



**Town of Surfside
Town Commission Meeting
AGENDA**

May 12, 2015

7 p.m.

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** 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.*

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 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 – Sandra Novoa, CMC, Town Clerk Page 1 - 22**
 - April 14, 2015 Regular Commission Meeting Minutes**
 - April 27, 2015 Special Commission Meeting – Traffic Management Plan**
- B. Budget to Actual Summary as of February 28, 2015 – Guillermo Olmedillo, Town Manager Page 23 - 26**
- *C. Town Manager’s Report – Guillermo Olmedillo, Town Manager Page 27 - 37**
- *D. Town Attorney’s Report – Linda Miller, Town Attorney Page 38 - 43**
- E. Committee Reports – Guillermo Olmedillo, Town Manager Page 44 - 61**
 - March 2, 2015 Tourist Board Meeting Minutes
 - March 16, Park and Recreations Committee Meeting Minutes
 - March 26, 2015 Planning and Zoning Board Meeting Minutes
- F. A Resolution Requesting that the Florida Department of Transportation and Miami-Dade County Coordinate its Projects with Municipalities for Projects within those Municipalities – Vice Mayor Tourgeman Page 62 - 64**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY COORDINATE ITS PROJECTS WITH MUNICIPALITIES FOR PROJECTS WITHIN THOSE MUNICIPALITIES; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SECRETARY OF FLORIDA DEPARTMENT OF TRANSPORTATION THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE.

- G. A Resolution Supporting Senate Bill 378 (2015) to Expand Law Enforcement Officers' Ability to Give a Warning, Inform the Parents/Guardian or Issue Civil Citations for a Diversion Program to Juveniles in Lieu of Arrest – Vice Mayor, Tourgeman Page 65 - 67**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, SUPPORTING SENATE BILL 378 (2015) TO EXPAND LAW ENFORCEMENT OFFICERS' ABILITY TO GIVE A WARNING, INFORM THE PARENTS/GUARDIAN OR ISSUE CIVIL CITATIONS FOR A DIVERSION PROGRAM TO JUVENILES IN LIEU OF ARREST; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE.

- H. Flavored Tobacco and Electronic Cigarettes Urging Resolution – Vice Mayor Tourgeman Page 68 - 73**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS AND E-CIGARETTES IN SURFSIDE, FLORIDA; AND TO PROHIBIT THE USE OF ELECTRONIC CIGARETTES AND OTHER NICOTINE DISPENSING DEVICES IN TOWN OWNED OR OPERATED ENCLOSED INDOOR WORKPLACES; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

- *I. Contributions for Downtown Harding Avenue Business District Tree Lights – Guillermo Olmedillo, Town Manager Page 74 - 76**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING CONTRIBUTIONS TO SUSTAIN THE LIGHTING OF THE DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; PROVIDING AUTHORITY TO THE TOWN MANAGER TO ACCEPT ON BEHALF OF TOWN COMMISSION CONTRIBUTIONS FOR DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.

***J. Restructure of Solid Waste Commercial Rates – Guillermo Olmedillo, Town Manager [Linked to Item 4A2] Page 77 - 83**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, ESTABLISHING A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.

***K. Town of Surfside Sewage Conveyance Services - Guillermo Olmedillo, Town Manager Page 84 - 93**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIAMI BEACH TO PROVIDE SEWAGE CONVEYANCE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

- 1. Amending Chapter 54 “Prohibited Noises”, specifically Section 54-77 “Waiver of Division Provisions” – Commissioner Marta Olchyk Page 94-96**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTION 54-77 “WAIVER OF DIVISION PROVISIONS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- *2. Restructure of Solid Waste Commercial Rates – Guillermo Olmedillo, Town Manager [Linked to Item 3J] Page 97 - 104**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 66-35, "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES TO ESTABLISH A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- *3. Ordinance Amending Town of Surfside Code Chapter 26 entitled "Elections", by Creating Section 26-13 thereof entitled "Supplemental Qualifying Period" – Linda Miller, Town Attorney Page 105 - 108**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING TOWN OF SURFSIDE CODE CHAPTER 26 "ELECTIONS", BY ADDING THERETO SECTION 26-13 ENTITLED "SUPPLEMENTAL QUALIFYING PERIOD", FOR THE PURPOSE OF ESTABLISHING BY ORDINANCE, (PURSUANT TO TOWN CHARTER SECTION 105(8)) THAT NO FURTHER SUPPLEMENTAL QUALIFYING PERIOD SHALL BE ESTABLISHED IF A VACANCY IN CANDIDACY OCCURS WITHIN THIRTY-FIVE (35) DAYS PRIOR TO THE DATE OF AN ELECTION FOR THE OFFICE OF TOWN COMMISSIONER OR MAYOR; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CODE AND EFFECTIVE DATE.

- *4. An Ordinance of the Town commission of the Town of Surfside, Florida amending pursuant to Florida Statue sections 100.3605(2) and 166.021(4), Section 101 of the Town of Surfside Charter regarding "Qualifying for Elected Office" with limited applicability to establishment of qualifying dates for the Town's March 15, 2016 General Election, and establishing end date for supplemental qualifying period for said March 15, 2016 Election; providing for severability, conflict, inclusion in Town Charter/Code, notification to County and effective date. – Linda Miller, Town Attorney Page 109 - 126**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), SECTION 101 OF THE TOWN OF SURFSIDE CHARTER REGARDING “QUALIFYING FOR ELECTED OFFICE” WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE TOWN’S MARCH 15, 2016 GENERAL ELECTION, AND ESTABLISHING END DATE FOR SUPPLEMENTAL QUALIFYING PERIOD FOR SAID MARCH 15, 2016 ELECTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CHARTER/CODE, NOTIFICATION TO COUNTY AND EFFECTIVE DATE.

(Set for approximately 9:30 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

- *1. Water Supply Facilities Work Plan - Guillermo Olmedillo, Town Manager
Page 127 - 131**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN’S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN’S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR INCLUSION IN THE TOWN OF SURFSIDE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. Practical Difficulty Variance – Commissioner Barry Cohen Page 132 - 140**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING “SECTION 90-36 VARIANCES”; SPECIFICALLY AMENDING “90-36.1 GENERAL VARIANCES” TO MODIFY THE CODE TO PROVIDE FOR A PRACTICAL DIFFICULTY VARIANCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Residential Sheds – Guillermo Olmedillo, Town Manager Page 141 - 145

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND AMENDING “SECTION 90-54 ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS”; AND SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS; 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 9:15 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Seawall Inspection Condition Report & Florida Inland Navigation District (FIND) Grant Funding Opportunity – Guillermo Olmedillo, Town Manager Page 146 - 167**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, AUTHORIZING CALVIN GIORDANO AND ASSOCIATES, INC. (“CGA”) TO PREPARE GRANT APPLICATIONS; PROVIDING AUTHORIZATION TO THE TOWN MANAGER; 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 that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

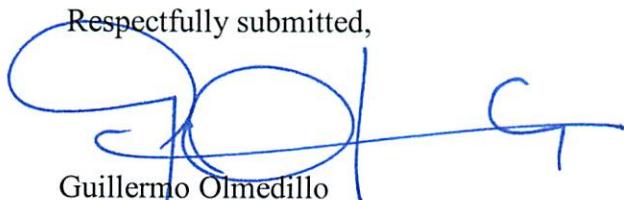
- *A. **Sustainability Committee** – Mayor Daniel Dietch **Page 168 - 170**
- *B. **94th Street Parking Structure Land Use/Zoning Analysis** – Commissioner Barry Cohen **Page 171 - 173**
- *C. **Parking Lot Parking Structure Update** – Guillermo Olmedillo, Town Manager **Page 174 - 181**

9. Mayor, Commission and Staff Communications

- *A. **Newspaper Advertisement Cost Analysis** – Guillermo Olmedillo, Town Manager **Page 182 - 184**
- B. **Traffic Management Plan – Short Term Solutions** – Guillermo Olmedillo, Town Manager **Page 185 - 186**
- C. **Clarification of Town Policies and Procedures for Representation of Town of Surfside and Town Commission Recognition Policies and Procedures** - Guillermo Olmedillo, Town Manager **Page 187 - 191**

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo
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.