



**Town of Surfside
Town Commission Meeting
AGENDA**

**November 12, 2013
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**
- G. Proclamation Presentation to Stanton Bershada – Mayor Daniel Dietch Page 1**

2. Quasi-Judicial Hearings

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 – September 17, 2013 Regular Commission Meeting Minutes Page 2-33**
 - September 26, 2013 Second Budget Hearing Minutes
 - September 30, 2013 Town Commission and Planning and Zoning Board Special Meeting Minutes
 - October 8, 2013 Regular Commission Meeting Minutes
- B. Budget to Actual Summary as of August 31, 2013 – Donald Nelson, Finance Director Page 34-36**
- *C. Town Manager’s Report – Michael P. Crotty, Town Manager Page 37-60**
- *D. Town Attorney’s Report – Linda Miller, Town Attorney Page 61-64**
- *E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 65-66**

F. Committee Reports – Michael P. Crotty, 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 67-101

- July 15, 2013 Parks and Recreation Committee Minutes
- July 25, 2013 Planning and Zoning Board Minutes
- August 26, 2013 Parks and Recreation Committee Minutes
- August 29, 2013 Planning and Zoning Board Minutes
- September 10, 2013 Tourist Board Minutes
- September 10, 2013 Downtown Vision Advisory Committee Minutes
- September 25, 2013 Tourist Board Minutes

G. Voters Right Registration Urging Resolution – Mayor Daniel Dietch Page 102-105

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING AND ENCOURAGING THE FLORIDA LEGISLATURE TO REPEAL ALL LAWS WHICH DENY THE RESTORATION OF VOTING RIGHTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

H. Expenditure of Forfeiture Funds for the Purchase of Special Equipment – David Allen, Chief of Police Page 106-110

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$46,000 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

I. Resolution Ratifying Charter Review Board Appointees – Linda Miller, Town Attorney Page 111-113

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING APPOINTEES TO THE TOWN OF SURFSIDE CHARTER REVIEW BOARD; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

J. National Flood Insurance Program Rate Hikes Urging Resolution – Mayor Daniel Dietch Page 114-117

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AFFIRMING SUPPORT FOR CONGRESSWOMAN ILEANA ROS-LEHTINEN’S CO-SPONSORSHIP OF LEGISLATION TO SUSPEND NATIONAL FLOOD INSURANCE PROGRAM PREMIUM HIKES; URGING THE U.S. CONGRESS TO PASS THIS MUCH NEEDED LEGISLATION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR DIRECTION TO THE TOWN MANAGER AND TOWN CLERK AND PROVIDING FOR AN EFFECTIVE DATE.

K. Proposed Agreement with the Miami-Dade State Attorney’s Office to Prosecute Criminal Municipal Ordinances – Chief David Allen Page 118-127

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO EXECUTE AN AGREEMENT WITH THE MIAMI-DADE STATE ATTORNEY’S OFFICE TO PROSECUTE CRIMINAL MUNICIPAL ORDINANCE VIOLATIONS IN SURFSIDE; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

- 1. Capital Improvement Element Update – Sarah Sinatra, Town Planner**
{Ordinance has been deferred to the December 10, 2013 Town Commission Meeting due to advertisement requirements}

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

2. **Construction Fence** – Sarah Sinatra, Town Planner
{Ordinance has been deferred to the December 10, 2013 Town Commission Meeting due to advertising requirements}

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-56.1.B. “CONSTRUCTION FENCING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

5. Resolutions and Proclamations

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

- A. Employee Health Benefits Retroactive Contract Renewal for FY 13-14 – Yamileth Slate-McCloud, Human Resources Director Page 128-153**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY APPROVING THE GROUP HEALTH AND DENTAL PLAN WITH UNITED HEALTHCARE AND THE TERM LIFE INSURANCE, ACCIDENTAL DEATH, SHORT TERM DISABILILTY, AND LONG TERM DISABILITY WITH MUTUAL OF OMAHA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. Approval and Award of Contract to Witt/O’Brien’s for Emergency Debris Monitoring via a Piggy Back Bid from the Indian Creek Village – Joseph Kroll, Public Works Director Page 154- 190**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH WITT O’BRIEN’S LLC. FOR DEBRIS

THE CONSTITUTIONAL AND LEGAL PROVISIONS FOR THE
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MONITORING SERVICES PIGGYBACKING OFF THE COMPETITIVELY BID CONTRACT AWARDED BY THE VILLAGE OF INDIAN CREEK, FLORIDA; APPROVING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EXECUTE THE REQUIRED AGREEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- C. Approval and Award of Contract to DRC Emergency Services for Emergency Debris Removal via a Piggy Back Bid from the City of North Miami – Joseph Kroll, Public Works Director Page 191 - 210**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH DRC EMERGENCY SERVICES LLC. FOR DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES PIGGYBACKING OFF THE COMPETITIVELY BID CONTRACT AWARDED BY THE CITY OF NORTH MIAMI, FLORIDA; APPROVING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EXECUTE THE REQUIRED AGREEMENT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- D. Approval to Expend Funds From the Storm Water Reserve Account for Drainage Improvements to Biscaya Island Drive for Engineering, Permits and Construction – Joseph Kroll, Public Works Page 211 - 225**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING TOWN STAFF TO OVERSEE THE BISCAYA DRAINAGE IMPROVEMENT PROJECT; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$174,000 FROM THE STORMWATER FUND-RENEWAL AND REPLACEMENT ACCOUNT NO. 404-5500-538.63.20; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

AND

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NO. 76; A WORK AUTHORIZATION TO INCLUDE CIVIL ENGINEERING, CONSTRUCTION INSPECTION, GOVERNMENT CONSULTING AND SURVEYING FOR BISCAYA DRAINAGE IMPROVEMENTS; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$58,000 FROM THE STORMWATER FUND-RENEWAL AND REPLACEMENT ACCOUNT NO. 404-5500-538.63.20; AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION; 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. Six-Month Performance Evaluation Town Manager Michael Crotty– Mayor Daniel Dietch Page 226 - 227**
 - B. Wall Frontage and Side Setbacks in H120 District – Vice Mayor Michael Karukin Page 228 - 239**
 - C. Pension Board Vacancy – Sandra Novoa, CMC, Town Clerk Page 240 - 242**
 - D. Water/Sewer/Storm Drainage Project Contract Summary and Closeout – Michael P. Crotty, Town Manager (TIME CERTAIN 8:00 PM) Page 243 - 246**
 - E. RKB Bay Harbor Islands K-8 Center- Basketball Court Update – Commissioner Joe Graubart Page 247 - 248**
 - F. Turtle Project – Art in Public Places Update – Duncan Tavares, TEDACS Director Page 249 - 250**
 - G. Public Corruption – When Will it End – Commissioner Joe Graubart Page 251 - 254**
 - H. Report on Contracted Services – Michael P. Crotty, Town Manager Page 255 - 291**

10. Adjournment

Respectfully submitted,



Michael P. Crotty
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.