



**Town of Surfside
Town Commission Meeting
July 13, 2010
7 p.m.**

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

MINUTES OF AGENDA MEETING JULY 12, 2010

1. Opening

- A. Call to Order** Mayor Daniel Dietch called the meeting to order at 8:31 a.m.
- B. Roll Call of Members** Town Clerk, Debra Eastman called the roll with Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch in attendance.
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
Remarks by Commissioner Edward Kopelman
- E. Agenda and Order of Business** (Additions, Deletions)
- F. Special Presentations**
Employee of the Quarter – Stacie Barrett, Parks and Recreation – Tim Milian,
Director of Parks and Recreation
- G. Community Notes** – Mayor Daniel Dietch
- H. Community Center Update**– Calvin, Giordano & Associates, Inc.
Gary Word, Town Manager updated the Town Commission on the status of permits pending, expenditures and the status of the website camera. Mayor Dietch asked that the schedule of values and critical path be added to the website as well. Commissioner Kopelman requested that a cutout be made in the construction fencing for viewing purposes.
Commissioner Marta Olchyk requested that agenda items 8 and 9 be heard earlier in the meeting, rather than waiting to the end of the agenda. Town Attorney, Lynn Dannheisser clarified that it is the intent of the Commission to do this on an experimental basis and if the Commission decides to change the agenda order permanently the ordinance can be modified.
- I. Report of Fausto Gomez, Legislative Lobbyist**

2. Quasi-Judicial Hearings

3. Consent Agenda

All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.

Recommended Motion: To approve all consent agenda items as presented below.

- A. Minutes – Town Commission Agenda Meeting, May 10, 2010
Town Commission Regular Meeting, May 11, 2010
Town Commission Workshop, May 17, 2010
Special Town Commission Meeting, June 3, 2010
Town Commission Workshop, June 6, 2010
Town Commission Agenda Meeting, June 7, 2010
Town Commission Regular Meeting, June 8, 2010

Commissioner Karukin noted that page 6 of the agenda, minutes contain an error indicating that he both moved and seconded an item. The Town Clerk will review and make the correction.

- B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head
- C. Projects Progress Report – Calvin, Giordano & Associates, Inc.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

- 1. Proposed Franchise Agreement Renewal-Florida Power & Light – Martin Sherwood, Finance Support Services Department Head
AN ORDINANCE GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF SURFSIDE, AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance approves a thirty year non exclusive franchise Agreement with FP & L]

Commissioner Olchyk questioned possible technological advances that may be available in the thirty year period and the possibility of the agreement limiting the residents' ability to upgrade. Mayor Daniel Dietch explained his review of the agreement.

- 2. Parking Trust – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF

ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance provides an alternate means to comply with off-street parking requirements in the downtown business district by payment of a mitigation fee into a parking trust fund.]

B. First Readings (Public Hearings on Ordinances)

A. Red Light Traffic Control Signals – Chief David Allen

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 “TRAFFIC AND VEHICLES”, CREATING ARTICLE III “DANGEROUS INTERSECTION SAFETY”; SECTION 74 PROVIDING FOR RECORDED IMAGE MONITORING AND ENFORCEMENT OF RED LIGHT TRAFFIC CONTROL SIGNALS CONSISTENT WITH GENERAL LAW AS PROVIDED BY CHAPTER 2010-80, LAWS OF FLORIDA (2010); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SAVINGS, RATIFICATION AND RESERVATION OF RIGHTS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Edward Kopelman spoke in favor. Vice Mayor Joe Graubart indicated his research in other communities. Mayor Daniel Dietch spoke in favor of allowing police force more flexibility in deploying their resources. Commissioner Michael Karukin expressed concern regarding rear end crashes. Chief David Allen reported on the testing, the warning period and the breakdown of income.

B. Re-naming of Facilities – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 75 “NAMING, RENAMING, AND CO-DESIGNATION OF TOWN FACILITIES, ROADS OR PROPERTY” TO DELETE THE REQUIREMENT THAT MUNICIPAL ROADS, FACILITIES OR PROPERTIES MUST BE NAMED POSTHUMOUSLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

A. Appointing Planning and Zoning Board – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING MEMBERS OF THE PLANNING AND ZONING BOARD; PROVIDING FOR IMPLEMENTATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Joe Graubart indicated that he will be making an appointment to the Board.

B. Reimburse Project Costs with Proceeds of Tax-Exempt Financing – Martin

Sherwood, Finance Support Services Department Head

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN PROJECT COSTS INCURRED WITH PROCEEDS OF FUTURE TAX-EXEMPT FINANCING OR OTHER OBLIGATIONS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Gary Word explained this is a funding mechanism that will allow the Town to borrow funds for improvements to the Town's infrastructure. It does not require a referendum.

Mayor Daniel Dietch asked that the consent order to make improvements be distributed to the Town Commission.

C. Retainer Agreement – Lynn Dannheisser, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING A RETAINER AGREEMENT WITH LEWIS STROUD & DEUTSCH TO REPRESENT THE TOWN OF SURFSIDE IN CONNECTION WITH BANKES V. SURFSIDE MATTERS AND ANY OTHER RELATED LITIGATION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Marta Olchyk asked about a "cap" on the cost of this issue. Town Attorney, Lynn Dannheisser explained the obligation of the Town to defend itself and the agreement of Special Counsel to a discounted rate. She further explained the upcoming Executive Session.

D. Proposed Millage Rate – Martin Sherwood, Finance Support Services Department

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Marta Olchyk asked about the difference in the ad valorem tax and the millage rate. Commissioner Michael Karukin thanked the staff for keeping the rate low.

E. Interlocal Agreement to Purchase and Install Bus Shelters – Fernando Rodriguez, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TRANSIT AUTHORITY TO PURCHASE AND INSTALL BUS SHELTERS ON COLLINS AND HARDING AVENUES USING STIMULUS FUNDS, AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL PURCHASE ORDERS OR OTHER REQUIRED DOCUMENTATION; AUTHORIZING THE TEMPORARY

DISBURSEMENT OF FUNDS TO PAY FOR REQUIRED PERMIT FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Gary Word explained that the cost will be paid by CITT funds. Vice Mayor Joe Graubart suggested placing the Town Seal on the bus shelters.

F. Parking Pay Stations – John DiCenso, Assistant Police Chief

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH HARRINGTON RESOURCES INC., dba PARKER SYSTEMS FOR THE PURCHASE, DELIVERY AND INSTALLATION OF 23 “LUKE” PARKING PAY STATIONS; 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.

Commissioner Marta Olchyk asked about the bidding of this project and the cost of the project. Chief John DiCenso explained the piggybacking of the contract and the purpose for recommending the digital pay stations. It was suggested that a discount could be obtained for prompt payment.

G. Community Center Construction Administration – Chris Giordano, CGA

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT WITH AECOM FOR ARCHITECTURAL SERVICES FOR SURFSIDE COMMUNITY CENTER, AUTHORIZING THE FUNDS TO PAY FOR; AND PROVIDING FOR AN EFFECTIVE DATE.

Chris Giordano of Calvin Giordano and Associates explained the addendum of the negotiated professional services agreement with AECOM and recommended that the Town Commission continue with the same architect. Commissioner Olchyk suggested that the cost could be further reduced. Commissioner Michael Karukin expressed that the momentum needs to keep moving forward and his pleasure with the reduction in cost by AECOM.

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

8. Unfinished Business and New Business

A. 84th Annual Conference, Florida League of Cities, Designation of Voting

Delegate – Gary Word, Town Manager

B. Tourist Bureau Concerns – Duncan Tavares, Tourist Bureau Director

C. Town Manager Resignation – Commissioner Marta Olchyk

D. Committee Appointments – Mayor and Town Commission

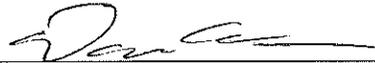
Mayor Daniel Dietch asked that the members of the Town Commission come to the meeting with their appointments. Town Attorney, Lynn Dannheisser reminded that there is no minimum number of committee members necessary for an ad hoc committee.

9. Mayor, Commission and Staff Communications

- A. Report on Elected Officials Seminar – Commissioner Michael Karukin
- B. Resort Tax Analysis – Commissioner Michael Karukin
- C. Architectural and Engineering Professional Services – Mayor Daniel Dietch
- D. Commission Agenda Meetings – Commissioner Marta Olchyk
- E. Commission Agenda Meetings – Vice Mayor Joe Graubart
- F. Life Preserver Ring – Vice Mayor Joe Graubart

10. Adjournment The meeting adjourned at 10:05 a.m.

Accepted this 10 day of Aug., 2010.



Daniel Dietch, Mayor

Attest:



Debra E. Eastman, MMC

Town Clerk