



**Town of Surfside  
Town Commission Meeting  
AGENDA**

**January 15, 2013  
7 p.m.**

**Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> 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**
- G. Present Commissioner Kligman with a Certificate of Completion from the Florida League of Cities for Completing the 2012 Advanced Institute for Elected Municipal Officials – Mayor Daniel Dietch Page 1-2**
- H. Special Presentation – Mayor, Vice Mayor and Town Commissioners \$1.00 Annual Salary – Roger M. Carlton, Town Manager**
- I. Special Presentation to Bill Evans Public Works Director – Roger M. Carlton, Town Manager**

**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 - December 11, 2012 – Regular Commission Meeting Page 3-19**
- B. Budget to Actual Summary as of October 31, 2012 – Donald Nelson, Finance Director Page 20-21**
- \*C. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager Page 22-39**
- \*D. Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney (Not Provided) - Reconfirmation of the January 24, 2013 Quasi-Judicial Hearing to Consider the Chateau Project.**
- \*E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 40-42**
- F. 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 43-46**
  - November 5, 2012 Tourist Board Minutes**
- \*G. Certification of Charter Amendments Election Results – November 6, 2012 – Sandra Novoa, Town Clerk Page 47-50**

**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.**

- \*H. Retroactive Approval of Expenditure of Forfeiture Funds to Replace Electronic Control Devices – Chief of Police David Allen Page 51-55**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$7,330.20 FROM THE FORFEITURE FUND TO PURCHASE SIX TASERS AND ACCESSORIES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.**

**\*I. Purchase of a Replacement Parking Enforcement Truck – Chief of Police David Allen Page 56-60**

**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.**

**J. Amendment to the Miami Dade County Prisoner Processing Project Contract – Chief David Allen Page 61-103**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE (“TOWN”), FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE AMENDMENT #1 TO THE FY 2013 CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE TOWN IN ORDER TO EXTEND THE MIAMI-DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE (MDCACP) PRISONER PROCESSING PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**4. Ordinances**

*(Set for approximately 8:00 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 104-111**

**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.**

- \*2. Amending to Chapter 90 Planning & Zoning to Merge Function of DRB into P&Z Board Functions – Lynn Dannheisser, Town Attorney Page 112-121**

**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.**

- 3. Amendment to Lobbyist Registration and Adoption of Forms – Lynn Dannheisser, Town Attorney Page 122-132**

**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 8:30 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 133-137**

**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 8:45 p.m.) (Note: Depends upon length of Good and Welfare)*

**\*A. Sensible Gun Law Resolution – Mayor Daniel Dietch Page 138-161**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) CALLING ON THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE MASS SHOOTINGS THROUGH PASSAGE OF: THE FIX GUN CHECKS ACT, WHICH WOULD REQUIRE A BACKGROUND CHECK FOR EVERY GUN SALE AND ENSURE THAT ALL CRIMINALS AND OTHER DANGEROUS PEOPLE WHO ARE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AS WELL AS LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES OFF OUR STREETS, AND WOULD MAKE GUN TRAFFICKING A FEDERAL CRIME; PROVIDING FOR AN EFFECTIVE DATE.**

**\*B. Business Improvement District Consultant Agreement – Duncan Tavares, TEDACS Director Page 162-270**

**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.**

**\*C. Retroactively Approving Sidewalk Staining – Bill Evans, Public Works Director Page 271-275**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AFTER THE FACT AWARD OF BID IN THE AMOUNT OF \$97,000 TO LYNX CONSTRUCTION LLC TO STAIN THE SIDEWALKS FROM 87<sup>TH</sup> STREET TO 96<sup>TH</sup> STREET ON BOTH EAST AND WEST SIDES OF COLLINS AVENUE FOR**

**CONTINUITY IN THE COLOR OF THE SIDEWALKS THROUGHOUT THE TOWN OF SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.**

- \*D. Resolution in Support of the League of Women Voters of Florida – Commissioner Joe Graubart Page 276-280**

**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.**

- \*E. Amendment to Settlement Agreement Between the Town of Surfside and Indian Creek Village – Roger M. Carlton, Town Manager Page 281-333**

**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.**

- \*F. FDOT Sidewalk Lease Agreement – Duncan Tavares, TEDACS Director Page 334-388**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 93<sup>RD</sup> STREET TO 96<sup>TH</sup> STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

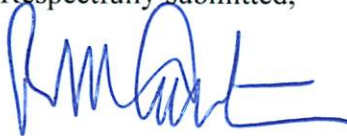
- \*G. Town Attorney – Mayor Daniel Dietch (TIME CERTAIN 9:00 P.M.) Page 389-407**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TERMINATING THE EMPLOYMENT OF TOWN ATTORNEY LYNN M. DANNHEISSER PURSUANT TO SECTION 9.A. OF HER EMPLOYMENT AGREEMENT WITH THE TOWN; AUTHORIZING THE MAYOR TO ENTER INTO A SEPERATION AGREEMENT BETWEEN TOWN ATTORNEY LYNN M. DANNHEISSER AND THE TOWN; AND 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. Downtown Streetscape Master Plan – Duncan Tavares, TEDACS Director Page 408-421**
  - \*B. Red Light Camera Legislative Urging – Mayor Daniel Dietch Page 422**
  - \*C. Traffic Study (Please bring the Traffic Study book provided in December 2012) – Roger M. Carlton, Town Manager Page 423**
  - \*D. FPL Undergrounding Status Report –Update - Roger M. Carlton, Town Manager Page 424-534**
  - E. Additional Deco Bike Rental Stations – Commissioner Joe Graubart Page 535-620**
  - \*F. Outdoor Exercise Equipment – Commissioner Joe Graubart Page 621**
  - \*G. Re-appointment of Commissioner Kligman as the Miami Dade County League of Cities (MDCLC) Liaison (VERBAL) – Roger M. Carlton, Town Manager**
  - \*H. FEMA Flood Insurance Program – Commissioner Joe Graubart Page 622-630**
  - I. Agenda Items Deadlines for Commission – Commissioner Joe Graubart Page 631**
  - \*J. Florida Constitutional Amendment 11 – Provides for Additional Tax Exemption from County and Municipality Taxes for Certain Qualified Seniors – Roger M. Carlton, Town Manager Page 632-636**
  - \*K. Scholarship Program – Commissioner Marta Olchyk/Duncan Tavares, TEDACS Director Page 637-648**
  - \*L. Additive Alternates to Utility Project – Decorative Street Signs– Bill Evans, Public Works Director Page 649-655**
  - \*M. Adoption of Priorities for 2013 Florida Legislative Session – Fausto Gomez, Town Lobbyist (To be delivered under separate cover)**
  - \*N. Bus Shelters – Commissioner Marta Olchyk Page 656-657**

## 10. Adjournment

Respectfully submitted,



Roger M. Carlton  
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 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](http://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.