



**Town of Surfside
Town Commission Meeting
November 9, 2010**

7 p.m.

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

AGENDA

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. Special Presentation – Eagle Scout, Joseph Coto – Mayor Daniel Dietch**
- H. Special Recognition – Paul Gioia, Lifetime Achievement Award, Interim Town Manager Roger Carlton**
- I. Special Presentation – Dr. Martin Karp, Miami-Dade School Board, District 3 (Linked to item 5H)**

2. Quasi-Judicial Hearings *None*

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, 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:

A. Minutes – October 12, 2010 Regular Commission Meeting (Pages 14-25)

B. Town Manager's Report (Pages 26-55)

There are 71 items, of which 41 are carried over, from the October 12, 2010 Town Commission meeting. Thirty items have been added during the last month. The status of each item is included in the After Action document in the agenda packet.

C. Town Attorney's Report – Will be provided under separate cover.

D. Projects Progress Report and Community Center Update – Calvin, Giordano & Associates, Inc. (Page 56-60)

E. Quality Control/Quality Assurance Procedures – Shelley Eichner, Calvin, Giordano and Associates, Inc. (Pages 61-63)

F. Agreement with Miami-Dade State Attorney – Chief David Allen (Pages 64-73)

A 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; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Service Dog Training – Chief David Allen (Pages 74-76)

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, IN RECOGNITION OF THE ROLL CALL TRAINING OF SURFSIDE POLICE OFFICERS WITH SERVICE DOGS.

H. Candy Miller Settlement – Lynn Dannheisser, Town Attorney (Pages 77-83)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A STIPULATION OF SETTLEMENT AGREEMENT IN CANDY MILLER V. SURFSIDE, CASE NO. 2010-49676-CA-01 CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE TOWN ATTORNEY TO EXECUTE THE STIPULATION OF SETTLEMENT AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.

I. Byrne/Jag Formula Funds Application – Assistant Chief John DiCenso (Pages 84-131)

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A RECORDS IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

1. Update Capital Improvements Element – Shelley Eichner, Calvin, Giordano & Associates (Pages 132-162)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE

CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.

**2. Municipal Parking Lot – Karen Friedman, Town Planner (Pages 163-168)
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE IV. “DISTRICT REGULATIONS” SECTION 90-41. “REGULATED USES” TO ALLOW SURFACE PARKING LOTS TO BE LOCATED IN ANY ZONING DISTRICT; AMENDING ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” AND SECTION 90-82. “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD A PROVISION RELATIVE TO MUNICIPAL SURFACE PARKING AND DESIGN STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (Linked to Item 5J)**

B. First Readings Ordinances

**1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney (Pages 169-173)
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 “USE OF COMMERCIAL VEHICLES”; CREATING SECTION 74-2 “USE OF COMMERCIAL VEHICLES” 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

**A. Agreement with the Florida State Lodge Fraternal Order of Police Local 135 – Roger Carlton, Town Manager (Pages 174-246)
A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE DATED OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2013 ATTACHED HERETO AS EXHIBIT “A”; DIRECTING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE TOWN**

MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Grant Applications – Roger M. Carlton, Interim Town Manager (Pages 247-250)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DIRECTING THE TOWN MANAGER AND CALVIN GIORDANO ASSOCIATES (“CGA”) TO MAKE ADDITIONAL GRANT APPLICATIONS TO FEMA IN THE AMOUNT OF \$2,983,538.00 AND TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT (“SFWMD”) IN THE AMOUNT OF \$570,000.00 TO AUGMENT THE FUNDING OF THE STORMWATER CAPITAL IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.

C. Special Bond Counsel – Roger Carlton, Interim Town Manager (Pages 251-260)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REAPPOINTING THE LAW FIRM OF BRYANT, MILLER, OLIVE AS SPECIAL BOND COUNSEL; SETTING FORTH THE TERMS AND CONDITIONS OF THAT APPOINTMENT; PROVIDING FOR AN EFFECTIVE DATE. (Link to item 9B)

D. Purchase of Police Vehicles – Chief David Allen (Pages 261-263)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE PURCHASE OF TWO POLICE VEHICLES AND AUTHORIZING THE TOWN MANAGER TO EXPEND POLICE DEPARTMENT FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

E. West Construction Change Order No. 1 – Roger Carlton, Interim Town Manager (Pages 264-268)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST CONSTRUCTION, INC. CHANGE ORDER NO. 1 TO INCLUDE A CHANGE IN THE SCHEDULED COMPLETION OF WORK WITH NO CHANGE IN THE GUARANTEED MAXIMUM PRICE FOR THE COMMUNITY CENTER PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

(Note: This change order establishes the new date for temporary certificate of occupancy of April 5, 2011 and final completion of May 20, 2011. The contractor has agreed to work six ten hour days to achieve these dates at no extra cost.)

F. West Construction Change Order No. 2 – Roger Carlton, Interim Town Manager (Pages 269-271)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST CONSTRUCTION, INC. CHANGE ORDER NO. 2 TO ADD AN ADDITIONAL 1000 SQUARE FEET OF MEETING ROOM SPACE TO THE COMMUNITY CENTER TO INCLUDE A CHANGE IN THE GUARANTEED MAXIMUM

**PRICE WITH NO CHANGE IN THE SCHEDULED COMPLETION OF WORK;
AND PROVIDING FOR AN EFFECTIVE DATE.**

(Note: This Change Order discusses the cost for adding approximately 1,000 square feet of public meeting space to the Community Center. The cost and other matters are still being negotiated. The Change Order is on this agenda to determine if the Town Commission wishes to pursue the additional space so that foundations may be installed at minimum expense to not delay the overall construction process. A final decision will be made during the December 14, 2010 Town Commission meeting.)

**G. West Construction Change Order No. 3 - Roger Carlton, Interim Town Manager
(Pages 272-284)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF WEST
CONSTRUCTION CHANGE ORDER NO. 3 PAINTING THE INTERIOR AND
EXTERIOR OF TOWN HALL; AND PROVIDING FOR AN EFFECTIVE DATE.**

(Note: This Change Order authorizes the addition of \$24,500 to the West Construction contract. The decision was made to utilize the West Construction painting subcontractor since their pricing was excellent. The painting of Town Hall is included in the FY10-11 approved budget.)

H. School Residency Requirements – Mayor Daniel Dietch (Pages 285-289)

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY PUBLIC
SCHOOLS (MDCPS) ENFORCE THE RESIDENCY REQUIREMENTS FOR
STUDENTS ENROLLED AT THE RUTH K. BROAD BAY HARBOR K-8
CENTER AND OFFERING TOWN ASSISTANCE; AND PROVIDING AN
EFFECTIVE DATE. (Link to II)**

**I. Nova Engineering and Environmental, LLC Change Order No. 1- Roger Carlton,
Interim Town Manager (Pages 290-301)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF NOVA
ENGINEERING AND ENVIRONMENTAL, LLC CHANGE ORDER NO. 1 TO
CONTINUE SERVICES AS THE SPECIAL INSPECTOR TO PERFORM
CONSTRUCTION MATERIALS TESTING SERVICES AS REQUIRED BY THE
FLORIDA BUILDING CODE ON THE COMMUNITY CENTER PROJECT;
AND PROVIDING FOR AN EFFECTIVE DATE.**

**J. Awarding Design-Build Bid to Lynx Construction, LLC – Roger Carlton, Interim
Town Manager (Pages 302-312)**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AWARDED THE DESIGN BUILD BID TO LYNX
CONSTRUCTION, LLC FOR THE DESIGN AND CONSTRUCTION OF THE
SURFACE PARKING LOT LOCATED AT 9450 COLLINS AVENUE AND TO
CREATE A JOINDER BETWEEN THE UNDEVELOPED LOT AND THE
EXISTING ADJACENT METER PARKING LOT; AND PROVIDING FOR AN
EFFECTIVE DATE. (Linked to item 4A2)**

K.1 Architectural and Engineering Services – Fernando Rodriguez, Director of Public Works (Note: There are two resolutions.) (Pages 313-332)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING FOUR (4) ARCHITECTURAL FIRMS TO PERFORM ARCHITECTURAL SERVICES FOR THE TOWN IN RESPONSE TO RFQ NO. 11-01; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO A CONTINUING CONSULTANT AGREEMENT THE FORM AND CONTENT OF WHICH SHALL SUBSTANTIALLY CONFORM TO THE AGREEMENT CONTAINED IN EXHIBIT "A" WITH SAID ARCHITECTURAL FIRMS PROVIDED SAID AGREEMENTS ARE APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE TOWN ATTORNEY; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

K.2 (Pages 333-350)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING FIVE (5) ENGINEERING FIRMS TO PERFORM GENERAL ENGINEERING, STRUCTURAL, GEOTECHNICAL, TRAFFIC SERVICES FOR THE TOWN IN RESPONSE TO RFQ NO. 11-02; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO CONTINUING CONSULTANT AGREEMENTS THE FORM AND CONTENT OF WHICH SHALL SUBSTANTIALLY CONFIRM TO THE AGREEMENT CONTAINED IN EXHIBIT "A", PROVIDED SAID AGREEMENTS ARE APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE TOWN ATTORNEY; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

L. Agreement with SunTrust to Process Credit Card Transactions – Assistant Chief John DiCenso (Pages 351-363)

A 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 SUNTRUST MERCHANT SERVICES, LLC TO PROCESS CREDIT/DEBIT CARD TRANSACTIONS FOR PROCESSING CARD TRANSACTIONS FROM THE MULTI-SPACE PARKING METERS; AND PROVIDING FOR AN EFFECTIVE DATE. (Linked to item 5M and 5N and 9I)

M. LAZ Parking Maintenance Contract Amendment – Assistant Chief John DiCenso (Pages 364-365)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE CONTRACT AMENDMENT WITH LAZ PARKING FOR TWELVE MONTHS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT;

AUTHORIZING THE TOWN MANAGER TO EXPEND MUNICIPAL PARKING FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

(Linked to item 5L and 5N and 9I)

N. Multispace Parking Meter Software Agreement – Assistant Chief John DiCenso (Pages 366-367)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE ENTERPRISE MANAGEMENT SYSTEM (EMS”) CUSTOMER AGREEMENT; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND PARKING FUND PROCEEDS; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

(Linked to item 5L and 5M and 9I)

6. Good and Welfare

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

There was no unfinished business from the previous Town Commission agenda.

9. Mayor, Commission and Staff Communications

A. Truth & Reconciliation Panel – Mayor Daniel Dietch (Page 368)

B. Proposed Water, Sewer, Stormwater Infrastructure Financing and Preliminary Authorization to Proceed – Roger Carlton, Interim Town Manager (Link to 5C)
(Note: There are no final decisions to be made as a result of this item. This authorizes certain preliminary steps to begin.) (Pages 369-382)

C. Strategy for Disposition of Library Materials – Duncan Tavares, Tourist Bureau Board Director (Pages 383-386)

D. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head (Pages 387-389)

E. Take Home Vehicles and Vehicle Allowances – Roger Carlton, Interim Town Manager (Pages 390-391)

F. Additional Audit Options and Request for Direction – Roger Carlton, Interim

- Town Manager (Pages 392-396)
- G. Code Enforcement Status Report – Michael Garcia, Code Enforcement (Pages 397-399)
 - H. Committee Appointments – Commissioner Edward Kopelman
Code Enforcement Ad Hoc Committee – Rick Zambrano
Communications Committee – Marc Imberman
 - I. Multispace Parking Meter Implementation Plan – Assistant Chief John DiCenso
(Linked to 5L, 5M, 5N) (Pages 400-408)

10. Adjournment

Respectfully submitted,



Roger M. Carlton
Interim 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 305-861-4863 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.