AND DOMESTIC VIOLENCE TAX, PURSUANT TO SECTION 212.0306(2)(d), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance Imposing Homeless Tax](#)

- 4B5. An Ordinance Amending Town Code of Ethics** - Mark Blumstein, Interim Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VII. - "CODE OF ETHICS" BY AMENDING SECTIONS 2-230 EXPLOITATION OF OFFICIAL POSITION PROHIBITED; AMENDING SECTION 2-233 CONFLICT OF INTEREST; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

[Ordinance Amending Article VII - Code of Ethics - June 2024](#)

- 4B6. An Ordinance creating a Code provision to prohibit Nondisclosure and Non-disparagement agreements.** - Mark Blumstein, Interim Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING "SECTION 2-153 – NONDISCLOSURE AGREEMENTS" UNDER "ARTICLE IV. – OFFICERS AND EMPLOYEES", LIMITING THE USE OF NONDISCLOSURE AND/OR NON-DISPARAGEMENT AGREEMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

[Ordinance - NDA - June 2024](#)

- 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. Resolution Authorizing the Town Manager to Execute a Grant Agreement with the State and Expend Funds for a Town Comprehensive Vulnerability Assessment and Adaptation Plan** - Mark Blumstein, Interim Town Attorney

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A GRANT AGREEMENT WITH THE STATE FOR A TOWN COMPREHENSIVE VULNERABILITY ASSESSMENT AND ADAPTATION PLAN AND FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution - FDEP Grant - June 2024](#)

[FDEP Grant Agreement 23PLN90](#)

**5B. Resolution Urging NIST to Expedite Final Report of Investigation of CTS Collapse - Mark Blumstein, Interim Town Attorney**

**A RESOLUTION OF THE MAYOR AND TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE NATIONAL CONSTRUCTION SAFETY TEAM OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, AN AGENCY OF THE UNITED STATES DEPARTMENT OF COMMERCE (“NIST”) TO EXPEDITE ISSUANCE OF ITS FINAL REPORT INTO THE PARTIAL COLLAPSE OF CHAMPLAIN TOWERS SOUTH; PROVIDING FOR TRANSMITTAL OF RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution\\_-\\_NIST\\_Investigation](#)

**5C. Resolution Calling for a Special Election on November 5, 2024 Amending the Town Charter and Calling for Ballot Questions - Mark Blumstein, Interim Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution - Charter Amendments - June 14 2024-Final.docx](#)

**5D. Resolution calling for a Special Election on November 5, 2024 for the purpose of submitting a question to the electorate related to the imposition of a 1% homeless and domestic violence tax. - Mark Blumstein, Interim Town Attorney**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED REFERENDUM IMPOSING A TAX SUPPORTING THE HOMELESS AND VICTIMS OF DOMESTIC VIOLENCE; PROVIDING FOR NOTICE OF ELECTION; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution - Homeless Tax](#)

**5E. Re-Establishing Sustainability and Resiliency Committee - Vice Mayor Tina Paul**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE,**

**FLORIDA, RE-ESTABLISHING THE TOWN OF SURFSIDE SUSTAINABILITY AND RESILIENCY COMMITTEE TO STUDY AND RECOMMEND POLICIES TO THE TOWN COMMISSION; PROVIDING FOR THE COMMITTEE'S CHARTER AND ORGANIZATION; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution - Sustainability Resiliency Committee](#)

- 5F. Resolution Declaring June 19th as "Juneteenth National Independence Day"**  
- Commissioner Gerardo Vildostegui

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING JUNE 19th AS "JUNETEENTH NATIONAL INDEPENDENCE DAY"; CALLING ON THE GOVERNOR AND LEGISLATURE OF THE STATE OF FLORIDA TO CREATE A STATE HOLIDAY RECOGNIZING THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE**

[Resolution - Juneteenth National Holiday](#)

- 5G. Resolution Approving Agreement with Kimley-Horn for Vulnerability Assessment** - Mark Blumstein, Interim Town Attorney

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR PROFESSIONAL SERVICES FOR THE TOWN'S COMPREHENSIVE VULNERABILITY ASSESSMENT PROJECT, PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution - Kimley-Horn - VA](#)

[Exhibit A - Kimley Horn VA - Proposal](#)

[Exhibit B - Kimley Horn VA - Agreement](#)

[Exhibit B1 - Kimley Horn VA - Fee Estimate](#)

- 5H. Resolution Authorizing Settlement of Litigation with Schnabel Engineering LLC** - Mark Blumstein, Interim Town Attorney

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SETTLEMENT AGREEMENT IN THE MATTER OF SCHNABEL ENGINEERING, LLC vs. KCE STRUCTURAL ENGINEERS, P.C. AND TOWN OF SURFSIDE, FL, CASE, CL 23-7597 IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO, VIRGINIA; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution - Settlement of Schnabel](#)

[Settlement Agreement and Mutual Release](#)

- 6. Good and Welfare (Set for approximately 8:15 p.m.)** Â 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  
[2024 June Town Manager's Report](#)
- 7B. **Town Attorney's Report** - Mark Blumstein, Interim Attorney  
[TA Report - June 18, 2024-rev.docx](#)
- 8. **Unfinished Business and New Business**
- 9. **Mayor, Commission and Staff Communications**
  - 9A. **Community Center Concession Services** - Commissioner Ruben Coto  
[Latoni Vending Proposal for Surfside Rec Center](#)  
[Sweet Cool Treats](#)  
[Waku](#)  
[The Corner Coffee & Pantry](#)
  - 9B. **All Zoning Changes from the Last Administration 2022-2024** - Mayor Charles W. Burkett  
[List of Adopted Ordinances 2022-2024-MB changes-Final](#)
  - 9C. **Sister City with Chetumal, Quintana Roo Mexico** - Mayor Charles W. Burkett  
[Exhibit A - 05-20-2024 Ltr Kristen Rosen Gonzalez](#)
  - 9D. **Creation of an Optional Benefit for Town Employees: MDT Transit Pass Instead of Parking Pass** - Commissioner Gerardo Vildostegui
  - 9E. **Creating a Municipal School Bus to Serve Ruth K. Broad K-8 Center** - Commissioner Gerardo Vildostegui
  - 9F. **Fractional Home Ownership** - Mark Blumstein, Interim Town Attorney  
[Ordinance 2023-4547 \(co-owned housing unit manager\)](#)
  - 9G. **Forensic IT Services** - Mark Blumstein, Interim Town Attorney  
[ERM Protect - Proposal](#)  
[SRIT proposal - Town of Surfside - IT Consultation](#)
- 10. **Adjournment**

Respectfully submitted,

Marisol Vargas, MPA.  
Interim Town Manager

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THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT [www.townofsurfsidefl.gov](http://www.townofsurfsidefl.gov).

TWO OR MORE MEMBERS OF THE TOWN COMMISSION AND/OR TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.