



**Town of Surfside
Town Commission Meeting
AGENDA
May 13, 2014
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. Recognition of Community Garden President Melissa Moonves** – Mayor Daniel Dietch
- H. Presentation on 2014 Legislative Session** – Fausto Gomez, Gomez Barker Associates, Inc.

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 – April 8, 2014 Regular Town Commission Meeting Page 1 - 10**
- B. Budget to Actual Summary as of February 28, 2014 – Donald Nelson, Finance Director Page 11 - 14**
- *C. Town Manager’s Report – Michael P. Crotty, Town Manager Page 15 - 37**
- *D. Town Attorney’s Report – Linda Miller, Town Attorney Page 38 - 43**
- *E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 44 - 45**
- F. Committee Reports – Michael P. Crotty, Town Manager Page 46 - 61**

- February 10, 2014 Parks and Recreation Committee Meeting Minutes
- March 03, 2014 Tourist Board Meeting Minutes
- March 27, 2014 Planning and Zoning Board Meeting Minutes
- April 7, 2014 Tourist Board Meeting Minutes

- G. National Missing Children’s Day – David Allen, Chief of Police Page 62 - 64**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RECOGNIZING MAY 25TH AS NATIONAL MISSING CHILDREN’S DAY AND SUPPORTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN’S TAKE 25 CAMPAIGN; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND ALL SOUTH FLORIDA MUNICIPALITIES; PROVIDING FOR AN EFFECTIVE DATE.

- H. Civility Month Proclamation – Mayor Daniel Dietch Page 65 - 66**

- I. Pets’ Trust Support Resolution – Mayor Daniel Dietch Page 67 - 69**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RECOGNIZING THAT AN OVERWHELMING MAJORITY OF THE MIAMI-DADE COUNTY ELECTORATE VOTED TO SUPPORT THE INITIATIVES PRESENTED BY PETS’ TRUST; URGING THE MIAMI-DADE COUNTY COMMISSION TO IMPLEMENT THE WILL OF THE PEOPLE IN THIS CURRENT BUDGET SESSION BY ESTABLISHING THE FUNDING MECHANISMS FOR SAID INITIATIVES; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE TOWN OF SURFSIDE IN THEIR SUPPORT FOR THE PETS’ TRUST; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MAYOR AND COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA AND ALL SOUTH FLORIDA MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Expenditure of Forfeiture Funds – David Allen, Chief of Police Page 70 - 74

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 \$6,471.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF SOFTWARE AND ACCESSORIES TO BE INSTALLED IN THE NEW PATROL LAPTOPS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

K. Procedures for the Procurement of Firearms, Ammunition, and Firearm Accessories from Responsible Manufacturers, Distributors, and Retailer – David Allen, Chief of Police Page 75 - 78

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) DIRECTING THE TOWN MANAGER AND THE SURFSIDE POLICE DEPARTMENT TO CREATE PROCEDURES FOR THE PROCUREMENT OF FIREARMS, AMMUNITION, AND FIREARM ACCESSORIES FROM RESPONSIBLE MANUFACTURERS, DISTRIBUTORS, AND RETAILERS; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO ALL SOUTH FLORIDA MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES, INC., ALL MEMBERS OF FLORIDA'S CONGRESSIONAL DELEGATION, AND TO THE OBAMA ADMINISTRATION; 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. Ordinance Amending Section 66-7 “Disposal of grass cuttings and hedge trimmings.” – Joseph Kroll, Public Works Director Page 79 - 85

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-7, “DISPOSAL OF GRASS CUTTINGS AND HEDGE TRIMMINGS” OF THE 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.

(Set for approximately 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

- 1. An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B2 AND 9B] Page 86 - 91**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B1 AND 9B] Page 92 - 103**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS OF THE CODE RELATING TO FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS; SPECIFICALLY AMENDING; CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-8 "PENALTY FOR VIOLATIONS"; CHAPTER 10 "ANIMALS" SECTION 10-27 "PENALTY"; CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" SECTIONS 14-31 "REQUIRED ROOFING MATERIALS," 14-51 "ESTABLISHED," AND 14-55 "VACANT LOTS OR BUILDINGS"; CHAPTER 15 "CODE ENFORCEMENT" SECTIONS 15-6 "CIVIL INFRACTIONS AND PENALTIES," 15-11 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AND 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; CHAPTER 18 "BUSINESSES" SECTIONS 18-

85 “CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS,” AND 18-88 “PERMITTED AREAS; CONDITIONAL PERMIT; TOWN MANAGER’S RIGHT TO REMOVE SIDEWALK CAFÉS”; CHAPTER 34 “ENVIRONMENT” SECTIONS 34-71 “VACANT LOTS,” AND 34-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS”; CHAPTER 42 “FLOODS” SECTION 42-64 “PENALTIES [SIC] FOR VIOLATION”; AND CHAPTER 70 “TAXATION” SECTIONS 70-32 “DELINQUENCIES; ADDITIONAL PENALTIES” AND 70-36 “HEARING WHEN THE RECEIPT HOLDER FAILS TO COMPLY WITH NOTICE OR WHEN REQUESTED BY AGGRIEVED APPLICANT/RECEIPT HOLDER”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.”

- 3. Dock Projection Ordinance (Dock on Biscayne Bay) – Sarah Sinatra, Town Planner Page 104 - 108**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 “MARINE STRUCTURE” TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

- A. Resolution Approving the Design of the 94th Street End Project – Michael P. Crotty, Town Manager Page 109 - 112**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

B. Resolution Authorizing Public-Private Partnership Advisory Services – Michael P. Crotty, Town Manager [LINKED TO ITEM 5C AND 9I] Page 113 - 130

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN LAMBERT ADVISORY, L.C., (“LAMBERT”) TO ASSIST THE TOWN IN EVALUATING A PUBLIC/PRIVATE PARTNERSHIP PARKING SOLUTION; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT FOR RETENTION OF LAMBERT FOR CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$18,500 FROM THE PARKING FUND, ACCOUNT NO. 402-9500-545-3110; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Resolution re: Moratorium on the Downtown Parking Trust Fund (“PTF”) –Commissioner Michael Karukin [LINKED TO ITEM 5B AND 9I] Page 131 - 134

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution Ratifying and Approving the Town Commission Members’ Appointments for the Resort Tax Board, Design Review Board, Pension Board, Personnel Appeals Board – Linda Miller, Town Attorney Page 135 - 138

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RATIFYING AND APPROVING THE TOWN COMMISSION MEMBERS’ APPOINTMENTS FOR THE RESORT TAX BOARD, DESIGN REVIEW BOARD, PENSION BOARD, PERSONNEL APPEALS BOARD, AND POLICE OFFICERS RETIREMENT TRUST BOARD; PROVIDING FOR AUTHORIZATION; 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. Hedges and Corner Visibility (Sight Triangle) at Intersections – Joe Damien, Code Compliance Director [TIME CERTAIN AT 7:30 PM] Page 139 - 143**
 - B. A Draft Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations – Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B1 AND 4B2] Page 144 - 152**
 - C. Town Hall: Roof, Air Conditioning Issues and Mold Remediation – Joseph Kroll, Public Works Director Page 153 - 154**
 - D. Update on May Special Meeting (Community Center Expansion; Sign Code and FY 14/15 Budget) – Michael P. Crotty, Town Manager Page 155 - 158**
 - E. Surf Club Sand Transfer Project Update – Michael P. Crotty, Town Manager Page 159 - 164**
 - F. Boards and Committees Appointments– Sandra Novoa, Town Clerk Page 165 - 170**
 - G. Establish Date for Quasi-Judicial Hearing for Shul Project – Michael P. Crotty, Town Manager Page 171 - 172**
 - H. Change of President for the Community Garden Non-Profit – Duncan Tavares, TEDACS Director Page 173**
 - I. Presentation of Report: Parking Solution: The Next Step - Michael P. Crotty, Town Manager [ITEM LINKED TO ITEMS 5B AND 5C] Page 174**
 - J. Community Notes move out of the Agenda and place with awards and presentations at 6:30 p.m. to 7:00 p.m. – Vice Mayor Tourgeman Page 175**

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 THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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

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

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.