



**Town of Surfside
Town Commission Meeting
AGENDA**

SUPPLEMENTAL # 1

December 11, 2012

7 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

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, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

Recommended Motion: To approve all consent agenda items as presented below.

** Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

- *A. **Minutes** - November 13, 2012 – Regular Commission Meeting **Page 1-16**
- B. Budget to Actual Summary as of September 30, 2012** – Donald Nelson, Finance Director **Page 17-18**
- *C. **Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 19-44**
- *D. **Town Attorney’s Report** – Lynn M. Dannheisser, Town Attorney (**Item Deferred by Town Attorney Lynn Dannheisser**)
- *E. **Schedule Special Commission Meeting for Chateau Project (Verbal)**– Roger M. Carlton, Town Manager
- *F. **Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page – 45-47**
- G. Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*) **Page 48-73**
 - October 17, 2012 Tourist Board Meeting Minutes
 - June 25, 2012 Downtown Vision Advisory Committee Minutes
 - November 14, 2012 Special Pension Board Meeting Minutes
 - November 15, 2012 Special Pension Board Meeting Minutes
 - September 27, 2012 Planning and Zoning Board Minutes

4. Ordinances

(Set for approximately 7:20 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

- *1. **Building Frontage Ordinance** – Vice Mayor Michael Karukin **Page 74-81**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance deferred from November 13, 2012 Town Commission Meeting]

- 2. Amending to Chapter 90 Planning & Zoning to Merge Function of DRB into P&Z Board Functions – Lynn Dannheisser, Town Attorney Page 82-92**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” BY DISSOLVING THE DESIGN REVIEW BOARD AND CONSOLIDATING THE DESIGN REVIEW FUNCTION INTO THE EXISTING FUNCTIONS OF THE PLANNING AND ZONING BOARD, CHANGING MEMBERSHIP REQUIREMENTS FOR PLANNING & ZONING BOARD; AND PROVIDING FOR FILLING OF VACANCIES; INCLUDING A TRANSITIONAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance deferred from November 13, 2012 Town Commission Meeting]

- *3. Amendment to the Retirement Plan Necessary to Settle Davis Case – Roger M. Carlton, Town Manager Page 93-96**

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176 OF THE CODE TO CLARIFY THE NORMAL RETIREMENT DATE FOR POLICE OFFICERS UNDER THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

- *4. FEMA Reinsertion of Section 42-92 (6) CCCL Elevation of Construction – Lynn Dannheisser, Town Attorney Page 97-111**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 AND SPECIFICALLY SECTION 42-41 “DEFINITIONS”; SECTION 42-76 “PERMIT PROCEDURES”; SECTION 42-77 “DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR”; SECTION 42-91 “GENERAL STANDARDS”; SECTION 42-92 “SPECIFIC STANDARDS” INCLUDING RE-INSERTION OF SUBPARAGRAPH (6) RELATING TO THE CCCL; AND SECTION 42-95 COASTAL HIGH HAZARD AREAS (V-ZONES) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

**5. Amendment to Lobbyist Registration and Adoption of Forms – Lynn Dannheisser,
Town Attorney Page 112-122**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 OF THE CODE OF THE TOWN OF SURFSIDE RELATING TO LOBBYIST REGISTRATION AND; PROVIDING FOR DEFINITIONS; PROVIDING FOR ANNUAL EXPIRATION AND RENEWAL FOR LOBBYIST REGISTRATIONS; REQUIRING REGISTRATION OF PRINCIPALS; REQUIRING DISCLOSURE OF ANNUAL LOBBYIST EXPENDITURE BY JANUARY 15TH OF EACH YEAR; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

(Set for approximately 7:50 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

***1. Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References – Lynn Dannheisser, Town Attorney Page 123-126**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. Tourism Five Year Strategic Plan Consultant – Duncan Tavares, TEDAS
Director Page 127-223 (TIME CERTAIN 8:30 P.M.)
*ITEM 5A LINKED TO ITEM 5C***

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE FIVE YEAR TOURISM STRATEGIC PLAN AGREEMENT WITH CJF MARKETING INTERNATIONAL AND REDEVELOPMENT MANAGEMENT ASSOCIATES, INC.; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

- *B. Certification of Charter Amendments Election Results – November 6, 2012 –
Sandra Novoa, Town Clerk Page 224-227**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE CHARTER AMENDMENTS ELECTION HELD ON NOVEMBER 6, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

- *C. Business Improvement District Consultant Agreement – Duncan Tavares,
TEDACS Director Page 228-336
*ITEM 5C LINKED TO ITEM 5A***

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WAIVING THE COMPETITIVE BID PROCESS AND AUTHORIZING THE BUSINESS IMPROVEMENT DISTRICT ORGANIZATIONAL PLAN AGREEMENT WITH REDEVELOPMENT MANAGEMENT ASSOCIATES, INC.; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

- *D. Expenditure of Forfeiture Funds to Replace Electronic Control Devices – Chief
of Police David Allen Page 337-341**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$7,505 FROM THE FORFEITURE FUND TO PURCHASE SIX TASERS AND ACCESSORIES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

***E. Purchase of a Replacement Parking Enforcement Truck – Chief of Police
David Allen Page 342-346**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE PURCHASE OF A PARKING ENFORCEMENT TRUCK FROM THE MUNICIPAL PARKING FUND FOR \$18,042 BUDGETED UNDER MUNICIPAL PARKING FUND ACCOUNT #402-9500-545-6410 FOR FY 2012/2013; PROVIDING FOR AN EFFECTIVE DATE.

**F. Resolution in Support of the League of Women Voters of Florida –
Commissioner Joe Graubart Page 347-351**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PROCLAIMING SUPPORT OF THE LEAGUE OF WOMEN VOTERS OF FLORIDA REQUEST TO GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE FOR CREATION OF AN ELECTION REFORM TASK FORCE.

**G. Amendment to Settlement Agreement Between the Town of Surfside and
Indian Creek Village – Roger M. Carlton, Town Manager Page 352-404**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN TOWN OF SURFSIDE AND INDIAN CREEK VILLAGE (“VILLAGE”), PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

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, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- *A. Town Manager Recruitment Decision Tree**– Roger M. Carlton, Town Manager
Page 405-429
- B. Florida Department of Transportation Urging** – Mayor Daniel Dietch Page 430
- *C. Traffic Study** – Roger M. Carlton, Town Manager Page 431-432
- *D. Free Parking the Night of the Food Truck Event – Thursday, December 27, 2012
(5:00p.m. – 10:00p.m.)** – Commissioner Joe Graubart Page 433
- E. Additional Deco Bike Rental Stations** – Commissioner Joe Graubart Page 434-519
- *F. FPL Undergrounding Status Report** – Roger M. Carlton, Town Manager Page 520
(TIME CERTAIN 8:00 P.M.) **Memo**
- *G. Setting Priorities to Give Direction to the Town Manager and Town Attorney** –
Roger M. Carlton, Town Manager Page 521-524
- *H. Town Attorney Performance Evaluation** – Mayor Daniel Dietch Page 525-535
(TIME CERTAIN 9:00 P.M.)

10. Adjournment

Respectfully submitted,



Roger M. Carlton
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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

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

TWO OR MORE MEMBERS OF OTHER 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.



**Town of Surfside
Commission Communication**

Agenda Item #: 9F

Agenda Date: December 11, 2012

Subject: FPL Undergrounding Status Report

Background: One of the many things this Town Manager has learned about the decision making process in Surfside is that major projects only become a reality through small incremental steps. A prime example is the Community Center. When I was first hired in September 2010 this project was moribund, behind schedule and clearly did not have enough usable space to meet the expectations of the Town Commission and the community. Decisions were made to adjust the schedule, add the “fish bowl”, move the mountain of stored fill, establish a maximum budget, set an opening date and delegate change order approval to the Town Manager within the maximum budget. These decisions were made incrementally and the project was completed on time and within budget.

The same process occurred with the water/sewer/storm drainage project. This project was also moribund. The only prior accomplishment was to set rates to fund the project. Many in the community did not trust the Staff to be able to implement the project based on the difficult earlier experience with the Community Center. Again, the Town Commission made decisions on an incremental basis. The consultant CGA was authorized to finish the design and prepare the bid documents. A list of pre-qualified contractors was approved and bids were received. A top flight Citizens Advisory Committee was established. A determination was made to obtain prices for additive alternates such as traffic calming, street signs and street trees. The decision was also made to hold off on awarding these items until the basic scope of work cost was known. In a similar manner, the Town Manager was given authority to finish the project within a maximum budget. Financing and partial refinancing decisions were made along the way and Staff is committed that we will finish this project (nearly five times the dollar value of the Community Center) within the final budget and on time.

Analysis: The Administration believes that the success of the first two capital projects provides many “lessons learned” for the undergrounding project. First, the decisions have been made incrementally and should continue to be. More than a year ago, the Town Commission decided to spend \$360,000 to provide conduit for future undergrounding of the electric, cable TV, telephone and fiber optic systems as well as to authorize FPL to prepare a study of the cost to underground their system. A report to the Town Commission on the November 13, 2012 agenda delivered the FPL report and we are pleased to let you know that FPL has lowered their estimated price to \$4,193,588 from the \$6,454,822 the based on the Town’s ability to manage the project using FPL approved contractors. We are also meeting with senior representatives of Atlantic Broadband and AT&T later this week to determine if they will absorb the cost of their undergrounding. This will be known prior to next month’s Town Commission meeting. There will be many other decisions to make before the final “go, no go” decision needs to be made.

What Are We Asking You To Do This Month? The only decisions we are asking you to make this month is to authorize a public information campaign to occur in January, 2013 and to establish a Citizens Advisory Committee for this project. Staff proposes five meetings. Three would be in the single family neighborhood using the boundaries used for the three phase water/sewer/storm drainage project. Two additional meetings would be held for the downtown businesses/owners and the condominium residents along Collins/Harding Avenues. We would advertise the meetings in a variety of media and televise the meetings. The Town Commission is encouraged to attend the meetings, however, minutes will be taken for your review before making a final decision. The Citizens Advisory Committee will be fully briefed as the similar committees have been for the water/sewer/storm drainage project and the parking structure feasibility study.

Frequently Asked Questions (FAQs): The Administration is in the process of preparing a list of more than 25 FAQs. These range from defining the project scope to how it will be funded. By way of information, we found 19 homes in the single family neighborhood where the water service was not properly grounded and fixed the problem as part of absorbing the cost to tie into the new system. There may be as many as 100 homes that need to upgrade their electric service. Staff will prepare a program to help residents that need to upgrade their electric service. There will also be a compilation of studies done by experts that are both pro and con.

Summary: This Town Commission and your Administration has performed very well on the two major infrastructure projects (Community Center and water/sewer/storm drainage). Collectively we are fully able to do it again if decisions continue to be made on an incremental basis. As you consider the decision to authorize a public information program, please remember that the major elements of this project are aligning in a positive way that is rarely seen in local government infrastructure projects. The team is in place to implement this with Finance Director Donald Nelson, Financial Advisor Sergio Masvidal and Bond Counsel JoLinda Herring, Public Works Director Bill Evans and Project Manager Randy Stokes. Borrowing rates are very low on the order of 2 – 2.5 percent. Construction costs are also very low. Finally, there is much support in Town for this project and you will have the opportunity to assess citizen input as the result of five public meetings.

Schedule: Per the requirements of FPL it will be necessary to make a final decision and provide funding before the end of April, 2013. There may be an ability to achieve a very limited extension under certain circumstances. Representatives of FPL will be in attendance during the December 11, 2012 Town Commission meeting 8:00 p.m. time certain Agenda Item 9F for this project.



Roger M. Carlton, Town Manager



Bill Evans, Public Works Director