



**Town of Surfside
Town Commission
MINUTES
June 18, 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 7:01 p.m.

1B.) 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 Interim Town Manager Marisol Vargas.

1C.) Pledge of Allegiance

Pledge of allegiance was led at the 5:00pm Budget Workshop.

1D.) Mayor and Commission Remarks

Mayor Burkett asked the Commission to provide their Commission remarks.

Mayor Burkett reminded residents about the upcoming memorial of the Champlain Towers South collapse on Monday, June 24th. He stated how the entire Town is looking forward to remembering in a very respectful way the day when everyone came together to try and save lives. He stated there will be an early event and then the 10 a.m. event.

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

A motion was made by Vice Mayor Paul to link items 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" with item 5G - "Resolution Approving Agreement with Kimley-Horn for Vulnerability Assessment". The motion received a second from Commissioner Coto and all voted in favor.

1F.) Community Notes

Vice Mayor Paul gave a big thank you to the Town Staff and the Public Works Department under the leadership of Interim Town Manager Vargas for keeping the Town residents safe during last week's major storm and quickly restoring the Town's roadways and streets.

She further thanked Chief Doce and Officer Denoso for participating in the Memorial Day ceremony and the Parks and Recreation Department for producing a great event with a lovely tribute to our veterans.

Vice Mayor Paul thanked the Tourist Board and Communications and Tourism Director Trigueros and the Communications team for putting together the very first Pride beach party and the pride flag raising event. She reminded the residents regarding tomorrow's holiday on Wednesday, June 19th and Town Hall Offices will be closed. She invited everyone to join them on the upcoming third annual remembrance ceremony honoring the 98 lost souls and those affected by the Champlain Towers South collapsed on June 24th on Collins and 88th Street. She spoke regarding the next Coffee with Cops on June 27, 2024, at 10 a.m. at Starbucks. She invited all residents to come celebrate the Fourth of July at the Surfside Community Center for an all-day event to include fireworks and a drone show. She also spoke about the upcoming Beach party on July 7, 2024.

Commissioner Vildostegui stated how he is mindful of the upcoming remembrance on Monday and wanted to remind everyone that on Thursday there will be a Commission Workshop to discuss the memorial. He further spoke and reminded everyone that we are in turtle nesting season, and for everyone to be mindful of the nesting sites on the beach.

Commissioner Coto thanked the Town staff for their job well done during the storm. He stated that he received many phone calls and staff was very responsive considering the situation. He gave a shout out to former Mayor Paul Novack who has been involved with the Florida Highway Patrol and he was able to get officers out to assist the Town in patrolling.

Commissioner Velasquez thanked the Interim Town Attorney, Interim Town Manager, Public Works Director, Chief of Police and all of the staff because without everyone, the Town would not have been able to overcome the bad storm so quickly.

Mayor Burkett also took a minute to thank everyone as well. He stated that there were people staying in hotels to assist and it was all hands-on deck. He further stated how important it is to focus on all the important projects they have ongoing.

1G.) Citizens' Independent Transportation Trust Presentation

CITT2 Presentation

Interim Town Manager Vargas presented Mr. Betancourt from the Citizen's Independent Transportation Trust (CITT).

Javier Betancourt, Executive Director for Citizen's Independent Transportation Trust (CITT) introduced himself and their Community Engagement Manager Carla Demian. Mr. Betancourt continued to give the Commission a presentation regarding the independent transportation trust.

Commissioner Vildostegui stated how this item is important to him. He stated how he does not have a car and is a frequent bus rider. He stated how he would like to think of a way of using Town funds to encourage more public transportations.

Vice Mayor Paul thanked Mr. Betancourt for the presentation and spoke regarding Commissioner Vildostegui's item on the agenda regarding bringing the bus back for the students of Ruth K. Broad and asked Mr. Betancourt if there was any assistance for that type of service.

Mr. Betancourt stated that there are some rules by the federal government public transportation must be accessible to all public and if the transportation is to be just for student it may not be eligible for these types of funds.

Commissioner Vildostegui stated how he is curious if there is a way that Surfside can partner with Miami Beach and have access of the use of their trolley.

Mr. Betancourt responded that there are various cities that connect their transportation systems and that CITT encourages those partnerships for the rider's benefit.

Mayor Burkett thanked Mr. Betancourt for coming to present and asked Mr. Betancourt his thoughts about dense population in Miami Beach and Surfside. He stated that there are so many people cramped in one area and the population continues to increase.

Mr. Betancourt stated how transportation and land use are two sides of the same coin. He stated the more you build, the more people you are putting into the streets, and you have to give them an alternative. He further stated that public transportation can move massive amounts of people jointly versus giving them the option of moving around in a single vehicle. He stated that this transit system should have been built years ago. He explained how the County is allowing more density where transit development exist and its accessible within walking distance.

Commissioner Vildostegui stated how Miami-Dade has an issue with density of cars and not density of people. He believes that density of people is what makes it possible to get to things nearby without having to get into a car. He believes it makes it possible for businesses to operate

locally. For example, if you need something in Surfside you may need to get in a car to go to Aventura or North Miami. He believes the challenge is how do you allow people to arrive without creating more density of cars. He directed the viewers and those in attendance to a graph on the screen. He believes that the problem is not people rather cars.

1H.) Board and Committee Appointments - Added Item

Vice Mayor Paul nominated Lorraine Jimenez to the Personnel Appeals Board.

Commissioner Coto would like to appoint all eight applications for the Youth Council and he would like all kids to participate. He inquired if it is possible to nominate five and then three can serve at large.

Vice Mayor Paul believes that they should all serve, and she would love to have the same interest in the other boards.

Interim Town Attorney Blumstein stated that there is a resolution that needs to be amended in order to appoint all eight applicants.

A motion was made by Vice Mayor Paul to appoint five applicants (one per elected official) and three at large to the Youth Council, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Commissioner Vildostegui commented that the Commission should come up with some criteria for membership as he realized that it is tough to choose amongst the applicants sometimes. He stated that a criteria for the Youth Council could be the grade level as they may get more applications in the future.

Vice Mayor Paul spoke regarding the Community Relations Board and how not many applications were received.

Commissioner Vildostegui stated that he has reached out to some people and that they have yet to apply. He would like to postpone the appointment until next commission meeting.

Town Clerk McCready stated there are still vacancies in the Personnel Appeals Board, Police Trust Fund, and Community Relations Board. She further asked if the Town Commission wishes to continue to advertise these vacancies.

The Town Commission responded affirmatively.

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.

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

3A.) Approval of Minutes

April 30, 2024 Special Town Commission Meeting Minutes
May 14, 2024 Regular Town Commission Meeting Minutes

Approved on consent.

3B.) Board and Committee Meeting Minutes

April 25, 2024 Planning and Zoning Board Meeting Minutes
May 6, 2024 Tourist Board Meeting Minutes

Approved on consent.

4) Ordinances

Second Reading

4A1.) Ordinance Amending Section 90-41 "Regulated Uses" by Providing Exemptions to Drug Stores

Cover Page

90-41 Regulated Uses - Drug Stores - Second Reading

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

Interim Town Attorney Blumstein introduced the ordinance and provided a background of how the ordinance came about. He explained that the Planning and Zoning Board suggested getting rid of the distance requirement completely. He provided some choices to the Commission, first choice was to do nothing and leave the code as is, second to do exactly what they had suggested in first reading with the carved out for the specific use and leaving the distance requirement in place; or three, do what Planning and Zoning Board recommended which is to do away with the distance requirement.

Commissioner Velasquez stated she does not want to modify the ordinance; however, she suggests that if they were to move forward, she would keep the distance of 850 feet requirement.

Vice Mayor Paul asked why the table disappeared from the ordinance. She stated that the ordinance removing drug stores, still keeps the

distance for the medical marijuana dispensaries.

Interim Town Attorney Blumstein stated that the table was still present on page 118 of the agenda packet.

A motion was made by Vice Mayor Paul to approve the ordinance on second reading with the removal of the 850 feet for the drug stores, but it keeps it for the medical marijuana dispensaries which is the Planning and Zoning Board recommendation, seconded by Commissioner Coto.

Interim Town Attorney Blumstein explained that this particular business has a component of a drug store. He further stated that this specific business will not be able to operate if its within 850 feet from another drug store.

Commissioner Vildostegui continued to explain why the 850 feet rule came to be. He believes the reason for this is to have a diversity of businesses in the downtown district and not to have too many of the same type of businesses.

Mayor Burkett opened the floor to public comments.

No member of the public wished to speak.

Mayor Burkett closed the floor to public comments.

After some discussion, Vice Mayor Paul withdrew her motion.

A motion was made by Commissioner Vildostegui to adopt the first reading version of the ordinance which carves out businesses like this one from the drug store requirement, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

4A2.)Ordinance Amending the Resort Tax Powers and Duties and filing requirements.

Cover Page

Ordinance - Resort Tax Board - Second Reading

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

A motion was made by Vice Mayor Paul to approve the ordinance. However, she requested the Interim Town Attorney to explain the changes as this was discussed at length in the Tourist Board and they were not in favor of it as it was presented.

Interim Town Attorney Blumstein introduced the item. He stated how the Board discussed two points of the ordinance. The first one was maintaining the ability to have self-autonomy as a Resort Tax Board; and the second point of discussion was to set aside (34%). He stated that to satisfy the concerns of the Resort Tax Board, the proposed second reading ordinance is almost intact but with some language correction, but keeping in place their ability to employ and retain and also authorization to conduct resort tax activities in the promotion of the Town, but they will be required to prepare a budget that will be a part of the Town Commission budget

process as they authorize their budget. Once the budget is authorized, that will be their budgetary limit. He further stated that he is proposing to entirely remove the 34% set aside that the code has that it is unique to Surfside. He stated that the Resort Tax Board had proposed not keeping it at 34% but cutting it to 17%, however, it is his recommendation not to assign any set percentage.

Interim Town Attorney Blumstein also explained that once this ordinance is adopted the Resort Tax Board will be required to file the annual financial disclosure form (Form 1) with the State of Florida.

Mayor Burkett opened the floor to public comments.

The following individual from the public spoke:

Michael Karukin spoke how he is in favor of this ordinance.

Mayor Burkett closed the floor to public comments.

Commissioner Velasquez asked if the placement of permanent structures can be restricted and placed into the ordinance or a separate ordinance. She stated that any permanent structure placed in town and approved by the resort board, should get Commission approval prior to installation. She spoke about the big turtle (Ke) that was installed without Town Commission approval.

Mayor Burkett asked commissioner Velasquez if she does not want the Board to do anything permanent and/or semipermanent.

Commissioner Velasquez responded affirmatively as she believes they should obtain prior Commission approval.

Vice Mayor Paul stated that when Turtle Ke was installed, she was the liaison to the Board and it was a Board initiative which she thought was a good one. Vice Mayor Paul stated that she would bring this back to the Board.

Interim Town Attorney Blumstein spoke about the different budgetary items that the Resort Tax Board discussed during their last meeting.

Commissioner Velasquez stated how laws can be interpreted in many ways, and she just wants to make sure there is something in writing into the ordinance.

Vice Mayor Paul stated how the board is working on doing two new turtle sculptures. She stated that once those are ready to be installed, she will bring it to the board as the resort tax liaison.

Commissioner Velasquez asked if the motion maker would accept adding some language regarding the permanent structures.

The motion was seconded by Commissioner Vildostegui.

Interim Town Manager Vargas stated how the letters were brought to the

Commission.

Interim Town Attorney Blumstein suggested some language to add to the ordinance.

The motion carried with a 5-0 vote.

First Reading

4B1.) Amending Section 70-122. - Taxes to Constitute Special Fund.

Cover Page

Ordinance Amending 70-122 - Resort Tax - June 2024

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

Interim Town Attorney Blumstein introduced the item. He stated that this ordinance, once adopted will be consistent with the second reading ordinance that they just adopted, and this is amending a section of the code that needs to be amended so that they aligned and there will no longer be a 34% fund.

A motion was made by to Commissioner Velasquez to approve, seconded by Commissioner Coto.

Mayor Burkett opened the floor to public comments. No one wishing to speak, the Mayor closed the floor to public comments.

The motion carried with a 5-0 vote.

4B2.) Ordinance Amending Section 90-70 Sign Code

Cover Page

Ordinance Amending Sign Ordinance

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 stated that this ordinance personally affects him, and he believes that what the Town Commission is doing is retroactively applying zoning and this can become dangerous.

No one else wishing to speak, Mayor Burkett closed the floor to public comments

A motion was made by Commissioner Velasquez to approve the ordinance, seconded by Vice Mayor Paul.

Interim Town Attorney Blumstein introduced the item in what relates to a town own monument sign and how it does not meet code. This ordinance will exempt any town own/erected signs.

Vice Mayor Paul had questions on page 132 of the agenda packet related she asked if there was a specific size to subsection (b). Interim Town Attorney Blumstein stated that he did not make changes to that code section.

Vice Mayor Paul stated how there no size being specified, therefore, any size can be done in the numerical address size. She would like to know if there should be a size limitation to them. Interim Town Attorney Blumstein stated he has not touched any provisions and that there are specific sections that deal with the size of the signs.

Vice Mayor Paul asked if number six, she wasn't clear because it was not listed. She also spoke about page 133 and what zones are monument signs allowed, because she believed they are only allowed in H120 and SB40.

Interim Town Attorney Blumstein stated that he did not touch any other provisions. it is not allowed in other zones

Vice Mayor Paul suggested to limit the zones where monument signs are allowed.

This item was placed on hold to take the Good and Welfare portion of the meeting that is set for 8:15pm.

After Good and Welfare, the Town Commission voted on this item.

Public speaker Shannon Gallagher spoke and stated that she would not like to see the monument signs get any bigger in the H120 zone.

The motion carried with a 5-0 vote.

4B3.)Ordinance Amending Purchasing Authority by Town Manager

Cover Page

Ordinance Amending Chapter 3 - Purchasing

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

Commissioner Velasquez made a motion to approve the ordinance. She stated that the reason she brought forward this ordinance to the Commission is due to the use of the Town Manager funds with no approval of the Commission. She stated that the intent of this ordinance was for emergencies only. She feels that it should be only for emergencies and anything else should come in front of the Town Commission.

Commissioner Coto stated that \$25,000 is not enough money in today's market. He stated how the current staff is trusted and he stated how he would like to leave it at 25,000 and if it is the will of the Commission he

would consider raising it for emergencies only.

Commissioner Velasquez agreed with Commissioner Coto, and she has trust and confidence in the staff they have at the moment. However, she would like to do this for future Commissions not to abuse.

Commissioner Vildostegui asked Commissioner Velasquez if she had any instances that had lead her into these figures. He spoke about the former Town Manager spending five thousand dollars on a campaign video for the Mayor that was released the night before the election. He further stated that the money is not really the issue, it is the person that manages.

Commissioner Velasquez stated that her main concern is the money being used for emergencies only. She stated that if the Commission wants to make the amount bigger, they could.

Vice Mayor Paul stated that during her time on the Commission, the money the manager could spend was lower and it was raised. She stated that for emergencies it should remain at 25,000. She stated she would like to keep it as is, but she would accept the change as long as the emergency expenditure remains the same.

Mayor Burkett stated that the Town has good staff that the Commission trusts. He stated that future Commissions can change this ordinance if they desire. He further shared how the Commission will support her point of view however, they do not believe it will work.

Further conversation was held regarding the ordinance.

Mayor Burkett opened the public hearing portion of the item. No one wishing to speak, he closed public hearing.

A second was provided by Commissioner Coto, and the motion carried with a 5-0 vote.

4B4.) Ordinance Imposing Homeless and Domestic Violence Tax

Cover Page

Ordinance Imposing Homeless Tax

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

Commissioner Vildostegui made a motion to approve the item.

The motion died for lack of a second.

Commissioner Vildostegui made a motion to discuss the item, the motion received a second by Vice Mayor Paul.

Commissioner Vildostegui stated how this ordinance is for the voters to make a decision, not the Commission. He stated how the Town needs to consider this tax as their neighbors in the north and the south are considering this item as well. He stated that he is not speaking about the merits of the tax but is surprised the Commission did not second his motion.

Commissioner Velasquez stated that she spoke to several restaurant owners in the Town and received phone calls from residents and how they do not want this question on the ballot. She stated how restaurant owners are not in agreement. She stated that it is not sufficient for the neighboring towns to be doing the tax that the town should do the same. She suggested for the town to give a donation if that is the will of the town commission.

Vice Mayor Paul state that she suggested for this to be either a ballot question, give a donation, or bring this back to the County and ask why aren't we taxing new developments. She stated how there are more and more homelessness in the County, and it is more expensive to live in the County. She stated how she does not want to harm the businesses in the town as there are a few that have already closed. She stated that she does not believe it is necessary to put it on the ballot and would like the Town to give a donation instead.

Commissioner Velasquez stated that the Town could use the dollars that cost to put the question on the ballot and donated to the Homeless Trust.

Mayor Burkett stated that he was the chair of housing authority in Miami Beach for nine years and that homelessness is a serious problem. He stated how many homeless people do not want to go into housing due to different challenges. He stated he would like to visit and understand the issues and how the program currently works.

Victoria Mallette, Executive Director of Miami-Dade County Homeless Trust, spoke regarding this tax. She spoke regarding the temporary housing.

Mayor Burkett stated he thinks that creative out of the box thinking is very important and he believes that everyone has to contribute to the problem. As a business guy, he likes the pay as you go option if the money is well spent.

Commissioner Coto asked out of the revenue that its collected, he would like to know what funds goes to the administration of the program and what goes to the people that need it. Ms. Mallette responded that their administrative costs are below five percent. She spoke about the concerns about business owners and stated that this was discussed over 30 years ago. She stated that 85% of the proceeds goes to fight homelessness and 15% goes to the domestic violence centers. She further spoke about the program and how it works with their partners. She further stated that all the locations are completely full.

Commissioner Vildostegui stated that he hopes the Commission will come with a solution for this issue. He stated how he believes this should be put on the ballot. He stated how he feels bad Surfside will be the only municipality in the County to not consider this tax. He stated how the trust should think about other ideas and maybe tax flipping real state or luxury developments they can probably obtain more dollars.

Commissioner Velasquez stated how many people cannot afford living in

Florida due to new developers and the real state. She stated how these developments should be giving money to the organization. She stated that she is in favor of approving a donation instead.

Interim Town Attorney Blumstein stated that due to this ordinance 4B4 failing, resolution 5D will become moot.

Vice Mayor Paul made a motion to donate \$10,000 to the homeless and domestic violence organization.

Mayor Burkett stated that there is a chart that stated what each municipality has donated and there is a per capita donation. He does not have an issue in approving a donation, but he will feel more comfortable if they looked at the chart and based their donation in line with whatever everyone else is giving.

Interim Town Attorney requested to defer this item and bring it back during the July 9th meeting.

4B5.)An Ordinance Amending Town Code of Ethics

Cover Page

Ordinance Amending Article VII - Code of Ethics - June 2024

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

A motion was made by Commissioner Velasquez to approve the ordinance, seconded by Commissioner Vildostegui.

Commissioner Vildostegui spoke on the item and thanked Commissioner Velasquez for putting this forward. He further stated how he would like to bring forward one himself and it is important to him when they make changes towards good governance earlier in their term, so that they can live under them as well and binding themselves. He spoke about an alarming situation in the recent years that happened with an individual that was a client of a Commissioner and that individual requested for exclusive use of a private property and that was granted. He believes the situation is when you already have a business relations with someone and they are seeking something from the commission, how to address that problem (after you profited, can you vote?).

Commissioner Velasquez stated how unethical situations cannot happen again in the town.

Commissioner Vildostegui spoke about how the ethics provisions in the Town Code are enforceable by the Miami-Dade County Commission on Ethics.

The motion carried with a 5-0 vote.

4B6.)An Ordinance creating a Code provision to prohibit Nondisclosure and Non-disparagement agreements.

Cover Page

Ordinance - NDA - June 2024

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

Commissioner Coto made a motion to approve the ordinance, seconded by Commissioner Velasquez.

Commissioner Vildostegui spoke regarding the item and thanked the Interim Town Attorney for drafting the ordinance. He stated how town employees have a first amendment right and they can criticize the government and it is not a good practice to be threatened with a lawsuit for speaking the truth on what they do as public officials.

The motion carried with a 5-0 vote.

- 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.

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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**

Cover Page

Resolution - FDEP Grant - June 2024

FDEP Grant Agreement 23PLN90

Town Clerk McCready read the title of resolutions under item 5A and 5G as they were linked.

A motion was made by Vice Mayor Paul, seconded by Commissioner Velasquez.

Vice Mayor Paul thanked Grant Writer Kristina Brown who got this grant for the Town. This was something that when she previously was on the Commission with Mayor Dietch, he wanted to add it to the budget to do.

Commissioner Coto asked about the reimbursement from the state.

The motion carried with a 5-0 vote.

5B.) **Resolution Urging NIST to Expedite Final Report of Investigation of CTS Collapse**

Cover Page

Resolution_-_NIST_Investigation

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

A motion was made by Vice Mayor Paul to approve, seconded by Commissioner Velasquez.

Commissioner Vildostegui is glad that this resolution will be forwarded to people that may be able to assist.

Mayor Burkett stated that this resolution is good for family members like the Langesfeld's, so that they know they are trying to get answers and help them through this.

The motion carried with a 5-0 vote.

5C.) Resolution Calling for a Special Election on November 5, 2024 Amending the Town Charter and Calling for Ballot Questions

Cover Page

Resolution - Charter Amendments - June 14 2024-Final.docx

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

Interim Town Attorney Blumstein introduced the item. He specifically spoke in reference to question number five in the resolution as it is to amend the charter by removing all sections that have either been superseded by statute or by the Florida constitution. He also stated that he took the liberty of creating a spreadsheet that he can share with the Members of the Town Commission. He further explained that this is something that did not start with him, and there are provisions there that go back to the 50's and there have been a lot of changes in Florida law since then. He spoke about how he reviewed the last Charter Review Committee minutes from 2023, and the Town expended about \$25,000 in attorney's fees looking at all these charter provision. Interim Town Attorney Blumstein stated that each of the sections that are being proposed to strike, there is justification under the Florida constitution or Florida Statutes. He further spoke about some of the sections that Commissioner Velasquez had questions on.

Commissioner Velasquez asked if the sections that the Interim Town Attorney is stating that have been superseded by state law mentions Surfside in the Florida Statute.

Interim Town Attorney Blumstein responded in the negative.

Commissioner Velasquez believes that these sections are specific to the Town of Surfside and they saw a lot of election fraud in the last election and she doesn't see the need of changing something that is not broken. She stated how this is extensive and that the Commission should review carefully and with plenty of time. She stated the she would like to defer the item.

Commissioner Vildostegui agreed with Commissioner Velasquez. He stated that this particular item has a lot to digest. He wants to be able to give all the sections the proper attention.

Commissioner Coto stated that if the Commission needs more time to review the item, then this item can possibly be deferred and placed on a future meeting.

Vice Mayor Paul stated how she agrees with her colleagues. She stated that she has concerns because she did not have any information about what was replacing those sections.

Mayor Burkett stated how the attorney did a masterful job crafting the questions and that he trusts the Interim Town Attorney. He stated that what he is afraid of is voter fatigue and the amount of questions they are considering. He further provided some comments regarding some of the questions.

Commissioner Velasquez stated how she is concerned regarding number five.

Mayor Burkett stated that the Commission may agree to place question number five on another election.

Interim Town Attorney Blumstein stated that the Town has until the end of July to submit questions to the Supervisor of Elections for the November 2024 ballots.

Mayor Burkett stated that he is okay with submitting just four questions and then take the time to review question number five with more details.

Vice Mayor Paul asked regarding the unanimous vote of the Commission on some of the questions. She believes that needs to be changed because it is unclear and should require a vote of the full commission.

Commissioner Velasquez agrees that it should be a vote of the entire Commission and not the majority.

Mayor Burkett opened the floor to public comments.

The following individual from the public spoke:

Michael Karukin thanked the Commission for bringing these items forward. He spoke about the Charter Review Committees he was involved in and welcomed Commissioner Velasquez to the world of preemptions. He stated that the issue with putting so many questions on the ballot is exactly what the mayor mentioned "voter fatigue" and that's the reason why the cleanup ballot questions get pushed for later. He further spoke about some examples of preemptions that he does not agree with.

Interim Town Attorney Blumstein stated that the concerns brought forward by Mr. Karukin is that some of the items they are suggesting to bring forward to the voters may have an impact to the Town's Comprehensive Plan.

Mr. Karukin spoke regarding some sections of the Comprehensive Plan and possible conflicts if there are questions that get added to the Charter.

The Town Commission took the resolution and voted on the different questions as individual items.

Question No. 1 - Mayor Burkett read the question into the record titled Residential Uses on Lots Between Collins and Harding Avenues.

Interim Town Attorney Blumstein spoke about the word limit for the ballot question.

Commissioner Vildostegui stated he would like to have a conversation with the Mayor regarding this topic. He stated that one of the biggest urban design problems in the Town is the long stretch from 75th street to 94th street that is very dense but there is no commercial activity and that locks people into a car dependent life style. He does not believe the corridor should be only residential. He believes there is away to do content sensitive development that could include other things. He does not believe it should be changed at the moment unless live local goes away.

Mayor Burkett stated that the previous Commission created a zoning law that allowed for all kinds of uses there including hotels and what they got there was a hotel that was almost in bankruptcy because they were failing. The fear is that you will invite the clientele for the less expensive hotel and not for the higher end hotel on the beach. He believes that they should want low density, high quality, because once you build other uses you start taking away from your Downtown.

Michael Karukin suggested to focus on policy 3 of the comprehensive plan. He suggested that with a small amendment to policy 3.09 of the Comprehensive Plan then you will not be able to build a hotel.

Vice Mayor Paul spoke regarding the food haul that the Surf Club will be building on 91st street which will add a commercial activity.

Mayor Burkett closed the floor to public comments.

Some further discussion took place regarding this item.

Interim Town Attorney Blumstein read the amended language into the record as follows:

"The Town Charter does not limit residential uses on lots west of Collins Avenue and east of Harding Avenue. Except for lots zoned for Municipal Use (MU or CF) and SD-B40, it is proposed that the Charter be amended to limit residential uses on said lots to multi-family and townhouses only unless by unanimous vote of the Town Commission with all members present and by at least a 60% vote of the Town's Electors."

A motion was made by Commissioner Velasquez to keep the question with the amended language, seconded by Commissioner Coto. The motion carried with a 4-1 vote with Commissioner Vildostegui voting in opposition.

Question No. 2 - Mayor Burkett read the question into the record titled Residential Uses on Lots West of Harding Avenue

Mayor Burkett explained the question.

Interim Town Attorney Blumstein amended the question to add the wording "with all members present" to the question.

A motion was made by Commissioner Velasquez to keep the question with the amended language, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Question No. 3 - Mayor Burkett read the question into the record titled Prohibition of Lots Subdivision.

Mayor Burkett introduced the third section of the resolution.

Commissioner Velasquez believes that this question should go to the voters if future commissions want to change it.

Commissioner Vildostegui stated that he is not aware of all the cases that are included under this rule.

Mayor Burkett explained a recent lot splitting that occurred in town.

Interim Town Attorney Blumstein stated that he is waiting from a response from the County.

Commissioner Velasquez stated that everyone loves the little house on Carlyle and 89th street. She said that how would the traffic be if all the houses in town were to be that small due to lot splitting.

Commissioner Vildostegui asked what is there a legitime lot that can be split.

Interim Town Attorney Blumstein stated that when there is a double lot then there are two lots, and this is for subdivision of lots.

Interim Town Attorney Blumstein further explained that this will be taking one lot with one folio and splitting it into two.

Commissioner Velasquez stated that this item should go to voters for a 60% vote.

Interim Town Attorney Blumstein read the amended language into the record as follows:

"The Town Charter does not prohibit the subdivision of lots. It is proposed that the Charter be amended to prohibit the subdivision of lots, resulting in smaller lots, without the unanimous vote of the Town Commission with all commission members presents and by at least a 60% vote of the Town's Electors".

A motion was made by Commissioner Velasquez to approve the section of the resolution as amended, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

Question No. 4 - Mayor Burkett read the question into the record titled "Ensuring Collection of Obligations Due to the Town".

Mayor Burkett introduced the item and read the title of the charter question into the record.

Mayor Burkett stated that if the Town Attorney has the 60% language on the question, there is no need to have the "all members present" language.

Commissioner Vildostegui spoke about the Commission expense authority and how that can be used in relation to this question.

Commissioner Velasquez stated that an example of that is when a developer in a development order has to put a pump and if not within 60 days, they have to pay the Town \$400,000. She stated that the Commission can come in and waive the \$400,000. Commissioner Velasquez asked Commissioner Vildostegui if he would be okay with that. She further spoke about a specific development order in October 2023 and how it was approved with only three Commissioners present and there were some fees waived. She stated that this is just another level of protection to the town.

Mayor Burkett spoke about the issue and how the town should not be waiving any debts to the town.

Commissioner Vildostegui spoke about the item and how he does not really like the question and does not raise to the level.

A motion was made by Commissioner Velasquez to approve the section, seconded by Commissioner Coto. The motion carried with a 4-1 vote, with commissioner Vildostegui voting in opposition.

A motion was made by Commissioner Velasquez to remove question number 5 from the resolution and bring it back to be included at a later election, seconded by Vice Mayor Paul.

Mayor Burkett inquired about the next steps in relations to the resolution as a whole.

Interim Town Attorney Blumstein stated that there are amendments to whereas clauses and the motion should be to approve with the amendments and the strikethrough of some whereas clauses that no longer apply.

A motion was made by Commissioner Velasquez to approve the resolution with the amendments, seconded by Vice Mayor Paul.

Commissioner Vildostegui asked if the clean version of the resolution can come back next month.

Interim Town Attorney Blumstein stated that if that is the desire of the Town Commission, the motion should be to defer the item to next month.

After a brief discussion, Commissioner Velasquez withdrew her motion.

A motion was made by Commissioner Vildostegui to defer the item to next month, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

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.

Cover Page

Resolution - Homeless Tax

This resolution became moot due to item 4B4 failing.

5E.) Re-Establishing Sustainability and Resiliency Committee

Cover Page

Resolution - Sustainability Resiliency Committee

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

A motion was made by Vice Mayor Paul to approve this resolution, seconded by Commissioner Vildostegui.

Vice Mayor Paul stated that they will need to find out how much interest there is out there for this committee. She believes that after last week's flooding there are a lot of issues that can be addressed by this Committee.

Commissioner Vildostegui stated that he is committed at being better guardians of our environment and he needs help from people with ideas and experience. He stated that he has been running around talking to people with environmental knowledge but he feels better if there is a committee that can advise them.

The motion carried with a 5-0 vote.

5F.) Resolution Declaring June 19th as "Juneteenth National Independence Day"

Cover Page

Resolution - Juneteenth National Holiday

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

A motion was made by Commissioner Vildostegui to approve the resolution, seconded by Commissioner Velasquez.

Commissioner Vildostegui stated that after the 2021 resolution, Juneteenth has become a federal holiday. He would like the town to commit to celebrate this holiday the same way we commemorate Fourth of July and Memorial Day.

The motion carried with a 5-0 vote.

5G.) Resolution Approving Agreement with Kimley-Horn for Vulnerability Assessment

Cover Page

Resolution - Kimley-Horn - VA

Exhibit A - Kimley Horn VA - Proposal

Exhibit B - Kimley Horn VA - Agreement

Exhibit B1 - Kimley Horn VA - Fee Estimate

A motion was made by to Vice Mayor Paul, seconded by Commissioner Velasquez.

Vice Mayor Paul thanked Grant Writer Kristina Brown who got this grant for the Town. This was something that when she previously sat on the Commission with Mayor Dietch he wanted to add it to the budget to do.

Commissioner Coto asked about the reimbursement from the state.

The motion carried with a 5-0 vote.

5H.) Resolution Authorizing Settlement of Litigation with Schnabel Engineering LLC

Cover Page

Resolution - Settlement of Schnabel

Settlement Agreement and Mutual Release

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

A motion was made by Commissioner Coto, seconded by Commissioner Vildostegui.

Vice Mayor Paul thanked Interim Town Attorney Blumstein for getting this done.

The motion carried with a 5-0 vote.

**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 and the following individuals from the public spoke:

Jeffrey Platt thanked all town employees for the cleanup done after the storm. He spoke regarding the gates being installed on 88th street and who authorized them to be installed without Commission approval.

Shannon Gallagher expressed how she is happy to see the new Commission, Interim Town Attorney, and Interim Town Manager. She spoke regarding the enforcement of the construction ordinance and how it is not currently being enforced. She further spoke about the vibration monitoring report from the Hillcrest and provided the Town Commission with a copy of the report for week

04/29/2024-05/06/2024.

Marianne Meisheid spoke about last week's flooding, she thanked the town staff for their good work. She stated how the Town needs to make sustainability and resiliency a driving force and a priority. She spoke regarding the raising of the homes by creating understories, synthetic turf should not be allowed, curb cuts add more cement and less green. She further spoke about grants and how the person that handles that is no longer employed and the town needs all the grants they can get for the Abbott avenue project.

Vicky Malette, Executive Director of the Miami-Dade County Homeless Trust stated that she is in attendance regarding item 4B4.

Jeff Rose thanked the town staff for their job during and after the flooding. He spoke regarding Ruth K. Broad Principal Saperstein, and he stated he was being transferred and the school is getting a new principal who he hopes the Town can get to build the same great relationships.

Kasriel Gewertz spoke regarding the lawn signs that was in his home that stated "We love and support our Surfside Police" and was requested to be removed stating that it was against code and he believes that is freedom of speech.

Vice Mayor Paul addressed Ms. Gallagher regarding the reports she provided. She stated how her building does have one of the monitors she mentioned, but there are none in the back of the building. She stated how there is no enforcement of the construction ordinance and she would like the town to enforce this ordinance.

Commissioner Vildostegui thanked everyone for their comments. He addressed Mr. Gewertz regarding the permanent signage in his home and how he will look into it to make sure it was not maybe placed on the right-of-way. He spoke regarding the grants officer and the plans for grants in the future. He thanked Ms. Gallagher regarding the vibration monitors. He asked the town manager regarding the gate arms and he believes they discussed but he would like an update on that as well.

Mayor Burkett responded to Mr. Platt regarding the gates being placed on 88th street. Some conversation took place regarding the decal system for the gates on 88th street and how it will be provided to all town residents.

Mayor Burkett spoke regarding the grant writer.

Commissioner Velasquez spoke regarding the gate on 88th street. She addressed Ms. Gallagher regarding the report, she stated that the developers need to follow the town's rules. She suggested for the Town Manager and attorney to look into this issue. She agreed with Ms. Meisheid regarding the need for a grant writer.

Commissioner Coto spoke regarding the fines and consequences regarding not following rules. He stated the town needs to focus on that and maximize the fines and consequences for violating the rules.

Vice Mayor Paul stated that set fines need to be done for repeat violators. She asked Ms. Gallagher to send emails when these issues are happening.

Commissioner Velasquez gave examples of other towns and their fines and how the town's fines in town are too low.

Mayor Burkett closed the floor to public comments.

7) Town Manager and Town Attorney Reports

7A.) Town Manager's Report

Cover Page

2024 June Town Manager's Report

Interim Town Manager Vargas presented the Town Manager's report.

Commissioner Velasquez inquired about the Abbott Avenue Project.

Interim Town Manager Vargas stated that the item will be on their July 9th agenda, which the Capital Improvements Director will be present to assist them with any questions and to provide his professional opinion.

Mayor Burkett posted some questions related to underground.

Interim Town Attorney Blumstein spoke about the easement phase and that there is work taking place towards that project.

Commissioner Vildostegui expressed concerns if the \$40 million dollars will be enough for this project, or if this is something that needs to go back to the voters.

Interim Town Attorney Blumstein stated that they have yet to borrow the money and at this point they do not know how much the total will be.

There was a discussion about the possibility of having to call a special election if they have to request more dollars to complete the undergrounding project.

Vice Mayor Paul stated that on the Town Manager's report, on page 332 "93rd street 200 block paver beautification", she is not a fan of pavers and they can probably put a call to artists to design and paint it instead of installing pavers. She also does not like that the project was tasked to the 9300 Development, she would rather see it go somewhere else and not included in their development order. Page 335 "Downtown Walkability Improvements", she would like to see if there can be some beautification improvements to the sidewalks because they are not looking too good.

Commissioner Velasquez stated that if the goal is to have wider sidewalks, they can look into moving the palm trees over.

After some discussion the Commission believes they should have a workshop on this issue.

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

7B.) Town Attorney's Report

Cover Page

TA Report - June 18, 2024-rev.docx

Interim Town Attorney Blumstein presented the Town Attorney's report.

He spoke regarding a project that was built without approval and presented during the Planning and Zoning Board. He further stated that the Interim Town Manager and himself are evaluating the building department and how the process works to help avoid a repeat of what happened.

Mayor Burkett asked regarding if an audit can be done in the building files and check if the permits that were approved were appropriate and see if the inspections were completed properly and see if any contractors have cut corners.

Vice Mayor Paul stated that she would like to see an audit of the building department for the past three years. She believes things like that should not happen.

Commissioner Coto stated how they need to maximize penalties and consequences.

Interim Town Attorney Blumstein spoke about the building department fee schedules not being updated for at least a decade. He stated that when you do things in town prior to approval you are subject to double fees.

A motion was made by Commissioner Velasquez to extend the meeting 30 minutes at 11:02pm, seconded by Commissioner Vildostegui. The motion carried with a 5-0 vote.

Commissioner Velasquez fully supports the audit and believes that this should be like the IRS and go back as far as we can, specially the big homes that have popped up around town.

Vice Mayor Paul stated that when there are repeat offender, there should have a more severe consequence.

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

8) Unfinished Business and New Business

9) Mayor, Commission and Staff Communications

9A.) Community Center Concession Services

Cover Page

Latoni Vending Proposal for Surfside Rec Center

Sweet Cool Treats

Waku

The Corner Coffee & Pantry

Mayor Burkett introduced the item.

Mayor Burkett opened the floor to public comments, and the following members of the public spoke:

Joseph Latoni introduced himself and spoke regarding the services he will like to offer for the concession. He stated he has a vending machine company that he would like to add to the Town.

Mayor Burkett asked if there will be a requirement for an agreement with terms.

Mr. Latoni stated that it is not necessary but a good idea in order to workout the revenue to the Town. He spoke about the ability of the machines to accept credit cards and these machines could be a back up or supplement to the concession service.

Commissioner Velasquez asked if he has machines in other places.

Mr. Latoni mentioned some places where his machines are located.

Commissioner Coto stated that his machines are very high tech and the content may be kosher in accordance to the needs of the Town.

Vice Mayor Paul asked Mr. Latoni regarding food options, prices, plastic being used, and packaging.

Mr. Latoni spoke regarding the notification system in place when stock is running low and also for service when needed.

After some conversation, the Commission agreed to have a variety of food in these machines. Mr. Latoni stated that they will accommodate whatever the needs of the Town are.

Vice Mayor Paul spoke about the packaging and to make sure to provide some sustainable choices like no plastics. She asked about the amount of electricity consumption or if there are solar panel machines. Mr. Latoni stated that they do not have solar panel machines but these machines are like refrigerators.

Discussion ensued about the cost of the items.

Vice Mayor Paul stated that they may want to consider the machines to be kosher if the concession they select can't provide kosher. The machines may be a supplement and provide a service to all residents.

The Town Commission as a whole directed the Interim Town Attorney to work with the vendor on terms and conditions.

The Town Commission moved to discussed the three concession applications received.

Vice Mayor Paul stated how she likes the corner coffee and pantry.

Commissioner Vildostegui stated how the corner has a track record and they have made their concession work in Key Biscayne.

As a consensus the Town Commission directed Interim Town Attorney to engage and negotiate with The Corner Coffee and Pantry as a concession for the Community Center.

9B.) All Zoning Changes from the Last Administration 2022-2024

Cover Page

List of Adopted Ordinances 2022-2024-MB changes-Final

There was some discussion regarding some of the items on the provided list.

Vice Mayor Paul requested that she would like for this list to go to the Planning and Zoning Board to get their opinion and feedback.

Commissioner Coto suggested for each Member of the Town Commission to submit their list to the Interim Town Attorney and he will compile and bring it back.

The Town Commission agreed with Commissioner Coto's suggestion.

9C.) Sister City with Chetumal, Quintana Roo Mexico

Cover Page

Exhibit A - 05-20-2024 Ltr Kristen Rosen Gonzalez

Item was deferred.

9D.) Creation of an Optional Benefit for Town Employees: MDT Transit Pass Instead of Parking Pass

Cover Page

Item was deferred.

9E.) Creating a Municipal School Bus to Serve Ruth K. Broad K-8 Center

Cover Page

Item was deferred.

9F.) Fractional Home Ownership

Cover Page

Ordinance 2023-4547 (co-owned housing unit manager)

Item deferred.

9G.) Forensic IT Services

Cover Page

ERM Protect - Proposal
SRIT proposal - Town of Surfside - IT Consultation

Interim Town Attorney Blumstein introduced the item. He brought back two proposals for the Town Commission consideration. The first one is a local entity that has conducted municipality forensic IT audits before and the second one is not local. He stated that the local company will be able to give some clarity on what happened with the Commission debate and audio mishap. He stated that for the budget allotted, they will not get a lot done. He suggested to hold for some time as the Town has hired Landsight who is preparing a list of what they need so our systems can work like a government agency and protect our records accordingly.

Commissioner Velasquez stated that the Interim Town Attorney should give a recommendation and the Commission should vote.

A motion was made by Vice Mayor Paul to extend the meeting for another 10 minutes at 11:31pm, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Commissioner Velasquez stated that she would like to table this item and take the Interim Town Attorney's recommendation and wait for Landsight's report.

A motion was made by Commissioner Velasquez to defer this item until the next commission meeting, seconded by Commissioner Coto. The motion carried with a 5-0 vote.

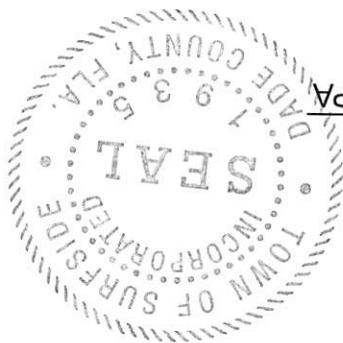
10) Adjournment

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Paul to adjourn the meeting at 11:32p.m., seconded by Commissioner Velasquez . The motion carried with a 5-0 vote.

Accepted this 9th day of July, 2024.



Charles W. Burkett, Mayor



Sandra N. McCready, MMC, MPA
Town Clerk

Sandra N. McCready
for

Attest: