

**Town of Surfside  
Town Commission Meeting  
January 18, 2011  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> 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. Special Presentation – Employee of the Quarter – Duncan Tavares, Tourist Bureau Director – Roger M. Carlton, Town Manager**
- G. Special Presentation – Officer of the Month - Chief David Allen  
October, 2010 Officer Jose Matelis and November, 2010 Officer John Gentile**

**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.**

- A. Resolution Statement of Support for National Guard and Reserve of Florida – Commissioner Edward Kopelman  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA EXPRESSING A STATEMENT OF SUPPORT FOR THE NATIONAL GUARD AND RESERVE OF FLORIDA AND PROVIDING FOR AN EFFECTIVE DATE. Page 1-3**
- B. Monthly Budget to Actual Summary as of October 31, 2010 - Martin Sherwood, Finance Support Services Department Head Page 4-5**
- \*C. Town Manager’s Report- “Points of Light” Page 6-22**
- \*D. Town Attorney’s Report- Lynn M. Dannheisser, Town Attorney Page 23-36**

*\*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.*

- E. **Projects Progress Report** – Calvin, Giordano & Associates, Inc. *Page 37-39*
- F. **Beautification Committee – Replacement of Sandra Argow with Grace Heising**  
– Commissioner Marta Olchyk

- \*G. **Resolution Debris Monitoring Agreement** – Assistant Police Chief, John DiCenso  
*Page 40-56*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE CONTRACT RENEWAL WITH O'BRIENS RESPONSE MANAGEMENT, INC. FOR TWO YEARS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT RENEWAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT RENEWAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

- \*H. **Resolution FDLE Grant** - Assistant Police Chief, John DiCenso *Page 57-70*

**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 JUSTICE ASSISTANCE GRANT ADMINISTERED BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT TO RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A MOBILE IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

- I. **Mutual Aid Agreement with Aventura** - Assistant Police Chief, John DiCenso  
*Page 71-77*

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF AVENTURA, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.**

- J. **Mutual Aid Agreement with North Miami** – Assistant Police Chief, John DiCenso  
*Page 78-88*

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.**

- \*K. **Proclamation for 2011 Martin Luther King, Jr. Day of Service Surfside** – Mayor Daniel Dietch *Page 89-90*

- \*L. **Resolution Declaring “Reverend Dr. Priscilla Felisky Whitehead Day”** – Vice Mayor Joe Graubart *Page 91-93*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA DELCARING JANUARY 18, 2011 AS “REVEREND DR. PRISCILLA FELSIKY WHITEHEAD DAY” IN THE TOWN OF SURFSIDE.**

#### 4. Ordinances

*(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)*

##### A. Second Readings (Ordinances and Public Hearing)

\*1. Commercial Vehicle Ordinance – Lynn Dannheisser, Town Attorney  
*Page 94-98*

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 “COMMERCIAL VEHICLES” CREATING SECTION 74-2 “USE OF COMMERCIAL VEHICLES” AND SECTION 74-3 “ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT” 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.**

[This Ordinance regulates the parking of commercial vehicles on residential streets, allowing one commercial vehicle to be parked in a residential driveway provided the resident has obtained a commercial vehicle parking permit from the Town and delineating issuance and revocation procedures.]

\*2. Amend Town Code to add Psychic Reading and Consultation As a Permitted Use – Lynn Dannheisser, Town Attorney *Page 99-103*

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD “PSYCHIC READING AND CONSULTATION” AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Per the Settlement Agreement approved at the last Commission meeting, we amend the code to allow psychic reading and consultation as a permitted use in SD-B40 (Downtown Business) District as a second floor use and subject to all other regulations.]

##### B. First Readings Ordinances

*(Set for approximately 8:05 p.m.) (Note: Good and Welfare must begin at 8:15)*

\*1. Outside Employment Ordinance – Lynn Dannheisser, Town Attorney  
*Page 104-107*

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 “ADMINISTRATION” AND SPECIFICALLY CRATING SECTION 2-152 “OUTSIDE**

**EMPLOYMENT BY TOWN EMPLOYEES” 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.**

[This Ordinance prohibits outside employment unless approved by the Town Manager. It is based on the Code of Miami-Dade County.]

**\*2. Curb Cuts – Sarah Sinatra Gould, Town Planner *Page 108-118***

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.61 CURB CUTS OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

[This Ordinance places curb cut regulations currently in the building code into the zoning code and allows for additional curb cuts on single family lots.]

**\*3. Boat Storage - Sarah Sinatra Gould, Town Planner *Page 119-124***

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.65 BOAT STORAGE, INCLUDING ZONING CODE DEFINITIONS OF “SETBACKS” AND “YARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

[This Ordinance revises boat regulations for parking, annual boat registration, maintenance, and use no less than 12 times a year as evidenced by an owner affidavit.]

**5. Resolutions and Proclamations**

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

**\*A. Code Compliance Authority for Police Officers – Police Chief David Allen  
Page 125-135**

**Alternate A *Page 126***

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTIONS 90-79; SECTION 90-79 ABANDONED OR INOPERABLE VEHICLES; SECTION 90-79 PARKING ON GRASS OR UNPAVED OR UNAPPROVED SURFACES; SECTION 74-1 COMMERCIAL VEHICLE PROHIBITED IN THE RESIDENTIAL AREA; SECTION 54-63 SIDEWALK OR STREET OBSTRUCTION; SECTION 10-28 LEASH LAW; SECTION 10-32 FECAL DISPOSAL; SECTION 10-33 DOGS ON THE BEACH; SECTION 10-36 BARKING OR VICIOUS DOGS; SECTION 54-78**

**PROHIBITED NOISES; SECTION 34-28 ILLEGAL DEPOSIT OF DEBRIS;  
SECTION 54-2 HANDBILL DISTRIBUTION; PROVIDING FOR AN  
EFFECTIVE DATE.**

**Alternate B Page 131**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO  
APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO  
MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE  
VIOLATIONS FOR SECTIONS 90-79; SECTION 90-79 ABANDONED OR  
INOPERABLE VEHICLES; SECTION 90-79 PARKING ON GRASS OR  
UNPAVED OR UNAPPROVED SURFACES; SECTION 74-1 COMMERCIAL  
VEHICLE PROHIBITED IN THE RESIDENTIAL AREA; SECTION 54-63  
SIDEWALK OR STREET OBSTRUCTION; SECTION 10-28 LEASH LAW;  
SECTION 10-32 FECAL DISPOSAL; SECTION 10-33 DOGS ON THE  
BEACH; SECTION 10-36 BARKING OR VICIOUS DOGS; SECTION 54-78  
PROHIBITED NOISES; SECTION 34-28 ILLEGAL DEPOSIT OF DEBRIS;  
SECTION 54-2 HANDBILL DISTRIBUTION; SECTION 14-29 WORK  
WITHOUT PERMIT; PROVIDING FOR AN EFFECTIVE DATE.**

- \*B. Resolution for Construction Administration and Inspection and Engineering –  
Roger M. Carlton, Town Manager Page 136-146**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER  
42 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING  
CONSTRUCTION ADMINISTRATION, CONSTRUCTION INSPECTION  
AND ENGINEERING DURING CONSTRUCTION OF THE WATER,  
SEWER, STORM DRAINAGE PROJECT AND PROVIDING FOR AN  
EFFECTIVE DATE.**

- \*C. Resolution for Public Relations Utility Replacement Project – Roger M. Carlton,  
Town Manager Page 147-154**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER  
43 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR PUBLIC  
RELATIONS AND SOCIAL NETWORKING MANAGEMENT FOR THE  
UTILITY REPLACEMENT PROJECT AND PROVIDING FOR AN  
EFFECTIVE DATE.**

- \*D. Resolution for Topographic Survey – Roger M. Carlton, Town Manager  
Page 155-162**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER  
45 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING A  
TOPOGRAPHIC SURVEY ON ROADS AND PROVIDING FOR AN  
EFFECTIVE DATE.**

**\*E. Resolution for Dry Sewer Lines – Roger M. Carlton, Town Manager**

*Page 163-172*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 41 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING THE PREPARATION OF CONSTRUCTION PLANS FOR SURFSIDE INFRASTRUCTURE IMPROVEMENTS FOR DRY SEWER LINE AND AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.**

**\*F. Resolution for Pavement Restoration Plan - Roger M. Carlton, Town Manager**

*Page 173-179*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 46 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR THE PAVEMENT RESTORATION PLAN AND PROVIDING FOR AN EFFECTIVE DATE.**

**\*G. Resolution – Reappropriation of Legal Department Funds– Lynn**

**Dannheisser, Town Attorney** *Page 180-183*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF FUND BALANCE (RESERVES) TO THE LEGAL DEPARTMENT BUDGET; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2010-2011; AND PROVIDING FOR AN EFFECTIVE DATE.**

**\*H. Resolution Retainer of Houlihan & Partners, P.A. – Lynn Dannheisser, Town Attorney** *Page 184-189*

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH HOULIHAN & PARTNERS, P.A. TO APPEAR AS CO-COUNSEL AND REPRESENT THE TOWN IN THE CASE CAPTIONED YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO: 10-CV-24392 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**\*I. Resolution Police Confiscation Fund – Police Chief, David Allen**

*Page 190-193*

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2010/2011 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF FORTY-FIVE THOUSAND (\$45,000.00) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.**

**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 – None**

**9. Mayor, Commission and Staff Communications (Set for approximately 9:45 p.m.)**

**\*A. Proposed FY 2011-2012 Budget Calendar - Roger M. Carlton, Town Manager Page 194-197**

**\*B. Maranon Property Report – Roger M. Carlton, Town Manager Page 198-199**

**C. Report on Feral Cats and Dog Feces – Roger M. Carlton, Town Manager  
(To be delivered under separate cover)**

**\*D. Discussion on Downtown Vision Process – Roger M. Carlton, Town Manager  
Page 200-202**

**E. Discussion of Performance Based Salary Adjustments – Roger M. Carlton, Town Manager  
Page 203-212**

**\*F. Acceptance of Legislative Program for 2011- Roger M. Carlton, Town Manager  
Page 213-218**

**\*G. Crossing Barrier at 96<sup>th</sup> Street and Harding - Roger M. Carlton, Town Manager  
and Assistant Police Chief John DiCenso Page 219-223**

**\*H. Discussion Regarding Adjustment of Solid Waste Collection Service - Roger M.  
Carlton, Town Manager and Assistant Police Chief John DiCenso Page 224-226**

**I. GreenPrint –Our Design for a Sustainable Future – Mayor Daniel Dietch  
Page 227-256**

**\*J. Discussion Regarding Proposed Five Year Financial Plan – Roger M. Carlton,  
Town Manager (To be delivered under separate cover)**

**10. Adjournment**

Respectfully submitted,



Roger M. Carlton  
Town Manager

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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](http://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.



# Memorandum

**To:** Roger Carlton / Town Manager   
**From:** Duncan Tavares / Tourist Bureau Director  
**Date:** 1/11/2011  
**Re:** Statement of Support for the National Guard and Reserve of Florida

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The request for a Town Commission Statement of Support for the National Guard and Reserve of Florida came from Joy Cooper, Florida League of Cities President, to Mayor Dietch. Commissioner Kopelman is sponsoring this agenda item.

Last year, the Florida League of Cities became the first League in the Nation to have 100% of the membership sign a Statement of Support (SOS) for the 38,000 plus members of the National Guard and Reserve in Florida. The hope is to match this effort again this year.

This year one of Florida's very own companies, Bealls, Inc., joined in this initiative by signing statements of support at all of their store locations from Florida to Virginia to California.

The Florida League of Cities views this as an opportunity to work with the Florida Employer Support Guard Reserve (ESGR) Committee in support of the National Guard and Reserve members and their families.



RESOLUTION NO. 2011- \_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION  
OF THE TOWN OF SURFSIDE, FLORIDA,  
EXPRESSING A STATEMENT OF SUPPORT  
FOR THE NATIONAL GUARD AND RESERVE  
OF FLORIDA AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS,** the Florida League of Cities, working with the Florida Employer Support Guard Reserve, requested that the Town of Surfside join them in supporting the National Guard and Reserve of Florida on Tuesday, November 9, 2010, in conjunction with Bealls, Inc. department stores located nationally; and

**WHEREAS,** the Florida League of Cities asks that all cities in the State of Florida join together and issue a statement of support of our National Guard and Reserve and;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Expression of and Authorization.** The Town Commission hereby expresses its support of the National Guard and Reserve of Florida as recognized by the Florida League of Cities and Bealls, Inc. on Tuesday, November 9, 2010.

**Section 3. Direction to the Town Clerk.** The Town Clerk is hereby directed to send a certified copy of this resolution to the Florida League of Cities and the Florida Employer Support Guard Reserve.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 18<sup>th</sup> day of January, 2011.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin	_____
Commissioner Edward Kopelman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Joseph Graubart	_____
Mayor Daniel Dietch	_____

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Daniel Dietch, Mayor

**ATTEST:**

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Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR  
THE TOWN OF SURFSIDE ONLY:**

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Lynn M. Dannheisser  
Town Attorney

**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2010/2011**  
**As of OCTOBER 31, 2010**  
**8% OF YEAR EXPIRED (BENCHMARK)**

Agenda Item # 3B

Page 1 of 2

Agenda Date: January 18, 2011

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
<b>GENERAL FUND</b>				
REVENUE	\$126,694	\$8,769,081	1%	A
EXPENDITURES	\$325,846	\$8,769,081	4%	B
Net Change in Fund Balance	-\$199,151			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$3,081,807			
Fund Balance-October 31, 2010	<u>\$2,882,655</u>			
<b>RESORT TAX</b>				
REVENUE	\$0	\$123,010	0%	C
EXPENDITURES	\$3,875	\$123,010	3%	D
Net Change in Fund Balance	-\$3,875			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$178,096			
Fund Balance-October 31, 2010	<u>\$174,221</u>			
<b>POLICE FORFEITURE/CONFISCATION</b>				
REVENUE	\$0	\$25,000	0%	
USE OF RESTRICTED FUND BALANCE	N/A	\$20,000	N/A	
EXPENDITURES	\$3,491	\$45,000	8%	
Net Change in Fund Balance	(3,491)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$71,823			
Fund Balance-October 31, 2010	<u>\$68,332</u>			
<b>TRANSPORTATION SURTAX</b>				
REVENUE	\$0	\$175,100	0%	
USE OF RESTRICTED FUND BALANCE	N/A	\$48,161	N/A	
EXPENDITURES	\$8,184	\$223,261	4%	
Net Change in Fund Balance	(8,184)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$416,500			
Fund Balance-October 31, 2010	<u>\$408,316</u>			
<b>CAPITAL PROJECTS</b>				
REVENUE (excluding Transfers)	\$109 E	\$139,660	0%	
USE OF COMMITTED FUND BALANCE	N/A	\$4,000,000	N/A	
EXPENDITURES	\$243,905	\$4,139,660	6%	
Net Change in Fund Balance	(243,796)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$4,888,357			
Fund Balance - October 31, 2010	<u>\$4,644,561</u>			

**NOTES:**

- A. Timing Difference - FY 2011 ad valorem property tax revenues are not collected and received until November
- B. Timing Difference - Discretionary expenditures ordered in October are received and due during November
- C. Timing Difference - October Resort Taxes are collected starting in November
- D. Timing Difference - Due to Nov/Dec commencement of Resort promotion activities
- E. Timing Difference - Revenue received to date reflects interest income only

ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
<b>WATER &amp; SEWER</b>				
REVENUE	\$0	\$3,331,303	0%	F
USE OF NET ASSETS/LOAN PROCEEDS	N/A	\$8,138,300	N/A	
EXPENDITURES	\$72,713	\$11,469,603	1%	G
Change in Net Assets*	(\$72,713)			
Unrestricted Net Assets-Oct 1 (unaudited)	\$440,000			
Unrestricted Net Assets-Oct 31, 2010	<u>\$367,287</u>			
<b>MUNICIPAL PARKING</b>				
REVENUE	\$25,589	\$305,600	8%	
USE OF NET ASSETS	N/A	\$2,179,836	N/A	
EXPENDITURES	\$14,054	\$2,485,436	1%	G
Change in Net Assets*	\$11,535			
Unrestricted Net Assets-Oct 1 (unaudited)	\$1,942,364			
Unrestricted Net Assets-Oct 31, 2010	<u>\$1,953,899</u>			
<b>SOLID WASTE</b>				
REVENUE	\$537,333	\$1,291,343	42%	H
EXPENDITURES	\$73,459	\$1,291,343	6%	
Change in Net Assets*	\$463,874			
Unrestricted Net Assets-Oct 1 (unaudited)	\$77,312			
Unrestricted Net Assets-Oct 31, 2010	<u>\$541,186</u>			
<b>STORMWATER</b>				
REVENUE	\$0	\$487,000	0%	F
USE OF NET ASSETS/LOAN PROCEEDS	N/A	\$1,353,442	N/A	
EXPENDITURES	\$5,408	\$1,840,442	0%	G
Change in Net Assets*	(\$5,408)			
Unrestricted Net Assets-Oct 1 (unaudited)	\$40,622			
Unrestricted Net Assets-Oct 31, 2010	<u>\$35,214</u>			

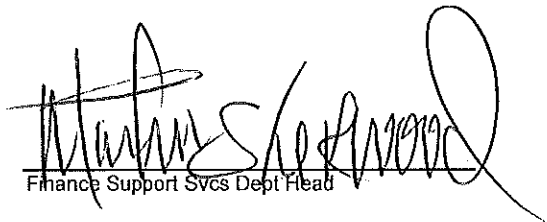
**NOTES:(con't)**

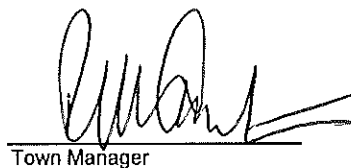
\* the change in net assets excludes financial impact from Capital Assets

F. Timing difference: the bi-monthly billing (and the resulting revenue) for the months of Oct/Nov are not recorded until the month of December

G. Underage due to delay in commencement of Infrastructure/Capital Outlay projects (\$8.1 mill for water/sewer, \$1.4 mill for stormwater, \$2.1 mill for parking)

H. Timing difference: Billing (and the resulting revenue) for the entire fiscal year pertaining to Residential (non-condominium) customers are recorded in October

  
Finance Support Svcs Dept Head

  
Town Manager



**Town of Surfside  
Town Commission Meeting  
January 18, 2011 - 7:00 p.m.  
Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Fl  
Surfside, FL 33154**

**AFTER ACTION ITEMS  
"Points of Light"**

**1. City of Excellence:** At the request of Mayor Daniel Dietch, Town Manager, Roger Carlton designated Tourist Bureau Director, Duncan Tavares and Parks and Recreation Director, Tim Milian, to prepare a report on the process the Town will take to become a "City of Excellence". The report is to be on the agenda for the November Town Commission meeting. Dennis Giordano, CGA, offered to assist Mr. Tavares. Town Clerk, Debra Eastman will help prepare the draft.

**Current Status:** The Florida League of Cities is still in the process of changing this program. It will now be the Municipal Achievement Awards and is still scheduled to be rolled out in February 2011 with an application deadline of May 2011.

**2. Downtown Vision project:** Tourist Bureau Director, Duncan Tavares will prepare a report for the November Commission agenda with recommendations on how to move the Downtown Vision project forward.

**Current Status:** The report appears on the January 18, 2010 agenda. Should the Town Commission accept the report, the Downtown Vision project can move forward.

**3. Maranon property:** In order to accelerate the sale of the Maranon property as previously directed by the Town Commission, Finance Director, Martin Sherwood and Building Official, Paul Gioia will order an update to the appraisal of the Maranon property. Town Manager, Roger Carlton will move forward with the sale process subject to final approval of the sale when the bids are received.

**Current Status:** A recommendation to sell the property or renovate it as a holding action until property values increase appears on the January 18, 2011 Town Commission agenda.

**4. Vacant lot:** Finance Director, Martin Sherwood and Building Official, Paul Gioia will order a new appraisal of the small piece of property south of the Town Hall trailers and an updated appraisal of the vacant lot which the Town currently rents and is used for the parking of police cars. A strategy recommendation to appear on the November 9, 2010 Town Commission meeting agenda.

**Current Status:** Appraisals have been received. A meeting was held with the owner of the property the Town rents for police vehicles on December 6, 2010. A verbal offer in the amount of \$296,500 was made and appeared to be accepted. A few days later, the owner got cold feet and stated that he would retain a real estate agent to market the property. Based on the owner's bad faith, we will now make a strategic lower offer that reduces our original offer by the amount of the

real estate fees and see what happens. We are also looking at the home for sale between the 94<sup>th</sup> and 93<sup>rd</sup> street lots on Harding. An appraisal has been ordered.

**5. Town Commission and Planning and Zoning Board joint meeting:** A resolution of the Town of Surfside, Florida, calling for a joint meeting between the Town Commission and Planning and Zoning Board to create a process to identify the issues to be reconsidered in the Zoning Code (Ordinance no. 10-1558); authorizing Commissioner Michael Karukin to enter into negotiations with the Petition Committee challenging Ordinance no. 10-1558; authorizing the Town Manager and Town Attorney to do all things necessary to effectuate the terms of this resolution; providing for an effective date.

**Current Status:** The first joint meeting was held November 4, 2010. After substantial discussion, the Town Manager, Town Attorney and Town Planner were directed to prepare specific recommendations for action at the second joint meeting scheduled for December 9, 2010. The detailed changes to the code resulting from the joint meeting will be presented to the Planning and Zoning Board during their January 27, 2011 meeting.

**6. Water, sewer and storm drainage project:** Town Manager, Roger Carlton will report to the Town Commission at the November 9, 2010 meeting on financing the water, sewer and storm drainage project. Mayor, Vice Mayor and Commissioners to provide names for a citizen review committee to assist the Town Manager in the review of the alternatives.

**Current Status:** The first meeting of the Water/Sewer and Drainage Project Citizen Oversight Committee (Gerald A. Chenevert, Walter Lugo, Irving Levine, Jason Nevader and Marty Oppenheimer) was held January 13, 2011 and a detailed presentation regarding the construction element of this project was made. A presentation regarding the financing will occur in the next week. There are five design orders to complete all work by Calvin Giordano and Associates to complete all engineering for the project on the January 18, 2011 Town Commission agenda.

**7. Concession stand:** Town Manager, Roger Carlton provided an advertisement for an RFP for a concession stand to Parks and Recreation Director, Tim Milian for review. Tim Milian to obtain the RFP for use in the selection of the vendor for the Community Center. Timing of the procurement to coincide with planned opening of the facility.

**Current Status:** Retaining a vendor for operating the concession stand with Town employees was recommended by the Parks and Recreation Committee in their December 2010 meeting. Staff has concluded that the best approach is to obtain a vendor through the competitive selection process. The RFP is nearly complete and will be advertised in early February.

**8. Part time Maintenance Worker:** Human Resources Coordinator, Yamileth Slate-McCloud reported that a new position of part time Maintenance Worker II, will be posted in order to hire by mid November. The position will address cleaning parking lots and when time available, downtown areas.

**Current Status:** This item has been completed and this work provided by the employee is excellent.

**9. Red light cameras:** Police Chief David Allen and Assistant Chief John DiCenso will manage the implementation of red light cameras now reduced to five for completion by

**Current Status:** The following implementation requirements have been completed or are underway:

**Completed Milestones:**

- Kick Off meeting was completed August 31, 2010
- Business Rules Questionnaire was completed September 28, 2010
- All required documents have been completed by Surfside PD
- The designs for the five approaches have been completed and the permits received from the Florida Department of Transportation (FDOT)
- Multi agency training hosted by SPD completed in December
- The following approaches for Surfside were built and have been approved:  
SUR01 SB: Harding Ave. @ 88th St  
SUR02 NB: Collins Ave @ 88th St
- The start of the Warning Period was January 1, 2011
- Media release issued, FAQs and warning period posted on website
- Electronic signs deployed on north and south end of Town announcing warning period
- The following approaches are under construction. Construction, installation and quality control normally takes two weeks:  
SUR03 NB: Collins Ave @ 90th St  
SUR05 NB: Collins Ave @ 96th St
- The design plan for the following approach was approved by FDOT and MDC on January 7, 2011. This approach should be built and online before January 31, 2011:  
SUR04 NB: Collins Ave @ 93rd St

**Future Milestones:**

- Video review training for the PD is scheduled for January 13, 2011
- Enforcement begins February 1, 2011
- Training for Finance should be the week of March 7, 2011 to ensure accountability for the funds received

**Multi-Space Meters – Status Report**

- Parking revenue for the month of December increased by 34% from December 2009
- Decals have been placed on each of the pay stations advising that the meters are enforced 24/7
- Changes have been made to the on screen instructions making the pay stations more user friendly
- Staff is responding to minor issues as they arise but overall the pay stations are performing very well
- Staff will order five (5) additional pay stations. The vendor has agreed to the same pricing as the first machines the Town purchased. The pay stations will be installed at the following locations:  
200 block of 95<sup>th</sup> Street (south side)  
9500 block of Abbott Avenue (3 machines) – these will serve the on street spaces as well as the West row of spaces in the lot  
9450 Collins Avenue (new parking lot)
- Staff will order a language software program for each machine at a one time cost of \$340 per machine. The program will provide instructions in several languages including: English, Spanish and French



**10. Bal Harbour Comprehensive Plan Amendment hearing: Town Manager, Roger Carlton and Commissioner Edward Kopelman will attend the Comprehensive Plan Amendment hearing at the Village of Bal Harbour on October 19, 2010 at 7 pm. A report to the Town Commission will be made after the Bal Harbour meeting.**

**Current Status:** In a meeting with Bal Harbour Village Manager Al Trepedda, information was provided that this project is on hold until the land acquisition necessary seems more realistic. We will continue to monitor the situation and report when appropriate.

**11. Photo/film permit program: Town Manager, Roger Carlton will prepare a policy for the photo/film permit program in conjunction with input from Surfside citizens. A report will be prepared by Parks and Recreation Director Tim Milian, Police Chief David Allen and Tourist Bureau Director, Duncan Tavares for the December 14, 2010, Town Commission agenda.**

**Current Status:** A meeting was held with Peter Glynn on January 10, 2011 and the provisions of a program were blocked out. A recommended ordinance will be presented in the February 8, 2011 Town Commission meeting.

**12. Circulator bus: Town Manager, Roger Carlton will review the potential linking of the Surfside circulator bus with other communities to allow residents transportation to the Sunny Isles library and possible other destinations. A report will be made to the Town Commission at their November meeting.**

**Current Status:** The managers of Bal Harbour, Surfside, Bay Harbor Islands and Sunny Isles Beach met in December 2010 to discuss potential linkages of their respective bus systems. The consensus was that a coordinated routing system would benefit all communities. A final report on the new system will be made in the February 8, 2011 Town Commission meeting.

**13. Water saving program: Town Manager, Roger Carlton instructed Public Works Director, Fernando Rodriguez with the assistance of John Messarian, Engineer with Calvin, Giordano and Associates to obtain information regarding a water saving program that would provide reduced water usage in toilets. A report will be presented to the Town Commission at their November meeting.**

**Current Status:** With staff changes in the Public Works Department and a new water and sewer relationship manager in Calvin Giordano and Associates, this report will be delayed until February 2011.

**14. Salary increases/performance review: Town Manager, Roger Carlton and Human Resources Coordinator, Yamileth Slate-McCloud will review the request of Commissioner Marta Olchyk to tie salary increases to a performance review and will report back by January, 2011.**

**Current Status:** Report appears on the January 18, 2011 Town Commission meeting agenda.

**15. Investigate whether it is worthwhile to employ a grant coordinator**

**Current Status:** Report appears on the January 18, 2011 Town Commission meeting agenda.

**16. Prepare a Five Year Financial Plan**

**Current Status:** Report appears on the January 18, 2011 Town Commission meeting agenda.

**17. Study of Impact Fees**

**Current Status:** Imposition of impact fees is being reviewed to estimate cost and funding of required studies. Based on the outcome of the combined Planning and Zoning/Town Commission meeting, it may be more appropriate to have the proposed Development Impact Committee negotiate the off-site improvements to be funded by significant developments. There will be more discussion of this topic as the Joint Committee detailed recommendations required approvals proceed.

**18. Install on-line utility payment system**

**Current Status:** Report appears on the January 18, 2011 Town Commission meeting agenda.

**19. Seek permission to use Bal Harbour basketball court and Sunny Isles skate park**

**Current Status:** Town Manager Roger Carlton will add this goal to the discussion mentioned in earlier item regarding cooperative opportunities for the bus systems. With the resignation of the Sunny Isles city manager the skate park item will be deferred for a brief time. The Bal Harbour basketball court is under discussion.

**20. Pension audits**

**Current Status:** Audits for FY 08/09 were distributed to Town Commission. Audits for FY 09/10 are underway by Alyce Jones, CPA and will be presented at the January 27, 2011 Pension Board meeting. The Town of Surfside pension program remains fully funded. There may be a need to amend the pension plan to allow the Town Manager to opt out. This will appear on the next Pension Board agenda if necessary.

**21. Community garden and farmers market – Dania Beach Green Annex**

**Current Status:** The Tourist Bureau Director met with Miami-Dade County Office of Community Health and Planning on December 21, 2010. The county has received a Federal Stimulus Grant to initiate community gardens and farmers markets. Further updates will be forthcoming as Staff works with the County on being included in their plan of action.

On December 23, 2010, the Tourist Bureau Director met with the Green Market Management Company about the possibility of reinstating the Surfside Farmers Market. Awaiting a proposal from the company, update forthcoming.

**22. Explore broadcasting Channel 77 on ATT U-Verse**

**Current Status:** Town Manager Roger Carlton met with AT&T officials to discuss bringing ATT U-verse to the Town. This will be a long process that may require more detailed discussion with the Town Commission in the future.

**23. Feral cat and dog feces concerns**

**Current Status:** A report appears on the January 18, 2011 Town Commission meeting agenda.

**24. First reading of Commercial Vehicle Restricted Parking Ordinance**

**Current Status:** A report appears on the January 18, 2011 Town Commission meeting agenda.

**25. Keep America Beautiful**

**Current Status:** A resolution was adopted by the Town Commission in December. The Parks and Recreation Director presented the program at the January 11, 2011 meeting of the Beautification Committee. The Beautification Committee voted and agreed to endorse the program. Staff will now move forward to implement the program (Keep Surfside Beautiful). Status report will be provided at the February 8, 2011, Town Commission meeting.

**26. Recycle containers for glass and aluminum in downtown and beach areas and used small battery containers at Town Hall**

**Current Status:** Eight recycle containers have been installed downtown. Staff will work on an expanded public information program to ensure that the containers are not used for non recyclables. Staff is also reviewing the potential of battery recycling container program and additional glass/aluminum recycling containers on the beach. A report will be made on the battery recycling on the February 8, 2011 Town Commission agenda.

**27. Baynanza – yearly event in need of new chairperson**

**Current Status:** A volunteer Chairperson has been found for this year's Baynanza to be held on Saturday, April 16, 2011 from 9:00 - Noon. The Chairperson is Surfside Resident and Beautification Committee Member Adam Markow.

**28. PACE program – special assessment districts for home energy efficiency improvements**

**Current Status:** Based on the Federal Housing Agency's position against this type of financing, we will await any revision of their position before any further pursuit of this concept. Item completed.

**29. Canine feces bag receptacles installation**

**Current Status:** Duncan Tavares will coordinate process to obtain sponsorships. Receptacles have been placed in Veterans Park at the 93rd Street entrance to the beach behind the Community Center. In the clean-up of the Public Works storage area by Acting Director John DiCenso, four additional new receptacles were found. The four receptacles will be installed at strategic locations throughout the Town.

**30. PILOTS – Payments In Lieu of Taxes**

**Current Status:** Town Attorney and Town Manager will complete research and report regarding cost and potential funding sources for required studies to implement a PILOT program. Report will be provided in February 8, 2011 Town Commission meeting.

**31. Mobility Study: This project is allocated \$75,000 in the FY 10/11 Budget**

**Current Status:** Shelley Eichner and Sarah Sinatra of Calvin Giordano and Associates, will review and report in February 2011. The work will be awarded to the one of new engineering contractor(s) and should commence in Spring 2011. The Mobility Fee requirement came out of Senate Bill 360. However, the Court found Senate Bill 360 unconstitutional. It is now going through the appeal process and all municipalities are waiting to hear the decision of the Appellate Court. If they uphold the decision that SB 360 is unconstitutional, then the Mobility Fee will not be applicable.

**32. Community Center Supporters “Buy a Brick” program**

**Current Status:** A sample brick was shown to the Town Commission during the December 14, 2010 meeting. Residents Cheryl Arnold and Pamela Behar agreed to volunteer to head up this program with Commissioner Karukin as the Town Commission liaison. Sample pavers to be shown at January 18, 2011 Town Commission meeting. Program fees will be announced at the February 8, 2011 Town Commission meeting. We are behind on this program and the volunteer committee will redouble its efforts to ensure that the bricks are funded and installed before the May 15, 2011 proposed opening date.

**The following section of the Point of Light Report relates to items funded in the budget which are on-going. If a budgeted item has been completed, it will not appear in the report:**

**33. Establish a reserve policy for all fund types for capital outlay projects and smoothing rate increases**

**Current Status:** This will be analyzed in the development of the Five Year Financial Plan and recommendations will be made. The Plan appears on the January 18, 2011 Town Commission agenda.

**34. Complete open permit closeout in the Building Department**

**Current Status:** Owners have been notified and closeout effort is underway. Approximately 25 percent of the open permits have been closed out by the Building Department.

**35. Parking Study**

**Current Status:** The Town Manager recommended \$22,500 per space and the Town Commission adopted the recommendation in the December 14, 2011 meeting. Item completed.

**36. Review property and casualty insurance coverage**

**Current Status:** Finance Director Marty Sherwood and Town Manager Roger Carlton met with and requested price quotations from the Florida League of Cities program to increase coverage levels. A report will be made to the Town Commission as soon as the quotes are received.

**37. Lien Special Counsel: This will help in meeting the goal of placing and collecting liens for extreme violations**

**Current Status:** Report provided by Town Attorney Lynn Dannheisser during the December 14, 2010 Town Commission meeting. Item completed.

**38. Flag replacement: There is an allocation of \$1000 with the Parks and Recreation Department FY 10/11 Budget**

**Current Status:** The funds will be utilized for the reinstallation of the three flag poles at the Community Center. Item completed.

**39. Tourist Resort Tax Auditor program received a \$6000 allocation in the FY 10/11 Budget**

**Current Status:** The RFP to select an auditor is being prepared.

**40. Municipal parking lot renovation program: \$428,000 has been allocated in the FY 10/11 Budget for paving, sealing, restriping, concrete curb repairs, litter receptacles, improved lighting and landscaping and drainage services.**

**Current Status:** This project will be awarded to the new engineering/architectural vendor(s) after a mini competition. Work should commence during Spring 2011.

**41. Interior and exterior repainting of Town Hall**

**Current Status:** Changer Order No. 3 to the Community Center project was approved during the November Town commission meeting. Color selection was approved upon advice from the Beautification Committee. Scheduling for the interior painting on weekends is being prepared by Building Director Paul Gioia and is estimated to require nine weekends. The exterior painting has begun with cleaning and preparing the building.

**42. Solid waste collection vehicles: Staff was directed to prepare the RFB for October 2011 delivery of a new collection vehicle.**

**Current Status:** Commissioner Olchyk has requested the Town Manager to review the frequency of collection on the December 14, 2011 agenda. A report appears on the January 18, 2011 Town Commission agenda.

**43. Document imaging and scanner software: This \$26,500 project was funded in the FY 10/11 Budget**

**Current Status:** Due to more pressing procurement items, etc. (VOIP, Maranon property and expiration of photocopier lease) this project has been pushed back until Summer 2011.

**44. Phone system upgrade: This \$54,000 project was funded in the FY 10/11 Budget**

**Current Status:** Town Clerk Debra Eastman and Town Manger Roger Carlton have reviewed the RFP. This project is assisted by Calvin Giordano and Associates. The RFP has been reviewed by the Miami Dade County Procurement Department and many valuable comments were made. Our thanks to Director Miriam Singer and her staff for this pro bono assistance. Contract award is expected in Spring 2011.

#### **45. Bike Racks**

**Current Status:** The Town Manager, Roger Carlton and Parks and Recreation Director Tim Milian have met to discuss the development of a comprehensive bicycle program for Surfside. A report will follow within 90 days.

#### **46. Illegal right turns on red – Harding Ave**

**Current Status:** Three No Right Turn on Red signs in the center of 95<sup>th</sup>, 94<sup>th</sup> and 93<sup>rd</sup> streets have been installed and the problem has been greatly reduced.

#### **47. Whitefly**

**Current Status:** An inspection of Surfside was held January 7, 2011 with the Commercial Urban Horticulture Agent for Miami-Dade. The Vice Mayor joined in the tour. We will receive a report soon, which will be forwarded to the Town Commission when available.

#### **48. Florida National Guard Statement of Support**

**Current Status:** Postponed from the December Commission agenda. This item appears on the January 18, 2011 Town Commission meeting agenda.

#### **49. National Day of Service (MLK Jr. Birthday Public Holiday)**

**Current Status:** The Police Department is utilizing their Senior Assistance Program database to produce a list of projects to help the Town's seniors. The students from Ruth K Broad K-8 Center will complete the tasks through the coordination of residents Richard Iacobacci and Dana Kulvin, Ruth K Broad K-8 Center PTA Chair. The Tourist Bureau Director is working with the Parks and Recreation Director on integrating an annual event on this date into the America the Beautiful initiative.

#### **50. Library Assets**

##### **Current Status:**

- Ruth K Broad K-8 Center: On December 11, 2010, teachers, students and parents packed over 200 boxes with books and VHS tapes (approximately 6000 items) for the school. These were delivered on December 15, and December 17, 2010.
  - Miami Jewish Health Systems: 8 boxes (approximately 125 books – the Judaica Collection) were picked up on December 28, 2010 \*
  - Camillus House: 78 boxes (approximately 1400 books) were picked up on January 5, 2011\*
  - Operation Paperback: 16 boxes (approximately 300 books) are scheduled to be picked up on January 8, 2011 \*
- \*These boxes were packed with the assistance of Surfside resident volunteers
- Surfside Resident Access was held January 8 and 9, 2011. Utilization was light and Staff relaxed the 5 book family quota.
  - Removal of the 6 containers of books from the rental warehouse to Better World Books is scheduled for January 26, 2011

- Remaining inventory to Miami-Dade Library Sale and Goodwill scheduled for the week of January 24, 2011
- Removal of Library Modular in February 2011 after negotiation of any repairs due to mounting of the shelves to the walls.

**Additional Points added in January:**

**51. Set a “Meet the Town Manager” date**

**Current Status:** The Mayor and Dana Kulvin are working to find a date for this event.

**52. FAQ’s related to what a resident can expect during a permit inspection**

**Current Status:** A draft is being prepared by Paul Gioia.

**53. Clean up/update/enhance Town Website content**

**Current Status:** Calvin Giordano and Associates has been given direction to clean up old information. The Communication Committee is working on the larger issue of improving the site.

**54. Status of distribution of Ruth K. Broad K-8 Center District Boundary Resolution**

**Current Status:** Debbie Eastman has sent out all required copies. Item completed.

**55. Future of independent Employee Holiday Fund**

**Current Status:** Town Manger Roger Carlton will meet with Julia Magnani on January 21, 2011 to discuss alternative methods to reward Town Employees during the holiday season.

**56. Status of Surfside’s Santa Claus (currently at the Log Cabin Nursery)**

**Current Status:** Investigation underway.

**57. Explore development of local preference provision in service-related solicitations**

**Current Status:** There is already a procedure in place which will be reinforced with Staff. Town Clerk/Procurement Director Debbie Eastman will be responsible.

**58. Respond to inquiry related to the history of Surfside’s volunteer fire department**

**Current Status:** Research underway.

**59. Electric car charging stations**

**Current Status:** Staff has obtained the City of Sunny Isles Beach RFP and will make a report during the February 8, 2011 Town Commission meeting.

**The following items have been completed. Items have been deleted from the December 2010 Points of Light.**

10. Code enforcement amnesty program: Building Official, Paul Gioia will give an update at the November Town Commission meeting on the status of the code enforcement amnesty program.
14. Process for ordinance hearings: Town Manager, Roger Carlton and Town Attorney, Lynn Dannheisser will review and suggest a more efficient process for ordinances to be heard by both the Town Commission and Planning and Zoning Board. A report will be made to the Town Commission at their November meeting.
16. After action document mailing: Town Manager, Roger Carlton to review former Vice Mayor Marc Imberman's newsletter and determine if the newly created after action document could be mailed to that email group.
20. Kindle Wireless reading devices available in the reading room of the Community Center Addition
31. Bal Harbour Juice Bar
32. Lot on 96<sup>th</sup> Street owned by Young Israel complaints of trash
36. Plaque in Veteran's Park for J. Coto Eagle Scout beautification effort
52. E-mail Archive Spam Filter project: This \$8000 project was funded in the FY 10/11 Budget





## Town of Surfside Commission Communication

**Agenda Date:** January 18, 2011

**Subject:** Town Manager's Report Point of Light #22

**Objective:** Institute credit card use in Utility Department in person and online

**Background:**

In an attempt to modernize the procedures for the collection of Town revenue in person and online, it is recommended that the Town lease the multi-merchant credit card terminal recommended by our banking institution. The cost to lease the terminal and pin pad is \$31 a month for 48 months.

Entering into the lease will make credit card use available to the residents of the Town of Surfside in order to pay water, sewer, stormwater or solid waste bills. Usage of credit cards will be expanded later for building permits, camps, other recreation fees, etc.

In order to allow on-line credit card payments of utility bills, the Town will also need to purchase a "gateway" for an additional \$375. The gateway will allow the online payment to go straight to the Town's bank, SunTrust, who will then generate an email to the Utility Department for the posting of the payment.

The Town Clerk is currently working with the IT Department to provide whatever changes are necessary to the website to add the online payment function.

A convenience fee will be charged by the Town for use of a credit card that is equal to the cost to the Town to offer the service. Further study is being done in order for the Town Manager to establish the appropriate credit card convenience fee.

The ability to use credit cards in person will be available first, with the online segment to follow shortly thereafter. It is estimated that the entire system will be functional by March, 2011.

Department Head

Town Manager



## Town of Surfside

**Agenda Date:** January 18, 2011

**Subject:** Grant Coordinator

**From:** Roger M. Carlton, Town Manager

**Background:** In previous fiscal years the Town has contracted a grants writer on a per grant basis.

For Fiscal Year 10/11, \$18,000 is allocated for staffing grant research. To date \$4000 has been allocated to grant applications completed by Calvin, Giordano & Associates:

Agency	Amount	Submitted	Award	Likelihood
SFWMD	\$570,000.00	October 15, 2010	Mid-summer	Fair
FEMA	\$2,983,537.50	October 8, 2010	Mid-summer	Good

Therefore there is a balance remaining of \$14,000 for further grant research.

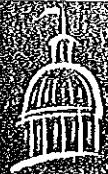
**eCivis:** Brought to the attention of Town Administration by Commissioner Karukin, this is a robust electronic system for grant research ([www.ecivis.com](http://www.ecivis.com)) . Entering a maximum of ten search agent criteria, eCivis will electronically notify the Town of potential grants after searching all Federal, State and foundation grants. The service also maintains a database of available grant writers and their specialties. Deadline alerts and on-demand project status reports are also available. The cost is \$3,000.00 per year. Please see attachment.

**Managing the process:** Town Administration will continue to minimize out of pocket expenses while trying to maximize the grant application success rate.

If Town Commission approval is given to utilize eCivis during the January 18, 2011 Town Commission Meeting, the \$11,000 balance remaining will be support staff efforts to go after grants and include the use of outside grant writers. We believe that a combination of the eCivis search engine with staff and outside writers will maximize our potential success while avoiding the need to recruit additional staff.

A handwritten signature in black ink, appearing to read 'R. Carlton', written over a horizontal line.

Roger M. Carlton, Town Manager



**What if you could...**

- Implement a comprehensive and centralized approach to grant management in order to better coordinate cross-departmental monitoring, training, reporting, and audits?
- Dramatically reduce grant management costs from 5-20% of total grant funding to 0.25%?
- Transform your research, communication, and review process with a single place to search for distilled, relevant, and actionable grant opportunities?
- Put grants management on auto-pilot with automated advanced notifications, deadline alerts, and on-demand project status?
- Support both departments and CBOs in securing millions of dollars in funding to keep services flowing?

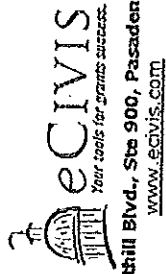
**Top 10 Reasons to Have a Research & Grants Management Software System**

You've been dreaming of ways to not perish in the hyper-competitive fight for grant dollars and have considered incorporating a grants management software system into your grant active organization. But why should you make this investment? By understanding the following 10 key reasons, you will no longer have to say "What if I could...":

1. **Old Ways of Doing Grants are Dead:** It's simple, those that innovate win. Grant active organizations that innovate and use the best available technologies to research and apply for grants win.
2. **Find Grants Easily:** Grants are hard to find using traditional methods. You need a system that makes it easy. A grants management software system provides extensive visibility to available grant funding dollars with a comprehensive database of Federal, State, and Foundation grants that represent billions of dollars in funding.
3. **Make Grants Easy to Analyze and Understand:** Analyzing grants to understand eligibility, award, application, compliance, and other key aspects is time consuming and difficult. A grants management software system not only streamlines the grant dollar discovery process and reduces research time by 80%-90%, but it also provides tens of thousands of annual hours of expert analysis, summarization, and indexing of grant programs.
4. **Keep Up-to-Date with Changes to Grants:** Application dates, amounts, eligibility requirements, etc., all may change from the initial publication of a grant. A grants management software system ensures early warning and timely response to relevant grant opportunities with advanced search, results filtering capabilities, and configurable real-time email alerts.
5. **Provide Visibility to Your Organization's Grant Activities:** A grants management software system provides leadership with the information needed to optimize your grant management investment with a real-time grants management scorecard of key performance indicators (KPIs).
6. **Coordinate Cross-Departmental Grant Activities:** For most organizations, it is difficult, if not impossible, to coordinate grant efforts across departments and with outside key stakeholders. Many times, this results in grant conflicts, wasted efforts, and lackluster performance. A grants management software system saves time, money, and frustration associated with manual processing of previously uncoordinated cross-departmental tasks and provides a centralized administration and a life-cycle view of activity from research and reward to compliance and audit.
7. **Align Grant Activities with Your Organization's Goals:** It's tough to meet your strategic goals when you lack visibility and the ability to track who is doing what in your grants organization. The result? Grant activities that are miss-aligned with your strategic pursuits. A grants management software system ensures visibility, accountability, and alignment of grant activity relative to organizational priorities with reliable tracking of grant and project financials, goals, and performance metrics.
8. **Keep the Money You are Awarded:** The real work starts after you win a grant. You must ensure that you are meeting all project and compliance deadlines. If you don't, you face the reality of leaving grant money "on the table". A grants management software system eliminates the financial risk of not meeting all application, project, reporting, and reimbursement deadlines.
9. **Build a Winning Grants Infrastructure:** To win at the game of grants, you must have a winning team and an efficient supporting infrastructure. The challenge today is that, unless your organization is already built and running on all cylinders, you have to work quickly to win in today's hyper-competitive environment. A grants management software system builds organizational competency and grant management process maturity through a collection of tools, resources, trainings, and publications.
10. **Maintain and Enhance Grants Personnel's Professional Competencies:** From the grants rookie to the most experience grants staffer, everyone benefits from a solid education. A grants management software system enables grants professionals to come up to speed quickly on key issues and hone their individual skills.



Features / Functionally	eCIVIS	Grants.gov
Federal Grants	X	X
State Grants	X	
Foundation Grants	X	
Keyword Search	X	X
CFDA # Search	X	X
Category Search	X	X
Grant Type Search	X	
Eligibility Search	X	X
Application Due Search	X	
Matching Type Search	X	
Geo Filter Search	X	
Agency Search	X	X
Save Search	X	
Save Grant	X	
Save Grant Alerts	X	
Save Search Alerts	X	
Details Rollover	X	
Email Grant	X	
Print Grant	X	
Grant Summary	X	Very Limited
Financial Summary	X	Very Limited
Program Officer Notes	X	
Program Officer Contact Information	X	
NOFA File	X	
Application File	X	X
Standardized Format	X	X
Live Search Support	X	
Live Customer Support	X	



3452 E. Foothill Blvd., Ste 900, Pasadena, CA 91107  
[www.ecivis.com](http://www.ecivis.com)

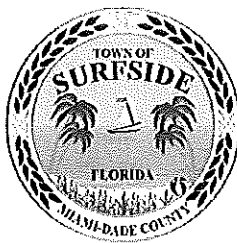
**Price Quotation for Grants Network ("GN")  
 Surfside, FL**

This quote is valid through: Tuesday, November 30, 2010

eCivis Products		Description	Units	Unit Price	Total Price
GN: Research Single License		Federal, State*, and Foundation Grants	1	\$ 3,000	\$ 3,000
GN: Knowledgebase 2.0 Single License		Courses, Subject Briefs, Project Trends	0	\$ -	\$ -
GN: Tracking & Reporting 2.0 Single License		Grants Management and Reporting	0	\$ -	\$ -
		<b>Product Sub-Total</b>			<b>\$ 3,000</b>
eCivis Services		Description	Units	Unit Price	Total Price
GN: Product Training		Onsite Training (Units are in business days)	0	\$ 3,000	\$ -
		<b>Services Sub-Total</b>			<b>\$ -</b>
<b>TOTAL PRICE</b>					<b>\$ 3,000</b>

The products and pricing provided in this quote are for consideration of a sale. The receipt of this quote does not constitute acceptance of an order or a confirmation of an offer to sell. All sales shall be defined in a formal contract subject to execution by Customer and eCivis.

\* State product currently available in AZ, CA, CO, FL, GA, IL, MI, MO, NC, NJ, NY, OH, PA, SC, TX, VA, WA



**TOWN OF SURFSIDE**  
**Office of the Town Attorney**

MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
 Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission

**FROM:** Lynn M. Dannheisser, Town Attorney *[Signature]*

**CC:** Roger M. Carlton, Town Manager  
 Debra E. Eastman, M.M.C., Town Clerk

**DATE:** January 18, 2011

**SUBJECT:** Town Attorney Monthly Update for January 2011

---

The following **Ordinances and Resolutions** have been prepared (and/or reviewed and researched) or other advice rendered regarding the issues contained in them. In the case where agreements are attached, those contracts have also been drafted and/or reviewed and revised this month:

**Ordinances:**

1. Curb Cuts
2. Boat Parking
3. Outside Employment

**Resolutions:**

1. Debris Monitoring Agreement
2. FDLE Grant
3. Mutual Aid Agreement with Aventura
4. Mutual Aid Agreement with North Miami
5. Reappropriation of Legal Department Funds
6. Code Enforcement Resolution –Version A & Version B
7. Retention of Outside Counsel
8. Police Confiscation Funds
9. Work Authorization Number 41 With Calvin, Giordano Authorizing the Preparation Of Construction Plans For Surfside Infrastructure Improvements For Dry Sewer Line

10. Work Authorization Number 42 With Calvin, Giordano Authorizing Construction Administration, Construction Inspection and Engineering During Construction of the Water, Sewer, Storm Drainage Project
11. Work Authorization Number 43 With Calvin, Giordano Authorizing the Public Information Program for the Infrastructure Rehabilitation Project
12. Work Authorization Number 45 With Calvin, Giordano Authorizing A Topographic Survey On Roads
13. Work Authorization Number 46 With Calvin, Giordano Authorizing the Pavement Restoration Plan
14. Honor Commending Rev. Dr. Priscilla Felinsky White for service to Church By the Sea of Bal Harbour

**Planning & Zoning Board:**

The Town Attorney has met with the Town Manager and Planners for follow-up to address issues relating to the Special Commission Meeting held Jointly with the Design Review Board on December 9, 2010. The Joint Committee voted to accept the recommendations of the Joint Report as amended to include the consideration of parking and/or accessory uses to be included in H-30C.

The amendatory legislation has been researched and prepared by the Planners and this Office for consideration by the Planning and Zoning Board at the January meeting and several meetings have been had with respect to these items.

P & Z meeting held on December 16, 2010 included the following items:

DRB

9480 Harding Avenue – Sign

9480 Byron Avenue – Garage Conversion

LPA

Curb Cuts

Psychic Reading and Consultation as a Permitted Use Ordinance

P & Z Discussion Items

Boats

The Office has also worked with the Town Manager re: creation of improvements to overall vision to the Town including downtown planning, streetscape issues and the like.

Meetings have been held with planners, the Town Manager, the property owners and their counsel regarding resolution of outstanding issues related to the proposed hotel for 9200 Collins Avenue.

Work has also been done relative to the pending sale of the Beach House property.

The sign application for the psychic consultation business has been recently submitted for review and comment by the planners, attorney and will be prepared for hearing at the DRB in February.

**Building Department/Code Enforcement:**

Pursuant to the December 2010 Town Commission request, the Town Attorney prepared two Resolutions (Version A and Version B) authorizing the Town Manager to appoint Code Enforcement Officers for the Town who may include Law Enforcement Officers.



The Town Attorney continues to work with the Building Official relating to historic preservation issues, issuance of zoning permits under the current zoning code, parking lot requirements, monitor FEMA violations, continues to give advice and handle calls from staff and residents relative to Community Center issues, and the feral cat concerns.

**Personnel Appeals Board (“PAB”):**

Continuing monitoring, meetings, call and advice relative to the investigation arising from the appeal of termination of Jose J. Perea. Review and comment on the proposed Last Chance Agreement and potential waiver of claims.

**Human Resources Department:**

The Town Attorney has worked with the Town Manager and Human Resource director on several issues relating to Town personnel and policies and procedures.

**Finance Department:**

Review and analysis of Financial Advisor Contract and supporting documents.

**Police Department:** strategize, analyze and review with Police various issues including:

Red light camera video screening

Privacy issues related to surveillance and publication of same

**Public Works:**

Assist and advise Acting Public Works Director on several issues.

**Parks and Recreation:**

Photo/Film permitting and concession stand issues.

**Tourist Bureau:**

Analysis and advice re Tourist Bureau Downtown Development issues.

**Community Center:**

Review issues relative to Community Center and parking requirements.

**Special Matters:**

Analysis and continued research of historic preservation tax issue.

Parking Trust Fund; review of other cities handling of this issue

Advice relative to Maranon property resolution and other potential property acquisitions.

## **Litigation:**

John Davis v. Town of Surfside Case No. 07-17286 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case has been consolidated with a previous case filed by a former sergeant in the Town's police department. Settlement discussions have been unfruitful. Non-Jury Trial has been scheduled for March 14, 2011. Trial preparation is ongoing.

Candy Miller v Surfside Case No. 10- 49676 filed in Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case alleges the Town has prohibited Candy Miller from operating a business and revoked her occupation license for failure to disclose her occupation engaging in astrological consultation, tarot card reading, psychic reading and palmistry. Per the Settlement Agreement approved at the November 9, 2010 Commission meeting, we have amended the code to allow psychic reading and consultation as a permitted use in SD-B40 (Downtown Business) District as a second floor use and subject to all other regulations. Ms. Miller's business application has been approved, her business tax receipt has been issued and she has submitted a sign application for approval before the design review board. This case may be dismissed by Plaintiff's counsel by the time you receive this report.

Young Israel of Bal Harbour, Inc. v. Town of Surfside Civil Action No. 1:10-cv-24392 in the United States District Court for the Southern District of Florida. On December 10, 2010, Young Israel served a complaint alleging the Town Zoning Code imposes a substantial burden on Young Israel in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA). Young Israel is asking the Court to grant the following: a preliminary and permanent injunction against the Town and to enjoin the Town from taking any action to prevent, hinder or interfere in any manner with construction of the proposed synagogue; a permanent injunction ordering the Town to adopt amendments to the Town Zoning Code and to issue permits and licenses as are necessary to permit construction of the proposed synagogue; a judgment for \$5,000,000 plus interest and costs for actual and punitive damages; a judgment for attorney's fees; and any further relief the Court deems just and proper.

The Town Attorney has reviewed, researched and analyzed the counts of the complaint, recommended outside counsel and met with said counsel in preparation for meeting with the Town of Surfside Commission. On Thursday, January 6, 2011 at 6:30 p.m, the Town Attorney and proposed outside counsel met in a special executive (Attorney-Client) Session to discuss the litigation strategy on this issue. The Town Commission has decided to vigorously defend against this claim and this Office is assisting in the preparation of this case.

Hapuarachchi v Surfside Miami -Dade Case No. (F98-450) Hapuarachchi filed for a re-hearing of the Court's order denying her motion for return of property. The Court requires Ms. Hapuarachchi to pay a fee to reopen the underlying case before it will consider her most recent Motion.

## **Florida League of City Cases:**

We monitor, coordinate witnesses from our staff, and confer with League counsel on these cases that are covered by the FMIT:

Warren Blum v. Town of Surfside Case No. 02-19134 CA 08

This action commenced in 2001 against the Town, former Town Manager, Rodriquez and former Police Chief, Boemler. Blum, a former police officer alleges breach of contract, violation of

policeman's bill of rights and fraud in the inducement. A Calendar Call was scheduled for October 4, 2010 and Judge Cardonne-Ely granted Plaintiff's motion for continuance and removed the case from the trial calendar. The Judge indicated that the case would be reset for trial sometime in 2011. We await a new trial order. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible. FMLA counsel and the Town Attorney's office have been in frequent contact to discuss this matter and as of this date, no settlement has been reached. **NO CHANGE.**

Dina Agin v. Town of Surfside Case No. 07-41974 CA 30

Dina Agin filed a complaint seeking damages for injuries allegedly arising from a trip and fall accident due to a defective condition on the property/premises/sidewalk near the corner of 96<sup>th</sup> Street and Bay Drive in the Town of Surfside. League counsel has informed our office that the hearing on Plaintiff's motion to compel DOT's responses to discovery, motion to special set the case for trial and the Plaintiff's second partial motion for summary judgment was cancelled and will be rescheduled. **NO CHANGE.**

Piedad Uejbe and Americo Wehbe: Claims by Piedad Uejbe and Americo Wehbe are filed pursuant to Florida Statute 768.28. These claims are currently under pre-suit investigation by the Florida League of Cities in accordance with the Town's insurance policy and subject to the attorney-client privilege. It appears the primary allegations in the claims arise from an arrest of both Claimants by the Surfside Police Department on September 27, 2007. This office is working with the Police Department and Florida League of Cities to sort out the facts. **Investigation is on-going.**

**Research Issues:**

Postmark as Date Of Acceptance for utility payments  
Lot Aggregation  
Red Light Camera Video Streaming  
Charter School Land Use Regulations

Continued monitoring of legislation out of Tallahassee and Miami Dade County.

The December outside counsel invoices are attached per the Vice Mayor's request. The entries that are privileged are redacted.

**Lewis, Stroud & Deutsch, PL**

1900 Glades Road  
Suite 251  
Boca Raton, FL 33431  
Tel 561-826-2800 Fax 561-826-2828

*Rev*  
*D/L/10/11*  
*1/10/11*

January 03, 2011

**Invoice**

Lynn Dannheisser  
Town Attorney, Town of Surfside  
9293 Harding Avenue  
Surfside FL 33154  
USA

In Reference To: Elizabeth Bankes v. Town of Surfside Case No.: 10-24860 CA22  
Our File No.: 61000  
Matter: Hotel Zoning

Invoice # 2715  
Federal ID #  
20-338-5521

**For Professional Services Rendered:**

	<u>Hours</u>	<u>Amount</u>
12/6/2010 NES Telephone conference with Mr. Spenser and Ms. Dannheisser; followup conference with Ms. Dannheisser and Town Attorney regarding response to Mr. Spenser's latest letter.	1.00	200.00
12/7/2010 NES Draft correspondence to Mr. Spenser; transmit to Ms. Dannheisser for her review and comments	0.60	120.00
12/8/2010 NES Finalize correspondence to Mr. Spenser after review of comments by Ms. Dannheisser; respond to requests from Mr. Spenser	0.80	160.00
12/23/2010 NES Telephone conferences with town planner	0.30	60.00
12/28/2010 NES Review correspondence from Ms. Dannheisser; review code and respond	0.30	60.00
<b>Total professional services rendered</b>	<b>3.00</b>	<b>\$600.00</b>

**Disbursements Incurred:**

12/15/2010 JS Westlaw for November, 2010	33.42
12/30/2010 JS Copying cost for December, 2010	3.50
<b>Total Disbursements Incurred:</b>	<b>\$36.92</b>

Total amount of this bill

\$636.92

Previous balance

\$1,323.80

Accounts receivable transactions

12/27/2010 Payment - Thank You No. 083288

(\$1,323.80)

Total payments and adjustments

(\$1,323.80)

**Balance due**

**\$636.92**

Invoice Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Nancy E. Stroud	3.00	200.00	\$600.00

WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.

ATTORNEYS AT LAW

A PROFESSIONAL LIMITED LIABILITY COMPANY  
INCLUDING PROFESSIONAL ASSOCIATIONS

MIAMI-DADE OFFICE

2525 PONCE DE LEON BOULEVARD

SUITE 700

CORAL GABLES, FLORIDA 33134

TELEPHONE 305-854-0800

FACSIMILE 305-854-2323

WWW.WSH-LAW.COM

BROWARD OFFICE

200 EAST BROWARD BOULEVARD • SUITE 1900

FORT LAUDERDALE, FLORIDA 33301

TELEPHONE 954-763-4242 • FACSIMILE 954-764-7770

\*OF COUNSEL

December 17, 2010

RECEIVED  
12-23-2010

*Received -  
1/4/11*

MITCHELL BIERMAN, P.A.  
NINA L. BONISKE, P.A.  
MITCHELL J. BURNSTEIN, P.A.  
JAMIE ALAN COLE, P.A.  
STEPHEN J. HELFMAN, P.A.  
GILBERTO PASTORIZA, P.A.  
MICHAEL S. POPOK, P.A.  
JOSEPH H. SEROTA, P.A.  
SUSAN L. TREVARTHEN, P.A.  
RICHARD JAY WEISS, P.A.  
DAVID M. WOLPIN, P.A.

DANIEL L. ABBOTT  
AARON BEHAR  
GARY L. BROWN  
IGNACIO G. DEL VALLE  
ALAN L. GABRIEL  
DOUGLAS R. GONZALES  
EDWARD G. GUEDES  
JONATHAN Z. KURRY  
MATTHEW H. MANDEL  
ALEXANDER L. PALENZUELA-MAURI  
ANTHONY L. RECIO  
BRETT J. SCHNEIDER  
CLIFFORD A. SCHULMAN  
LAURA K. WENDELL

LORI ADELSON\*  
LILLIAN M. ARANGO  
BROOKE P. DOLARA  
RAQUEL ELEJABARRIETA  
CHAD S. FRIEDMAN  
OLIVER GILBERT\*  
R. BRIAN JOHNSON  
JOHN J. KENDRICK III  
HARLENE SILVERN KENNEDY\*  
KAREN LIEBERMAN\*  
JOHANNA M. LUNDGREN  
ALEIDA MARTINEZ MOLINA\*  
KATHRYN M. MEHAFFEY  
MATTHEW PEARL  
JOHN J. QUICK  
AMY J. SANTIAGO  
DANIEL A. SEIGEL  
GAIL D. SEROTA\*  
JONATHAN C. SHAMRES  
ESTRELLITA S. SIBILA  
ALISON F. SMITH  
ANTHONY C. SOROKA  
EDUARDO M. SOTO  
JOANNA G. THOMSON  
MICHELLE D. VOS  
PETER D. WALDMAN\*  
JAMES E. WHITE  
DEREK R. YOUNG  
SAMUEL I. ZUSKIND

Lynn Dannheisser, Esq.  
Town Attorney  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

Dear Lynn:

Enclosed you will find invoices for services rendered for the month of November 2010. Please do not hesitate to contact me should you have any questions.

As always, thank you for your continued confidence in our Firm.

Sincerely,

Joseph H. Serota

jjv  
Enclosure

**WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.**

2525 Ponce de Leon Boulevard  
Suite 700

Coral Gables, Florida 33134

305-854-0800

Fax 305-854-2323

Tax ID No. 20-8112403

Town of Surfside, Florida  
9293 Harding Avenue  
Surfside, FL 33154

December 16, 2010  
Invoice # 124243

CLIENT: 0286 - Town of Surfside, Florida  
Re: 003 General Labor

**For Professional Services Rendered**

Date	Services	Hours	Amount
11/09/10 re	Telephone Conference With Mr. Allen Regarding Status Of ██████████ Leave	0.20	43.56
11/11/10 re	Determine Possible Issues With Investigation Concerning ██████████	0.40	87.13
11/16/10 re	Telephone Conference With Mr. Allen Regarding Status Of Investigation	0.20	43.56
11/19/10 re	Review And Analyze Preliminary Report On Investigation Concerning ██████████ Draft Correspondence To ██████████ Re Commencement Of Investigation By Town	1.20	261.40
11/22/10 bjs	Review And Revise Draft Notice Of IA ██████████	0.20	43.56
11/22/10 re	Review Correspondence Re ██████████ Administrative Leave; Draft Correspondence Re Same	0.30	65.35

**Summary of Services**

	Rate	Hours	Amount
re Raquel Elejabarrieta - Associate	217.80	0.40	87.12
re Raquel Elejabarrieta - Associate	217.82	0.40	87.13
re Raquel Elejabarrieta - Associate	217.83	1.50	326.75
bjs Brett J. Schneider - Shareholder	217.80	0.20	43.56
<b>Total Professional Services</b>		<b>2.50</b>	<b>\$544.56</b>

Client Ref: 0286 - 003  
Invoice # 124243

December 16, 2010  
Page 2

**Invoice Summary**

For Professional Services	544.56
For Disbursements Incurred	0.00
<b>Total this Invoice</b>	<u><u>\$544.56</u></u>
<b>Past Due Balance</b>	<u>\$108.92</u>
<b>Total Balance Due</b>	<u><u>\$653.48</u></u>



**WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.**

2525 Ponce de Leon Boulevard  
Suite 700

Coral Gables, Florida 33134

305-854-0800

Fax 305-854-2323

Tax ID No. 20-8112403

Town of Surfside, Florida  
9293 Harding Avenue  
Surfside, FL 33154

MAY CONTAIN  
UNCLASSIFIED / CLASSIFIED PRIVILEGED  
INFORMATION EXEMPT FROM PUBLIC  
DISCLOSURE CONTACT US DIRECTLY

December 15, 2010  
Invoice # 124205

CLIENT: 0286 - Town of Surfside, Florida, Inc.  
Re: 052 RLUIPA Issues

**For Professional Services Rendered**

Date	Services	Hours	Amount
11/15/10 slt	Review Files and Draft Correspondence; Prepare for Meeting with Town Attorney, Town Manager and Mayor; Search for Information on Potential Opposing Counsel	1.10	239.62
11/16/10 slt	Prepare For And Meet With Town Attorney, Town Manager And Mayor Re Issues; Draft Correspondence Re Tenth Circuit Case And Further Developments; Follow Up	1.50	326.76
11/18/10 slt	<del>Settlements</del>		
11/22/10 slt	Review Recent Case Re Limitation Or Exclusion Clause; Draft Related Correspondence; Confer With Town Planner Re Nature Of Information Needed Re Other Synagogues	0.30	65.35

Do not PM

**Summary of Services**

	Rate	Hours	Amount
slt Susan L. Trevarthen - Shareholder	217.83	0.30	65.35
slt Susan L. Trevarthen - Shareholder	217.84	2.60	566.38
slt Susan L. Trevarthen - Shareholder	217.85	0.40	87.14
<b>Total Professional Services</b>		<b>3.30</b>	<b>\$718.87</b>

**Invoice Summary**

For Professional Services	718.87
For Disbursements Incurred	0.00
<b>Total this Invoice</b>	<b>\$718.87</b>

= 87.14  
631.73

*MD*

# GRAYROBINSON

Attorneys At Law  
Suite 1400  
301 E. Pine Street  
Post Office Box 3068  
Orlando, Florida 32802  
Telephone (407) 843-8880  
Federal ID # 59-1300132

RECEIVED  
12/7/2010

*[Handwritten Signature]*

Lynn M. Dannheisser, Esq.  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

**Remittance Address:**  
P.O. Box 3068  
Orlando, Florida 32802-3068

Attorney: Zelkowitz, Steven W

## Statement of Account as of December 8, 2010 For Client Account No.: 812106

Invoice Number	Invoice Date	Mat #	Matter Name	Amount Billed	Amount Received	Balance Due
10125742	12/08/10	2	9540 Collins Avenue Parking Area	\$1,237.50	\$0.00	\$1,237.50
<b>Totals:</b>				<b>\$1,237.50</b>	<b>\$0.00</b>	<b>\$1,237.50</b>

0-30 Days	31-60 Days	61-90 Days	91+days	Balance Due
\$1,237.50	\$0.00	\$0.00	\$0.00	\$1,237.50

Note: Payments received after the statement date will be reflected on your next statement.

# GRAY ROBINSON

Attorneys At Law  
Suite 1400  
301 E. Pine Street  
Post Office Box 3068  
Orlando, Florida 32802

Telephone (407) 843-8880  
Federal ID # 59-1300132

Lynn M. Dannheisser, Esq.  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

December 8, 2010  
FILE # 812106 - 2

Statement # 10125742

Re: 9540 Collins Avenue Parking Area Expansion and Improvements Project

This summary includes all transactions on the above matter processed up to and including the date of the last transaction shown on this invoice. Any transactions, including credits or receipts processed after that date will be reflected on a future statement.

CURRENT FEES:	\$ 1,237.50
CURRENT DISBURSEMENTS:	\$ 0.00
CURRENT BALANCE DUE:	\$ 1,237.50

0753

## REMITTANCE COPY

Please return this remittance copy with your payment for proper allocation.  
**PAYMENT IS DUE UPON RECEIPT**

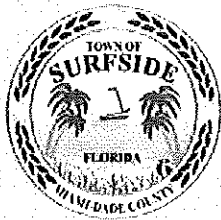
**Fees**

11/15/10	SWZ	Prepare Price Form; exchange correspondence.	2.70	\$ 607.50
11/29/10	SWZ	Continue drafting exhibits including proposal bond form; contract execution form and certificate as to corporate principal.	2.80	\$ 630.00

NAME	HOURS	RATE	AMOUNT
Zelkowitz, Steven W	5.50	\$ 225.00	\$ 1,237.50
Current Fees:			\$ 1,237.50

**Disbursements:**

Description	Amount
Current Disbursements	\$0.00



## TOWN OF SURFSIDE

9293 Harding Avenue  
Municipal Building  
9293 Harding Avenue  
Surfside, Florida 33154  
(305) 861-4863  
(305) 861-1302

Page 1  
Town of Surfside  
Projects Progress Report

## TOWN OF SURFSIDE PROJECTS PROGRESS REPORT JANUARY, 2011

Daniel Dietch  
Mayor

Joe Graubarf  
Vice Mayor

Marta Olchyk  
Commissioner

Michael Karukin  
Commissioner

Edward Kopelman  
Commissioner

Roger M. Carlton  
Town Manager

1. **Community Center** – The roof slab was poured in late December. This concrete pour required 540 cubic yards, or 54 truck loads, of concrete to complete. The roof slab will need to cure in the forms until the concrete reaches a specified strength. The forms for the roof slab and support framing will be removed entirely after fifteen days of curing has occurred. After the forms and shoring have been removed work on the glass exterior of the building will begin. Work on the Activity Pool began in December and will continue into January. The Activity Pool has been excavated, plumbed and the Contractor is now installing structural steel.
2. **Planning and Community Development** – Staff transmitted the Capital Improvements Element update, which was adopted on November 9, 2010, to the Department of Community Affairs (DCA) on November 18, 2010. DCA found the CIE in compliance with the State Statutes and issued the Notice of Intent on December 30, 2010. Staff also prepared ordinances relating to changes for boats and curb cuts on lots resulting from the code hearing in August, which were presented to the Planning and Zoning Board on December 16, 2010. Staff is preparing the ordinance text for the zoning changes resulting from the December 9, 2010 Joint Meeting. Planning staff continues to answer general zoning calls and emails from the public and to review building permits for conformance with the zoning code.
3. **Website, Information Technology, TV Broadcasts** - The Town has ordered three network switches to replace the switches currently installed that belong to Calvin, Giordano & Associates (CGA). The IT Department investigated the possibility of adding AT&T's U-Verse service to the broadcast feed and we are continuing to work with the Town Manager Roger Carlton to determine the cost and possibility for making the town channel available for U-Verse broadcast. The Communications Committee is meeting with the Town Clerk to develop new ideas for the website and the electronic communication used by the Town. CGA will be modifying the RFP for the new phone system based on the absence of a conduit installed between Town Hall and the Community Center. The RFP for replacement of the front office copier has been provided to the Town Clerk. IT staff is gathering quotes for wireless lapel microphones for the commissioners to use for meetings, as instructed by the Town Clerk. The RFP for the Voice Over Internet Protocol (phone replacement) as funded in the FY 10/11 budget has been completed and will be advertised during January, 2011.

#### 4. Public Utilities / Engineering –

##### **Stormwater System**

Construction plans and specifications – 100% complete. Submitted for City review on 11/18/10 with comments expected soon.

Permits – All permits obtained except contractor DERM permit and contractor FDEP well permit.

Construction schedule – Advertisement goal of 02/9/11 with anticipated construction duration goal of 15 months. CGA and staff are studying the option of an “early bonus system” to achieve this ambitious schedule.

Grant status - FDEP \$873,500	– In place
FDEP \$125,000	– In place
FDEP \$100,000	– In place
FDEP \$2,949,550	– In process.
SFWMD \$570,000	– In process

##### **Sanitary Sewer Collection System**

Construction plans and specifications – 95% complete for collection system upgrades and sewage lift station refurbishment. Submitted for City review on 11/18/10 with comments expected soon

Permits – WASAD approval pending City approved plans.

Construction schedule – Advertisement goal of 02/9/11 with anticipated construction duration goal of 15 months. CGA and staff are studying the option of an “early bonus system” to achieve this ambitious schedule.

##### **Water Distribution System**

Construction plans and specifications – 95% complete. Submitted for City review on 11/18/10 with comments expected soon.

Permits – WASAD and DERM approved. HRS pending; response expected by 2/1/2011.

Construction schedule – Advertisement goal of 02/9/11 with anticipated construction duration goal of 15 months. CGA and staff are studying the option of an “early bonus system” to achieve this ambitious schedule.

Grant status - FDEP \$829,000 – In place

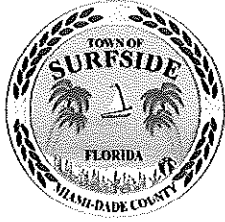
### **Stormwater Master Maintenance**

The stormwater drainage system is being cleaned and maintained on a yearly basis as required by the National Pollution Discharge Elimination System Permit. Repairs and replacement program coincide with the Florida Department of Environmental Protection Stormwater project and grants

### **Florida Department of Transportation Local Agency Program**

CGA assisted the Town with the Florida Department of Transportation Local Agency Program (LAP), which allows access to additional funding within the State right of ways, such as the replacement of handicap ramps, bus stop pads and solar lights along 92<sup>nd</sup> Street between Harding and Collins Avenue. This project is under construction with no matching funds required from the Town.

- 5. Neighborhood Improvements** - CGA prepared initial cost summaries and preliminary strategies for implementing a street tree/tree canopying program for the Town. The goal is to enhance the quality of the residential districts by employing the benefits of street trees, including added property values, shade, and micro-climate/heat island impacts. The provision of street trees have been conceptualized so that they also provide for opportunities with traffic calming, particularly at the street corners and at the mid-blocks, so as to further the livability of the streets and potentially protect both pedestrians and children who may be playing, bicycling or transiting in the street. The initial, suggested strategy seeks to use trees as a neighborhood wayfinding, and community branding element, where specific trees would be used as typical plantings on north-south streets, different from those east-west and potentially flowering trees at the intersections. These, essentially, will constitute the fundamentals of a tree master plan that seeks to continue and further the neighborhood enhancement goals expressed in the community charrette document and already begun through zoning and design guidelines regulation adoptions. The approach will be further developed pending a walk-through with Town Staff to assess the existing conditions, existing constraints, and potential opportunities. The project will be presented to the Town Commission before the bid award for the water/sewer/storm drain project is awarded and will be implemented if funds are available in the bond issue.



## Commission Communication

**Agenda Item #** 3G

**Agenda Date:** January 18, 2011

**Subject:** Renewal of the Disaster Debris Monitoring Services Contract


**Background:** In October 2008, O'Brien's Response Management Inc., was awarded a competitively bid contract with the Town to provide disaster debris monitoring services. Fortunately, it has not been necessary to utilize their services. Due to an oversight by Staff it was discovered that the contract was not renewed in a timely manner and had lapsed. Town staff recommends that the contract be renewed for a period of two (2) additional years until October 2012. (Attachment A)


**Analysis:** N/A

**Budget Impact:** As services are rendered in accordance with the fee schedule in the previous contract. The prices from the previous contract have been renewed at the same level. (Attachment B)

**Staff Impact:** None

**Recommendation:** It is recommended that the Surfside Town Commission approve the two (2) year renewal contract for disaster debris monitoring services with O'Brien's Response Management Inc. It is critically important that this service be available well in advance of a storm.

  
\_\_\_\_\_  
John Di Censo  
Assistant Chief

  
\_\_\_\_\_  
Roger M. Carlton  
Town Manager



RESOLUTION NO. 2011 \_\_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE CONTRACT RENEWAL WITH O'BRIEN'S RESPONSE MANAGEMENT, INC. FOR TWO YEARS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE CONTRACT RENEWAL; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT RENEWAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") awarded O'Brien's Response Management Inc. a contract for disaster debris monitoring services; and

WHEREAS, O'Brien' Response Management Inc. has been providing debris monitoring services for the Town since 2008; and

WHEREAS, O'Brien's Response Management Inc. has the experience and expertise necessary to provide these services; and

WHEREAS, it is in the best interest of the Town to approve the Contract Renewal in substantial form with O'Brien's Response Management to provide disaster debris monitoring for two (2) additional years.

NOW, THERE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

**Section 1. Recitals.** The above recitals are true and correct and incorporated into this Resolution by this reference.

**Section 2. Approval of Contract Renewal.** The Contract Renewal between O'Brien's Response Management and the Town of Surfside to provide disaster debris monitoring services, a copy of which is attached as Exhibit "A", together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

**Section 3. Authorization of Town Officials.** The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Contract Renewal.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town's Purchasing Procedures Ordinance, the Town Manager is authorized to expend funds to implement the terms and conditions of the Contract Renewal.

**Section 5. Execution of Agreement.** The Town Manager is authorized to execute the Contract Renewal on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Contract Renewal and to execute any extensions and/or amendments, subject to the approval as to form and legality by the Town Attorney.

**Section 6. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18<sup>th</sup> day of January, 2011.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**


Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

**EXHIBIT A**  
**ATTACHMENT A**

**RENEWAL TO THE DISASTER DEBRIS MONITORING SERVICES CONTRACT**

This Renewal to the Disaster Debris Monitoring Services Contract is entered into by and between the Town of Surfside, Florida ("Town"), and O'Brien's Response Management Inc. ("O'Brien's"), each of which may be referred to individually as "Party" or collectively as the "Parties".

**WHEREAS**, the Town and Solid Resources, Inc. entered into a Contract for Disaster Debris Monitoring Services effective October 13, 2008 ("Contract");

**WHEREAS**, Solid Resources, Inc. merged by operation of law into O'Brien's effective January 1, 2010, and O'Brien's assumed all of the legal obligations of Solid Resources, Inc.; and

**WHEREAS**, the Contract expired on October 12, 2010, and the Parties desire to renew the Contract for a period of two (2) years.

**NOW, THEREFORE**, the Parties agree to the following:

1. The Parties agree that the above-referenced recitals are true and correct, and are incorporated herein.
2. The Parties agree that the effective date of this Renewal is October 13, 2010, and the Contract shall extend for a period of two (2) additional years until October 12, 2012.
3. The foregoing terms and conditions are hereby incorporated into the Contract. In the event of any conflict or ambiguity between the Contract and the Renewal, the Renewal shall control.

**IN WITNESS WHEREOF**, the Parties below agree to the foregoing terms and conditions.

**Town of Surfside, Florida**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**O'Brien's Response Management Inc.**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

CONTRACT

For the Provision of

DISASTER DEBRIS MONITORING SERVICES

Between

TOWN OF SURFSIDE, FLORIDA

And

SOLID RESOURCES, INC.

Dated: 10-13-08

**CONTRACT FOR THE PROVISION  
OF DISASTER DEBRIS MONITORING SERVICES**

This Contract for the Provision of Disaster Debris Monitoring Services ("Contract") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2008 ("Effective Date"), by and between the Town of Surfside, Florida ("Town") and Solid Resources, Inc. ("Contractor" or "SRI"), each of which may be referred to individually as "Party" or collectively as the "Parties".

The Parties agree to the following:

1. **Engagement.** The Town hereby engages Contractor, and Contractor hereby accepts such engagement, to provide Disaster Debris Monitoring Services (as defined herein) in accordance with the terms, and subject to the conditions, of this Contract.
2. **Services/Scope of Work.** During the Term (as defined herein), the Contractor shall provide the Town with disaster debris monitoring services that shall include those services described in Attachment "A", which is

incorporated herein ("Disaster Debris Monitoring Services" or "Services") in addition to other professional service as described in the original SRI proposal dated June 30, 2008, incorporated by reference herein. The Town shall create a scope of work when it desires to purchase from the Contract, and the scope of work shall be incorporated into a task order that shall be issued to Contractor ("Task Order"). The Task Order shall set forth a timetable for the Services, the compensation in accordance with the Contract, and any special conditions.

3. **Term.** The term of this Contract shall commence on the Effective Date, and shall be in effect for a period of two (2) years from the Effective Date ("Term"), unless otherwise terminated earlier as provided herein. At the end of the Term, the Parties may mutually agree to renew the Contract provided the renewal is in writing and signed by both Parties.

4. **Independent Contractor.** It is expressly acknowledged by the Parties that Contractor is an "independent contractor" and nothing contained in this Contract is intended, or shall be construed, to create a partnership between the Parties, to cause either Party to be responsible in any way for the debts, liabilities, or obligations of the other Party, or to constitute an employer-employee relationship between the Parties.

5. **Compensation.** The Town shall pay Contractor for rendering Services upon the satisfactory completion of each work assignment as accepted and approved by the Town. The compensation for each work assignment shall be in accordance with the fee schedule in Attachment "B", which is incorporated herein. The compensation for Services may not be modified, unless otherwise agreed upon by the Parties in writing. The estimated hours required to complete each work assignment shall be itemized by task and total time. The Town shall render payment to Contractor upon request by Contractor as work progresses. The payment shall be made upon receipt of an invoice ("Invoice") from Contractor, and in compliance with Section 218.70, F.S., otherwise known as the "Florida Prompt Payment Act". The Invoice shall contain the Contract number, and the Task Order number. The Town may request, and the Contractor shall provide to the Town, any information that is reasonable and necessary to verify any Task Order placed under the Contract. Unless as otherwise agreed to by the Parties in writing, no additional expenses shall be charged to the Town for rendering of Services.

6. **Insurance.** During the Term, Contractor agrees to maintain at its sole cost and expense, a policy of commercial general liability insurance with limits of not less than \$500,000 per occurrence, and workers' compensation in accordance with statutory limits as required by law. Further, Contractor agrees to maintain automobile liability insurance with limits of not less than \$500,000 per occurrence; \$500,000 per accident for bodily injury; and \$500,000 per accident for property damage. The Contractor agrees to submit to the Town, prior to the signing of the Contract, a certificate of insurance naming the Town as an additional insured.

7. **Notice.** All notices from the Contractor to the Town, or from Town to the Contractor must be in writing, and, shall be deemed duly served if mailed by U.S. mail, e-mailed, or faxed to the other Party at the following:

Town: Town of Surfside, Florida  
Gary Word  
Town Manager  
9293 Harding Avenue  
Surfside, Florida 33154  
Telephone: (305) 993-1051  
Fax Number: (305) 993-5097

Contractor: Solid Resources, Inc.  
Gary Stankovich, President

2201 Cantu Court  
Suite 119  
Sarasota, Florida 34232  
Telephone: (941) 379-8100  
Fax Number: (941) 379-8113  
E-mail: gstankovich@solid-resources.com

The Parties may change the above addresses or fax numbers at any time upon giving the other Part written notice.

8. Termination.

8.1 For Cause.

8.1.1 Failure to Perform. The Town may terminate the Contract if (1) Contractor fails to perform under the terms of this Contract, (2) Town provides Contractor with a written notice of the default, and (3) Contractor fails to cure the default within thirty (30) days. Upon termination, the Contractor shall continue work on any Task Orders not terminated. Contractor shall not be liable for any excess costs if the failure to perform the Contract arises from events completely beyond the control of, and without the fault or negligence of, the Contractor.

8.1.2 Bankruptcy/Insolvency. The Town may terminate the Contract by providing written notice to the Contractor in the event the Contractor files any petition or proceeding for bankruptcy relief, or is adjudicated to be bankrupt or insolvent or fails to pay just debts as ordinarily due.

8.1.3 Town Vendor List. If the Contract is terminated for cause, the Town shall remove the name of the Contractor from the Town's vendor list.

8.2 Without Cause. The Town may terminate this Contract without cause by providing Contractor with 7 days written notice of the termination.

8.3 Effects of Termination. Upon receipt of any notice of termination, Contractor shall discontinue providing Services except as otherwise provided in Section 8.1.1. To the extent that the termination of this Contract is not due to Contractor's breach of its obligations under the Contract, Town shall reimburse Contractor for all Services properly furnished in accordance with the requirements of this Contract up and through the date of the notice of termination (or such other time specified in the notice). Notwithstanding any other provisions in the Contract to the contrary, the Contractor shall have no further obligations under this Contract after the effective date of the termination.

9. Indemnification/Liability.

9.1 Contractor agrees to indemnify and hold harmless, and pay on behalf of the Town, for any liability and/or legal costs arising out of claims and litigation related to the rendering of Services, including any actions that may arise from allegations regarding determinations of appropriateness or inappropriateness of care or any acts, errors, or omissions related to the Services, by Contractor and its officers, partners, agents, or employees; provided, however, that Contractor shall not indemnify

for that portion of any loss or damages caused by the negligent or intentional acts or wrongful omissions of the Town, and its officers, partners, agents, or employees.

9.2 For all claims against Contractor under any individual Task Order, and regardless of the basis on which the claim is made, the Contractor's liability under a purchase order for direct damages shall be limited to the greater of \$100,000, the dollar amount of the Task Order, or the amount of the charges rendered by Contractor under the Task Order. This limitation shall not apply to claims arising under Section 9.1 of this Contract. Unless otherwise specifically enumerated in the Contract, or in the Task Order, no Party shall be liable to the other for any special, indirect, punitive or consequential damages, including lost data or records (unless the Task Order requires Contractor to back-up data or records), even if a Party has been advised that such damages are possible. No Party shall be liable for lost profits, lost revenue, or lost institutional operating savings.

10. Force Majeure. The Contractor shall not be responsible for any delay resulting from its failure to perform if neither the fault nor the negligence of Contractor or its employees or agents contributed to the delay and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond the Contractor's control, or for any of the foregoing if no alternate source of supply is available to Contractor. In case of any delay Contractor believes is excusable, Contractor shall notify the Town in writing of the delay or potential delay and describe the cause of the delay either (1) within 10 days after the cause that creates or will create the delay first arose, if Contractor could reasonably foresee that a delay could occur as a result, or (2) if delay is not reasonably foreseeable, within 5 days after the date Contractor first had reason to believe that a delay could result. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist Contractor shall continue to perform in accordance with the Contract. The Parties shall mutually determine whether additional compensation is warranted.

11. General Provisions.

11.1 Agreement. Except as otherwise provided in this Section 11.1, this Contract constitutes the entire agreement between the Parties. The content of the Request for Proposal ("RFP") issued by the Town, and all written provisions of the Contractor relating to the rendering of Services under this Contract deemed pertinent by the Town, may be incorporated into an agreement and become legally binding. This Contract may not be terminated by Contractor unless as provided for in this Contract.

11.2 Assignment. The Contractor shall not sell, assign or transfer any of its rights, duties or obligations under the Contract, or under any purchase order issued pursuant to the Contract, without the prior written consent of the Town.

11.3 Dispute Resolution. Any dispute concerning performance of the Contract shall be decided by the Town's designated contract manager, who shall reduce the decision to writing and serve a copy on the Contractor. The Parties may employ the alternative dispute resolution procedures, as outlined in Chapter 120 of the Florida Statutes. Without limiting the foregoing, the exclusive venue of any legal or equitable action that arises out of or relates to the Contract shall be the appropriate state court in Miami-Dade County, Florida. In any such action, Florida law shall apply and the Parties waive any right to jury trial.

11.4 Safety. The Contractor agrees that it shall comply with all Occupational Safety and Health Administration (OSHA), State and City Safety and Occupational Health Standards and any

other applicable rules and regulations relating to occupational safety.

11.5 **Modification of Terms.** The Contract contains all the terms and conditions agreed upon by the Parties, which terms and conditions shall govern all transactions between the Town and Contractor. The Contract may only be modified or amended upon mutual written agreement of the Parties. No oral agreements or representations shall be valid or binding upon the Parties.

11.6 **Execution in Counterparts.** The Contract may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

11.7 **Severability.** If a court deems any provision of the Contract void or unenforceable, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable and all other provisions shall remain in full force and effect.

11.8 **Authority.** Each person signing the Contract represents that he or she is duly authorized to do so and to bind the respective Party to the Contract.

-SIGNATURE PAGE FOLLOWS-



AGREEMENT FOR DISASTER DEBRIS MONITORING SERVICES BETWEEN THE TOWN OF SURFSIDE AND SOLID RESOURCES, INC.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement for Disaster Debris Monitoring Services on the respective dates under each signature: Town of Surfside through its Town Commission, signing by and through its Town Manager, authorized to execute same by Commission action on the 13<sup>th</sup> date of Oct, 2008; and Gary Stankovich authorized to execute the same.

Town of Surfside, Florida  
Gary Word  
Town Manager

Solid Resources, Inc.  
Gary Stankovich  
President

Signature: Gary L. Word

Date: 10/13/08

Signature: [Signature]

Date: 10/13/08

ATTEST:

[Signature]

13<sup>th</sup> October day of September, 2008  
Beatris M. Arguelles, Town Clerk

Approved as to form and legality by  
Office of the Town Attorney

[Signature]

By: Lynn Dannheisser  
Town Attorney

14 October day of September, 2008

(TOWN SEAL)

**ATTACHMENT A**  
**SERVICES**

SRI is fully capable of providing all the items described in the scope of work of the RFP, and will not require the services of any subcontractors to complete the Town of Surfside's project under any circumstances. SRI hereby guarantees that all management and supervisory personnel will respond to a Notice to Proceed issued by the Town of Surfside within 12 hours and that all other required staff will be on-site within 24 hours. SRI is prepared to provide any or all of the following services selected by the Town of Surfside.

**I. TASKS AND SERVICES TO BE PERFORMED: PRE-DISASTER**

Prior to a disaster's impact, SRI personnel will meet with Surfside's Debris Manager to begin planning personnel deployment and confirming necessary supplies and time tables. Upon activation, SRI staff will begin response operations that will include the following:

**A. Debris Management Training**

SRI will provide debris management training to Surfside's staff in all tasks associated with a debris removal and monitoring program. This training will ensure that all agencies involved in the recovery process interact efficiently and effectively.

**B. Temporary Debris Storage and Reduction Site (TDSR) Selection and Permitting**

SRI will provide the services of an Operations Specialist to assist the Town with selection, evaluation and permitting of additional TDSR locations. SRI will review a Town-supplied listing of public and/or private locations for TDSR. Each site will be evaluated for suitability and a list of sites will be provided. Where required, SRI will assist Surfside in obtaining the required environmental permits.

**C. Contractor Invoicing Requirements**

A thorough and efficient reconciliation process requires that invoices and supporting documentation have complete and accurate information. Accordingly, SRI's reconciliation process begins in advance of the debris removal contractor's work, by providing each contractor with detailed specifications of all information required to be included with each invoice from the contractor.

**D. Locating and Establishing a Temporary Field Office**

Within three days of landfall, SRI will obtain a temporary office location for all monitoring staff which will also serve as a staging area for all monitors prior to daily deployment to the field.

**II. TASKS AND SERVICES TO BE PERFORMED: POST-DISASTER**

The SRI Disaster Debris Management Team includes professionals experienced and trained in debris removal and disposal monitoring and staffing disposal sites for federally declared disasters. Deployment of staff will be customized according to the severity of the event and Surfside's requirements. The Disaster Debris Management Team provides scalability, crew oversight, a successful project management structure with a cohesive organizational framework and immediate responsiveness; providing complete post-disaster coverage, flexibility and independence to serve the Town's debris removal and disposal monitoring needs.

#### **A. Daily Meetings**

SRI will facilitate daily meetings between Surfside, SRI staff and the debris removal contractors' management staff to review collection strategies, coordinate efforts, resolve problematic issues and make any necessary adjustments and improvements to the operational procedures.

#### **B. Debris Removal Program Management**

SRI will provide core management personnel responsible for all facets of debris management and will provide a Project Manager to be in constant contact with Surfside's Debris Manager, Emergency Operation Center, collection contractors, field monitors and work crews. The accurate recording of information on load tickets is crucial as the majority of errors tend to occur in the beginning of a project.

SRI generally assigns Quality Control staff to each TDSR tower at the beginning of a project, who have the responsibility of reviewing each load ticket that comes in for accuracy, legibility and completeness. Field supervisors and roadway monitors are immediately contacted in the event load ticket errors are identified, in order to quickly rectify them with the correct information, alert field monitors to performance deficiencies and ensure overall ticket accuracy is maintained. All load tickets will be scanned and cataloged in sequential order for storage and archival purposes.

#### **C. Equipment Certification**

The measurement, certification and placarding of the debris removal contractor's trucks and other equipment will begin as soon as the machinery has been mobilized to Surfside. Solid Resources, Inc. will initiate the truck certification program in coordination with the debris removal contractor (s) to accurately measure the volumetric capacity of each truck. The Equipment Certification Specialist will photograph each truck showing the certification number and type of equipment (side view), attach a certification placard to it and inspect the trucks to make sure they comply with all local, State and Federal standards. The SRI Equipment Certification Specialist will also performs random spot-checks and re-certify trucks on a weekly basis at the TDSR in order to prevent alteration of the volumetric capacity of the trucks by subcontractors post-certification.

#### **D. Temporary Debris Staging and Reduction Site (TDSR) & Residential Debris Drop-off Site (RDDS) Monitoring**

SRI will manage the monitoring of the TDSR, RDDS and/or final disposal sites by providing monitors qualified to verify load volume in order to ensure accurate documentation and record keeping. At least two disposal site monitors will be assigned to each entrance tower at all TDSR/RDDS or final disposal sites the Town designates. All monitoring staff will be acquired from either SRI's standby listing or selected from local residents of the Town of Surfside. TDSR services include:

- Provide disposal site monitoring and inspector personnel;
- Perform random volume capacity certifications on collection vehicles, and once every two weeks on all vehicles;
- Verify each truck that delivers debris to the TDSR matches its manifest load ticket including truck number, type of debris and truck volume;
- Accurately complete and sign each load ticket before permitting a truck to proceed from the check-in/inspection area to the tipping area;
- Ensure that each truck bed has been fully emptied prior to departure from the TDSR;
- Identify, address and troubleshoot any questions or problems that could impact work area safety and eligibility for cost reimbursement;

- Maintain accurate daily logs of tickets inventoried and/or voided;
- Assist the debris removal contractor with the opening and closing of TDSR and/or RDDS ensuring proper documentation of restoration requirements;
- Perform quality control and assurance checks on all load tickets; and
- Immediately contact field monitors and supervisors when errors are detected at the TDSR, in order to promptly remedy the errors and maintain satisfactory field monitor performance.

#### **E. Field Monitoring**

SRI will perform on-site, street-level work area inspection and documentation of the debris cleanup and collection crews. SRI will provide an adequate number of field monitors to inspect and control debris removal (dependent on the severity of the event) utilizing load tickets, field logs and other documentation as required. Field monitoring services include:

- Provide loading site monitors for each debris removal crew;
- Monitoring the daily collection activity of trucks and other equipment;
- Issue load tickets at loading sites or choke points for each load;
- Properly monitor and record performance and productivity of debris removal crews;
- Verify and sign each load ticket, certifying that truck is fully loaded with eligible storm debris before allowing truck to proceed to temporary or final disposal site;
- Survey and record the 'special needs' areas in which larger items such as tree stumps and root balls, hazard trees, leaners and hangers, hazardous materials, construction and demolition debris that require specialized removal equipment and documentation;
- Prepare reports for the Town on the 'special needs' areas; and
- Perform additional duties as directed by the Town's Debris Manager

#### **F. Field and TDSR/RDDS Monitor Supervisors**

SRI will provide Surfside with experienced Field and TDSR/RDDS Supervisors to oversee and coordinate the activities of all SRI Field and TDSR/RDDS monitors. These supervisory staff will provide the following services:

- Verify that only eligible debris, as defined by FEMA policy guidelines, is being collected by the debris removal contractor from the public rights-of-way and public property within the Town's legal jurisdiction;
- Coordinate the daily activities between SRI field monitors and the debris removal contractor;
- Compile all necessary and requested reports from the field;
- Coordinate and manage the mapping of debris collection activities;
- Document, report and track damages caused by debris removal contractor crews;

- Respond to any issues regarding complaints, damages, accidents or incidents involving SRI or debris removal contractors' personnel and ensure that they are fully documented and reported to the Town;
- Ensure that all monitors and the debris removal contractor crews maintain positive public relations and that all citizen complaints are followed up on and resolutions achieved in a timely fashion;
- Make recommendations to Surfside's Debris Manager about how best to resolve issues arising from damage complaints and follow up to ensure all repairs are completed as soon as possible;
- Verify that the removal of stumps, hangers and leaners are adequately documented and photographed, and that eligibility criteria and contracted agreements regarding their removal are adhered to;
- Act as Quality Control and Assurance officers;
- Ensure that first pass debris collection from FHWA-ER eligible roads is documented accurately; and
- Assist in setting up the TDSR/RDDS sites.

#### G. Damage Claims Reporting

SRI will assist Surfside in the establishment of a Contractor Damage Reporting and Remediation Program. Our monitors are trained to document and immediately report any damages that occurs during the removal of debris. Each incident is documented with photographs, logged on field reports and called into SRI Field Supervisors, who in turn alert the debris removal contractor (s) and the Town to the incident. A report of each incident will be given to the Town and the debris removal contractor (s); and Field Supervisors will follow up to verify that remedial action was taken by the contractor in a timely fashion. All damage complaints and corresponding photographs will be placed in a GIS geodatabase and provided to Surfside staff for confirmation that all issues have been resolved.

#### H. Debris Mapping

All SRI monitors and Field Supervisors can greatly facilitate the debris removal program by mapping out where debris remains, locating 'hot spots' for immediate collection, marking ineligible debris piles and tracking progress for pass completions and zone closures. This information will be entered into a GIS geodatabase and provided to Surfside staff to track the progress of the debris removal operations.

#### I. Special Debris Assistance

Certain types of hazardous debris, such as hanging tree limbs, leaning trees and tree stumps require special validation and documentation procedures in order to be eligible for cost reimbursement from FEMA. SRI is experienced in these procedures and employs the latest FEMA methodologies and guidelines to ensure maximum cost reimbursements to our clients. SRI staff are also experienced in FEMA and NRCS canal debris removal programs and criteria. SRI also has extensive familiarity with administering the removal of storm debris from private roads and gated communities, Right-of-Entry programs and can guide our clients through the often complex maze of gaining FEMA authorization for these locations.

#### **J. Ineligible Debris Notification**

SRI is also prepared to initiate a program of notification and documentation of all ineligible debris in a collection area. Field monitors and Supervisors may document, photograph, map and mark ineligible debris, providing detailed reasoning for its ineligibility, and if requested may place 'door hanger' notification of the ineligible debris at the residence in conjunction with the roving monitors (if activated).

#### **K. Data Management and Reporting**

As fieldwork is completed, SRI will produce, collect, and organize all paperwork such as load tickets and daily logs and then enter all data into the SRI Debris Tracker database. This will occur throughout the project but with particular focus early in the project to establish good practices of field personnel and a superior process. SRI will implement and maintain a Debris Tracker Database that is self-reconciling, provides quality assurance/quality control as well as its unique capabilities to:

- Ensures proper storage and organization of debris collection debris data;
- Links load tickets to any parameter – contractors, trucks, TDSR information, etc.;
- Streamlines record reconciliation of each load of eligible debris; and
- Provides daily, weekly, monthly and project-wide customized reports as required by Surfside's Project Manager showing recovery status, schedule updates, and project completion forecasts.

#### **L. Invoice Reconciliation Process for Initial Payment Approval**

- All contractor invoices received are date/time stamped, a hard copy file folder is created, an electronic record of the invoice is created and the invoice can also be scanned for electronic viewing (optional).
- Invoices are screened to ensure that all required information is present and that all work is within the contracted scope-of-work.
- If information is missing, the contractor is advised that the invoice will be held pending receipt of the missing information.
- Supporting details, such as load tickets are electronically matched to identify and create a report of duplicates, overcharges and other discrepancies.
- Costs, invoices and supporting documentation are reviewed and compared against original Work Orders to ensure accuracy. A quality review of the documents is completed by our invoicing specialist.
- An invoice pre-approval summary report is prepared, including any retainage and submitted to the Town.
- The target dates for invoice initial payment approval and reconciliation are established based

on applicable payment terms and monitored to ensure timely completion.

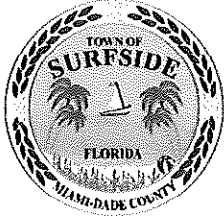
- A Pre-Approval Report is provided to Surfside.
- The debris removal contractor is provided a detailed discrepancy report in addition to the amount of the partial payment for the invoice.

ATTACHMENT B  
FEE SCHEDULE FOR SERVICES

<u>Positions*</u>	<u>Hourly Rates</u>
Project Manager	\$120.00
Administrative Supervisor	\$75.00
Debris Management Consultant	\$100.00
Debris Operations Manager	\$110.00
Field Monitor Supervisor	\$75.00
TDSR Site Supervisor	\$75.00
Damage Claims Supervisor	\$75.00
Debris Planning & Training Supervisor	\$75.00
Field Monitor	\$55.00

\*For the positions referenced above, the Contractor shall select personnel that it determines are appropriately trained and qualified to perform the duties and responsibilities of the positions; provided that Contractor complies in such selection with applicable federal and state laws, rules, and regulations, and with the terms and conditions of this Contract.





## Commission Communication

**Agenda Item #** 3H

**Agenda Date:** January 18, 2011

**Subject:** Grant Application/Retroactive to December 19, 2010

**Background:** The Surfside Police Department is eligible to receive \$1,946 in federal Justice Assistance Grant funds. These funds are administered by the Florida Department of Law Enforcement (FDLE) and can only be used for specific programs. The funds will be used to purchase a server that will run the mobile laptop computers. The existing system has outdated technology that can't be upgraded.


In order to receive the funds the Town is required to submit an application to FDLE for approval. (Attachment A)


**Analysis:** N/A

**Budget Impact:** \$1,946 Grant Funds

**Staff Impact:** None

**Recommendation:** It is recommended that the Surfside Town Commission approve the grant application for federal funds administered by the Florida Department of Law Enforcement.

  
\_\_\_\_\_  
John Di Censo  
Assistant Chief

  
\_\_\_\_\_  
Roger M. Carlton  
Town Manager

RESOLUTION NO. 2011- \_\_\_\_

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 JUSTICE ASSISTANCE GRANT ADMINISTERED BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT TO RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A MOBILE IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside desires to accomplish the purpose outlined in the accompanying application a copy of which is incorporated herein by reference as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

**Section 1.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2.** The Town Commission authorizes the Town Manager to apply for Justice Assistance Grant funds in the approximate amount of \$1,946.00; authorizes the Town Manager to execute such contracts and agreements as are required by this governmental body following their approval by the Town Attorney's Office; to execute such other contracts as will serve to further the purposes described in the funding request, following their approval by the Town Attorney's Office; to expend any and all monies received for the purpose described in the funding request; to receive and expend any additional funds that might become available during the term of the grant; to file and

execute necessary amendments to the application for and on behalf of the Town of Surfside, Florida; and to exercise amendment, modification, renewal, cancellation and termination clauses of any contracts and agreements on behalf of the Town of Surfside, Florida.

**Section 3.** The Resolution shall become effective immediately upon its adoption.

**PASSED and ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

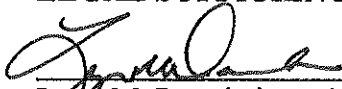
Commissioner Michael Karukin	_____
Commissioner Edward Kopelman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Joe Graubart	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AND TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

# Application for Funding Assistance

EXHIBIT A

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 1: Administration

### Subgrant Recipient

**Organization Name:** Town of Surfside

**County:** Dade

### Chief Official

**Name:** Daniel Ditch

**Title:** Mayor

**Address:** 9293 Harding Avenue

**City:** Surfside

**State:** FL                      **Zip:** 33154

**Phone:** 305-861-4863      **Ext:**

**Fax:**

**Email:** mayor@townofsurfsidefl.gov

### Chief Financial Officer

**Name:** Martin Sherwood

**Title:** Finance director

**Address:** 9293 Harding Avenue

**City:** Surfside

**State:** FL                      **Zip:** 33154

**Phone:** 305-861-4863      **Ext:** 225

**Fax:**

**Email:** Msherwood@townofsurfsidefl.gov

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Application Ref # 2011-JAGD-1055

Section #1 Page 1 of 2

Contract -JAGD-DADE- - -

Rule Reference 11D-9.006 OCJG-005 (rev. April 2005)

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

Section 11: Administration

## Implementing Agency

**Organization Name:** Surfside Police Department

**County:** Dade

## Chief Official

**Name:** David Allen

**Title:** Chief of Police

**Address:** 9293 Harding Avenue

**City:** Surfside

**State:** FL **Zip:** 33154

**Phone:** 305-861-4862 **Ext:** 208

**Fax:**

**Email:** dallen@townofsurfsidefl.gov

## Project Director

**Name:** John DiCenso

**Title:** Assistant Chief

**Address:** 9293 Harding Avenue

**City:** Surfside

**State:** FL **Zip:** 33154

**Phone:** 305-861-4862 **Ext:**

**Fax:**

**Email:** jdicenso@townofsurfsidefl.gov

W

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Application Ref # 2011-JAGD-1055

Section #1 Page 2 of 2

Contract -JAGD-DADE- - -

Rule Reference 11D-9.006 OCJG-005 (rev. April 2005)

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 2: Project Overview

### General Project Information

**Project Title:** MOBILE IMPROVEMENT PROJECT  
**Subgrant Recipient:** Town of Surfside  
**Implementing Agency:** Surfside Police Department  
**Project Start Date:** 2/1/2011      **End Date:** 6/30/2011

### Problem Identification

The Surfside Police Department has a need for a server to run our mobile laptops. The existing system has outdated technology that can't be upgraded.

### Project Summary (Scope of Work)

To replace the existing system with a new server that will allow the Department to run our mobile laptop program efficiently and effectively.

W

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Application Ref # 2011-JAGD-1055

Section #2 Page 1 of 2

Contract -JAGD-DADE- - -

Rule Reference 11D-9.006 OCJG-005 (rev. April 2005)

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 2: Project Overview

### Section Questions:

Question: Does the Subgrantee receive a single grant in the amount of \$500,000 or more from the U.S. Department of Justice?

Answer: No

Question: Does the Implementing Agency receive a single grant in the amount of \$500,000 or more from the U.S. Department of Justice?

Answer: No

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Application Ref # 2011-JAGD-1055

Section #2 Page 2 of 2

Contract -JAGD-DADE- - -

Rule Reference 11D-9.008 OCJG-005 (rev. April 2005)

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 3: Performance

### General Performance Info:

**Performance Reporting Frequency:** Quarterly

**Federal Purpose Area:** 006 - Planning, Evaluation & Technology Improve. Progs.

**State Purpose Area:** E - Equipment Supplies - Purchase Equipment/Supplies

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### Activity Description

**Activity:** Equipment and Supplies

**Target Group:** Equipment and Supplies

**Geographic Area:** Suburban

**Location Type:** Police Department

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### Objectives and Measures

**Objective:** 25.E - Amount of funds expended on equipment and/or supplies

**Measure:** Part 1

Amount of funds to be expended to purchase equipment and/or supplies

**Goal:** \$1814.00

**Objective:** 52.E - Number of equipment or supply items purchased with JAG funds by type of equipment or supplies

**Measure:** Part 16

How many other pieces of equipment will be purchased?

**Goal:** 1

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Application Ref # 2011-JAGD-1055

Section #3 Page 1 of 2

Contract -JAGD-DADE- - -

Rule Reference 11D-9.006 OCJG-005 (rev. April 2005)



# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 3: Performance

### Section Questions:

Question: If "other" was selected for the geographic area, please describe.

Answer: NA

Question: If "other" was selected for location type, please describe.

Answer: NA

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Application Ref # 2011-JAGD-1055

Section #3 Page 2 of 2

Contract -JAGD-DADE- - -

Rule Reference 11D-9.006 OCJG-005 (rev. April 2005)

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 4: Financial

### General Financial Info:

**Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.**

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596000434

### Budget:

Budget Category	Federal	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$1,814.00	\$0.00	\$1,814.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>-- Totals --</b>	<b>\$1,814.00</b>	<b>\$0.00</b>	<b>\$1,814.00</b>
<b>Percentage</b>	<b>100.0</b>	<b>0.0</b>	<b>100.0</b>

### Project Generated Income:

Will the project earn project generated income (PGI) ? No

Application Ref # 2011-JAGD-1055

Contract -JAGD-DADE- - -

Section #4 Page 1 of 3

Rule Reference 11D-9.008 OCJG-005 (rev. April 2005)

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

Section 4 Financial ((cont.))

## **Budget Narrative:**

One server (Dell - PowerEdge T110 Chassis)\$1814.00

TOTAL COSTS: \$1814.00

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Application Ref # 2011-JAGD-1055

Section #4 Page 2 of 3

Contract -JAGD-DADE- - -

Rule Reference 11D-9.006 OCJG-005 (rev. April 2005)

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 4: Financial

### Section Questions:

**Question:** If salaries and benefits are included in the budget as actual costs for staff in the implementing agency, is there a net personnel increase, or a continued net personnel increase from the previous Byrne program?

**Answer:** NA

**Question:** If benefits are to be included, are they reflected in the budget narrative?

**Answer:** NA

**Question:** Indicate the Operating Capital Outlay threshold established by the subgrantee or implementing agency, if it is the sheriff's office.

**Answer:** NA

**Question:** If indirect cost is included in the budget, indicate the basis for the plan (e.g. percent of salaries and benefits), and provide documentation of the appropriate approval of this plan.

**Answer:** NA

**Question:** If the budget includes services based on unit costs, provide a definition and cost for each service as part of the budget narrative for contractual services. Include the basis for the unit costs and how recently the basis was established or updated.

**Answer:** NA

# Application for Funding Assistance

Florida Department of Law Enforcement  
Justice Assistance Grant - Direct

## Section 6: Signatures

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

Corrections on this page, including Strikeovers,  
whiteout, etc. are not acceptable.

State of Florida  
Department of Law Enforcement  
Office of Criminal Justice Grants

Signature: \_\_\_\_\_

Typed Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

Subgrant Recipient  
Authorizing Official of Governmental Unit  
(Commission Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant Recipient: Town of Surfside

Signature: \_\_\_\_\_ *Daniel Dietch*

Typed Name and Title: Daniel Dietch, Mayor

Date: December 19, 2010

Implementing Agency  
Official, Administrator or Designated Representative

Typed Name of Implementing Agency: Surfside Police Department

Signature: \_\_\_\_\_ *David Allen*

Typed Name and Title: David Allen, Chief of Police

Date: 12-17-10

Application Ref # 2011-JAGD-1055

Section #6 Page 1 of 1

Contract -JAGD-DADE- - -

Rule Reference 11D-9.008 OCJG-005 (rev. April 2005)

**CERTIFICATION FORM**

Recipient Name and Address: Town of Surfside, 9293 Harding Avenue Surfside, Fl 33154

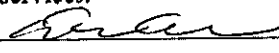
Grant Title: Mobile Improvement Project Grant Number: 2010 -JAGD Award Amount: \$1,946.00

Contact Person Name and Title: John DiCenso Assistant Chief Phone Number: (305) 861-4862

Federal regulations require recipients of financial assistance from the Office of Justice Programs (OJP), its component agencies, and the Office of Community Oriented Policing Services (COPS) to prepare, maintain on file, submit to OJP for review, and implement an Equal Employment Opportunity Plan (EEO) in accordance with 28 C.F.R §§ 42.301-.308. The regulations exempt some recipients from all of the EEO requirements. Other recipients, according to the regulations, must prepare, maintain on file and implement an EEO, but they do not need to submit the EEO to OJP for review. Recipients that claim a complete exemption from the EEO requirement must complete Section A below. Recipients that claim the limited exemption from the submission requirement, must complete Section B below. A recipient should complete *either* Section A or Section B, not both. If a recipient receives multiple OJP or COPS grants, please complete a form for each grant, ensuring that any EEO recipient certifies as completed and on file (if applicable) has been prepared within two years of the latest grant. Please send the completed form(s) to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7<sup>th</sup> Street, N.W., Washington, D.C. 20531. For assistance in completing this form, please call (202)307-0690 or TTY (202) 307-2027.

**Section A- Declaration Claiming Complete Exemption from the EEO Requirement. Please check all the boxes that apply.**

- |  |  |
|--|--|
| <input type="checkbox"/> Recipient has less than 50 employees,   | <input type="checkbox"/> Recipient is an Indian tribe,                                 |
| <input type="checkbox"/> Recipient is a non-profit organization, | <input type="checkbox"/> Recipient is an educational institution, or                   |
| <input type="checkbox"/> Recipient is a medical institution,     | <input checked="" type="checkbox"/> Recipient is receiving an award less than \$25,000 |

I, Daniel Dietch [responsible official], certify that  
Town of Surfside [recipient] is not required to  
 prepare an EEO for the reason(s) checked above, pursuant to 28 C.F.R §42.302. I further certify that  
Town of Surfside [recipient] will comply with applicable Federal civil rights  
 laws that prohibit discrimination in employment and in the delivery of services.  
Daniel Dietch, Mayor  12/19/10  
 Print or type Name and Title Signature Date

**Section B- Declaration Claiming Exemption from the EEO Submission Requirement and Certifying That an EEO Is on File for Review.**

If a recipient agency has 50 or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEO to OJP for review as long as it certifies the following (42 C.F.R. § 42.305):

I, \_\_\_\_\_ [responsible official], certify that  
 the \_\_\_\_\_ [recipient], which has 50 or more  
 employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an  
 EEO in accordance with 28 CFR §42.301, *et seq.*, subpart E. I further certify that the EEO has been formulated and  
 signed into effect within the past two years by the proper authority and that it is available for review. The EEO is on file in  
 the office of: \_\_\_\_\_ [organization],  
 at \_\_\_\_\_ [address], for review by the public and  
 employees or for review or audit by officials of the relevant state planning agency or the Office for Civil Rights, Office of  
 Justice Programs, U. S. Department of Justice, as required by relevant laws and regulations.

\_\_\_\_\_  
 Print or type Name and Title Signature Date



## Commission Communication

**Agenda Item #** 3I

**Agenda Date:** January 18, 2011

**Subject:** Mutual Aid Agreement

**Background:** The Surfside Police Department works closely with many of the neighboring police agencies. These agencies can be counted upon to provide assistance to the Town when requested. The Surfside Police Department is always ready to assist these agencies as needed. This is a mutually beneficial relationship.

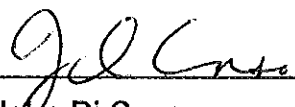
It is necessary to have a document which enumerates the various conditions or situations where aid may be requested or rendered. (Attachment A)

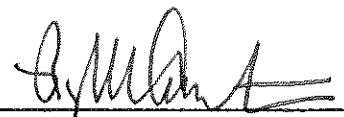
**Analysis:** N/A

**Budget Impact:** None

**Staff Impact:** As needed depending on the request.

**Recommendation:** It is recommended that the Surfside Town Commission approve the mutual aid agreement with the City of Aventura.

  
\_\_\_\_\_  
John Di Censo  
Assistant Chief

  
\_\_\_\_\_  
Roger M. Carlton  
Town Manager

**RESOLUTION NO. 11 - \_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF AVENTURA, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT**

**WHEREAS**, the Town Commission of the Town of Surfside, Florida would like to enter into a Mutual Aid Agreement with the City of Aventura, Florida Police Department and the Town of Surfside, Florida Police Department.

**WHEREAS**, the Town Commission believes that it is in the best interest of the Town to enter into the agreement attached as Exhibit "A";

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Authorization.** The Town Commission hereby authorizes the execution of the Mutual Aid Agreement with the City of Aventura Police Department attached hereto as Exhibit "A" and authorizes the Town Manager and Town Police Chief to do all things necessary to effectuate this Agreement.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.



PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION


Commissioner Michael Karukin	_____
Commissioner Edward Kopelman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Joseph Graubart	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AND TO FORM AND  
LEGAL SUFFICIENCY FOR  
THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

**MUTUAL AID AGREEMENT**

**Between the Town of Surfside Police Department  
and the City of Aventura Police Department**

WHEREAS, It is the responsibility of the governments of the Town of Surfside, Florida, and the City of Aventura, Florida, to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural and manmade conditions which are, or are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating municipal police departments; and

WHEREAS, in order to ensure the preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating Miami-Dade County municipalities; and

WHEREAS, the participating Miami-Dade County municipalities have the authority under Chapter 23.12, Florida Statutes, the Florida Mutual Aid Act, to enter into a Mutual Aid Agreement.

NOW, THEREFORE, BE IT KNOWN, that the Town of Surfside, a political subdivision of the State of Florida, and the City of Aventura, a political subdivision of the State of Florida, in consideration of mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. Short title: Mutual Aid Agreement
2. Description: Since the Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and intensive law enforcement situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement as described in Chapter 23 Florida Statutes.
3. Definitions:
  - A. **Joint declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the Joint Declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this

Agreement. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.

- B. **Agency or participating law enforcement agency:** Either the Town of Surfside Police Department or City of Aventura Police Department.
- C. **Agency Head:** Either the Chief of the Town of Surfside Police Department, or the Chief's designees, and the Chief of the City of Aventura Police Department, or the Chief's designees.
- D. **Participating municipal police department:** The police department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.
- E. **Certified law enforcement employees:** Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

4. Operations:

- A. In the event that a party to this Agreement is in need of assistance, as specified in the applicable Joint Declaration, an authorized representative of the police department requiring assistance shall notify the agency from which such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.
- B. Each party to this Agreement agrees to furnish necessary man power, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete, unreasonably, its own manpower, equipment, facilities, and other resources and services in rendering such assistance.
- C. The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

5. Powers, Privileges, Immunities, and Costs:
- A. All employees of the participating municipal police department, certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are regularly employed.
  - B. The political subdivision having financial responsibility for the law enforcement agency providing the services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.
  - C. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of rendering of such aid, and shall defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.
  - D. All exemptions from ordinances and rules, and all pension, insurance, relief, disability, workers compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorial under the provisions of this Mutual Aid Agreement. The provision of this Agreement shall apply with equal effect to paid and auxiliary employees.
5. **Indemnification:** The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim for damages resulting from any and all acts or conduct of employees of

said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.

6. **Forfeitures:** It is recognized that during the course of the operation of the Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.
7. **Conflicts:** Any conflict between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.
8. **Effective Date and Duration:** This Agreement shall be in effect from date of signing, through and including **January 1, 2016**, and under no circumstances may this Agreement be renewed, amended or extended except in writing.
9. **Cancellation:** This Agreement may be canceled by either party upon sixty (60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED AND ACKNOWLEDGED this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Roger M. Carlton  
Town Manager  
Town of Surfside, FL

\_\_\_\_\_  
Eric M. Soroka  
City Manager  
City of Aventura, FL

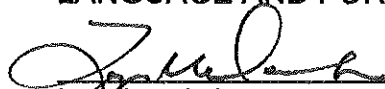
ATTEST:

ATTEST:

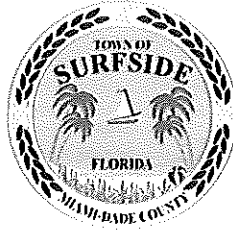
\_\_\_\_\_  
Debra Eastman  
Town Clerk  
Town of Surfside, FL

\_\_\_\_\_  
Teresa M. Soroka  
City Clerk  
City of Aventura, FL

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION:

  
\_\_\_\_\_  
Lynn Dannheisser  
Town Attorney  
Town of Surfside, FL

\_\_\_\_\_  
David Wolpin  
City Attorney  
City of Aventura, FL



## Town of Surfside Commission Communication

**Agenda Item #** 3J

**Agenda Date:** January 18, 2011

**Subject:** Proposed Mutual Aid Agreement and Joint Declaration with the City of North Miami Police Department

**Objective:** To receive and establish mutual aid in law enforcement services and resources with the City of North Miami Police Department.

**Background:** The Town staff has received notice that the City of North Miami Police Department has requested to enter into a Mutual Aid Agreement and Joint Declaration (attachment A) with the Town of Surfside Police Department. This agreement would be in effect from the date of signing through and including December 31, 2016.

**Analysis:** The Surfside Police Department requires approval and authorization to enter into the proposed agreement at the request of the City of North Miami Police Department to establish continuity of voluntary and operational assistance with multi-jurisdiction law enforcement problems, emergency situations, and routine law enforcement services across jurisdictional lines.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the resolution authorizing the Mutual Aid Agreement and Joint Declaration with the City of North Miami Police Department (attachment B).

  
\_\_\_\_\_  
David Allen, Chief of Police

  
\_\_\_\_\_  
Roger M. Carlton, Town Manager

RESOLUTION NO. 11 - \_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.

WHEREAS, the Town Commission of the Town of Surfside, Florida would like to enter into a Mutual Aid Agreement with the City of North Miami, Florida Police Department and the Town of Surfside Police Department;

WHEREAS, the Town Commission believes that it is in the best interest of the Town to enter into the agreement attached as Exhibit "A";

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

**Section 1. Recitals.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Authorization.** The Town Commission hereby authorizes the execution of the Mutual Aid Agreement with the City of North Miami, Florida Police Department and the Town of Surfside Police Department attached hereto as Exhibit "A" and authorizes the Town Manager and Town Police Chief to do all things necessary to effectuate this Agreement.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**FINAL VOTE ON ADOPTION**


Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney





**NORTH MIAMI POLICE DEPARTMENT**  
700 N.E. 124 STREET • NORTH MIAMI • FLORIDA 33161  
(305) 891-0294



December 22, 2010

Chief David Allen  
Surfside Police Department  
9293 Harding Avenue  
Surfside, Florida 33160

Dear Chief Allen:

Enclosed please find two signed copies of the Mutual Aid Agreement and Joint Declaration between the North Miami Police Department and the Surfside Police Department. We will be awaiting a completed (signed) copy of this document for our files. We will forward a copy to the Mutual Aid Program Director at FDLE.

Please be assured of our continued cooperation and assistance in all matters of mutual concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen E. Johnson".

Stephen E. Johnson  
Chief of Police

SEJ:k

## EXHIBIT A

**MUTUAL AID AGREEMENT  
BETWEEN THE CITY OF NORTH MIAMI POLICE DEPARTMENT  
AND THE TOWN OF SURFSIDE POLICE DEPARTMENT**

**WHEREAS**, it is the responsibility of the governments of the **City of North Miami**, Florida, and the **Town of Surfside**, Florida, to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

**WHEREAS**, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and manmade conditions which are, or are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating municipal police departments; and

**WHEREAS**, in order to ensure that the preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating Miami-Dade County municipalities; and

**WHEREAS**, the participating municipalities, the **City of North Miami** and the **Town of Surfside**, have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a Mutual Aid Agreement.

**NOW THEREFORE, BE IT KNOWN**, that the **City of North Miami** and the **Town of Surfside**, subdivisions of the State of Florida, and the undersigned representatives, in consideration of mutual promises to render valuable aid in times of necessity, agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. **Short title:** Mutual Aid Agreement
2. **Description:** Since the Mutual Aid Agreement (“Agreement”) provides for the requesting and rendering of assistance for both routine and intensive law enforcement situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement as described in Chapter 23, Florida Statutes.
3. **Definitions:**
  - A. **Joint Declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the Joint Declaration shall be filed with the clerks of the respective political subdivisions and shall become part of this Agreement. The declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.

- B. Agency or participating law enforcement agency: The City of North Miami Police Department and the Town of Surfside Police Department.
- C. Department Head: The Chief of the City of North Miami Police Department, or the Chief's designees, and the Chief of the Town of Surfside Police Department, or the Chief's designees.
- D. Participating municipal police department: The police department of any municipality in Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.
- E. Certified law enforcement employees: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

**4. Operations:**

- A. In the event that a party to this Agreement is in need of assistance, as specified in the applicable Joint Declaration which shall become part of this Agreement, an authorized representative of the police department requiring assistance shall notify the agency from which such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and available resources, and will respond in a manner deemed appropriate.
- B. Each party to this Agreement agrees to furnish necessary personnel, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to deplete, unreasonably, its own personnel, equipment, facilities, and other resources and services in rendering such assistance.
- C. The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

**5. Powers, Privileges, Immunities, and Costs:**


- A. All employees of the participating municipal police department and all certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that the employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political

subdivision in which they are regularly employed.

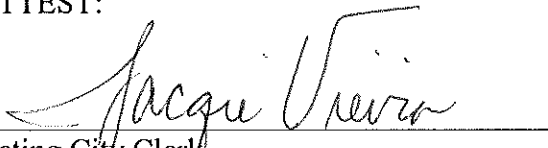
- B. The political subdivision having financial responsibility for the law enforcement agency providing the services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage and shall pay any and all expenses incurred in the maintenance and operation of these resources.
  - C. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of rendering of such aid, and shall defray the actual travel and maintenance expenses of the employees while they are rendering aid. Compensation shall include any amounts for compensation due to personal injury or death while such employees are engaged in rendering aid. Compensation shall also include all benefits normally due the employees.
  - D. All exemptions from ordinances and rules, and all pension, insurance, relief, disability, workers compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorial under the provisions of this Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.
6. **Indemnification:** The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action, or claim for damages resulting from any and all acts or conduct of employees of the providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable.
7. **Forfeitures:** It is recognized that during the course of the operation of this Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.
8. **Conflicts:** Any conflict between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes.
9. **Effective Date and Duration:** This Agreement shall be in effect from date of signing, through and including **December 31, 2016** and under no circumstances may this Agreement be renewed, amended or extended except in writing.

10. **Cancellation:** This Agreement may be cancelled by either party upon sixty (60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties.


AGREED AND ACKNOWLEDGED this 28 day of December, 2010.


  
\_\_\_\_\_  
City Manager  
City of North Miami, Florida

\_\_\_\_\_  
Town Manager  
Town of Surfside, Florida

ATTEST:  
  
\_\_\_\_\_  
Acting City Clerk  
City of North Miami, Florida

ATTEST:  
\_\_\_\_\_  
Town Clerk  
Town of Surfside, Florida

APPROVED AS TO FORM &  
LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
City Attorney  
City of North Miami, Florida

APPROVED AS TO FORM &  
LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
Town Attorney  
Town of Surfside, Florida

**JOINT DECLARATION  
OF THE CHIEF OF THE CITY OF NORTH MIAMI POLICE DEPARTMENT AND  
THE CHIEF OF THE TOWN OF SURFSIDE POLICE DEPARTMENT  
PURSUANT TO MUTUAL AID AGREEMENT**

A deputy sheriff or police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the Mutual Aid Agreement ("Agreement") when:

- participating in law enforcement activities that are preplanned and approved by each respective agency head, or
- appropriately dispatched in response to a request for assistance from the other law enforcement agency, or
- spontaneous response where assistance or aid is apparent (see #9 below).

In compliance with, and under the authority of, the Mutual Aid Agreement, entered into by the Town of Surfside, Florida, and the City of North Miami, Florida, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the Agreement. This list may be amended or supplemented from time to time, as needs dictate by subsequent declarations.

1. Joint multi-jurisdictional criminal investigations;
2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes, and strikes;
3. Any natural disaster;
4. Incidents which require rescue operations and crowd and traffic control measures, including, but not limited to, large-scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures;
5. Terrorist activities including, but not limited to, acts of sabotage;
6. Escapes from or disturbances within detention facilities;
7. Hostage and barricaded subject situations, and aircraft piracy;
8. Control of major crime scenes, area searches, perimeter control, backups to emergency and in-progress calls, pursuits, and missing persons calls;
9. Enemy attack;


10. Transportation of evidence requiring security;
11. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions;
12. Security and escort duties for dignitaries;
13. Emergency situations in which one agency cannot perform its functional objective;
14. Incidents requiring utilization of specialized units; e.g., underwater recovery, canine, motorcycle, crime scene, marine patrol enforcement or investigation, and police information;
15. Joint training in areas of mutual need;
16. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners; traffic stops near municipal boundaries, request for assistance and no local unit is available or nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call;
17. Mutual enforcement of all existing applicable laws and ordinances and exercise of arrest powers within the area comprising the jurisdictional waters within the respective municipal boundaries;
18. The agencies will be permitted to patrol jurisdictional waters of either jurisdiction, and to take enforcement actions as deemed appropriate under city, state, and federal laws, rules and regulations, and to write boating law violation citations, make arrests, and to attend court on behalf of the other agency;
19. The agencies agree that any and all incidents, which require an initial (preliminary) police offense incident report (OIR), will be completed by the agency making the initial contact. Any follow-up investigations that are required are to be completed by the jurisdiction in which the incident occurred regardless of which agency completed the original offense incident report;
20. If an arrest is made by one agency that is operating in the jurisdictional waters of the other agency, and that arrest results in asset forfeiture proceedings, the property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. The jurisdiction of civil forfeiture action shall be filed by the seizing agency;
21. Both agencies have the right to set their own days and hours for marine patrol and agree to provide assistance and aid to the other agency under the spirit of this Mutual Aid Agreement.

This Addendum shall become effective upon the signing of both Cities and shall remain in effect until either the current Mutual Aid Agreement and Joint Declaration expires or either agency gives written notice to the other agency to rescind this Addendum.

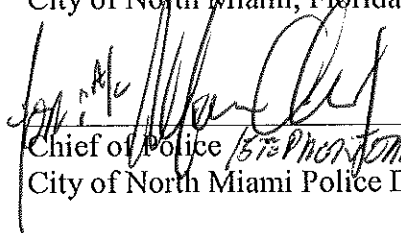
I accept the terms and conditions of the aforementioned Addendum to the current Mutual Aid Agreement and Joint Declaration between the Town of Surfside Police Department and the City of North Miami Police Department.

Date 12/28/10

Date \_\_\_\_\_

  
\_\_\_\_\_  
City Manager  
City of North Miami, Florida

\_\_\_\_\_  
Town Manager  
Town of Surfside, Florida

  
\_\_\_\_\_  
Chief of Police *1575 PHOENIX*  
City of North Miami Police Department

\_\_\_\_\_  
Chief of Police  
Town of Surfside Police Department





**Town of Surfside  
Town Commission Meeting  
January 18, 2011  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

To: Mayor, Vice Mayor and Town Commission  
From: Debra Eastman, MMC Town Clerk *de*  
Date: January 18, 2011  
Subject: Proclamation

Attached please find a proclamation prepared at the request of Mayor Daniel Dietch. The proclamation has been placed retroactively on the January 18, 2011 Town Commission agenda for the approval of the Town Commission.

# Proclamation

## *Proclamation for 2011 Martin Luther King Jr. Day of Service Surfside*

*Whereas Dr. Martin Luther King, Jr. devoted his life to advancing equality, social justice and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and*

*Whereas Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and*

*Whereas the King Holiday and Service Act, enacted in 1994, designated the King Holiday as a national day of volunteer service and charged the Corporation for National and Community Services with leading this effort; and*

*Whereas since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King, Jr. to serve their neighbors and communities on the King Holiday; and*

*Whereas serving on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our citizens together, and strengthen our communities and nation; and*

*Whereas the King Day of Service is the only federal holiday commemorated as a natural day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and*

*Whereas King Day of Service projects are being organized by a wide range of non-profits including Sonoma County Volunteer Center, community organizations such as the Community Baptist Church, education institutions, public agencies including Alistair Bleifuss with the creek stewardship program, the City's Community Advisory Board Grant program for two murals, private businesses and other organizations across the nation; and*

*Whereas citizens of the Town of Surfside have an opportunity to participate in events throughout our state on the King Day of Service, January 17, 2011, as well as create and implement community service projects where they identify the need;*

*NOW, THEREFORE, I, Daniel Dietch of Surfside proclaim the Martin Luther King, Jr., Holiday as a Day of Service in Surfside, and call upon the people of Surfside to pay tribute to the life and works of Dr. Martin Luther King, Jr. through participation in community service projects on Martin Luther King Day and throughout the year.*

*In witness thereof I have hereunto set my hand this 18th day of January, 2011*

---

*Daniel Dietch, Mayor  
Town of Surfside, Florida*



## Debra Eastman

---

**From:** Roger Carlton  
**Sent:** Tuesday, January 11, 2011 5:12 PM  
**To:** Joe Graubart; Debra Eastman; Lynn Dannheisser  
**Subject:** RE: RE: Resolution

Please prepare an appropriate resolution for the January TC meeting. We can deliver a plaque at a later date.

**From:** Joe Graubart  
**Sent:** Tuesday, January 11, 2011 4:37 PM  
**To:** Roger Carlton; Debra Eastman  
**Subject:** RE: Resolution

Dear Mr. Town Manager:

It has come to my attention that Re. Dr. Priscilla Felisky Whitehead has retired. (please see below)

I would like to see our Town honor her with a resolution acknowledging her service to Surfside and the greater community – “Rev. Dr. Whitehead Day” – or whatever is the usual and customary ‘event’ or presentation (plaque, etc.) at the upcoming Jan. Commission Meeting.

Thanks

<http://www.churchbythesea.org/>

*After twenty-one years of faithful service, the Rev. Dr. Priscilla Felisky Whitehead is stepping down from her role as Associate Minister at The Church by the Sea on Sunday, January 9, 2011.*

*Please mark your calendars to join us that day, from 10:30am to 11:30am, when Dr. Whitehead will preach her final sermon, with Communion, at our Church. Immediately following the worship service, we will hold a Farewell Celebration luncheon for Priscilla in Fellowship Hall. We will be honoring her in several ways in recognition of her many years of devoted service to this Church and to the greater community at large.*

*We ask you to join us for worship and the Farewell Celebration Luncheon at 11:30am. Come prepared to celebrate, remember, and honor all the ways in which Priscilla's many talents and gifts have truly and richly blessed us, individually and as a Church, down through these years.*

*We hope to see each of you for this very special milestone in the life of this Church and our beloved Associate Minister.*

Best regards,



Joseph 'Joe' Graubart  
 Vice-Mayor  
 Town of Surfside  
 9293 Harding Ave

**RESOLUTION NO. 11-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF  
THE TOWN OF SURFSIDE, FLORIDA DECLARING  
JANUARY 18, 2011 AS "REVEREND DR. PRISCILLA  
FELISKY WHITEHEAD DAY" IN THE TOWN OF  
SURFSIDE.**

**WHEREAS**, the Town of Surfside wishes to recognize the faithful service of Reverend Dr. Priscilla Felisky Whitehead as Associate Minister at the Church by the Sea;  
and

**WHEREAS**, after twenty-one years of faithful service Reverend Whitehead is stepping down from her role as Associate Minister; and

**WHEREAS**, the Town Commission wishes to thank Reverend Whitehead for her service to the residents of the Town of Surfside and the greater community,

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF  
THE TOWN OF SURFSIDE, FLORIDA:**

**Section 1.** That the Town Commission of the Town of Surfside, on behalf of its' members and citizens of Surfside, declare January 18, 2011 as "Reverend Dr. Priscilla Felisky Whitehead Day" in the Town of Surfside.

**Section 4.** The Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin \_\_\_\_\_

Commissioner Edward Kopelman \_\_\_\_\_

Commissioner Marta Olchyk \_\_\_\_\_

Vice Mayor Joe Graubart \_\_\_\_\_

Mayor Daniel Dietch \_\_\_\_\_

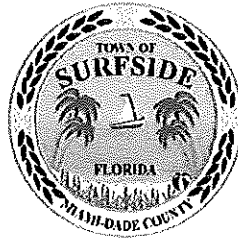
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



**TOWN OF SURFSIDE**  
**Office of the Town Attorney**

MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
 Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission

**FROM:** Lynn M. Dannheisser, Town Attorney *[Signature]*

**cc:** Roger Carlton, Interim Town Manager  
 Debra E. Eastman, M.M.C., Town Clerk

**DATE:** December 14, 2010

**RE:** Commercial Vehicle Parking Restriction Ordinance

**Recommendation:** It is recommended the Commission pass this amendment to Section 74-1, 74-2, and 74-3 relating to Commercial Vehicle Parking Restrictions on first reading.

**Reasons:** Parking of commercial vehicles on public streets in the residential neighborhoods of Surfside has become a problem for many residents. In addition to having an adverse affect on the maintenance of the aesthetics of a residential neighbor, the parking of these vehicles creates a shortage of street parking available to our residents. A prior code provision that was somewhat vague banned commercial vehicles on residential streets but two events have intervened: the Third District Court of Appeal has put its imprimatur of approval on this kind of truck ban and it makes sense to track the language the courts have already opined is acceptable, thereby minimizing our risk of any future challenge and b) the newly formed code enforcement committee has met and decided to exercise some leniency in favor of homeowners.

The amended code language defines commercial vehicles specifically by weight and description. It imposes hours when parking is permitted, designates the district where the restriction is not applicable, gives the Police the power of enforcement, and allows for one commercial vehicle to be parked in a residential driveway provided the resident has obtained a commercial vehicle parking permit from the Town. The new language also provides a procedure the issuance and revocation of the commercial vehicle parking permit and allows for revocation if conditions are violated.

ORDINANCE NO. 10- \_\_\_\_\_

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 AND SPECIFICALLY SECTION 74-1 "COMMERCIAL VEHICLES" CREATING SECTION 74-2 "USE OF COMMERCIAL VEHICLES" AND SECTION 74-3 "ISSUANCE OF COMMERCIAL VEHICLE PARKING PERMIT" 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

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to define commercial vehicles.

WHEREAS, The Town Commission held its first public reading on December 14, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 11, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

**Section 1.**     **Recitals.**     The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2.**     **Code Amendment.**     The code of the Town of Surfside, Florida is hereby amended as follows:

ARTICLE I. IN GENERAL

Ordinance No. \_\_\_\_\_

**Sec. 74-1. Use of commercial vehicles restricted. Commercial vehicle.**

~~(a) No person shall park, stop, stand, idle or operate any truck, trailer and other commercial vehicle, or any other equipment used for commercial purpose, or any vehicle displaying advertising signs at any time upon any of the streets or parts of streets in the boundaries of the town, except zoning districts designated B 1 (business district) and CO 1 (commercial office overlay districts) and street immediately adjacent to these districts, except that such vehicles may be operated or parked upon any street for the purpose of expeditious delivering or picking up materials or merchandise or rendering of expeditious service within the boundaries of the town and then only by entering at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.~~

~~(b) Any person, violating any of the provisions of this section shall, upon conviction be punished as provided in section 1-8.~~

(a) Commercial Vehicle. As herein used, shall mean a motor vehicle of one-ton capacity or more or a motor vehicle or trailer of any size or capacity which is used in commerce. A motor vehicle shall be conclusively presumed to be used in commerce if the vehicle bears a sign, insignia, trademark, tradename or business designation of any nature, wherever the same may be located on the vehicle; or the vehicle is used for the transportation of persons or property for compensation. A motor vehicle will be presumed to be used in commerce if, upon visual inspection, it contains equipment and other personal property regularly, normally and ordinarily used in commerce business or trade, such as, for example, construction tools and equipment, commercial lawn mowers, tractors, ladders, paint, auto mechanics' tools, such as hydraulic jacks, tire changing equipment and towing equipment. Such presumption shall be subject to rebuttal by competent evidence.

(b) The fact that a motor vehicle used in commerce as above-described is designed for private use or is only used commercially on a part-time basis shall not abrogate or reduce the presumption of use in commerce. Provided, however, that the placement of a temporary (magnetic or otherwise) cover over the sign, insignia, trademark, trade name or business designation shall cause the vehicle to be in compliance so long as there is compliance with Section 74-2 and 74-3 hereinbelow.

**Sec. 74-2. Use of commercial vehicles restricted.**

(a) No person shall park, stop, stand, idle or operate any truck, trailer and other commercial vehicle, or any other equipment used for commercial purpose, at any time upon any of the streets or parts of streets in the boundaries of the town, except zoning district designated SD-B40 and street immediately adjacent to these districts, except that such vehicles may be operated or parked upon any street for the purpose of delivering, picking up materials, merchandise, or rendering of service with the weekday hours of 8 AM to 6 PM or Saturday between 8 AM and 1 PM (except for vehicles parked for the purposes of emergency plumbing, roofing, or electrical repairs which may occur outside of these prescribed hours) within the boundaries of the town and then only by entering at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

(b) Provided it is owned by a Surfside resident, one commercial vehicle as defined hereinabove, may be permitted to park in a residential area provided the commercial

Ordinance No. \_\_\_\_\_



vehicle is parked in a driveway and has been issued a conditional permit registered with the Town pursuant to section 74-3.

- (c) Any person, violating any of the provisions of this section shall, upon conviction be punished as provided in Section 1-8.

**Sec. 74-3. Issuance of commercial vehicle parking permit.**

- (a) The application for a conditional permit for commercial vehicles to park in a residential area shall contain the name of the owner or operator of the motor vehicle, residential address, phone number, make and model of the motor vehicle, a copy of applicants driver's license, and a photo static copy of the vehicle registration. Additionally, documentation established by the Town of Surfside will be required as proof of residency. The applicant shall apply in person for the initial permit and shall present all required documentation. Personal appearances shall not be required for permit renewals. Renewal of a permit shall annually or semiannually and in accordance with the conditions and procedures as specified by the Town Manager or designee and approved by the Town Commission.
- (b) The permit shall be displayed on the lower left corner of the front windshield (driver's side) of the vehicle.
- (c) The Town Manager or designee is hereby authorized to make provisions for the issuance and collection of fees, if any, and for temporary permits.
- (d) The Town Manager or designee is authorized to revoke the conditional commercial vehicle parking permit if the permit holder is found to be in violation of the provisions of this code.
- (e) Failure to surrender a revoked permit within ten (10) working days of written notification from Town shall carry the following penalties:
1. The violator shall not be allowed to reapply for another permit for six (6) months.
  2. Once restored, if the permit holder should once again have the permit revoked by the Town, the resident would be restricted from applying for one year.

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be

Ordinance No. \_\_\_\_\_

renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

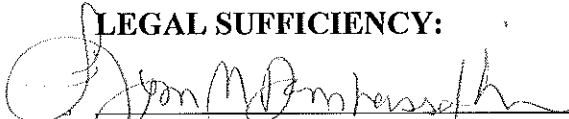
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, M.M.C., Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

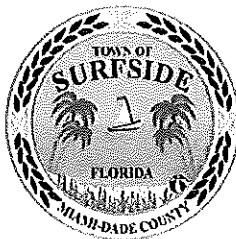
On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

Mayor Dietch	yes _____	no _____
Vice Mayor Graubart	yes _____	no _____
Commissioner Karukin	yes _____	no _____
Commissioner Kopelman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____

Ordinance No. \_\_\_\_\_



**TOWN OF SURFSIDE**  
**Office of the Town Attorney**

MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
 Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission

**FROM:** Lynn M. Dannheisser, Town Attorney *LD*

**CC:** Roger M. Carlton, Town Manager  
 Debra E. Eastman, M.M.C., Town Clerk

**DATE:** December 14, 2010

**SUBJECT:** Psychic Reading and Consultation as Permitted Use in SD-B40 District

**Recommendation:** It is recommended that the Commission adopt this Ordinance allowing psychic reading and consultation as a Permitted Use in the SD-B40 District pursuant to the Settlement Agreement approved on November 9, 2010.

**Reasons:** The Town Commission directed the Town Attorney to enter into settlement negotiations to resolve this matter which was completed. Last month, the Commission approved a Settlement Agreement wherein among other things the Town agreed to reinstate the Plaintiff's Business Tax Receipt, under the classification "personal consulting" and allow the Plaintiff to resume business operations at the premises in the same manner in which she had conducted those operations prior to the revocation in consideration of a dismissal of the litigation and the exchange of releases.

Accordingly, this Ordinance amends Section 90-41 "Regulated Uses" to add psychic reading and consultation as a permitted use in the SD-B40 District (Downtown business district) on the second floor only in keeping with the expressed desire of the Planning and Zoning Board and the Town Commission to preserve the first floor for retail establishments.

**ORDINANCE NO. 10- \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD PSYCHIC READING AND CONSULTATION AS PERMITTED USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address psychic reading, advising, consultation, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, and fortune telling in the business district and permit psychic reading and consultation in areas allowing professional services and service agencies above the first floor.

**WHEREAS**, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on December 16, 2010 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS**, The Town Commission held its first public reading on December 14, 2010 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 11, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. \_\_\_\_\_

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:**

**Section 1. Recitals.** The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**ARTICLE IV. DISTRICT REGULATIONS**

**Sec. 90-41. Regulated uses.**

(c) *Table--Regulated uses.*

TABLE INSET:

	H30A	H30B	H30C	H40	H120	SD-B40
<b>Residential Uses</b>						
Detached single-family	P(1)	P(1)	P(1)	P(1)	P(1)	-
Duplex	-	-	P	P	P	-
Multi-dwelling structure	-	-	P	P	P	-
Townhouse	-	-	P	P	P	-
<b>Lodging uses</b>						
Hotel	-	-		P(7)	P(7)	-
Suite-Hotel	-	-		P(7)	P(7)	-
<b>Office Uses and Professional Services</b>						
Banks	-	-	-	-	-	P
Business and professional offices, except veterinary offices	-	-	-	-	-	P
Currency exchange	-	-	-	-	-	P
Delivery service	-	-	-	-	-	P(9)

Ordinance No. \_\_\_\_\_

Employment agencies	-	-	-	-	-	P(9, 17)
General ticket agencies			-	-		P
Interior decorator	-	-	-	-	-	P
Loan or mortgage office	-	-	-	-	-	P(9)
Medical or dental clinic	-	-	-	-	-	P(9)
<u>Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, or fortune telling</u>	-	-	-	-	-	<u>P(9)</u> -

...

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted

(d) *Uses table notes.*

...

(9) Shall only be allowed above the first floor. This shall apply to all service agency categories.

**Section 3. No Zoning in Progress.** Section 90-6 and the zoning in progress doctrine shall not be applicable to the first reading of this ordinance as the settlement of the relevant litigation has not yet been completed but shall have been completed by adoption on second reading.

**Section 4. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 5. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 6. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Ordinance No. \_\_\_\_\_

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

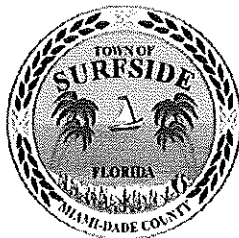
On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

Mayor Dietch	yes_____	no_____
Vice Mayor Graubart	yes_____	no_____
Commissioner Karukin	yes_____	no_____
Commissioner Kopelman	yes_____	no_____
Commissioner Olchyck	yes_____	no_____

Ordinance No. \_\_\_\_\_



**TOWN OF SURFSIDE**  
**Office of the Town Attorney**

MUNICIPAL BUILDING  
 9293 HARDING AVENUE  
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
 Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission

**FROM:** Lynn M. Dannheisser, Town Attorney *LD*

**cc:** Roger Carlton, Town Manager  
 Debra E. Eastman, M.M.C., Town Clerk

**DATE:** January 18, 2011

**RE:** Prohibition of Outside Employment Ordinance

**Recommendation:** It is recommended the Commission pass this ordinance prohibiting any employee of the Town Manager from accepting outside employment where the Town's time, equipment or material is used.

**Reasons:** It has recently come to our attention that in past years, some Town employees have accepted outside employment that has had, in several instances, serious adverse consequences to the Town. This ordinance tracks the Miami-Dade County prohibition on outside employment. One allowable exception is where that employment is not adverse to the Town and the Manager gives his prior approval. Failure to observe the dictates of this prohibition shall result in dismissal.



ORDINANCE NO. 11- \_\_\_\_\_

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION" AND SPECIFICALLY CREATING SECTION 2-152 "OUTSIDE EMPLOYMENT BY TOWN EMPLOYEES" 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.

WHEREAS, several instances have come to the attention of the Town Manager where employees of the Manager have accepted outside employment that have been detrimental to the Town; and

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to establish guidelines for outside employment by Town employees and to prohibit outside employment conflicting with Town business except as otherwise determined by the Town Manager; and

WHEREAS, The Town Commission concurs with this policy and finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

**Section 1. Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 2-152. Outside employment by Town employees.**

- a. Generally prohibited. No full-time employee of the Town Manager shall accept outside employment, either incidental, occasional or otherwise, where Town time, equipment or material is to be used or where such employment or any part thereof is to be performed on Town time.

- b. When permitted. A full-time Town employee may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of the Town or any of its departments and the approval required in subsection (c) is obtained.
- c. Approval of Town Manager required. Any outside employment by any full-time Town employee must first be approved in writing by Town Manager who shall maintain a complete record of such employment.
- d. Penalty. Any employee convicted of violating any provision of this section shall be punished as provided in Section 1-8, and, in addition thereto, shall be subject to dismissal by the Town Manager.

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

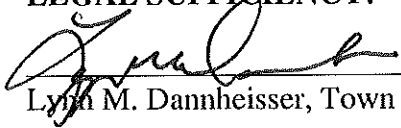
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Daniel Dietch, Mayor

**Attest:**

\_\_\_\_\_  
Debra E. Eastman, M.M.C., Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

Mayor Dietch                    yes \_\_\_\_\_ no \_\_\_\_\_

Vice Mayor Graubart        yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Karukin      yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Kopelman    yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Olchyk        yes \_\_\_\_\_ no \_\_\_\_\_



## Town of Surfside Commission Communication

**Agenda Item #:**

**Agenda Date:** January 18, 2011

**Subject:** Text Amendment to Section 90.61 Paving in front and rear yards in H30 and H40 Districts.

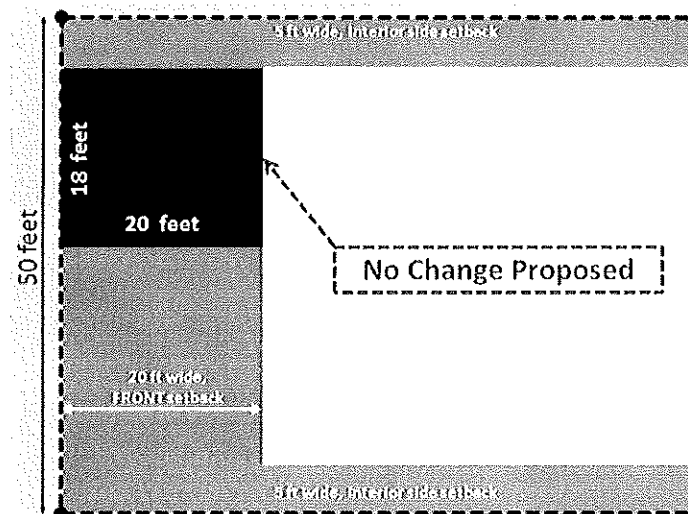
**Objective:** To allow for additional curb cuts for single family properties with larger lot widths and to include curb cut regulations that are currently in the Building Code in the Zoning Code.

**Background:** Regulations regarding curb cuts are contained in both the Building Code and the Zoning Code and are not consistent with each other. Staff is recommending that curb cut regulations contained in Section 14-32 of the Building Code be moved into the Zoning Code and the Zoning code be amended to reflect the inclusion of the Building Code requirements and the provision for additional curb cuts on larger lots.

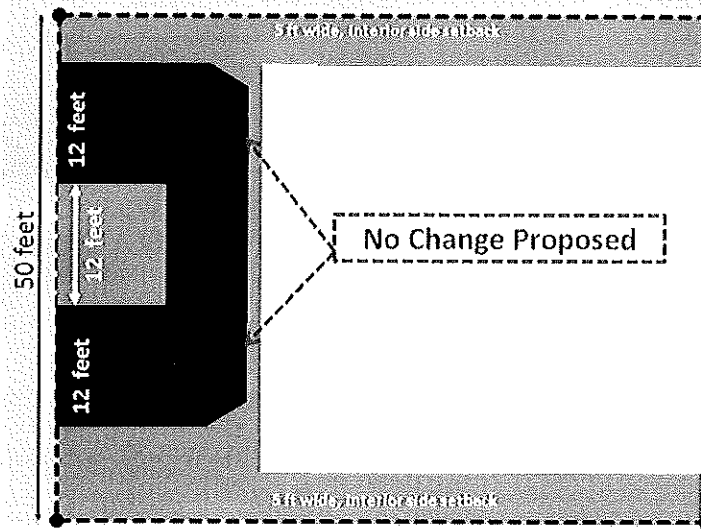
**Analysis:** In the H30A District, H30B District, and H30C District west of Harding Avenue the number of curb cuts and the width of the curb cuts for properties whose width is LESS than 100 feet has NOT changed. A homeowner has two options is their lot is less than 100 feet.

### NO CHANGE:

**Option 1: One curb cut not more than 18 feet in width:**



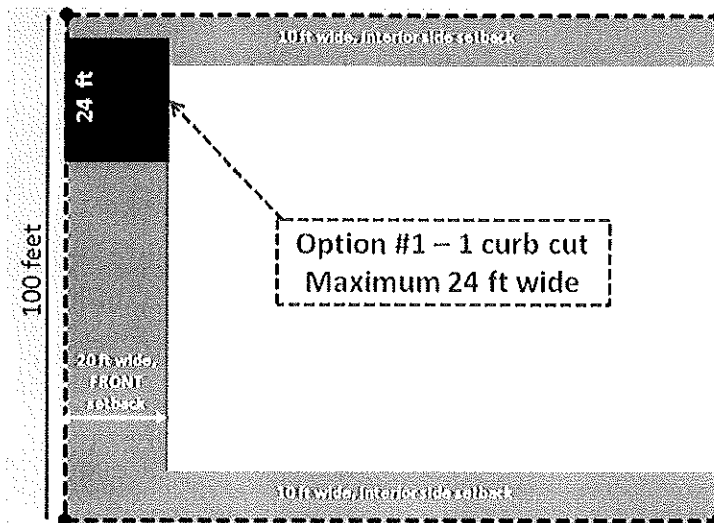
**Option 2: Two curb cuts not exceeding 12 feet in width each with at least 12 feet in between the curb cuts:**



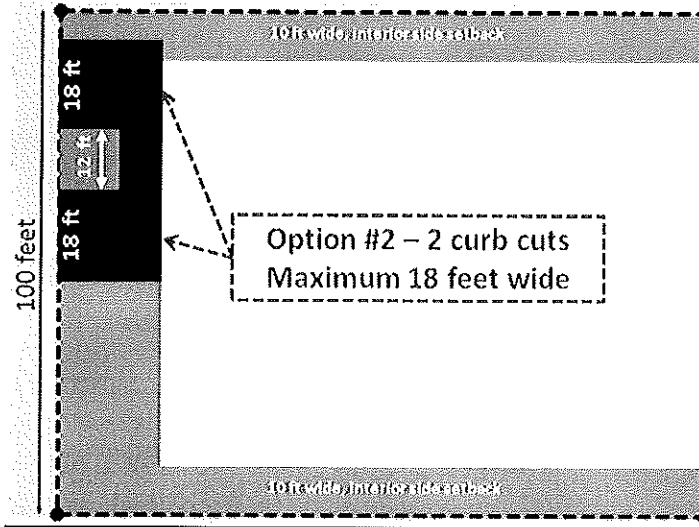
**PROPOSED CHANGES:**

It is recommended that the number of curb cuts permitted and curb cuts widths be increased for properties whose width is 100 feet or greater as demonstrated by the following options:

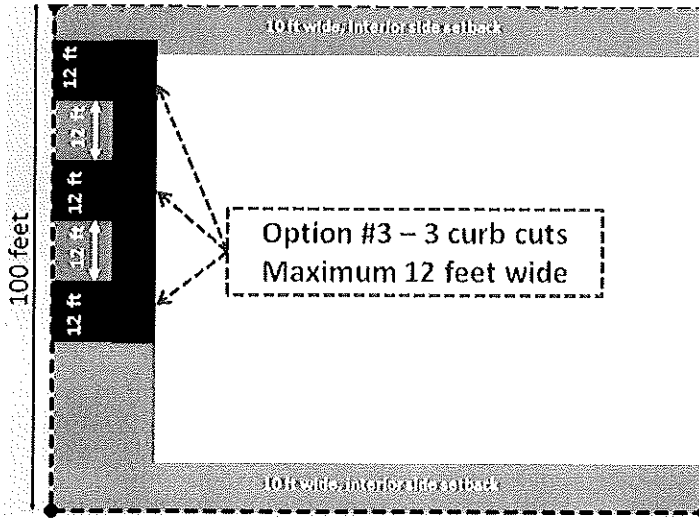
**Option 1: One curb cut not more than 24 feet in width:**



**Option 2: Two curb cuts not exceeding 18 feet in width each with at least 12 feet in between the curb cuts:**



**Option 3: Three curb cuts not exceeding 12 feet in width each with at least 12 feet in between the curb cuts:**



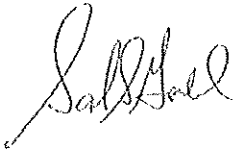
For properties fronting on Collins Avenue, Harding Avenue and every East-West Street in between Collins Avenue and Harding Avenue the Building Code regulations that control the number of curb cuts permitted and curb cuts widths are limited to properties the abut Harding Ave, Collins Ave, and the east/west streets in between are being moved into the zoning code. These requirements also include properties in the H30C zoning district west of Harding, H40, H120, and SDB40 zoning districts. However, this portion of the regulations is not applicable to H30B properties that abut Harding Avenue.

**Budget Impact:** Planning Staff's time was funded under the general services contract between the Town and CGA. Therefore the Town did not incur an additional budget impact for CGA's time.

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** The Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval to the Town Commission at its December 16, 2010 meeting. It is recommended that the Surfside Town Commission introduce on first reading the attached Ordinance, amending sections 90.61 of the Town of Surfside Zoning Code.



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Sarah Sinatra Gould, Town Planner



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Roger Carlton, Interim Town Manager

ORDINANCE NO. 11- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.61 CURB CUTS OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to allow additional curb cuts for single family properties with larger lot widths; and

**WHEREAS**, the Town regulations regarding curb cuts are contained in both the Building Code and the Zoning Code and are not consistent with each other; and

**WHEREAS**, Town staff is recommending that curb cut regulations contained in Section 14-32 of the Building Code be moved into the Zoning Code and the Zoning code be amended to reflect the inclusion of the Building Code requirements and the provision for additional curb cuts on larger lots.

**WHEREAS**, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on December 16, 2010 with due public notice and input; and

**WHEREAS**, the Town Commission held its first public reading on January 18, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 8, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. \_\_\_\_\_



NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

**Section 1. Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 14-32. Limitations on driveway connections (curb cuts).**

(a) The following table governs and applies to all property fronting on Collins Avenue (AIA North), Harding Avenue (AIA South) and every East-West Street in between Collins Avenue and Harding Avenue:

PROJECT FRONTAGE  
TABLE INSET:

Collins	Harding	East-West Street	Driveway Connections (Curb Cuts) Allowed and Direction
X	X	X	One Two-way on Harding Avenue and One Two-way on Collins Avenue or One Two-way on either Collins Avenue or Harding Avenue and one Two-way mid-block on East-West Street or One one-way on Collins Avenue, one one-way on Harding Avenue and one two-way mid-block on East-West Street
X	X	—	One two-way on either Collins Avenue or Harding Avenue or One one-way on Collins Avenue and one one-way on Harding Avenue
X	—	X	One two-way on Collins Avenue or One one-way on Collins Avenue and one one-way on East-West Street
—	X	X	One two-way on Harding Avenue or one one-way on Harding Avenue and one one-way on East-West Street
X	—	—	One two-way
—	X	—	One two-way

Ordinance No. \_\_\_\_\_

~~(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.~~

~~(c) Except where expressly provided otherwise, driveway connections (curb cuts) on East-West Streets shall be as far away from intersections as practicable.~~

~~(d) If a property fronts on Collins Avenue, Harding Avenue and two East-West Streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue, Harding Avenue and one East-West Street.~~

### **Sec. 90-61. Paving in front and rear yards in H30 and H40 districts.**

Front setbacks in the H30A, H30B, H30C or H40 districts shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater. Pavers and pervious hard materials, including pervious concrete, shall not be utilized for the calculation of pervious area.

(1) Not less than 30 percent of the front yard shall be landscaped.

(2) Not less than 20 percent of the rear yard shall be landscaped.

(3) No front yard shall be accessible by vehicles from a public street by more than two curb cuts.

(4) No curb cut shall be located within five feet of a side lot line.

~~(5) Where there is a single curb cut for any one property, the curb cut shall not be more than 18 feet in width.~~

~~(6) Where there are two curb cuts for any one property, the curb cuts shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts. Where a driveway is installed with two curb cuts, a landscaped island containing at least 60 square feet shall be provided between the curb cuts in the front yard area, extending from the front property line to the paved area.~~

(5) On corner lots where vehicular access and off-street parking are provided in a side secondary frontage yard, these same regulations shall apply also to the side secondary frontage yard. Such side secondary frontage yards shall not be more than 50 percent paved over with any type of material that is not readily permeable by rainwater and groundwater and not less than 30 percent of the side secondary frontage yard shall be landscaped.

(6) Driveway materials are limited to the following:

a. Pavers.

b. Color and texture treated concrete, including stamped concrete as long as it is permeable.

c. Painted concrete shall not be permitted.

Ordinance No. \_\_\_\_\_

d. Asphalt shall not be permitted.

(7) The width of the curb cut shall be measured from the terminus of the driveway entry, not including the taper.

90.61.1 Curb Cuts for properties located in the H30A District, H30B District, and H30C District west of Harding Avenue.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) Where a driveway is installed with two curb cuts, a landscaped island containing at least 60 square feet shall be provided between the curb cuts in the front yard area, extending from the front property line to the paved area.

(c) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table.

	<u>Maximum Driveway Connections (Curb Cuts) Allowed and Location</u>
<u>Front Lot Line Width is less than 100 feet</u>	<u>1. One curb cut, not more than 18 feet in width; Or</u> <u>2. Two curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts</u>
<u>Front Lot Line Width is 100 feet or greater</u>	<u>1. One curb cut, not more than 24 feet in width; Or</u> <u>2. Two curb cuts, each curb cut shall not be more than 18 feet in width, and there shall be at least 12 feet between curb cuts; Or</u> <u>3. Three curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts</u>

90.61.2 Curb Cuts for properties fronting on Collins Avenue, Harding Avenue and every East-West Street in between Collins Avenue and Harding Avenue, excluding H30B District properties.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.

(c) Except where expressly provided otherwise, driveway connections (curb cuts) on East-West Streets shall be as far away from intersections as practicable.

Ordinance No. \_\_\_\_\_

(d) If a property fronts on Collins Avenue, Harding Avenue and two East-West Streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue, Harding Avenue and one East-West Street.

(e) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table. All curb cuts on Harding Avenue and Collins Avenue are subject to review and approval by the Florida Department of Transportation.

Roadway frontage			Maximum Driveway Connections (Curb Cuts) Allowed and Location
Collins Ave	Harding Avenue	East-West Street	
X	X	X	1. <u>One two-way on Harding Avenue and One two-way on Collins Avenue; Or</u> 2. <u>One two-way on either Collins Avenue or Harding Avenue and one two-way mid-block on East-West Street; Or</u> 3. <u>One one-way on Collins Avenue, one one-way on Harding Avenue and one two-way mid-block on East-West Street</u>
X	X		1. <u>One two-way on either Collins Avenue or Harding Avenue; Or</u> 2. <u>One one-way on Collins Avenue and one one-way on Harding Avenue</u>
X		X	1. <u>One two-way on Collins Avenue; Or</u> 2. <u>One one-way on Collins Avenue and one one-way on East-West Street</u>
	X	X	1. <u>One two-way on Harding Avenue; Or</u> 2. <u>One one-way on Harding Avenue and one one-way on East-West Street</u>
X			<u>One two-way on Collins Avenue</u>
	X		<u>One two-way on Harding Avenue</u>

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Ordinance No. \_\_\_\_\_

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.


PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Daniel Dietch, Mayor

**Attest:**

\_\_\_\_\_  
Debra E. Eastman, M.M.C., Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**Vote:**

Mayor Dietch	yes _____	no _____
Vice Mayor Graubart	yes _____	no _____
Commissioner Karukin	yes _____	no _____
Commissioner Kopelman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____

Ordinance No. \_\_\_\_\_



## Town of Surfside Commission Communication

**Agenda Item #:** 4B3

**Agenda Date:** January 18, 2011

**Subject:** Text Amendment to Section 90.65 - Boat Storage

**Objective:** Revised regulations for boat parking, require boat registrations, require boats to be kept in good working order and used a minimum of 12 times annually.

**Background:** At the July 7, 2010 Special Commission meeting a resident indicated that he would like the issue of boat storage to be revisited to allow boats, trailers and personal watercraft in side and rear setbacks, while prohibiting boats in the front yard within single family properties. This issue was a discussion item on the August 26, 2010 Planning and Zoning Board meeting and was placed on the September 30, 2010 Planning and Zoning agenda as an ordinance. However, staff completed a further analysis and discovered that prohibiting boats could result in a hardship for approximately 64 property owners who continually park boats in the single family area. Staff therefore requested an additional review by the Planning and Zoning Board at their December 16, 2010 meeting.

**Analysis:** The proposed changes are summarized below:

- No boat shall be parked within the side or rear setbacks, or projected or encroach on any public right-of-way.
- Boats shall be permitted within the interior side or rear yards.
- If a boat is parked in the front yard, it shall be on a paved surface
- If parked in the side or rear yard, a fence, wall or hedge, consistent with the code, shall be installed in order to limit visibility to the maximum extent possible.
- It shall be unlawful to park a boat or boat trailer on any lot, unless such lot contains a residential dwelling and the boat is owned and licensed by the owner of such dwelling.
- Boats and boat trailers parked on any lot in the H30A or H30B districts shall be removed immediately upon the issuance of a hurricane watch by a recognized governmental agency.
- Boats and boat trailers shall be kept in good working order and used a minimum of 12 times annually. Usage shall be proven by annual affidavit signed at the time of annual fee renewal.
- Any property owner wishing to park their boat, boat trailer or personal watercraft on their property shall obtain an annual permit from the Town. In order to obtain the annual permit the property owner shall provide proof of home ownership and a valid boat registration in their name and pay a non-refundable fee of \$100.00. This fee and annual permit requirement shall not be applicable to boats stored inside a totally enclosed building, such as a garage, or boats kept on a dock.

**Budget Impact:** Planning Staff's time was funded under the general services contract between the Town and CGA. Therefore the Town did not incur an additional budget impact for CGA's time. The \$100.00 annual fee is designed to cover the additional administrative costs of monitoring the program.

**Growth Impact:** N/A

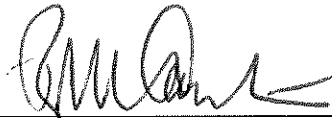
**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve on first reading the attached Ordinance, amending sections 90.65 of the Town of Surfside Zoning Code.

**Note:** Vice Mayor Joe Graubart suggested at the December 16, 2010 Planning and Zoning Board meeting that the Town should move in the direction of eliminating boat parking in front yards. Should that concept become direction from the Town Commission, it is recommended that existing boats which meet the criteria of this text amendment be grandfathered so long as the owner continues to meet the requirements of this amendment or sells their property.



\_\_\_\_\_  
Sarah Sinatra Gould, Town Planner



\_\_\_\_\_  
Roger M. Carlton, Town Manager



**ORDINANCE NO. 11- \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90.65 BOAT STORAGE, INCLUDING ZONING CODE DEFINITIONS OF "SETBACKS" AND "YARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to amend the boat storage regulations to permit boat trailers and personal watercraft in the side or rear setbacks, including Zoning Code definitions of "Setbacks" and "Yards;" and

**WHEREAS**, subsequent to the Planning and Zoning Board meeting of October 28, 2010, the Town Manager suggested additional provisions; and

**WHEREAS**, the Town Commission held its first public reading on January 18, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on January 27, 2011 with due public notice and input; and

**WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 8, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:**

Ordinance No. \_\_\_\_\_

**Section 1. Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-65. Boat ~~storage~~-parking.**

In the following section the term "boat" shall include every description of watercraft or airboat used or capable of being used as a means of transportation on water, including personal watercraft, but shall not include kayaks or canoes or similar non-motorized watercraft. No more than one boat may be parked on any lot in the H30A or H30B districts subject to the following conditions:

(1) Boats shall not be used for living or sleeping quarters, and shall be placed on and secured to a transporting trailer.

(2) No boat, ~~or boat trailer~~ shall be parked ~~or stored~~ within the required interior side yard setback and/or required rear yard setback, or projected or encroach on any public right-of-way.

(3) A boat trailer and personal watercraft may be parked in the front, side, or rear yards. If parked in the side or rear yard, the boat trailer and personal watercraft shall not be visible to the neighboring property. A fence, wall or hedge, consistent with the code, shall be installed in order to limit visibility to the maximum extent possible.

(4) If a boat, boat trailer or personal watercraft is parked in the front yard, it shall be parked on a paved surface.

~~(3)~~ (5) ~~When parked or stored in the front yard or secondary frontage yard the place of parking shall be parallel with and immediately adjacent to or on the driveway, and shall be at least five feet from the interior side or rear property line.~~

(4) (6) The parking, storage or keeping of any boat or boat trailer shall not obstruct driveways or impede the ability of the abutting property owner to maintain the right-of-way clearance. The parking, storage or keeping of any boat or boat trailer shall not cause other vehicles to be parked in rights-of-way so as to create a hazard. The parking ~~or storage~~ of a boat or boat trailer shall not be in conflict with the provisions of Section 90-52, Required Clearances.

~~(5)~~ (7) If covers are provided for the open part of all boats, the covers for any items must fit to the contours of the boat. The color of the cover should be complimentary to the exterior color of the boat. No tarps shall be used.

Ordinance No. \_\_\_\_\_

~~(6)~~ (8) Boats, boat trailers, and places of parking shall be kept in a clean, neat and presentable condition. Boats and boat trailers shall not be inoperable, wrecked, junked, partially dismantled or abandoned.

~~(7)~~ (9) No boat which does not have a valid registration and a valid license plate decal properly displayed, as required by state law, shall be kept on any lot for more than 30 days, unless they are stored inside a totally enclosed building.

~~(8)~~ (10) It shall be unlawful to park a boat or boat trailer on any lot, unless such lot contains a residential dwelling and the boat ~~belongs~~ is owned and licensed to the ~~occupant~~ owner of such dwelling, ~~a member of his immediate family, a resident of the household residing on the property, or a bona fide guest or visitor thereof.~~

~~(9)~~ (11) No major repairs or overhaul work shall be made or performed on the premises.

~~(10)~~ (12) Boats and boat trailers ~~stored~~ parked on any lot in the H30A or H30B districts shall be secured or removed immediately upon the issuance of a hurricane ~~warning~~ watch by a recognized governmental agency.

(13) Boats and boat trailers shall be kept in good working order and used a minimum of 12 times annually.

### **Sec. 90-65.1 Boat Registration**

(1) Any property owner wishing to park their boat, boat trailer or personal watercraft on their property shall obtain an annual permit from the Town. In order to obtain the annual permit the property owner shall provide proof of home ownership and a valid boat registration in their name and pay a non-refundable fee of \$100.00. This fee and annual permit requirement shall not be applicable to boats stored inside a totally enclosed building or boats kept on a dock.

**Section 3. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 4. Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be

Ordinance No. \_\_\_\_\_

renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 18<sup>th</sup> day of January, 2011.

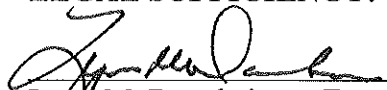
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Daniel Dietch, Mayor

**Attest:**

\_\_\_\_\_  
Debra E. Eastman, M.M.C., Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

Mayor Dietch	yes _____	no _____
Vice Mayor Graubart	yes _____	no _____
Commissioner Karukin	yes _____	no _____
Commissioner Kopelman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____

Ordinance No. \_\_\_\_\_



9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154  
(305) 861-4863 • FAX: (305) 861-1302  
WWW.TOWNOFSURFSIDEFL.GOV

## MEMORANDUM

**TO:** Elected Officials  
**FROM:** Roger M. Carlton, Town Manager  
**DATE:** January 18, 2011  
**SUBJ:** Code Compliance Authority for Police Officers

Please see attached Commission Communication and Resolution (Alternate A and Alternate B). Alternate A lists the eleven code violations that the Police Department may enforce if the resolution is approved. Alternate B list the twelve code violations that the Police Department may enforce if the resolution is approved. Alternate B has included an additional code violation, Section 14-29 Work Without Permit. There was discussion at the December Commission meeting that the Code Enforcement Officer and not the Police Department should only enforce this violation. Both resolutions are presented to the Town Commission for its decision.



## Town of Surfside Commission Communication

**Agenda Item #:**

**Agenda Date:** January 18, 2011

**Subject:** Code Compliance Authority for Police Officers

**Background:** Florida State Statute 162.21 authorizes law enforcement officers to be designated as code enforcement officers. Surfside Town Code Section 15-2 authorizes the Town Manager to appoint code enforcement officers for the Town who may include law enforcement officers.

**Analysis:** The Surfside Police Department receives calls and responds to quality of life issues daily during the daytime and evening hours. Many of these complaints are not criminal but are code violations. Currently the police officers issue warnings, document the incident, and forward the report to the Code Enforcement Officer for follow up. The Town has one Code Enforcement Officer who works days Monday through Friday. In some cases since he did not witness the violation there are legal concerns regarding follow up. Over past few weeks all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official on certain specific code violations that address quality of life issues. The violations are Section 90-79 Abandoned or Inoperable Vehicles, Section 90-79 Parking on Grass or Unpaved or Unapproved Surfaces, Section 74-1 Commercial Vehicle Prohibited in the Residential Area, Section 54-63 Sidewalk or Street Obstruction, Section 10-28 Leash Law, Section 10-32 Fecal Disposal, Section 10-33 Dogs on the Beach, Section 10-36 Barking or Vicious Dogs, Section 54-78 Prohibited Noises, Section 34-28 Illegal Deposit of Debris, and Section 54-2 Handbill Distribution. Code Compliance authority for Police Officers will allow the Town to promptly address quality of life complaints from its residents. The

resolution will sunset in February 2012 when a review will be presented to the Town Commission regarding continuation of the program.

**Budget Impact:** None

**Staff Impact:** None

**Recommendation:** Town Staff recommends that the Town Commission approve a resolution authorizing the Town Manager to appoint Surfside Police Officers with Town Code Enforcement authority for specific code violations. This will alleviate concerns regarding our ability to enforce eleven code enforcement violations when the code Enforcement Officer is not on duty. It also provides a much greater service level to our citizens without any additional expense.

  
\_\_\_\_\_  
David Allen, Chief of Police

  
\_\_\_\_\_  
Roger M. Carlton, Town Manager

## RESOLUTION NO. 11- \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTIONS 90-79; SECTION 90-79 ABANDONED OR INOPERABLE VEHICLES; SECTION 90-79 PARKING ON GRASS OR UNPAVED OR UNAPPROVED SURFACES; SECTION 74-1 COMMERCIAL VEHICLE PROHIBITED IN THE RESIDENTIAL AREA; SECTION 54-63 SIDEWALK OR STREET OBSTRUCTION; SECTION 10-28 LEASH LAW; SECTION 10-32 FECAL DISPOSAL; SECTION 10-33 DOGS ON THE BEACH; SECTION 10-36 BARKING OR VICIOUS DOGS; SECTION 54-78 PROHIBITED NOISES; SECTION 34-28 ILLEGAL DEPOSIT OF DEBRIS; SECTION 54-2 HANDBILL DISTRIBUTION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute Section 162.21 provides that law enforcement officers may be designated by the municipality as a "Code Enforcement Officer;" and

**WHEREAS**, Section 15-2 of the Code of the Town of Surfside authorizes the Town Manager to appoint Code Enforcement Officers for the Town who may include law enforcement officers; and

**WHEREAS**, code violations may occur during the evening hours or weekends and the Town Code Enforcement Officer works daily Monday through Friday; and

**WHEREAS**, code compliance authority for Police Officers will allow 24 hour, seven day a week coverage for the Town; and

**WHEREAS**, over the past few weeks, all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official on the following specific code violations which address quality of life issues:

Section 90-79 Abandoned or Inoperable Vehicles;

Section 90-79 Parking on Grass or Unpaved or Unapproved Surfaces;

Section 74-1 Commercial Vehicle Prohibited in the Residential Area;

Section 54-63 Sidewalk or Street Obstruction;



Section 10-28 Leash Law;

Section 10-32 Fecal Disposal;

Section 10-33 Dogs on the Beach;

Section 10-36 Barking or Vicious Dogs;

Section 54-78 Prohibited Noises;

Section 34-28 Illegal Deposit of Debris;

Section 54-2 Handbill Distribution;

**WHEREAS**, Town Staff recommends that the Town Commission approve a Resolution authorizing the Town Manager to appoint Surfside Police Officers with Town Code Enforcement authority for the above-stated specific code violations; and

**WHEREAS**, Code Compliance authority for Police Officers will allow the Town to promptly address quality of life complaints from its residents and provide a greater service level to the residents without any additional expense and alleviate concerns regarding enforcement of the above-stated code enforcement violations when the Code Enforcement Officer is not on duty; and

**WHEREAS**, this Resolution will sunset in February 2012 when a review will be presented to the Town Commission regarding continuation of the program.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA,**

**Section 1.**     **Recitals.** That the above and foregoing recitals are true and correct and are incorporated herein.

**Section 2.**     **Authorization.** The Town Commission hereby authorizes the Town Manager to appoint all Surfside Police Officers trained in code enforcement as Code Enforcement Officers to address the above-stated code violations sections only.

**Section 3.**     **Effective Date.** This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**FINAL VOTE ON ADOPTION**

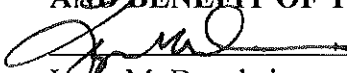
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

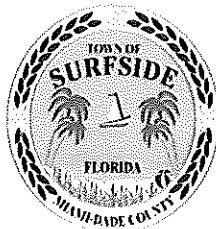
\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



## Town of Surfside Commission Communication

**Agenda Item #:** 5A

**Agenda Date:** January 18, 2011

**Subject:** Code Compliance Authority for Police Officers

**Background:** Florida State Statute 162.21 authorizes law enforcement officers to be designated as code enforcement officers. Surfside Town Code Section 15-2 authorizes the Town Manager to appoint code enforcement officers for the Town who may include law enforcement officers.

**Analysis:** The Surfside Police Department receives calls and responds to quality of life issues daily during the daytime and evening hours. Many of these complaints are not criminal but are code violations. Currently the police officers issue warnings, document the incident, and forward the report to the Code Enforcement Officer for follow up. The Town has one Code Enforcement Officer who works days Monday through Friday. In some cases since he did not witness the violation there are legal concerns regarding follow up. Over past few weeks all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official on certain specific code violations that address quality of life issues. The violations are Section 90-79 Abandoned or Inoperable Vehicles, Section 90-79 Parking on Grass or Unpaved or Unapproved Surfaces, Section 74-1 Commercial Vehicle Prohibited in the Residential Area, Section 54-63 Sidewalk or Street Obstruction, Section 10-28 Leash Law, Section 10-32 Fecal Disposal, Section 10-33 Dogs on the Beach, Section 10-36 Barking or Vicious Dogs, Section 54-78 Prohibited Noises, Section 34-28 Illegal Deposit of Debris, Section 54-2 Handbill Distribution and Section 14-29 Work Without Permit. Code Compliance authority for Police Officers will allow the Town to promptly address quality of life


complaints from its residents. The resolution will sunset in February 2012 when a review will be presented to the Town Commission regarding continuation of the program.

**Budget Impact:** None

**Staff Impact:** None

**Recommendation:** Town Staff recommends that the Town Commission approve a resolution authorizing the Town Manager to appoint Surfside Police Officers with Town Code Enforcement authority for specific code violations. This will alleviate concerns regarding our ability to enforce twelve code enforcement violations when the code Enforcement Officer is not on duty. It also provides a much greater service level to our citizens without any additional expense.

  
\_\_\_\_\_  
David Allen, Chief of Police

  
\_\_\_\_\_  
Roger M. Carlton, Town Manager

## RESOLUTION NO. 11- \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTIONS 90-79; SECTION 90-79 ABANDONED OR INOPERABLE VEHICLES; SECTION 90-79 PARKING ON GRASS OR UNPAVED OR UNAPPROVED SURFACES; SECTION 74-1 COMMERCIAL VEHICLE PROHIBITED IN THE RESIDENTIAL AREA; SECTION 54-63 SIDEWALK OR STREET OBSTRUCTION; SECTION 10-28 LEASH LAW; SECTION 10-32 FECAL DISPOSAL; SECTION 10-33 DOGS ON THE BEACH; SECTION 10-36 BARKING OR VICIOUS DOGS; SECTION 54-78 PROHIBITED NOISES; SECTION 34-28 ILLEGAL DEPOSIT OF DEBRIS; SECTION 54-2 HANDBILL DISTRIBUTION; SECTION 14-29 WORK WITHOUT PERMIT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute Section 162.21 provides that law enforcement officers may be designated by the municipality as a “Code Enforcement Officer;” and

**WHEREAS**, Section 15-2 of the Code of the Town of Surfside authorizes the Town Manager to appoint Code Enforcement Officers for the Town who may include law enforcement officers; and

**WHEREAS**, code violations may occur during the evening hours or weekends and the Town Code Enforcement Officer works daily Monday through Friday; and

**WHEREAS**, code compliance authority for Police Officers will allow 24 hour, seven day a week coverage for the Town; and

**WHEREAS**, over the past few weeks, all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official on the following specific code violations which address quality of life issues:

Section 90-79 Abandoned or Inoperable Vehicles;

Section 90-79 Parking on Grass or Unpaved or Unapproved Surfaces;

Section 74-1 Commercial Vehicle Prohibited in the Residential Area;

Section 54-63 Sidewalk or Street Obstruction;

Section 10-28 Leash Law;

Section 10-32 Fecal Disposal;

Section 10-33 Dogs on the Beach;

Section 10-36 Barking or Vicious Dogs;

Section 54-78 Prohibited Noises;

Section 34-28 Illegal Deposit of Debris;

Section 54-2 Handbill Distribution;

Section 14-29 Work Without Permit.

**WHEREAS**, Town Staff recommends that the Town Commission approve a Resolution authorizing the Town Manager to appoint Surfside Police Officers with Town Code Enforcement authority for the above-stated specific code violations; and

**WHEREAS**, Code Compliance authority for Police Officers will allow the Town to promptly address quality of life complaints from its residents and provide a greater service level to the residents without any additional expense and alleviate concerns regarding enforcement of the above-stated code enforcement violations when the Code Enforcement Officer is not on duty; and

**WHEREAS**, this Resolution will sunset in February 2012 when a review will be presented to the Town Commission regarding continuation of the program.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA,**

**Section 1.**     **Recitals.** That the above and foregoing recitals are true and correct and are incorporated herein.

**Section 2.**     **Authorization.** The Town Commission hereby authorizes the Town Manager to appoint all Surfside Police Officers trained in code enforcement as Code Enforcement Officers to address the above-stated code violations sections only.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**FINAL VOTE ON ADOPTION**


Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

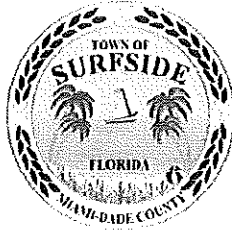
\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



# Town of Surfside Commission Communication

**Agenda Item #:** 5B

**Agenda Date:** January 18, 2010

**Subject:** Construction Administration, Construction Inspection and Engineering During Construction for Water, Sewer and Storm Drainage Project

**Objective:** Provide experienced personnel for daily field inspections, daily project management and daily engineering consultation and review. This will ensure that all work is completed in accordance with the plans and specifications, all quantities are verified prior to payment, and field changes can be made in the best interest of the Town without project delay. The functions included in this work order include:

## **Engineering During Construction:**

Responsible for all engineering decisions, directives, and adjustments required during construction, subject to approval by the Town Manager and availability of funds. This function will also be responsible for weekly meetings, site visits and permit close outs. This function is known as the Engineer of Record (EOR) and will make all final decisions, subject to the constraints enumerated above, regarding the construction of this project and is required to certify completion to each governmental agency involved.

## **Professional Construction Services:**

Responsible for all on-site activities, which due to the multiple crews and expedited schedule, will require two (2) full time employees to be on-site during construction activities. This function will review each pre and post rehabilitation video for the sewers, document all field quantities, direct any field changes or repairs, and will notify the EOR immediately if a high level decision is required. This instant access from field inspector to EOR is crucial to keep construction activities moving without delay and to avoid costly mistakes.

## **Professional Governmental Consulting Services:**

This person will act as the Project Manager (PM) for all three (3) phases of this Capital Improvement Project. The PM will be responsible for coordination between all parties, including the Town, Consultants, Contractors and Permitting Agencies. The PM will be the main point of contact for the Town and will be involved in weekly on-site meetings, as well as weekly in-house interdepartmental meetings. The PM will be available via cell phone at all times and will respond during any urgent matters.



In summary, to properly manage, account for the work completed, and certify the completion of the work, multiple full time and part time field inspectors, engineers and project managers are required. The installation, acceptance and payment to the Contractor will be based off field measure and inspection, which is the ultimate responsibility of the PM. The full time field inspectors will be responsible for field verifying installation and measurements.


**Background:** The Town's water system was constructed in 1938. The Town's sanitary sewer system was constructed in 1949. Although this system was well constructed, over time damage has occurred to the system which led to the Environmental Protection Agency (EPA) issuing a Consent Decree to the Town in 1995. The Town has been working closely with Dade County's Department of Environmental Resource Management (DERM) to resolve all issues over the years. The DERM Consent Agreement was issued in 2007. During the time from the Consent Agreement until present, the Town has been applying for various Federal, State and County Grants to help fund the required repairs while simultaneously analyzing the system to determine its estimated water losses or sewer infiltration due to aging pipelines. After analyzing the system and usage data it was determined that the aging pipes were allowing ground and rain water to enter into the sanitary sewer system. Due to the fact that the Town pays for its sewage to be treated by the gallon, this infiltration of ground water was causing the Town to pay an approximate 35% more per month for sewage treatment.


**Analysis:** This multi-employee, full-time oversight is required to ensure that the Town's Project is completed on-time, per specifications, and under budget. The cost for this portion of work will ensure that schedule and budget slippage does not occur due to inadequate oversight.

**Budget Impact:** Funds for completion of the CGA services are included in the overall project budget. The total of all CGA costs to date plus the five work authorizations on the January 18, 2011 agenda, is approximately 8.5% of the estimated project cost of \$16 Million. This is comparable or below industry standard for design and administration fees for similar projects. The amount of this work authorization is \$714,791.70.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve this work authorization so that the project remains on schedule.

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
Town Manager

RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 42 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING CONSTRUCTION ADMINISTRATION, CONSTRUCTION INSPECTION AND ENGINEERING DURING CONSTRUCTION OF THE WATER, SEWER, STORM DRAINAGE PROJECT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside wishes to obtain services for construction administration, construction inspection and engineering during construction of the water, sewer, storm drainage project; and

WHEREAS, Calvin, Giordano and Associates, Inc. will provide the professional engineering and professional construction services; and

WHEREAS, Work Authorization No. 42 is attached as "Exhibit A";

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. That the above and foregoing recitals are true and correct.

Section 2. That the Commission approves and authorizes Work Order No. 42 attached as "Exhibit A".

Section 4. The Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION


Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joe Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



Date: January 4, 2011

Mr. Roger Carlton  
Town Administrator  
**TOWN OF SURFSIDE**  
9293 Harding Avenue  
Surfside, FL 33154

**RE: Work Authorization No. 42**  
**Surfside Infrastructure Improvements**  
**CGA Proposal No. 06-5355.15**

Dear Mr. Carlton,

Enclosed for your review and approval is Work Authorization No. 42 for Surfside Infrastructure Improvements. The scope of the project includes Construction Services for Town of Surfside Infrastructure Improvements.

The Scope of Services to be furnished under this Work Authorization includes Civil Engineering, Construction and Government Consulting as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed \$714,791.70.

Sincerely,

**CALVIN, GIORDANO & ASSOCIATES, INC.**

Dennis J. Giordano  
President

- Building Code Services
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering Planning
- Public Administration
- Redevelopment & Urban Design
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community Maintenance Services

1800 Eller Drive, Suite 600  
Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

[www.calvin-giordano.com](http://www.calvin-giordano.com)

**TOWN OF SURFSIDE**  
**Surfside Infrastructure Improvements**

**PROJECT DESCRIPTION**

**1. SCOPE OF SERVICES**

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

**I. Professional Engineering Services**

**A. Civil Engineering**

**1. Engineering During Construction**

- Attend Weekly Meetings at Town Hall for entire duration of construction project. Duration of construction assumed at 15 months or 69 weeks @ 4 hours per meeting
- Review Shop Drawings as submitted by contractor
- Site visits during construction. Proposal assumes one visit per week by the Project Engineer for all 15 months (69 weeks) @ 4 hours a visit.
- Changes to design during construction
- Preparation of specifications for bidding purposes
- Final project Certification and Close-out through Miami Dade WASD & DERM

**II. Professional Construction Services**

**A. CGA will provide a full time (8 hours a day 5 days per week) Project Manager to perform the following duties:**

- 1. Plan, direct, and coordinate all phases of construction.**
- 2. Monitor progress and pace of construction.**
- 3. Oversee the general contractor on their coordination and supervision**

of their subcontractors, equipments and material, and workmanship.

4. Communicate and assist in reporting any resident concerns or complaints.
  5. Attend weekly progress meetings.
- B. CGA will provide a full time (8 hours per day 5 days per week) Field Inspector to perform the following duties:
1. Make daily inspections for compliance with plans and specifications. Make interim inspections for substantial completion, review, approve and process pay requests and perform a final inspection to determine, in general, if the work has been completed in conformance with the intent of the contract documents.
- C. Review as-builts provided by the contractor.
- D. Review and process closeout packages.
- E. Assist in bidding process, including pre-bid, bid opening, recommendation of award and contract execution.

### III. Professional Government Consulting Services

- A. Preconstruction Administration
1. Act as CGA's contact person for the Town throughout the project.
  2. Attend all staff and commission meetings required to provide information and updates as needed.
  3. Manage the creation review and revision of the bid documents including construction contract.
  4. Manage the mandatory pre-bid meeting.
  5. Manage the bid opening process.
  6. Manage the contractor selection process.
  7. Manage the permit administration to ensure all required permits are

obtained.

8. Coordinate pre-construction meeting with contractor and all required permitting agencies.

**B. Construction Administration**

1. Act as CGA's contact person for the Town throughout the project.
2. Conduct ongoing contractor coordination meetings once a week to ensure efficiency and jobsite harmony to maintain the construction schedule.
3. Facilitate all action items coming from the weekly progress meeting to ensure construction activity is expedited.
4. Maintain an updated construction schedule and "news briefs" to the designated Public Relations contact for updating the staff and residents.
5. Maintain and negotiate change orders and the associated records and approvals including the reason or cause of the change order for payment.
6. Manage the review and approval of payment requests per the contract and percentage of work completed.
7. Manage and implement budgetary controls.
8. Maintain and coordinate requests for interpretation.
9. Maintain ongoing contract administration.
10. Manage the creation of the punch list for close out process.
11. Resolve outstanding disputes and claims between the town and the contractor.
12. Manage the determination of "substantial completion" and "final completion" of the project to determine payment and eventual release of retainage.

13. Ensure retainage is held according to the contract to ensure the quality and completeness of the work.
14. Manage the final inspections and approvals of all regulatory agencies.
15. Manage the review and approval of the contractor's as-built drawings.

**2. BASIS OF COMPENSATION:**

Hourly rates with an estimated fee of \$680,754.00 plus reimbursables at \$34,037.70 with a total not to exceed amount of \$714,791.70. Payments to be made monthly.

**3. SUBMITTED**

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_  
Dennis J. Giordano

**4. APPROVAL**

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Carlton, Town Administrator



**TOWN OF SURFSIDE  
WORK AUTHORIZATION ESTIMATE DATE**

**WORK AUTHORIZATION NO.** 42  
**PROJECT NAME** Surfside Infrastructure Improvements  
 CGA Proposal No. 06-5355.15  
**DESCRIPTION** Construction Services for Town of Surfside  
 Infrastructure Improvements

TITLE	RATE	HOURS/UNITS	COST
Associate Construction	\$154.50	35.15404	\$5,431.30
Associate Engineering VI	\$180.25	25	\$4,506.25
Clerical	\$72.10	23	\$1,658.30
Construction Management Director	\$123.60	445	\$55,002.00
Consultant	\$130.00	773	\$100,490.00
Inspector	\$83.00	5280	\$438,240.00
Permit Administrator	\$77.25	4	\$309.00
Project Engineer III	\$123.60	525	\$64,890.00
Project Manager IV	\$133.90	75	\$10,042.50
Sr Inspector	\$92.70	2	\$185.40
			<b>\$680,754.75</b>

<b>SUB CONSULTANTS</b>	<b>COST</b>
------------------------	-------------

<b>LABOR SUBTOTAL</b>	<b>\$680,754.75</b>
<b>REIMBURSABLE SUBTOTAL</b>	<b>\$34,037.74</b>
<b>TOTAL</b>	<b>\$714,792.49</b>

Reviewed by: \_\_\_\_\_  
 Roger Carlton, Town Administrator



**TOWN OF SURFSIDE  
PROFESSIONAL FEE SCHEDULE**

Principal 212.18  
Executive Assistant 74.26

**ENGINEERING**

Associate, Engineering 185.66  
Director, Engineering 159.14  
Project Manager 137.92  
Resident Inspector 127.31  
Project Engineer 127.31  
Engineer 106.09  
Jr. Engineer 90.18  
Senior CADD Technician 106.09  
CADD Technician 84.87  
Traffic Technician 79.57  
Permit Administrator 79.57  
Clerical 74.26

**DATA TECH DEVELOPMENT**

Associate, Data Tech Dev. 159.14  
GIS Coordinator 137.92  
GIS Specialist 116.70  
Multi-Media 3D Developer 95.48  
GIS Technician 84.87  
Sr. Applications Developer 169.74  
Applications Developer 127.31  
Network Administration 137.92  
System Support Specialist 116.70  
IT Support Specialist 84.87

**CONSTRUCTION**

Associate, Construction 159.14  
Construction Management Dir. 127.31  
Senior Inspector 95.48

**EMERGENCY MANAGEMENT**

Director 137.92  
Planner 95.48  
Jr. Planner 79.57

**PLANNING**

Associate, Planning 159.14  
Director of Planning 137.92  
Planning Administrator 127.31  
Assistant Director 116.70  
Planner 95.48  
Jr. Planner 79.57

**EXPERT WITNESS**

Principal/Associate 318.27  
Registered Engineer/Surveyor 265.23  
Project Engineer 212.18

**LANDSCAPE ARCHITECT**

Associate, Landscape 159.14  
Senior Landscape Architect 122.00  
Environmental Administrator 116.70  
Landscape Architect 106.09  
Environmental Specialist 95.48  
Landscape CADD Technician 84.87  
Environmental Assistant 74.26

**SURVEYING**

Associate, Surveying 169.74  
Hydrographic Survey Crew 344.79  
G.P.S. Survey Crew 148.53  
Survey Crew 132.61  
Senior Registered Surveyor 137.92  
Survey Coordinator 90.18  
CADD Technician 84.87  
Submeter G.P.S 68.96

**MICROBIAL/INDOOR AIR  
QUALITY SERVICES**

Sr. Environmental Scientist 106.09  
Environmental Scientist 90.18

Building Code Services  
Code Enforcement  
Construction Engineering & Inspection  
Construction Services  
Contract Government  
Data Technologies & Development  
Emergency Management Services  
Engineering  
Governmental Services  
Indoor Air Quality  
Landscape Architecture & Environmental Services  
Municipal Engineering  
Planning  
Public Administration  
Redevelopment & Urban Design  
Surveying & Mapping  
Transportation Planning & Traffic Engineering  
Utility & Community Maintenance Services

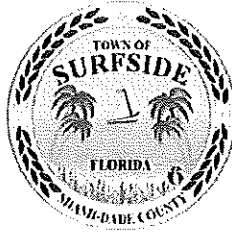
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Fax: 954.921.8807

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*In addition to the hourly rates listed above, charges will include direct out-of-pocket expenses such as reproduction, overnight mail, and other reimbursables billed at a multiplier of 1.25.*

[http://cgsa01/cga\\_intranet/Documents/Surfside\\_Prof\\_Fee\\_Schedule\\_eff\\_Dec\\_2009.doc](http://cgsa01/cga_intranet/Documents/Surfside_Prof_Fee_Schedule_eff_Dec_2009.doc)

Effective December 1, 2009



## Town of Surfside Commission Communication

**Agenda Item #:** 5C

**Agenda Date:** January 18, 2010

**Subject:** Public Information Program for the Infrastructure Rehabilitation Project

**Objective:** Provide up to date, accurate, complete information to the residents of Surfside throughout the entire bidding, award and construction of the Infrastructure Rehabilitation Project through various forms of media.

**Background:** It is critical to ensure project information and updates are broadcast through multiple media forms to all residents within Surfside. CGA will provide information via Town meetings, a new website, social media, hard copy mailers, channel 77 and traffic reader boards. All forms of media will be updated regularly to ensure accuracy. The information will contain project updates, schedules, financial information, and pictures.

**Analysis:** The Public Information Program Campaign has already begun with the creation of the new website page, presentation given at the January Commission Meeting and the Frequently Asked Questions (FAQ) that went out with the December water/sewer bills which included the rate increase. It will continue throughout the entire construction schedule and close out. This relay of information from the project team to the residents will be critical throughout the project.

**Budget Impact:** Funds for this the Public Information Program are included in the overall design costs requested by CGA to complete the construction administration of the Capital Improvement Projects. The total of all costs requested by CGA, this proposal included, is approximately 8.5% of the estimated construction costs. This is comparable or below industry standard for design and administration fees for similar projects. The amount of this work authorization is \$13,387.50.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve this work authorization.

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
Roger M. Carlton, Town Manager

RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 43 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR PUBLIC RELATIONS AND SOCIAL NETWORKING MANAGEMENT FOR THE UTILITY REPLACEMENT PROJECT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside wishes to obtain professional government consulting services for the utility replacement project within the Town of Surfside; and

WHEREAS, Calvin, Giordano and Associates, Inc. will provide public relations and social networking management; and

WHEREAS, Work Authorization No. 43 is attached as "Exhibit A";

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. That the above and foregoing recitals are true and correct.

Section 2. That the Commission approves and authorizes Work Order No. 43 attached as "Exhibit A".

Section 4. The Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin \_\_\_\_\_

Commissioner Edward Kopelman \_\_\_\_\_

Commissioner Marta Olchyk \_\_\_\_\_

Vice Mayor Joe Graubart \_\_\_\_\_


Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



Calvin, Giordano & Associates, Inc.  
EXCEPTIONAL SOLUTIONS

Date: November 18, 2010

Mr. Roger Carlton  
Town Administrator  
TOWN OF SURFSIDE  
9293 Harding Avenue  
Surfside, FL 33154

FEWER 1/3 = 401-9900-536-6310 = 4,462.50  
WATER 1/3 = 401-9900-536-6320 = 4,462.50  
STORM 1/3 = 404-5500-538-6310 = 4,462.50



13,387.50

RE: Work Authorization No. 43  
Public Relations and Social Networking Management for The Utility  
Replacement Project  
CGA Proposal No. 10-3815

Dear Mr. Carlton,

Enclosed for your review and approval is Work Authorization No. 43 for Public Relations and Social Networking Management for The Utility Replacement Project. The scope of the project includes manage all public relations and social networking for the project duration.

The Scope of Services to be furnished under this Work Authorization includes Government Consulting as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed \$13,387.50.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

Dennis J. Giordano  
President

- Building Code Services
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering
- Planning
- Public Administration
- Redevelopment & Urban Design
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community Maintenance Services

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Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

www.calvin-giordano.com

## **TOWN OF SURFSIDE**

### **Public Relations and Social Networking Management for The Utility Replacement Project**

#### **PROJECT DESCRIPTION**

##### **1. SCOPE OF SERVICES**

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

###### **I. Professional Government Consulting Services**

###### **A. Public Relations Management**

1. Create an Overall Marketing Scheme For the Utility Replacement Project.
  - This Marketing Scheme will be Carried Throughout all Websites, Mailers, , Social Media, Etc.
2. Create Informational Mailers for All Town Residents.
  - Mailers will Contain Project Information, Scheduling, Pictures, Marketing, and Information Regarding the "Kick-Off" Meeting.
3. Conduct Two (2) "Kick-Off" Meeting with Town Residents.
  - Meeting will Display Construction Schedule, Maps, Plans, Exhibits, and Information.
  - Meeting will Provide Residents a Chance to Ask Questions and Receive Instant Answers.
4. Provide Bi-Weekly Updates to Residents Via:
  - Project Website.
  - Channel 77.
  - Social Media Including: Facebook, Twitter and Emails.
  - Coordinate, through the Police Department, The Placement and Message on the Mobile Police Reader Boards.

##### **2. BASIS OF COMPENSATION:**

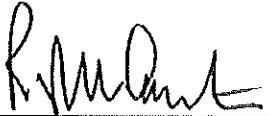
Hourly rates with an estimated fee of \$12,750.00 plus reimbursables at \$637.50 with a total not to exceed amount of \$13,387.50. Payments to be made monthly.

**3. SUBMITTED**

Submitted by:   
Dennis J. Giordano

Date: 11/18/10

**4. APPROVAL**

Approved by:   
Roger Carlton, Town Administrator

Date: 12/20/10



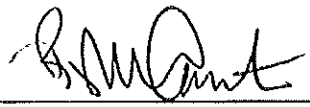
**TOWN OF SURFSIDE  
WORK AUTHORIZATION ESTIMATE DATE**

**WORK AUTHORIZATION NO.** 43  
**PROJECT NAME** Public Relations and Social Networking  
Management for The Utility Replacement  
Project  
**DESCRIPTION** CGA Proposal No. 10-3815  
manage all public relations and social  
networking for the project duration

<b>TITLE</b>	<b>RATE</b>	<b>HOURS/UNITS</b>	<b>COST</b>
Unit	\$850.00	15	\$12,750.00
			<b>\$12,750.00</b>

**SUB-CONSULTANTS** **COST**

**LABOR SUBTOTAL** \$12,750.00  
**REIMBURSABLE SUBTOTAL** \$637.50  
**TOTAL** \$13,387.50

Reviewed by:   
Roger Carlton, Town Administrator



**TOWN OF SURFSIDE  
PROFESSIONAL FEE SCHEDULE**

Principal 206.00  
Executive Assistant 72.10

**ENGINEERING**

Associate, Engineering 180.25  
Director, Engineering 154.50  
Project Manager 133.90  
Resident Inspector 123.60  
Project Engineer 123.60  
Engineer 103.00  
Jr. Engineer 87.55  
Senior CADD Technician 103.00  
CADD Technician 82.40  
Traffic Technician 77.25  
Permit Administrator 77.25  
Clerical 72.10

**DATA TECH DEVELOPMENT**

Associate, Data Tech Dev. 154.50  
GIS Coordinator 133.90  
GIS Specialist 113.30  
Multi-Media 3D Developer 92.70  
GIS Technician 82.40  
Sr. Applications Developer 164.80  
Applications Developer 123.60  
Network Administration 133.90  
System Support Specialist 113.30  
IT Support Specialist 82.40

**CONSTRUCTION**

Associate, Construction 154.50  
Construction Management Director 123.60  
Senior Inspector 92.70

**EMERGENCY MANAGEMENT**

Director 133.90  
Planner 92.70  
Jr. Planner 77.25

**PLANNING**

Associate, Planning 154.50  
Director of Planning 133.90  
Planning Administrator 123.60  
Assistant Director 113.30  
Planner 92.70  
Jr. Planner 77.25

**EXPERT WITNESS**

Principal/Associate 309.00  
Registered Engineer/Surveyor 257.50  
Project Engineer 206.00

**LANDSCAPE ARCHITECT**

Associate, Landscape 154.50  
Senior Landscape Architect 118.45  
Environmental Administrator 113.30  
Landscape Architect 103.00  
Environmental Specialist 92.70  
Landscape CADD Technician 82.40  
Environmental Assistant 72.10

**SURVEYING**

Associate, Surveying 164.80  
Hydrographic Survey Crew 334.75  
G.P.S. Survey Crew 144.20  
Survey Crew 128.75  
Senior Registered Surveyor 133.90  
Survey Coordinator 87.55  
CADD Technician 82.40  
Submeter G.P.S 66.95

**MICROBIAL/INDOOR AIR  
QUALITY SERVICES**

Sr. Environmental Scientist 103.00  
Environmental Scientist 87.55

Building Code Services  
Code Enforcement  
Construction Engineering & Inspection  
Construction Services  
Contract Government  
Data Technologies & Development  
Emergency Management Services  
Engineering  
Governmental Services  
Indoor Air Quality  
Landscape Architecture & Environmental Services  
Municipal Engineering  
Planning  
Public Administration  
Redevelopment & Urban Design  
Surveying & Mapping  
Transportation Planning & Traffic Engineering  
Utility & Community  
Maintenance Services

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Phone: 954.921.7781  
Fax: 954.921.8807

www.calvin-giordano.com

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Effective November 14, 2008

*In addition to the hourly rates listed above, charges will include direct out-of-pocket expenses such as reproduction, overnight mail, and other reimbursables billed at a multiplier of 1.25.*



## Town of Surfside Commission Communication

**Agenda Item #:** 5D

**Agenda Date:** January 18, 2010

**Subject:** Topographic Survey

**Objective:** Perform topographic surveys of every street within the water/sewer/storm drainage project area to provide cross sectional data for analysis and design necessary to correctly repave the streets when the underground work has been completed.

**Background:** All existing roadways that will have their pavement fully or partially removed to accommodate construction of new underground utilities will be overlaid with new asphalt in two phases. Some existing roadways have existing cross slopes greater than is recommended, which means that the crown of the road is too high, potentially causing problems for drivers using these roads. This survey will show which areas have these incorrect slopes. CGA will utilize this data to complete their pavement restoration plan.

**Analysis:** The Survey team will need to take a minimum of three (3) data shots per cross section, for five hundred (500) cross sections, resulting in one thousand five hundred (1,500) data shots. This large amount of data is required to accurately complete the pavement restoration plan. The CGA fee is \$17.74 per cross section for a total of \$8,871.45.

**Budget Impact:** Funds for this design are included in the overall design costs requested by CGA to complete the construction administration of the Capital Improvement Projects. The total of all costs requested by CGA, this proposal included, is approximately 8.5% of the estimated construction costs. This is comparable or slightly below the industry standard for design and administration fees for similar projects. The amount of this work authorization is \$8,871.45.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve this work authorization.

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
Town Manager

RESOLUTION NO. 11-\_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 45 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING A TOPOGRAPHIC SURVEY ON ROADS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside wishes to obtain topographic information on the roads within the Town of Surfside; and

**WHEREAS**, Calvin, Giordano and Associates, Inc. will provide the topographical information; and

**WHEREAS**, Work Authorization No. 45 is attached as "Exhibit A";

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**

**Section 1.** That the above and foregoing recitals are true and correct.

**Section 2.** That the Commission approves and authorizes Work Order No. 45 attached as "Exhibit A".

**Section 4.** The Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin \_\_\_\_\_

Commissioner Edward Kopelman \_\_\_\_\_

Commissioner Marta Olchyk \_\_\_\_\_

Vice Mayor Joe Graubart \_\_\_\_\_

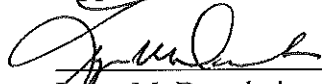
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



Calvin, Giordano & Associates, Inc.  
EXCEPTIONAL SOLUTIONS

Date: November 19, 2010

Mr. Roger Carlton  
Town Administrator  
**TOWN OF SURFSIDE**  
9293 Harding Avenue  
Surfside, FL 33154

RE: Work Authorization No. 45  
Topographic Survey  
CGA Proposal No. 10-3832



Dear Mr. Carlton,

Enclosed for your review and approval is Work Authorization No. 45 for Topographic Survey. The scope of the project includes Topographic Survey.

The Scope of Services to be furnished under this Work Authorization includes Surveying as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed \$8,871.45.

500 cross  
section  
\$17.74/cross section

Sincerely,

**CALVIN, GIORDANO & ASSOCIATES, INC.**

Robert W. Jackson Jr., PSM  
Director, Surveying & Mapping

- Building Code Services
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering Planning
- Public Administration
- Redevelopment & Urban Design
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community Maintenance Services

1800 Eller Drive, Suite 600  
Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

www.calvin-giordano.com

**TOWN OF SURFSIDE**  
**Topographic Survey**

**PROJECT DESCRIPTION**

**1. SCOPE OF SERVICES**

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

**I. Professional Surveying Services**

**A.** Provide Topographic information on roads in the Town of Surfside from:

1. Abbott Avenue West to Bay Drive and from the South Corporate limits to 96th Street.

**B.** Cross-Sections will be taken at 100 foot intervals along the roads. Three shots will be provided at each section, Crown of road and lip of road or gutter.

**C.** Total length of project is approximately 50,000 linear feet. Cost per linear foot is approximately \$0.17.


**2. BASIS OF COMPENSATION:**

Hourly rates with an estimated fee of \$8,449.00 plus reimbursables at \$422.45 with a total not to exceed amount of \$8,871.45. Payments to be made monthly.

**3. TIME OF PERFORMANCE:**


Item I through [ENTER LAST SCOPE ITEM] under the scope of services will be completed within [ENTER ESTIMATED CONSTRUCTION TIME] calendar days after the Notice to Proceed except for delays beyond the control of the Consultant.

**4. SUBMITTED**

Submitted by:   
Robert W. Jackson Jr., PSM

Date: 11-19-2010

**5. APPROVAL**

Approved by:   
Roger Carlton, Town Administrator

Date: 12/20/10

**TOWN OF SURFSIDE  
WORK AUTHORIZATION ESTIMATE DATE**


**WORK AUTHORIZATION NO.** 45  
**PROJECT NAME** Topographic Survey  
CGA Proposal No. 10-3832  
**DESCRIPTION** Topographic Survey

<b>TITLE</b>	<b>RATE</b>	<b>HOURS/UNITS</b>	<b>COST</b>
Sr. Registered Surveyor	\$137.92	6	\$827.52
Survey Crew	\$132.61	52	\$6,895.72
Survey File Compilation	\$90.18	8.0559	\$726.48
			<hr/>
			\$8,449.72

**SUB-CONSULTANTS** **COST**

---

**LABOR SUBTOTAL** \$8,449.72  
**REIMBURSABLE SUBTOTAL** \$422.49  
**TOTAL** \$8,872.21

Reviewed by:  12/20/10  
Roger Carlton, Town Administrator



## Martin Sherwood

---

**From:** Martin Sherwood  
**Sent:** Tuesday, December 21, 2010 3:08 PM  
**To:** Chris Giordano; Shaun Bamforth  
**Cc:** Roger Carlton; Mayle Gamiotea; Dawn Hunziker; Fernando Rodriguez; Catherine Colonna; Debra Eastman; berabbot  
**Subject:** RE: Water/Sewer/Storm: Proposal Breakdown (SURFSIDE Charge codes)

Chris/Shaun/Jesus/CGA,

For the CC preparation (pertaining to FY 2011 budget) - and your future invoicing, please code as follows:

Water 70% = 401-9900-536-6320  
Sewer 15% = 401-9900-536-6310  
Stormwater Drainage 15% = 404-5500-538-6310

Thank you



Martin D. Sherwood, CPA CGFO  
Finance Director  
Town of Surfside  
9293 Harding Ave  
Surfside, FL 33154  
305-861-4863 ext. 225  
305-861-1302 (fax)  
[msherwood@townofsurfsidefl.gov](mailto:msherwood@townofsurfsidefl.gov)

**Note:** Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

---

**From:** Chris Giordano [mailto:[cgjordano@calvin-giordano.com](mailto:cgjordano@calvin-giordano.com)]  
**Sent:** Tuesday, December 21, 2010 1:54 PM  
**To:** Martin Sherwood  
**Cc:** Shaun Bamforth  
**Subject:** Proposal Breakdown

Marty,

I met with Shaun and he stated that the breakdown should be as follows:

Water 70%  
Sewer 15%  
Drainage 15%

This breakdown is applicable for the pavement restoration, topography, and phasing / MOT plan proposals. The PR/marketing proposal should be an even split between the three phases.

Thank you,

**CHRIS GIORDANO**  
Project Administrator (Broward)



**Calvin, Giordano & Associates, Inc.**  
EXCEPTIONAL SOLUTIONS

**Broward**

phone: 954.921.7781  
fax: 954.921.8807

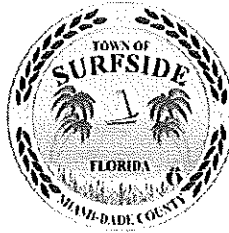
**Palm Beach**

phone: 561.684.6161  
fax: 561.684.6360



**2009 WINNER**  
The 200 fastest-growing  
architecture, engineering and  
environmental consulting firms

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## Town of Surfside Commission Communication

**Agenda Item #:** 5E

**Agenda Date:** January 18, 2010

**Subject:** Adding Sewer Lines to the Water/Sewer/Storm Drainage project to interconnect the new sewer force main on Collins Ave

**Objective:** Design "dry" sewer force mains, which will be constructed for a future connection to the future force main on Collins Avenue, into the capital improvement project. "Dry" means that the pipes will not be utilized to convey sanitary sewer at this time, but will be installed for a future connection.

**Background:** Surfside currently shares a wastewater force main with Bal Harbor that brings waste from both communities to Miami Beach. The existing shared line on Abbott is old and has shown signs that it is nearing its useful life. In order to avoid future breaks, which are extremely costly to repair, Bal Harbor has begun a design for this force main to be placed in Collins Avenue before it is paved and has invited Surfside to connect to it as well.

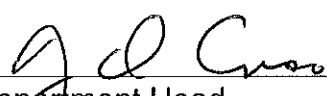
**Analysis:** This design should be included in the plans for the upcoming sewer project so it can be constructed as part of this project. This will help avoid future construction in the Town right of way (ROW). Also, the Town will save on the cost to design and construct this force main by including it with the other water/sewer/storm drainage work, rather than designing and constructing it on its own.


**Budget Impact:** Funds for this design are included in the overall design costs requested by CGA to complete the construction administration of the Capital Improvement Projects. The total of all costs requested by CGA, this proposal included, is approximately 8.5% of the estimated construction costs. This is at or below industry standard for design and administration fees for similar projects. The amount of this work authorization is \$15,789.90.

The cost to construct these dry force mains will be included in the bid for the capital improvement projects and will not cause the project to go over budget.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve this work authorization.

  
\_\_\_\_\_  
Department Head  
Page 163

  
\_\_\_\_\_  
Town Manager

RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 41 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. AUTHORIZING THE PREPARATION OF CONSTRUCTION PLANS FOR SURFSIDE INFRASTRUCTURE IMPROVEMENTS FOR DRY SEWER LINE AND AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY ACTION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside wishes to go forward with the preparation of construction plans for improved infrastructure; and

WHEREAS, Calvin, Giordano and Associates, Inc. will provide civil engineering services to prepare construction plans for dry sewer line for future connection to Collins; and

WHEREAS, Work Authorization No. 41 is attached as "Exhibit A";

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**

**Section 1.** That the above and foregoing recitals are true and correct.

**Section 2.** That the Commission approves and authorizes Work Order No. 41 attached as "Exhibit A".

**Section 3.** That the Commission authorizes the Town Manager to do all things necessary to carry out the work contained in Work Authorization No. 41.

**Section 4.** The Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin \_\_\_\_\_

Commissioner Edward Kopelman \_\_\_\_\_

Commissioner Marta Olchyk \_\_\_\_\_

Vice Mayor Joe Graubart \_\_\_\_\_

Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney



Calvin, Giordano & Associates, Inc.  
EXCEPTIONAL SOLUTIONS

Date: December 14, 2010

Mr. Roger Carlton  
Town Administrator  
**TOWN OF SURFSIDE**  
9293 Harding Avenue  
Surfside, FL 33154

401-9900-536-6310 (100%)  
SEWER

**RE: Work Authorization No. 41**  
**Surfside Infrastructure Improvements - Dry Sewer Line**  
**CGA Proposal No. 09-2365.5**

Dear Mr. Carlton,

Enclosed for your review and approval is Work Authorization No. 41 for Surfside Infrastructure Improvements - Dry Sewer Line. The scope of the project includes prepare construction plans for dry sewer line for future connection to Collins.

The Scope of Services to be furnished under this Work Authorization includes Civil Engineering as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed \$15,789.90.

Sincerely,

**CALVIN, GIORDANO & ASSOCIATES, INC.**

Dennis J. Giordano  
President

- Building Code Services
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering Planning
- Public Administration
- Redevelopment & Urban Design
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community Maintenance Services

1800 Eller Drive, Suite 600  
Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

www.calvin-giordano.com

## TOWN OF SURFSIDE

### Surfside Infrastructure Improvements - Dry Sewer Line

#### PROJECT DESCRIPTION

#### 1. SCOPE OF SERVICES

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

##### I. Professional Engineering Services

##### A. Civil Engineering

1. Revise Sewer Plans to include "dry" force main on 93rd Street and 89th Street from existing pump stations to 5 feet from the Collins Avenue Right Of Way for future connection to a future force main on Collins Ave. Plans shall also be updated with a profile of the force main, per agency requirements. This force main will be sized equal to the existing effluent lines leaving each station. Because we are matching the existing effluent line diameters, it is assumed in this proposal that additional calculations will not be necessary for permitting. Should calculations be necessary additional services may be required.
2. CGA shall receive approval from the following agencies.
  - Miami Dade DERM
  - Miami Dade WASD
  - Florida Department of Environmental Protection
  - FDOT

#### 2. BASIS OF COMPENSATION:

Hourly rates with an estimated fee of \$15,038.00 plus reimbursables at \$751.90 with a total not to exceed amount of \$15,789.90. Payments to be made monthly.

#### 3. SUBMITTED

Submitted by: \_\_\_\_\_

Dennis J. Giordano

Date: \_\_\_\_\_

12-16-10

4. APPROVAL

Approved by:   
Roger Carlton, Town Administrator

Date: 12/26/10



**TOWN OF SURFSIDE  
WORK AUTHORIZATION ESTIMATE DATE**

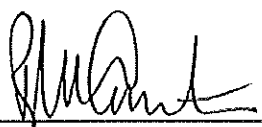
**WORK AUTHORIZATION NO.** 41  
**PROJECT NAME** Surfside Infrastructure Improvements - Dry  
Sewer Line  
CGA Proposal No. 09-2365.5  
**DESCRIPTION** prepare construction plans for dry sewer line for  
future connection to Collins

<b>TITLE</b>	<b>RATE</b>	<b>HOURS/UNITS</b>	<b>COST</b>
Engineer II	\$103.00	92	\$9,476.00
Project Engineer III	\$123.60	45	\$5,562.00
			<hr/>
			\$15,038.00

<b>SUB-CONSULTANTS</b>	<b>COST</b>
------------------------	-------------

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<b>LABOR SUBTOTAL</b>	\$15,038.00
<b>REIMBURSABLE SUBTOTAL</b>	\$751.90
<b>TOTAL</b>	\$15,789.90

Reviewed by:   
\_\_\_\_\_  
Roger Carlton, Town Administrator



**TOWN OF SURFSIDE  
PROFESSIONAL FEE SCHEDULE**

Principal 212.18  
Executive Assistant 74.26

**ENGINEERING**

Associate, Engineering 185.66  
Director, Engineering 159.14  
Project Manager 137.92  
Resident Inspector 127.31  
Project Engineer 127.31  
Engineer 106.09  
Jr. Engineer 90.18  
Senior CADD Technician 106.09  
CADD Technician 84.87  
Traffic Technician 79.57  
Permit Administrator 79.57  
Clerical 74.26

**DATA TECH DEVELOPMENT**

Associate, Data Tech Dev. 159.14  
GIS Coordinator 137.92  
GIS Specialist 116.70  
Multi-Media 3D Developer 95.48  
GIS Technician 84.87  
Sr. Applications Developer 169.74  
Applications Developer 127.31  
Network Administration 137.92  
System Support Specialist 116.70  
IT Support Specialist 84.87

**CONSTRUCTION**

Associate, Construction 159.14  
Construction Management Dir. 127.31  
Senior Inspector 95.48

**EMERGENCY MANAGEMENT**

Director 137.92  
Planner 95.48  
Jr. Planner 79.57

**PLANNING**

Associate, Planning 159.14  
Director of Planning 137.92  
Planning Administrator 127.31  
Assistant Director 116.70  
Planner 95.48  
Jr. Planner 79.57

**EXPERT WITNESS**

Principal/Associate 318.27  
Registered Engineer/Surveyor 265.23  
Project Engineer 212.18

**LANDSCAPE ARCHITECT**

Associate, Landscape 159.14  
Senior Landscape Architect 122.00  
Environmental Administrator 116.70  
Landscape Architect 106.09  
Environmental Specialist 95.48  
Landscape CADD Technician 84.87  
Environmental Assistant 74.26

**SURVEYING**

Associate, Surveying 169.74  
Hydrographic Survey Crew 344.79  
G.P.S. Survey Crew 148.53  
Survey Crew 132.61  
Senior Registered Surveyor 137.92  
Survey Coordinator 90.18  
CADD Technician 84.87  
Submeter G.P.S 68.96

**MICROBIAL/INDOOR AIR  
QUALITY SERVICES**

Sr. Environmental Scientist 106.09  
Environmental Scientist 90.18

Building Code Services  
Code Enforcement  
Construction Engineering & Inspection  
Construction Services  
Contract Government  
Data Technologies & Development  
Emergency Management Services  
Engineering  
Governmental Services  
Indoor Air Quality  
Landscape Architecture & Environmental Services  
Municipal Engineering  
Planning  
Public Administration  
Redevelopment & Urban Design  
Surveying & Mapping  
Transportation Planning & Traffic Engineering  
Utility & Community Maintenance Services

1800 Eller Drive, Suite 600  
Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

www.calvin-giordano.com

*In addition to the hourly rates listed above, charges will include direct out-of-pocket expenses such as reproduction, overnight mail, and other reimbursables billed at a multiplier of 1.25.*

## Town of Surfside Infrastructure Rehabilitation Engineering and Design Fee Analysis

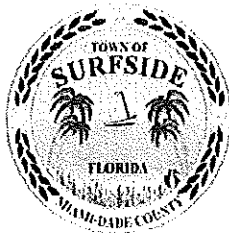
Previously Approved Projects	Project/Proposal Number	Description	Total Contract	Billed to Date	Remaining	Paid To Date	Past Due	Phase Construction Cost	% of Phase Construction Cost	Total Construction Cost	% of Total Construction Cost
	07-1552	Surfside Drainage Improvements									
		Survey Project Sites	\$ 20,000								
		Engineering Design	\$ 261,500								
		Bid Project	\$ 8,000								
		BMP Monitoring	\$ 60,000								
		Post Grant Project Admin	\$ 40,000								
		Implement Education Component	\$ 10,000								
		Not Included in Design/CA Costs	\$ (110,000)								
		<b>Project Number Total</b>	<b>\$ 289,500</b>	<b>\$ 228,223</b>	<b>\$ 61,278</b>	<b>\$ 228,223</b>	<b>\$ -</b>	<b>\$ 3,025,623</b>	<b>9.57%</b>	<b>\$ 16,000,000</b>	<b>1.81%</b>
	08-2045	Sanitary Sewer Master Maintenance Plan (Includes Lift Stations)									
		In House	\$ 45,265	\$ 53,352	\$ (8,087)	\$ 53,352	\$ -				
		Sub-Consultant	\$ 96,000	\$ 87,913	\$ 8,087	\$ 87,913	\$ -				
		Not Included in Design/CA Costs	\$ (114,539)	\$ -	\$ -	\$ -	\$ -				
		<b>Project Number Total</b>	<b>\$ 26,676</b>	<b>\$ 141,265</b>	<b>\$ -</b>	<b>\$ 141,265</b>	<b>\$ -</b>	<b>\$ 6,236,518</b>	<b>0.43%</b>	<b>\$ 16,000,000</b>	<b>0.17%</b>
	08-2045.1	Surfside Stormwater Implementation Plan									
		In House Engineering	\$ 64,154	\$ 62,960	\$ 1,194	\$ 61,296	\$ 1,664				
		<b>Project Number Total</b>	<b>\$ 64,154</b>	<b>\$ 62,960</b>	<b>\$ 1,194</b>	<b>\$ 61,296</b>	<b>\$ 1,664</b>	<b>\$ 670,487</b>	<b>9.57%</b>	<b>\$ 16,000,000</b>	<b>0.40%</b>
	08-2045.2	Sanitary Sewer Pump Station Improvements Pump Station No. 1 & 2									
		In House Engineering	\$ 73,341	\$ 60,658	\$ 12,683	\$ 58,088	\$ 2,571				
		<b>Project Number Total</b>	<b>\$ 73,341</b>	<b>\$ 60,658</b>	<b>\$ 12,683</b>	<b>\$ 58,088</b>	<b>\$ 2,571</b>	<b>\$ 750,000</b>	<b>9.78%</b>	<b>\$ 16,000,000</b>	<b>0.46%</b>
	09-2365	Water Main Replacement Design Phase 1 of 3									
		In House Engineering & Survey	\$ 83,525	\$ 83,525	\$ -	\$ 83,525	\$ -				
		<b>Project Number Total</b>	<b>\$ 83,525</b>	<b>\$ 83,525</b>	<b>\$ -</b>	<b>\$ 83,525</b>	<b>\$ -</b>	<b>\$ 1,596,789</b>	<b>5.23%</b>	<b>\$ 16,000,000</b>	<b>0.52%</b>
	09-2365.1	Water Main Replacement Design Phase 2 of 3									
		In House Engineering & Survey	\$ 46,736	\$ 46,736	\$ -	\$ 45,436	\$ 1,300				
		<b>Project Number Total</b>	<b>\$ 46,736</b>	<b>\$ 46,736</b>	<b>\$ -</b>	<b>\$ 45,436</b>	<b>\$ 1,300</b>	<b>\$ 893,475</b>	<b>5.23%</b>	<b>\$ 16,000,000</b>	<b>0.29%</b>
	09-2365.2	Water Main Replacement Design Phase 3 of 3									
		In House Engineering & Survey	\$ 52,032	\$ 52,032	\$ -	\$ 51,961	\$ 71				
		<b>Project Number Total</b>	<b>\$ 52,032</b>	<b>\$ 52,032</b>	<b>\$ -</b>	<b>\$ 51,961</b>	<b>\$ 71</b>	<b>\$ 994,722</b>	<b>5.23%</b>	<b>\$ 16,000,000</b>	<b>0.33%</b>
		<b>Previously Approved Project Totals</b>	<b>\$ 638,964</b>	<b>\$ 675,399</b>	<b>\$ 75,154</b>	<b>\$ 669,793</b>	<b>\$ 5,606</b>	<b>\$ 14,167,614</b>	<b>4.49%</b>	<b>\$ 16,000,000</b>	<b>3.97%</b>

Projects Pending Approval

Department	Description	Total Contract	Billed to Date	Remaining	Paid To Date	Past Due	Phase Construction Cost	% of Phase Construction Cost	Total Construction Cost	% of Total Construction Cost
Survey	Roadway Improvement Survey	\$ 8,871	\$ -	\$ 8,871	\$ -	\$ -	\$ -	5.07%	\$ 16,000,000	0.06%
	Department Total	\$ 8,871	\$ -	\$ 8,871	\$ -	\$ -	\$ 175,000	5.07%	\$ 16,000,000	0.06%
Engineering	Roadway Improvement Design	\$ 7,463	\$ -	\$ 7,463	\$ -	\$ -	\$ -			
	Engineering During Construction	\$ 83,421	\$ -	\$ 83,421	\$ -	\$ -	\$ -			
	Dry Sewer Line Design & Permitting	\$ 15,790	\$ -	\$ 15,790	\$ -	\$ -	\$ -			
	Department Total	\$ 106,674	\$ -	\$ 106,674	\$ -	\$ -	\$ 1,565,000	6.82%	\$ 16,000,000	0.67%
Public Relations	Complete PR Campaign	\$ 13,387	\$ -	\$ 13,387	\$ -	\$ -	\$ -			
	Department Total	\$ 13,387	\$ -	\$ 13,387	\$ -	\$ -	N/A	#VALUE!	\$ 16,000,000	0.08%
Project Management	Single Point Of Contact	\$ 105,514	\$ -	\$ 105,514	\$ -	\$ -	\$ -			
	Department Total	\$ 105,514	\$ -	\$ 105,514	\$ -	\$ -	N/A	#VALUE!	\$ 16,000,000	0.66%
Construction Admin	Project Bidding	\$ 5,181	\$ -	\$ 5,181	\$ -	\$ -	\$ -			
	Daily Inspection	\$ 520,675	\$ -	\$ 520,675	\$ -	\$ -	\$ -			
	Department Total	\$ 525,856	\$ -	\$ 525,856	\$ -	\$ -	N/A	#VALUE!	\$ 16,000,000	3.29%
Traffic Engineering	Traffic Calming Improvements	Per Meeting of 12/14, all additional work orders will not have a design fee of more than 8.5% of construction costs.								
Landscape Architect	Tree Program Management	Per Meeting of 12/14, all additional work orders will not have a design fee of more than 8.5% of construction costs.								
5% Reimbursable included in all proposed Work Authorizations		\$ (38,015.10)	\$ (38,015.10)	\$ -	\$ -	\$ -	\$ -			
Projects Pending Approval Totals		\$ 722,237	\$ -	\$ 722,237	\$ -	\$ -	\$ 1,740,000	41.51%	\$ 16,000,000	4.51%
Project Grand Total		\$ 1,358,251	\$ 675,399	\$ 797,441	\$ 669,793	\$ 5,606	\$ 15,907,514	8.54%	\$ 16,000,000	8.49%

→ Work Authorization # 42 Revised (12/20/10)

→ Approved by R.C.



## Town of Surfside Commission Communication

**Agenda Item #:** 5F

**Agenda Date:** January 18, 2010

**Subject:** Pavement Restoration Plan

**Objective:** Survey and analyze all existing pavement slopes in town to create a pavement restoration plan for the water/sewer/storm drainage project. This plan will ensure that the selected contractor will not re-construct roadways with greater cross slopes than are recommended for drainage and safety.

**Background:** All existing roadways that will have their pavement fully or partially removed to accommodate construction of new infrastructure will be overlaid in two separate phases as part of the town-wide capital improvement projects. Some existing roadways have existing cross slopes greater than is recommended. This plan will correct these areas.


This work involves surveying all existing roadways in Town, that would be impacted by this project, to obtain their cross slopes. Then, using the survey information, CGA will analyze each section of roadway and prepare an overall pavement restoration plan that provides details for the pavement milling limits and depth.

**Analysis:** This survey and plan are being completed to ensure the Town will receive a quality product that meets current standards for roadway cross slopes. This shall also provide the contractor with the required information to properly bid the milling of existing pavement, a process that will eliminate the possibility of costly change orders related to pavement restoration.

**Budget Impact:** Funds for this design are included in the overall design costs requested by CGA to complete the construction administration of the Capital Improvement Projects. The total of all costs requested by CGA, this proposal included, is approximately 8.5% of the estimated construction costs. This is at or below industry standard for design and administration fees for similar projects. The amount of this work authorization is \$7,463.40.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve this work authorization.

  
\_\_\_\_\_  
Department Head  
Page 173

  
\_\_\_\_\_  
Town Manager

RESOLUTION NO. 11-\_\_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WORK AUTHORIZATION NUMBER 46 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR THE PAVEMENT RESTORATION PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside wishes to obtain services for civil engineering for the pavement restoration plan within the Town of Surfside; and

WHEREAS, Calvin, Giordano and Associates, Inc. will provide the civil engineering services; and

WHEREAS, Work Authorization No. 46 is attached as "Exhibit A";

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. That the above and foregoing recitals are true and correct.

Section 2. That the Commission approves and authorizes Work Order No. 46 attached as "Exhibit A".

Section 4. The Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 18th day of January, 2011.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin \_\_\_\_\_

Commissioner Edward Kopelman \_\_\_\_\_

Commissioner Marta Olchyk \_\_\_\_\_

Vice Mayor Joe Graubart \_\_\_\_\_

Mayor Daniel Dietch \_\_\_\_\_


.

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

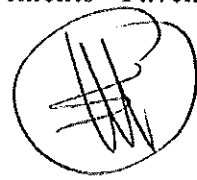


Calvin, Giordano & Associates, Inc.  
EXCEPTIONAL SOLUTIONS

Date: December 3, 2010

Mr. Roger Carlton  
Town Administrator  
**TOWN OF SURFSIDE**  
9293 Harding Avenue  
Surfside, FL 33154

RE: Work Authorization No. 46  
Surfside Infrastructure Improvements - Pavement Restoration Plan  
CGA Proposal No. 10-3832.1



Dear Mr. Carlton,

Enclosed for your review and approval is Work Authorization No. 46 for Surfside Infrastructure Improvements - Pavement Restoration Plan. The scope of the project includes Pavement Restoration Plan.

The Scope of Services to be furnished under this Work Authorization includes Civil Engineering as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed \$7,463.40.

*Carl to review all  
SOV Survey's*

Sincerely,

**CALVIN, GIORDANO & ASSOCIATES, INC.**

Dennis J. Giordano  
President

- Building Code Services
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering Planning
- Public Administration
- Redevelopment & Urban Design
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community Maintenance Services

1800 Eller Drive, Suite 600  
Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

www.calvin-giordano.com



**TOWN OF SURFSIDE**

**Surfside Infrastructure Improvements - Pavement Restoration Plan**

**PROJECT DESCRIPTION**

**1. SCOPE OF SERVICES**

**I. Professional Engineering Services**

**A. Civil Engineering**

1. Analysis of existing roadway cross slopes in Town ROW from Abbott Avenue West to Bay Drive from the South Corporate limits to 96th Street.
2. Design of proposed roadway cross slopes as part of the Capital Improvement Projects. Design shall provide recommendation to contractor on mill depths and limits to ensure finished roadway cross slopes do not exceed acceptable standards for safety, comfort and aesthetics. The max differential in slope at the crown shall not exceed 8%.

**2. BASIS OF COMPENSATION:**

Hourly rates with an estimated fee of \$7,108.00 plus reimbursables at \$355.40 with a total not to exceed amount of \$7,463.40. Payments to be made monthly.

**3. TIME OF PERFORMANCE:**

**4. SUBMITTED**

Submitted by:   
Dennis J. Giordano

Date: 12-8-10

**5. APPROVAL**

Approved by:   
Roger Carlton, Town Administrator

Date: 12/10/10

**TOWN OF SURFSIDE  
WORK AUTHORIZATION ESTIMATE DATE**


**WORK AUTHORIZATION NO.** 46  
**PROJECT NAME** Surfside Infrastructure Improvements -  
Pavement Restoration Plan  
CGA Proposal No. 10-3832.1  
**DESCRIPTION** Pavement Restoration Plan

<b>TITLE</b>	<b>RATE</b>	<b>HOURS/UNITS</b>	<b>COST</b>
Engineer II	\$106.09	43	\$4,561.87
Project Engineer III	\$127.31	20	\$2,546.20
			<hr/>
			\$7,108.07

**SUB-CONSULTANTS** **COST**  

---

**LABOR SUBTOTAL** \$7,108.07  
**REIMBURSABLE SUBTOTAL** \$355.40  
**TOTAL** \$7,463.47

Reviewed by:  12/20/10  
Roger Carlton, Town Administrator



PROFESSIONAL FEE SCHEDULE

Principal	215.00	<b>PLANNING</b>	
Executive Assistant	75.00	Associate, Planning	165.00
<b>ENGINEERING</b>		Director of Planning	145.00
Associate, Engineering (VI)	190.00	Planning Administrator	135.00
Director, Engineering (V)	165.00	Assistant Director	125.00
Project Manager (IV)	145.00	Planner	105.00
Project Engineer (III)	125.00	Jr. Planner	90.00
Engineer (II)	105.00	<b>EXPERT WITNESS</b>	
Jr. Engineer (I)	100.00	Principal/Associate	330.00
Senior CADD Technician Manager	115.00	Registered Engineer/Surveyor	280.00
CADD Technician	95.00	Project Engineer	230.00
Traffic Technician	90.00	<b>LANDSCAPE ARCHITECT</b>	
Permit Administrator	90.00	Associate, Landscape	165.00
Clerical	75.00	Senior Landscape Architect	130.00
<b>DATA TECH DEVELOPMENT</b>		Environmental Administrator	125.00
Associate, Data Tech Dev.	165.00	Landscape Architect	115.00
GIS Coordinator	145.00	Environmental Specialist	105.00
GIS Specialist	125.00	Landscape CADD Technician	95.00
Multi-Media 3D Developer	115.00	Environmental Assistant	85.00
GIS Technician	100.00	<b>SURVEYING</b>	
Sr. Applications Developer	165.00	Associate, Surveying	165.00
Applications Developer	135.00	Senior Registered Surveyor	145.00
Network Administrator	155.00	Survey Crew	135.00
System Support Specialist	115.00	Registered Surveyor	125.00
IT Support Specialist	85.00	Survey Coordinator	105.00
<b>CONSTRUCTION</b>		CADD Technician	95.00
Associate, Construction	165.00	3D Laser Scanner	355.00
Construction Management Director	135.00	Hydrographic Survey Crew	330.00
Senior Inspector	100.00	G.P.S. Survey Crew	155.00
Inspector	90.00	Sub-meter G.P.S	75.00
<b>EMERGENCY MANAGEMENT</b>		Soft Dig (per hole)	305.00
Director	145.00	Utility Locates	205.00
Planner	105.00	<b>MICROBIAL/INDOOR AIR</b>	
Jr. Planner	90.00	<b>QUALITY SERVICES</b>	
		Sr. Environmental Scientist	115.00
		Environmental Scientist	100.00

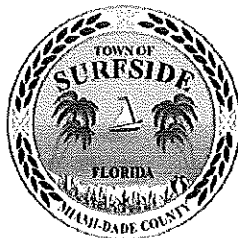
- Building Code Services
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering
- Planning
- Public Administration
- Redevelopment & Urban Design
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community
- Maintenance Services

*In addition to the hourly rates listed above, charges will include direct out-of-pocket expenses such as reproduction, overnight mail, and other reimbursables billed at a multiplier of 1.25.*

1800 Eller Drive, Suite 600  
Fort Lauderdale, FL 33316  
Phone: 954.921.7781  
Fax: 954.921.8807

www.calvin-giordano.com

Effective January 1, 2009



**TOWN OF SURFSIDE**  
Office of the Town Attorney

MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission

**FROM:** Lynn M. Dannheisser, Town Attorney *LMD*

**CC:** Roger M. Carlton, Town Manager  
Debra E. Eastman, M.M.C., Town Clerk

**DATE:** January 18, 2011

**SUBJECT:** Re-appropriation of Funds re RLUIPA lawsuit

---

**Recommendation:** It is recommended that the Commission pass this resolution to reappropriate from reserve funds into the legal budget the amount of \$35,000 for fees and costs associated with the first portion of the Town's defense of the case captioned YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO: 10-CV-24392 IN THE UNITED DISTRICT COURT FOR THE SOUTHERN DISTRICT, FLORIDA

**Reasons:** On December 10, 2010, the Town was served with a complaint in the above-captioned litigation. The Town met in executive session on January 6, 2011 and has decided to vigorously defend against the complaint. In conjunction with that mandate, I am requesting funding for the first stage of the defense as discussed.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE REAPPROPRIATION OF FUND BALANCE (RESERVES) TO THE LEGAL DEPARTMENT BUDGET; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2010-2011; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Town has been served as a defendant in Young Israel of Bal Harbour, Inc. v. Town of Surfside filed in the United States District Court for the Southern District of Florida, Civil Action No. 1:10-cv-24392; and

**WHEREAS,** on January 6, 2011 the Town Commission held an Executive Session to discuss the litigation strategy in the above-styled case and determined it was in the best interest of the Town to defend the above-styled action; and

**WHEREAS,** the current legal budget for Fiscal Year 2010-2011 does not have sufficient funds, thereby necessitating a re-appropriation of Fund Balance (reserves) from the General Fund Account Number 001-0000-392-000 in the amount of \$35,000.00 to be distributed into Legal Budget Account Number 001-1500-514-3120 – Lawsuits - Planning & Zoning.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA,**

**Section 1. Recitals.** That the above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Budget Amendment.** In accordance with Section 62 of the Town Charter and the budget adopted for Fiscal Year 2010 – 2011 is amended by re-

appropriating the amount of \$35,000.00 of Fund Balance (reserves) from the General Fund Account Number 001-0000-392-000 be distributed to Legal Budget Account Number 001-1500-514-3120 - Lawsuits- Planning & Zoning.

**Section 3. Implementation.** The Town Manager and the Town Clerk are hereby authorized to take any and all action necessary to implement this Resolution and Agreement in accordance with the terms, conditions and purposes of this Resolution and Agreement.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_


\_\_\_\_\_  
Daniel Dietch, Mayor

Resolution No. \_\_\_\_\_

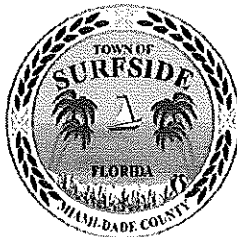
**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

Resolution No. \_\_\_\_\_



**TOWN OF SURFSIDE**  
Office of the Town Attorney

MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission

**FROM:** Lynn M. Dannheisser, Town Attorney *LMD*

**CC:** Roger M. Carlton, Town Manager  
Debra E. Eastman, M.M.C., Town Clerk

**DATE:** January 18, 2011

**SUBJECT:** Retainer of Houlihan & Partners, P.A. re RLUIPA lawsuit

---

**Recommendation:** It is recommended that the Commission pass this resolution retaining Gerald J. Houlihan of Houlihan & Partners, P.A. to co-counsel with Weiss Serota in the representation of the Town in the case captioned YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO: 10-CV-24392 IN THE UNITED DISTRICT COURT FOR THE SOUTHERN DISTRICT, FLORIDA

**Reasons:** Last month, the Town retained the law firm of Weiss Serota to defend the above-referenced litigation. Weiss Serota helped draft the RLUIPA ordinance which is the basis of the Town's defense and has a specialty in municipal law and litigation. Because this lawsuit was filed in Federal Court and may eventually go to trial, I am recommending we also retain Mr. Houlihan who is a seasoned and well-respected federal litigator and trial lawyer. His resume is attached to this report. His retainer letter is attached to the resolution.



**GERALD J. HOULIHAN**

(305) 460-4091

2332 Galiano Street, Second Floor  
Miami, Florida 33134

**PROFESSIONAL STATEMENT:**

I am a trial lawyer. With more than forty years of experience in complex commercial civil litigation, my track record demonstrates success, reliability and cost effectiveness. I diligently work with my clients to develop the most appropriate legal strategy for their case. In my experience, the most effective manner to successfully conclude litigation is to be willing, and able, try the case in court. This attitude promotes early and beneficial settlements. With an active trial schedule in state and federal courts, in my career, I have been lead counsel in more than 95 jury trials and briefed and argued more than 85 appeals. My clients include business individuals, corporations, financial institutions and insurance companies. My experience in business litigation contributes greatly to my ability to provide the most effective legal representation in complex cases. For example, I was retained as trial counsel representing a generic drug company in patent litigation for pharmaceutical products and a CEO of a publicly held company defending sophisticated SEC claims.

**Martindale-Hubbell rating - AV**

- 1995 - Present    **Shareholder, HOULIHAN & PARTNERS, P.A.**  
Miami, Florida
- 1991 - 1995    **Shareholder, GREENBERG, TRAURIG, HOFFMAN, ET AL., P.A.**  
Miami, Florida
- 1985 - 1991    **Equity Partner, STEEL HECTOR & DAVIS**  
Miami, Florida
- 1982 - 1985    **Chief Assistant United States Attorney**, Southern District of Florida  
Appointment by U.S. Attorney General Edwin Meese.
- 1981 - 1982    **Senior Litigation Counsel**  
Special appointment by U.S. Attorney General, William French Smith
- 1972 - 1981    **Assistant United States Attorney**, (W.D.N.Y.)  
Assistant in Charge, Rochester Office (1977-1981)  
Appointment by U.S. Attorney General Richard Kleindienst.
- 1968 - 1972    **Associate, HARRIS, BEACH, KEATING, WILCOX, DALE AND LINOWITZ,**  
Rochester, New York

**PROFESSIONAL:**

**The Florida Bar** - 1985  
**New York Bar** - 1968

United States District Courts [All Florida and New York]  
United States Court of Appeals [2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 11<sup>th</sup>, DC and Federal Circuit]  
United States Supreme Court

**Associations:**

The Florida Bar, New York State Bar Association, American Bar Association; Sections on Litigation; Subcommittees of Complex Civil Litigation and White Collar Crime; Federal Bar Association, South Florida Chapter, President, 1992-93; Board Member 1988-; Marquis Who's Who in America; Wong Sun Society, Recipient: Order of St. Aloysius (1996); Diplomate, American Board of Trial Advocates

**EDUCATION:** **Syracuse University College of Law, J.D.** (1968)  
Order of the Coif; Justinian Honor Society; Senior Editor, Syracuse Law Review; President, Student Bar Association; Belle L. Landry Scholar (1965-68); Staff Editor, Survey of New York Law (1966-68); Faculty Research Assistant (1965-1968)

**University of Notre Dame, B.S.** (1965)

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH HOULIHAN & PARTNERS, P.A. TO APPEAR AS CO-COUNSEL AND REPRESENT THE TOWN IN THE CASE CAPTIONED YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO: 10-CV-24392 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town Commission of the Town of Surfside, Florida (“TOWN”) wishes to enter into a retainer agreement with Houlihan & Partners, P.A. to appear as co-counsel with Weiss Serota and represent the Town in the United States District Court for the Southern District of Florida in the litigation captioned Young Israel of Bal Harbour v. Town of Surfside; and

**WHEREAS**, the Town Commission believes that it is in the best interest of the Town to enter into this agreement attached as Exhibit “A” inasmuch as Senior Partner, Gerald J. Houlihan is a seasoned trial attorney, former federal prosecutor and Chief Assistant U.S. Attorney for the Southern District of Florida and lead counsel in more than 95 complex jury trials, including extensive experience in discrimination cases, complex commercial matters, and planning and zoning matters.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Authorization.** The Town Commission hereby authorizes the execution of the retainer agreement attached hereto as Exhibit “A” on the terms contained therein and authorizes the Town Attorney and Town Manager to do all things necessary to effectuate this Agreement.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED** and **ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

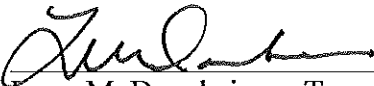
Commissioner Michael Karukin	_____
Commissioner Edward Kopelman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Joseph Graubart	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

**HOULIHAN & PARTNERS**

A Professional Association of  
Trial Attorneys and Counselors At Law

Gerald J. Houlihan  
305-460-4091

January 11, 2011

Lynn M. Dannheisser, Town Attorney  
Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154

**RE: Young Israel of Bal Harbor, Inc. v. Town of Surfside  
Case No.: 10 – 24392 – JORDAN/McAliley  
United States District Court, Southern District of Florida**

Dear Lynn:

You have requested that Houlihan & Partners, P.A. represent the Town of Surfside in the referenced matter. In addition, I know the Town has also retained the services of the Weiss Serota law firm to also assist you in the case. Pursuant to this letter, we will accept the engagement. You have my assurance that I will work with the other lawyers in this case to help provide excellent and cost-effective legal services to the Town of Surfside.

As your attorney, I will supervise this important legal matter. Accordingly, I will always be in a position to address and resolve any concern you may have. While we cannot guarantee a particular result for you, we can assure our best efforts, talent and good judgment will be used in pursuing your goals, and a favorable result, within the confines of the facts and the law. As you might expect, we are confident in our ability to provide exceptional legal services.

You should be aware that, generally, especially at the beginning of our representation, there is a need to expend substantial time and effort on your case. It is at this time that we determine the goals of the representation and we are required to research our strategy and defenses and determine the facts and issues important to your matter.

Our fees are calculated to insure a fair compensation for our legal services. Accordingly, consistent with the Code of Professional Responsibility, our goal is to bill for the reasonable value of the legal services rendered on your behalf. Given the nature of legal problems, the ultimate amount of legal fees and costs are difficult to estimate at this time. Nevertheless, we are careful to expend only those efforts necessary to achieve the goals and strategy you have established for our representation. To the extent that you have a question about this, please talk to me.

Generally, our fees are based on our normal hourly rates that vary from lawyer to lawyer depending upon experience and expertise. As required, other legal professionals, including partners,

2332 Galiano Street - Second Floor - Coral Gables, Florida 33134  
Telephone: (305) 460-4091 · Facsimile (305) 397-0955  
Email: Houlihan@houlihanlaw.com

associates, law clerks and paralegals may assist the attorney responsible for your case. I will be the attorney responsible for your matter and I will supervise those working on the case. However, because of the importance and sophistication of the case, I will be personally involved in every aspect of this case. My fees are regularly billed at \$500 per hour. However, as a courtesy to the Town of Surfside, we have reduced my rates to \$250 per hour. Our associates will be billed at the rate of \$200 per hour and the regular rate for law clerk and paralegal time will be \$90 per hour. If you need a further explanation, please talk to me.

As is our practice, you will be billed on a monthly basis with the expectation that our fees will be promptly paid. Our invoice will reflect the work performed and the time expended by each billing professional. This is our regular billing format. At our option, if not paid within 30 days, interest at the legal rate will be charged. If you find a problem with our billing, you should immediately discuss it with me so the issue can be amicably resolved. We will always attempt to avoid collection litigation. However, if instituted, the prevailing party will be entitled to reasonable attorney fees, interest and costs for the litigation.

In addition to legal fees, our bill will include costs and charges customarily incurred by the law firm on behalf of the client. These expenses may include filing fees, deposition expenses, travel expenses, courier charges, long distance telephone charges, photocopies, postage, computer assisted research charges, court costs, witness fees and expenses, investigation costs, and other incidental expenses appropriate to your case. These fees are billed at actual cost. In contrast, you will be billed \$.20 per copy for copy costs and outgoing facsimile charges are billed at \$.50 per page.

We trust these arrangements meet with your approval. If so, please sign this letter and fax it back to me immediately. Of course, please keep a copy is for your records. Please call me if you have any questions.

Very truly yours,



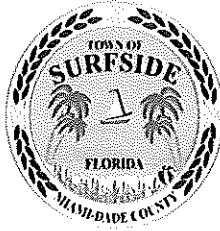
Gerard J. Houlihan

GJH/pk

Date: January \_\_, 2011

---

Lynn M. Dannheisser  
Town Attorney, Town of Surfside



## Town of Surfside Commission Communication

**Agenda Item #:** 5I

**Agenda Date:** January 18, 2011

**Subject:** Police Confiscation Fund Resolution

**Background:** On October 12, 2010 the Town Commission approved a resolution (Attachment A) providing for fiscal year 2010/2011 police confiscation expenditures per Florida Statute Section 932.72. The Town of Surfside also receives forfeitures from joint investigations with federal law enforcement agencies. Our external auditor, Alyce M. Jones suggested the resolution be modified to include federal forfeitures. The new resolution includes Section 881 (e) (3) of Title 21, United States Code allowing the Town to receive forfeitures from Federal Asset Forfeiture Programs.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** The Town staff recommends that the Town Commission approve the new resolution including federal forfeitures.

David Allen, Chief of Police

Roger M. Carlton, Town Manager

RESOLUTION NO. 11-\_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2010/2011 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF FORTY-FIVE THOUSAND (\$45,000.00) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.**

**WHEREAS**, Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7055, defines the purposes and procedures to be utilized for the appropriation and expenditure of Police Confiscation Fund; and

**WHEREAS**, the Chief of Police of the Town of Surfside has determined that such needs exist and is in compliance with Section 881(e) (3) of Title 21, United States Code and Florida Statute Section 932.7055; and

**WHEREAS**, such funds are available in the Police Confiscation Fund- State of Florida and Federal Asset Forfeiture Programs,

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Confiscation Fund Expenditures.** Based on the attached certificate of the Police Chief, the Town Commission hereby approves the fiscal year Police Confiscation Fund expenditures for the Town of Surfside, a true and correct listing of which is set forth in "Exhibit A".

**Section 2. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED and ADOPTED** this 18<sup>th</sup> day of January, 2011.

Attest:

\_\_\_\_\_  
Daniel Dietch, Mayor

\_\_\_\_\_  
Debra Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

---

Lynn M. Dannheisser, Town Attorney

**Vote:**

Mayor Dietch                    yes \_\_\_\_\_ no \_\_\_\_\_

Vice Mayor Graubart        yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Karukin        yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Kopelman      yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Olchyk        yes \_\_\_\_\_ no \_\_\_\_\_



**EXHIBIT A**

CRIME PREVENTION EVENTS, TRAINING, AND MATERIALS	\$10,000.00
CRIME PREVENTION OVERTIME COSTS	\$8,000.00
MOBILE LAPTOP PROGRAM	\$27,000.00

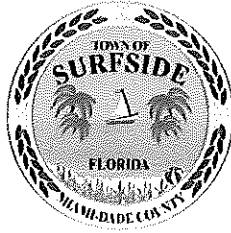
AFFIDAVIT

I, **DAVID E. ALLEN**, Chief of Police of the Town of Surfside, do hereby certify that the aforementioned proposed request for expenditures from the town of Surfside Confiscation Fund, for the 2010/2011 Fiscal Year budget complies with provisions of Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7005.

Dated:

DAVID E. ALLEN, Chief of Police

\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney



## Town of Surfside Commission Communication

- Agenda Item #** 9A
- Agenda Date:** January 18, 2011
- Subject:** Proposed FY 2011-2012 Budget Calendar
- Objective:** To propose and receive direction the attached proposed FY 2011-2012 Budget Calendar.
- Recommendation:** It is recommended that the Town Commission approve the FY 2011-2012 calendar, subject to comment and discussion (Attachment A).
- Background:** Budget preparation begins in February and is designed to assist Town's Management in the development of short-term and long-term plans to meet policy and legal directives. Appropriately, the Town Commission provides policy directives which are the principal focus of each budget process. Further, there is a need to recognize our residents as well as our commercial business concerns relative to the budget and obtain their input to the maximum extent feasible.
- Analysis:** Budget preparation begins with the development of instructions and general policy directives to Departments. Documents and policies resulting from discussions are then presented to each department as a means of soliciting their identified needs and resources. Departments are responsible for identifying, researching, developing, and submitting requests for operating funds, any new programs, capital improvements, and personnel changes.
- The Town of Surfside develops operating costs based on a zero-based budget model. Departments are encouraged to review prior spending as a way of reminding themselves of on-going obligations. However, each request for funding must be accompanied by a detailed justification. Further, revenue projections must be accurate and reflect the current economy. Accordingly, we will also be able to utilize the long-term guidance of the Five-Year Financial Plan currently under review.

For Budget calendar FY 2011-2012, it is proposed that a high level, "kick off" briefing to Town Commission be added during the February regular Commission meeting that will provide a current budget update and implications for the forthcoming budget. Thereafter, during May, the Commission will be updated, provide direction on policy assumptions and modifications/revisions to program priorities during a workshop that will also provide a forum for community input. In June, the funding recommendations are assembled, reviewed, and then presented to the Town Manager. After these steps, the budget documents are assembled and prepared for distribution.

It is important to note that several periods of revision are required as the Miami-Dade Property Appraiser does not release certified rates until July 1 and the Florida Department of Revenue does not anticipate finalizing its projections until mid June – July.

During mid-to-late July, the Town Manager meets with the Town Commission to formally present the proposed budget document and to solicit further Commission policy direction. These discussions take place over two budget workshops. The public is invited to attend and participate, but the meeting is not considered a public hearing. The budget workshops also provide an opportunity for the Town Commission to seek clarification on proposed items, often from Department Directors, and to provide further policy direction to the Town Manager.

In regards to our Enterprise funds it is proposed that, at the regular Commission meeting of August 9<sup>th</sup>, 2011, an Ordinance pertaining to rate adjustments, as determined by our independent rate model, will be introduced to our Water and Sewer Fund. Also, a Resolution to adjust rates may be necessary to our Stormwater Fund, depending on financing.

Two public hearings are conducted to obtain further community comments prior to September 30th. The final budget and millage rate are adopted by resolution at the second public hearing scheduled for Thursday, September 22, 2011 at 5:01pm. At these meetings the budget document becomes the agreed resource allocation plan for the coming fiscal year. A summary budget document is adopted by the Town Commission to provide appropriations to fund the budget allocation plan. Additionally, there will also be an amendment to the Five Year Financial Plan to move it one year into the future. Finally, a new dimension to the budget is planned by providing unit cost data for primary services within each department. This will allow the Town Commission to weigh cost-benefit relationships of various services in order to make adjustments based on real data and availability of resources given the current economic climate.

**Budget Impact:** N/A

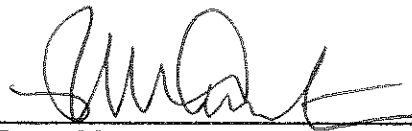
**Growth Impact:** N/A

**Staff Impact:** All Department Directors will be impacted necessitating their input/feedback throughout the entire Budget process.



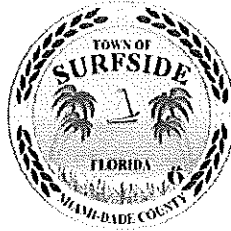
Matthew Sheehan

Finance Support Services Dept.



Town Manager

<b>Proposed Budget Calendar for FY 2011-2012</b>	
<b>as of January 18, 2011</b>	
Tuesday, February 01, 2011	Finance meets with Town Manager for General Direction
Tuesday, February 08, 2011	High Level Briefing to Town Commission- current budget status and implications for FY 2011-2012 budget
Tuesday, February 15, 2011	Budget Kick-Off with Department Heads
Tuesday, March 01, 2011	Department Description, Accomplishments, and Objectives Due from Department Heads
Friday, March 11, 2011	Fringe Benefits/Salary Information Due From HR
Tuesday, March 15, 2011	Departmental Capital Improvement and Program Modification Requests Due
Tuesday, March 22, 2011	Departmental operating and capital outlay requests and justification due
Friday, March 25, 2011	Departmental Revenue Estimates Due
Monday, March 28, 2011	Departmental Meetings (9 - 10:30 am; 10:45 - 12:15PM; 12:45 AM - 2PM)
Tuesday, March 29, 2011	Departmental Meetings (9 - 10:30 am; 10:45 - 12:15PM; 12:45 AM - 2PM)
Wednesday, March 30, 2011	Departmental Meetings (9 - 10:30 am; 10:45 - 12:15PM; 12:45 AM - 2PM)
Wednesday, April 13, 2011	Finance meets with Town Manager (preliminary condition assessment/recommendations/modifications)
Tuesday, May 03, 2011	Manager's Staff Meeting - Preview Workshop
Tuesday, May 10, 2011	Update for Town Commission regarding Budget and Community Workshop (5 PM)
Friday, May 13, 2011	Finance meeting with Town Manager (Identify modifications post Commission Direction) 10AM
Wednesday, June 01, 2011	Preliminary Tax roll information available from Property Appraiser
Monday, June 13, 2011	Draft Proposed FY 2012 Budget Book Distributed
Friday, June 17, 2011	Comments / Corrections Due on Draft - Manager / Departments
Monday, June 20, 2011	Final Proposed Budget Finished and Printing begins
Friday, July 01, 2011	Proposed FY 2012 Budget Available to Commission
Friday, July 01, 2011	Certified Taxable Values Received from Property Appraiser
Tuesday, July 12, 2011	Preliminary Millage Rate Adoption at Regular Commission Meeting
July/August	Notice for First Public Hearing through TRIM notice
Tuesday, July 19, 2011	First Budget Workshop on Proposed Budget - Mayor and Town Commission (Community Invited)
Tuesday, July 26, 2011	Second Budget Workshop on Proposed Budget - Mayor and Town Commission (Community Invited)
Tuesday, August 9, 2011	Proposed Enterprise Funds rate adjustment Ordinance/Resolutions introduced for FY 2011-2012 during August Regular Commission Meeting
Unknown - September	Budget Hearings for Miami-Dade School Board
Unknown - September	First Miami-Dade County Budget Hearings
Tuesday, September 06, 2011	SURFSIDE: date for first public hearing and Tentative Budget and Millage Adoption (5:01 PM)
Friday, September 09, 2011	Anticipated Deadline for Neighbor's Section Advertisement
Tuesday, September 13, 2011	SURFSIDE: September Regular Commission Meeting
Saturday, September 17, 2011	First Date which notices can run for second public hearing
Tuesday, September 20, 2011	Last Date for advertisements to run for second hearing
Thursday, September 22, 2011	SURFSIDE: date for Final public hearing on Millage and the Budget (5:01 PM)



## Town of Surfside Commission Communication

**Agenda Item #:** 9B

**Agenda Date:** January 18, 2010

**Subject:** Maranon Property – 9255 Abbott Ave

**Objective:** To receive final direction from the Town Commission relative to the Maranon property

**Background:** The Maranon property has been a subject of contention since 2002, nearly ten years. The bottom line is that through the original code enforcement actions by one Commission and their Manager and subsequent actions to rectify what was perceived by a second Town Commission and Manager to be unjust actions of the previous Town Commission, the Town has spent approximately \$700,000 for a property that is now appraised by the Miami Dade County Property Appraiser at \$179,376. Two separate independent appraisals were obtained by the Town, the first in December 9, 2009 (\$325,000) and the second in October 20, 2010 (\$298,000). The value suggested in these two appraisals is more than either the Miami Dade County Property Appraiser or the competitive sales effort described below has produced.

Direction was given by the Town Commission at the October 12, 2010 meeting to dispose of the property. To that end, the property was advertised in the Miami Herald and in the Daily Business Review for competitive bids. A mandatory tour of the property was held and five potential bidders were present. When the bids were opened, only one bidder provided a valid bid of \$181,000 with appropriate deposits and documents. The marketing effort by the Town was significant with every real estate firm in Surfside directly contracted to generate interest. The Town Manager has contacted the sole bidder to determine if the bid amount could be increased and he has agreed to raise his bid to \$188,000. It is also important to thank Surfside resident Tony Blate, who spent quite a bit of time briefing the Town Manager on the history of this parcel.

**Some Observations:** A process which transpires over more than one seated Town Commission, Town Attorney and Town Manager based on a change in philosophy is rarely, if ever, one with a cost effective outcome. In this case it will not be beneficial to cast blame other than to say that the current Town Commission is attempting to make the best of a bad situation in the worst real estate market and economy in many years. I believe the intention of this Commission, Town Manager, and Town Attorney is to resolve this contentious and divisive issue in the hopes of healing the community.

We have negotiated a better price. If this approach is authorized by the Town Commission, we will have approximately \$188,000 in cash to allocate for needed projects or to increase reserves or a combination of both. Keep in mind that the \$700,000 is sunk cost. Approximately \$340,000 went to satisfy mortgages, \$300,000 went to legal fees and \$60,000 is an estimated amount for various Town costs over the years.


A second approach would be to repair the property and put it in the rental market. Paul Gioia has estimated the cost to be approximately \$70,000 since all bathrooms and the kitchen and windows would have to be replaced. Additionally there are structural repairs required. The house rental should bring approximately \$2,300 monthly. If we paid a property manager ten percent and this house became taxable, repair cost recovery would probably require five years if rented the entire time. This would allow for the market value to recover (hopefully) and the property could then be sold.

A third alternative would be to make the investment in repairing the residence and provide the home to the current and future Town Managers. In order to potentially avoid ad valorem taxes, the Town Manager's employment agreement would have to be amended to require residence in the Town of Surfside. The benefits of the Town Manager living in the Town are clear and the decision could be made in the future to sell the property if and when this decision becomes appropriate. This too would require an investment of approximately \$70,000 to fix up the property to make it habitable and would represent an indirect remuneration to any Town Manager. As your Manager, I am not advocating this alternative, however, some of you have mentioned the possibility of moving to Surfside as beneficial to the Town.

**Summary:** Staff and the current Town Commission are attempting to resolve a long term problem that none of us created. Nevertheless in public life we must accept the responsibility to make the best decision possible given a difficult set of facts. To that end, three alternatives are presented:

1. Sell the Maranon property at the maximum amount negotiable with the sole bidder above the \$188,000 bid amount. The use of the funds will be determined at a later date after the closing.
2. Renovate the property at a cost not to exceed \$70,000 and put it in the rental market with a five year estimated return on the additional investment and then determine whether or not to sell the property based on market conditions.
3. Reach the conclusion that the Town Manager living in Surfside would be a benefit and that providing a residence would be a good use for the Maranon property with the decision to sell or continue the practice to be made at a future date.

Staff looks forward to your direction so that this saga will be brought to an end.

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
Roger M. Carlton, Town Manager



## Town of Surfside

**Agenda Date:** January 18, 2011

**Subject:** Downtown Vision Process Update

**From:** Roger M. Carlton, Town Manager

Attached is a status report from Tourist Bureau Director Duncan Tavares relative to the Downtown Vision Process which has appeared in a point of light over the past months.

Please review the proposed members of the Advisory Committee and the subjects which will be discussed. The goal is to complete the process in three months, using in-house staff, in order to bring a report to the Town Commission no later than your May meeting.

Your input during the January 18, 2011 Town Commission Meeting regarding the appointments and the discussion items will be very much welcomed.

A handwritten signature in black ink, appearing to read "Roger M. Carlton", is written over a horizontal line.


Roger M. Carlton, Town Manager



# Memorandum

**To:** Roger Carlton / Town Manager

**From:** Duncan Tavares / Tourist Bureau Director



**Date:** 1/10/2011

**Re:** Downtown Vision Process Update

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## *Advisory Committee:*

- Scarlet Tenen, Planning & Zoning Chair
- Eli Tourgeman, Tourist Board Chair
- David Steinfeld, Beautification Committee Chair
- Ken Arnold, Former Chair Charrette Committee
- Sergio Castion, Surfside Business Association Representative / Condotti Mens Clothing Store Owner
- Ighal Goldfarb, 9520 Harding Avenue Building Owner
- Shep Edelstein, Best Western Oceanfront Resort Owner
- Andy LaBrada, Onarga Apartment Hotel and Event Company Owner
- Jenny Skordilis, The Greek Place
- Jessica Weiss, Serendipity Yogurt Cafe
- Leeann Roth, Luxe Skin Bar Store Owner
- Julia Bacek, Surfside Civic Association / Single Family Home Representative
- Sharon Levy, Home Business Operator / Single Family Home Representative
- Louis Cohen, President of Marbella Condominium Association
- Jackie Murphy, Condominium Resident
- Julie Gordon, Condominium Resident

## *Discussion of Initiatives for Downtown Success:*

- 1) Forming a public-private partnership
  - Partnering with neighboring communities
- 2) Completing a downtown vision
- 3) Produce a market driven business plan
  - Identify your customer base and potential new customers
  - Identify their wants and needs today and in the future
- 4) Develop and market your downtown's unique niche
- 5) Attract new targeted businesses through outreach and hosting/site visits
- 6) Counsel existing businesses on their business plans

January 10, 2011

- 7) Conduct on-going focus groups to provide direction
- 8) Create small scale downtown housing
- 9) Create on-going formal marketing and public relations campaigns
- 10) Incorporate management techniques from the malls – managing a downtown as a business:
  - Forge partnerships
  - Assign someone as a liaison
  - Produce a leasing plan including minimum standards for hours of operation
  - Focus on maintenance issues
  - Identify funding sources
  - Provide sufficient parking and other public services

***Design Preferences Discussion Points:***

Buildings: What is attractive? What to change?

Colors

Signage

Landscaping / Pedestrian friendly additions

Side walks

Crosswalks

Create a central theme or brand

Are there motivational factors to assist in compliance?

Should a “demonstration” building façade be created?

Forging a partnership with neighboring communities

Pedestrian friendly vs high visibility

Traffic calming

***Economic Development Objectives for Downtown:***

- Stimulate new activity / Encourage new businesses that will generate Resort Tax for the Town
- Preserve and stimulate existing businesses
- Diversify the economic base
- Remove barriers for change/growth
- Encourage new businesses that broaden the service offering
- Create an organization that is well funded to enhance the vision





## Commission Communication

**Agenda Date:** January 18, 2011

**Subject:** Discussion of Performance Based Salary Adjustments

**Objective:** To develop a system which relates salary adjustments to performance review and goal attainment.

**Background:**

The Mayor and Members of the Town Commission have expressed concern that the traditional governmental procedures for rewarding government employees are not tied to performance and the current difficult economic times. Over many years the Town of Surfside has routinely granted a merit increase (only recently using evaluation forms for general employees, police and management; Attachments 1, 2, and 3 respectively) and a cost of living increase (COLA) based on the annual budget process for non-union employees and based on the bargaining process for union employees.

When times are good, these two increases, which cumulatively could be as much as 10% were granted without consideration for value added by employees to the outcomes established in the annual budget process or in the expectations of the elected officials and citizens. While we are not experiencing good economic times, there is still a need to adequately compensate our employees for their contribution to goal attainment and to remain competitive with similar communities. By no means does this mean that our employees should expect increases. It simply means that our current system is not fully performance based and should be upgraded.

The recommendation to better align compensation with goal attainment is:


- Combine the traditional COLA and merit reviews into four (4) distinct merit pools:
  1. For the members of the Fraternal Order of Police (FOP) to be achieved through collective bargaining with the April reopener.
  2. For non-union employees;
  3. For the management group (7 department heads and the Assistant Chief of Police).
  4. For the contractual management group (Town Manager, Town Attorney and Chief of Police).


The amount of the merit pool is determined during the budget process and may be based on many factors including the economy, the financial situation of the Town, the consumer price index (CPI), competitive / retention issues for key employees, any changes to benefit levels / costs and equity within the Town's pay scales.

The merit pool amount may be distributed to the included employees based on revised performance evaluation forms specific to the members of each pool. Department directors clearly understand that there is a total amount they have to distribute and it is for all employees in the category. There is also fairly large range of increases that the employee can get, however, under performers may not get anything and high achievers may get more than the norm. Except for employees of the Town Commission, the Town Manager would review all increases, in order to make sure that increases truly relate to performance and goal attainment.

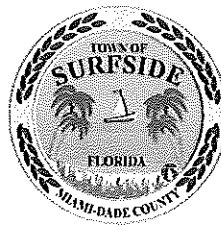
Merit based performance evaluation is only successful if goals are established early in the fiscal year. Those goals are measurable and relate to items incorporated in the budget or personal performance expected of the employee. The merit pool concept evokes thoughtful distribution of increases by the Department Director.

If this method is adopted, neither COLA nor merit would be automatic and it should be acknowledged that such an evolution must be bargained with the Fraternal Order of Police. There must also be significant training for the employees to ensure buy-in and fairness of implementation. Should the Town Commission accept this concept for salary adjustment based on performance review, further details will be provided in a future report.

  
Department Head

  
Roger M. Carlton, Town Manager

Attachments (3)



**EMPLOYEE PERFORMANCE EVALUATION**

<b>Name:</b> (Last)	(First)	(Initial)	<b>Period Covered</b>
			<b>From:</b> <b>to:</b>
<b>Status:</b>	<b>If Probation Date Ends:</b>		<b>Other:</b>
<b>Department:</b>	<b>Position Title:</b>		<b>Date:</b>

**REASON FOR REVIEW:**

- Merit Increase                     
  Status Change                     
  Annual Review                     
  Other

It is understood that the importance of each category will vary with job classification and department. Explain your rating in terms of performance in each category. Mark the appropriate box. Use additional sheets if necessary.

**1. QUANTITY OF WORK:** Includes amount of work performed.

RATING:  1-Unsatisfactory     2-Needs Improvement     3-Good     4-Very Good     5-Outstanding  
 Explain Why:

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**2. QUALITY OF WORK:** Includes accuracy, achievement of objectives, effectiveness, initiative and resourcefulness, and neatness of work product.

RATING:  1-Unsatisfactory     2-Needs Improvement     3-Good     4-Very Good     5-Outstanding  
 Explain Why:

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**3. WORK HABITS:** Includes attendance, observation of work hours, completion of work on schedule, compliance with rules, policies, and directives, safety practice and use of tools and equipment.

RATING:  1-Unsatisfactory     2-Needs Improvement     3-Good     4-Very Good     5-Outstanding  
 Explain Why:

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**4. INTERPERSONAL SKILLS:** Includes participation and teamwork; working cooperatively with the public; peers and subordinates; accepting advice and counseling from superiors.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**RATER'S OVERALL EVALUATION** – Only one rating factor to be checked. **Total Rating** \_\_\_\_ **by #of Items rated** \_\_\_\_ = \_\_\_\_ **Overall Rating**

- 1- Unsatisfactory:** Performance is inadequate and must be corrected.
- 2-Needs Improvement:** Performance does not fully meet job requirements as indicated below.
- 3-Good:** Employee is performing as required and expected in a satisfactory manner.
- 4-Very Good:** Performance surpasses job requirements.
- 5- Outstanding:** Consistently conspicuous, distinguished performance. Employee displays initiative and creativity. Employee has substantially enhanced department efficiency and/or effectiveness.

If an employee is eligible for a merit increase, check the following:  Granted  Deferred, re-evaluate in \_\_\_\_ months.

If an employee is eligible for permanent status, check the following:  Granted  Denied  Extended \_\_\_\_

**WAYS THE EMPLOYEE CAN OR MUST IMPROVE PERFORMANCE:** (If overall rating is Needs Improvement or Unsatisfactory, a written plan of action for improvement must be included in this section. Use additional sheets if necessary).

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This report is based on my observations, knowledge of employee's performance and review of applicable information. It represents my best judgment of the employee's performance.

**RATER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**PRINT NAME:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_  
**TOWN MANAGER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

I acknowledge that I received a copy of this evaluation. I have had an opportunity to discuss it with my supervisor. In signing the evaluation, I do not necessarily agree with the conclusions. I understand that I may write my comments below or on another sheet of paper.

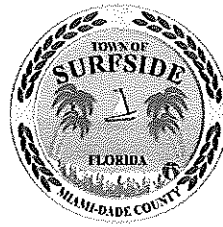
**EMPLOYEE COMMENTS:**

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**EMPLOYEE'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



**EMPLOYEE PERFORMANCE EVALUATION  
POLICE DEPARTMENT**

<b>Name:</b>	<b>(Last)</b>	<b>(First)</b>	<b>(Initial)</b>	<b>Period Covered</b>
				<b>From:</b> _____ <b>to:</b> _____
<b>Status:</b>	<b>If Probation Date Ends:</b>		<b>Other:</b>	
<b>Department:</b>	<b>Position Title:</b>		<b>Date:</b>	

**REASON FOR REVIEW:**

- Merit Increase                     
  Status Change                     
  Annual Review                     
  Other

It is understood that the importance of each category will vary with job classification and department. Explain your rating in terms of performance in each category. Mark the appropriate box. Use additional sheets if necessary.

**1. QUANTITY OF WORK:** Includes amount of work performed.

- RATING:  1-Unsatisfactory     2-Needs Improvement     3-Good     4-Very Good     5-Outstanding
- Explain Why:

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**2. QUALITY OF WORK:** Includes accuracy, achievement of objectives, effectiveness, initiative and resourcefulness, and neatness of work product.

- RATING:  1-Unsatisfactory     2-Needs Improvement     3-Good     4-Very Good     5-Outstanding
- Explain Why:

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**3. WORK HABITS:** Includes attendance, observation of work hours, completion of work on schedule, compliance with rules, policies, and directives, safety practice and use of tools and equipment.

- RATING:  1-Unsatisfactory     2-Needs Improvement     3-Good     4-Very Good     5-Outstanding
- Explain Why:

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**4. INTERPERSONAL SKILLS:** Includes participation and teamwork; working cooperatively with the public; peers and subordinates; accepting advice and counseling from superiors.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**5. COMMUNICATION:** Includes preparing clear and concise reports and correspondence

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**RATER'S OVERALL EVALUATION** – Only one rating factor to be checked. Total Rating \_\_\_\_% by #of items rated  
\_\_\_\_ = \_\_\_\_ Overall Rating

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If an employee is eligible for permanent status, check the following:  Granted  Denied  Extended \_\_\_\_\_

**WAYS THE EMPLOYEE CAN OR MUST IMPROVE PERFORMANCE:** (If overall rating is Needs Improvement or Unsatisfactory, a written plan of action for improvement must be included in this section. Use additional sheets if necessary).

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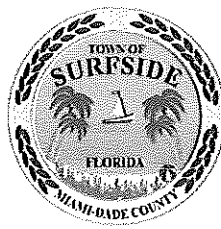
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## MANAGEMENT PERFORMANCE EVALUATION

<b>Name:</b> (Last)	(First)	(Initial)	<b>Period Covered</b>
			<b>From:</b> to:
<b>Status:</b>	<b>If Probation Date Ends:</b>		<b>Other:</b>
<b>Department:</b>	<b>Position Title:</b>		<b>Date:</b>

**REASON FOR REVIEW:**

Merit Increase
  Status Change
  Annual Review
  Other

It is understood that the importance of each category will vary with job classification and department. Explain your rating in terms of performance in each category. Mark the appropriate box. Use additional sheets if necessary.

**1. ACHIEVEMENT OF OBJECTIVES:** Includes productivity of the unit and accomplishing unit goals.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding

Explain Why:

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**2. DECISION MAKING AND JUDGEMENT:** Includes assigning tasks, responding to work problem in a timely and effective manner, assessing and establishing priorities, and identifying and evaluation problem areas and problem solving skills.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding

Explain Why:

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**3. PERSONNEL DEVELOPMENT:** Includes orienting new employees, recommending training and/or development programs, counseling and motivating employees.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**4. PLANNING AND ORGANIZING:** Includes designing realistic short and long term goals, optimizing time, personnel, equipment, and material resources, clearly defining responsibility and developing standards for the work unit.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**5. INTERPERSONAL SKILLS:** Includes encouraging participation and teamwork; working cooperatively with the public, peers, and subordinates; accepting advice and counseling from superiors.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**6. COMMUNICATION:** Includes preparing clear and concise reports and correspondence

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**7. ADMINISTRATIVE POLICY AND PROCEDURE:** Includes understanding and implementing Town Code, Policies and procedures, safety regulations and Administrative orders.

RATING:  1-Unsatisfactory  2-Needs Improvement  3-Good  4-Very Good  5-Outstanding  
Explain Why:

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**RATER'S OVERALL EVALUATION** – Only one rating factor to be checked. **Total Rating** \_\_\_\_% by #of Items rated  
\_\_\_\_ = \_\_\_\_ Overall Rating

- 1- Unsatisfactory:** Performance is inadequate and must be corrected.
- 2- Needs Improvement:** Performance does not fully meet job requirements as indicated below.
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- 5-Outstanding:** Consistently conspicuous, distinguished performance. Employee displays initiative and creativity. Employee has substantially enhanced department efficiency and/or effectiveness.

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If an employee is eligible for a merit increase, check the following:  Granted  Deferred, re-evaluate in \_\_\_\_ months.

If an employee is eligible for permanent status, check the following:  Granted  Denied  Extended \_\_\_\_

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**WAYS THE EMPLOYEE CAN OR MUST IMPROVE PERFORMANCE:** (If overall rating is Needs Improvement or Unsatisfactory, a written plan of action for improvement must be included in this section. Use additional sheets if necessary).

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This report is based on my observations, knowledge of employee's performance and review of applicable information. It represents my best judgment of the employee's performance.

**RATER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**PRINT NAME:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_  
**REVIEWER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**PRINT NAME:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_  
**TOWN MANAGER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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I acknowledge that I received a copy of this evaluation. I have had an opportunity to discuss it with my supervisor. In signing the evaluation, I do not necessarily agree with the conclusions. I understand that I may write my comments below or on another sheet of paper.

**EMPLOYEE COMMENTS:**

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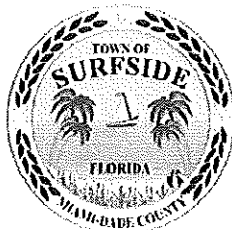
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**EMPLOYEE'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



## Town of Surfside Commission Communication

**Agenda Item #:** 9F

**Agenda Date:** January 18, 2010

**Subject:** Legislative Principles

**Objective:** Attached is the final proposed Legislative Principles recommendation from consultant Fausto Gomez. The Town Commission was briefed by Mr. Gomez at the December 14, 2010 meeting. We will discuss any concerns or clarification you have.

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Department Head



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Town Manager

# **Town of Surfside Legislative Principles**

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- State Government should focus on state-level issues and allow cities to operate with minimal state interference. The Town of Surfside will oppose legislation that increases the involvement of state government in municipal affairs and preempts local governing prerogatives.
  - For Florida's economy to prosper, cities need to succeed. The Town of Surfside will promote state investments in municipal infrastructure in order to create jobs and promote municipal revitalization. This will include funding for water, wastewater and stormwater improvements, local transportation projects, park and recreational activities, and green technologies and energy-saving and energy conservation initiatives.
  - State Government should not be allowed to continue disrupting the relationship between citizens and their city elected officials' authority to make decisions impacting the provision of municipal services and quality of life. The Town of Surfside will oppose additional arbitrary limits on property assessments, municipal expenditures, and local revenues.
  - State Mandates should be funded with state resources and should not tap local tax dollars. The Town of Surfside will fight against unfunded mandates and support policies that require full funding of state initiatives and mandates to cities.
-

# Legislative Priorities

## APPROPRIATIONS

- The Town of Surfside supports grant and legislative line item funding that enhances local financial capacity to address water resource and water supply development. The City further supports enhanced funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for comprehensive water supply infrastructure needs.
- The Town of Surfside will support legislation that provides proportionate, dedicated and recurring revenue sources for municipal and regional transportation projects to ensure that local conditions and needs are addressed. This includes legislation that:
  1. Alters the current taxing authority to authorize cities to levy – by referendum – up to 2 cents of the existing 5-cent local option gas tax authorized by statute;
  2. Authorizes the Florida Department of Transportation to increase funding to support local and regional transportation and transit alternatives; and
  3. Prohibits the transfer of State Transportation Trust Funds for non-transportation purposes.
- The Town of Surfside supports continued funding for the Florida Forever Program and the Florida Recreation Development Assistance Program (FRDAP).

The Florida Forever Program has helped local governments purchase land for parks, recreation, open space and conservation. During the last legislative session, Florida Forever was appropriated \$15 million after it was not funded during the 2009-10 Fiscal Year. Funding for the Surfside Park Waterfront Expansion was secured in 2008 in the amount of \$3,878,000 but those dollars were never used.

The Florida Recreation Development Assistance Program (FRDAP) is a successful funding vehicle for local government park development and recreational efforts and has helped leverage local dollars. FRDAP was funded at a nominal level this fiscal year after it was also not funded during the 2009-10 Fiscal Year.

- The Town of Surfside supports full funding of statewide beach renourishment activities at the \$30 million level.
- The Town of Surfside will support legislation that strengthens the prohibition on existing and new unfunded mandates, requires enhanced staff analyses of quantification of the costs to cities, and ensures full state funding sources be assigned whenever unfunded mandates are identified.

## LEGISLATION

- *People's Transportation Plan – Half Cent Sales Tax Surtax for Transportation*  
The Town of Surfside supports amendments to Sec. 212.055, F. S. to clarify that when a charter county revises interlocal agreements to include any new municipalities, that the new municipalities are to be funded their pro rata share from the portion of the surtax allocated for use in the unincorporated area of the county, or for countywide services, and further clarifying that funding newly incorporated municipalities from the portion of the surtax dedicated to existing municipalities is expressly prohibited.
- *Online Hotel Tax Collections*  
The Town of Surfside supports amendments to Florida law to expressly provide that online internet travel firms be required to pay sales and tourist-related taxes on the full price of rooms they reserve for customers.
- *Speedometer Calibration*  
The Town of Surfside supports legislation that eliminates the requirement that police unit speedometers be calibrated two times per year, now that speedometers are electronic and recalibrate each time the vehicle is started, and no adjustments can be made to the unit. The required calibration is a significant expense to local and state governments.
- *Revenue Restrictions (TABOR)*  
The Town of Surfside opposes state-mandated revenue or expenditure caps. State-mandated caps usurp the home rule powers of municipal residents to self-determine the form of their government and their desired level of service. A cap would be unworkable for any level of government in Florida, unless such proposal, at a minimum:
  1. Applies to either revenues or expenditures, but not both;
  2. Includes a "time-out" provision in case it becomes necessary to suspend the cap proposal due to unusual economic circumstances; and
  3. Reflects the true level of inflation incurred by Florida governments in providing services. Further, if the Legislature chooses to reject home rule and instead mandate caps on local governments, any such proposal should, at a minimum, exclude any resources committed to complying with a mandate imposed by another level of government and apply equally to the state and all types of local governments.
- *Municipal Police Officers Pension Plans*  
The Town of Surfside will support legislation that provides comprehensive municipal police officer pension reform. Any comprehensive pension-reform package should, at a minimum, address the following:



1. Require that determinations of average final compensation in defined-benefit pension plans include salary only, and do not include pay for overtime, unused leave time or any other additional payments;
2. Allow recipients (cities and special districts) of insurance premium tax revenues to use these funds to pay for the costs of current plans and to lower required plan contributions from the plan sponsor;
3. Allow cities to convert police officer defined-benefit pension plans to the Florida Retirement System (FRS) or another type of plan without losing insurance premium tax revenues;
4. Allow cities desiring to place their public safety officers into the Special Risk Class of the FRS the opportunity to purchase past credit service at an up to 3 percent annual accrual rate rather than the current up to 2 percent;
5. Allow deviation from state requirements if agreed to by the employees or their union;
6. Restrain the Florida Division of Retirement's non-rule-based administrative activities and restrict the division's broad interpretations of Florida Statutes that result in increased costs to pension plan sponsors; and
7. Change the governance structure of pension boards of trustees to move away from having plan participants serve on the boards.

- *Growth Management*

The Town of Surfside supports legislation that defines a role for the Florida Department of Community Affairs or its equivalent to provide technical assistance while limiting regulatory powers to only those issues requiring interregional coordination and streamlines growth management processes, including reporting requirements, particularly for built-out municipalities.

- *Public Notice and Records*

The Town of Surfside will support legislation authorizing municipalities to provide effective public notice and advertising, not to include ad valorem taxation millage setting, by means other than newspapers. Effective public notice may include, but is not limited to, direct mailings, physical posting of property, Internet posting, free publications, government-access television channels and other suitable alternatives.

The Town also supports clarification of a municipality's authority to charge labor costs associated with public records research work that exceeds 30 minutes.

- *Community Residential Homes*

The Town of Surfside will support legislation to protect residential neighborhoods from the clustering of "SOBER Living Homes." These are alcohol and drug treatment residential facilities, mostly located in single-family neighborhoods, which as a consequence of the American with Disability Act (ADA) are exempt from local planning and zoning regulations. There has been a proliferation of these in beachfront communities as out-of-state operators purchase distressed properties to house recovering addicts. Language requiring a distance of 1,000

feet from one SOBER Home to another was included by Rep. Kelly Stargel in CS/CS/HB 645, the House companion to SB1166, and Sen. Thad Altman attempted to incorporate an identical provision in this bill. The amendment was twice defeated on the floor of the Senate, but as a consequence of this effort the Florida Department of Children and Families has created a workgroup to examine SOBER Homes and recommend legislative changes to license and regulate them.

- *Parking Violations*  
The Town of Surfside supports increasing or removing the \$30 statutory cap that local governments may charge for certain parking violations.
- *Bert J. Harris Act*  
The Town of Surfside opposes legislation that weakens or removes the sovereign immunity provision in the Bert J. Harris Act and will work with legislators and other interested parties on compromise language that is in the best interest of the Town.
- *Anchoring and Mooring of Vessels*  
The Town of Surfside continues to support efforts to address the issue of boats anchored behind single family homes and to strengthen local authority to regulate anchoring and mooring of vessels within its jurisdiction.



# Town of Surfside Commission Communication

**Agenda Item #** 9G

**Agenda Date:** January 18, 2011

**Subject:** CROSSING BARRIER AT 96<sup>th</sup> STREET AND HARDING AVENUE

## **Background:**

An element of the Florida Department of Transportation's (FDOT) roadway resurfacing project on Harding Avenue involves installing small landscaping planters on the southeast and southwest corners of 96<sup>th</sup> Street. The purpose of these hedges is to prohibit pedestrians from crossing Harding on the south side of that intersection. There is currently no crosswalk provided there, and significant eastbound traffic from 96<sup>th</sup> Street (towards Harding) creates a fairly constant right turn vehicular flow at that corner. Notwithstanding this danger, pedestrians frequently attempt to cross Harding on the south side of 96<sup>th</sup> Street, often putting themselves in peril due to eager drivers looking to make the right turn to head south on Harding.

The prior Commission and Administration encouraged FDOT to adopt some measure to address this situation and concurred with the agency's approach to place landscape barriers at each corner. It is believed that the hedges along with signage will minimize the crossings by pedestrians.

## **Analysis:**

The attached section of FDOT's project plan depicts the location and type of planter that is planned for installation at the corners of 96<sup>th</sup> Street and Harding Avenue (Attachment A). A photo of the southwest corner showing the lack of a crosswalk and a vehicle making the right turn (as well as the typical queue behind it) is provided (Attachment B). The alternative to this approach is to install proper signalization and roadway markings on the south side of 96<sup>th</sup> Street so as to provide crosswalks for all four crossings of the intersection (currently there are crosswalks in all but the south section of the intersection).

It is of concern that Surfside shoppers will have to make a three crossing movement (north or south across 96<sup>th</sup> Street, east or west across Harding Avenue and north or south across 96<sup>th</sup> Street again) to walk from the north end of the Abbott parking lot to the east side of Harding Avenue or vice-versa. This is not at all pedestrian friendly and facilitates vehicular movement many of which are using Harding/Collins as a bypass to congested streets and I-95 on the main land. Further, we may wish to defer this item until after the upcoming Downtown vision project is completed.

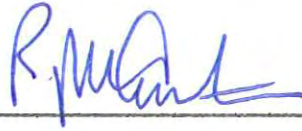
**Budget Impact:** None. This project will be funded by FDOT as part of the Harding Avenue repaving project.

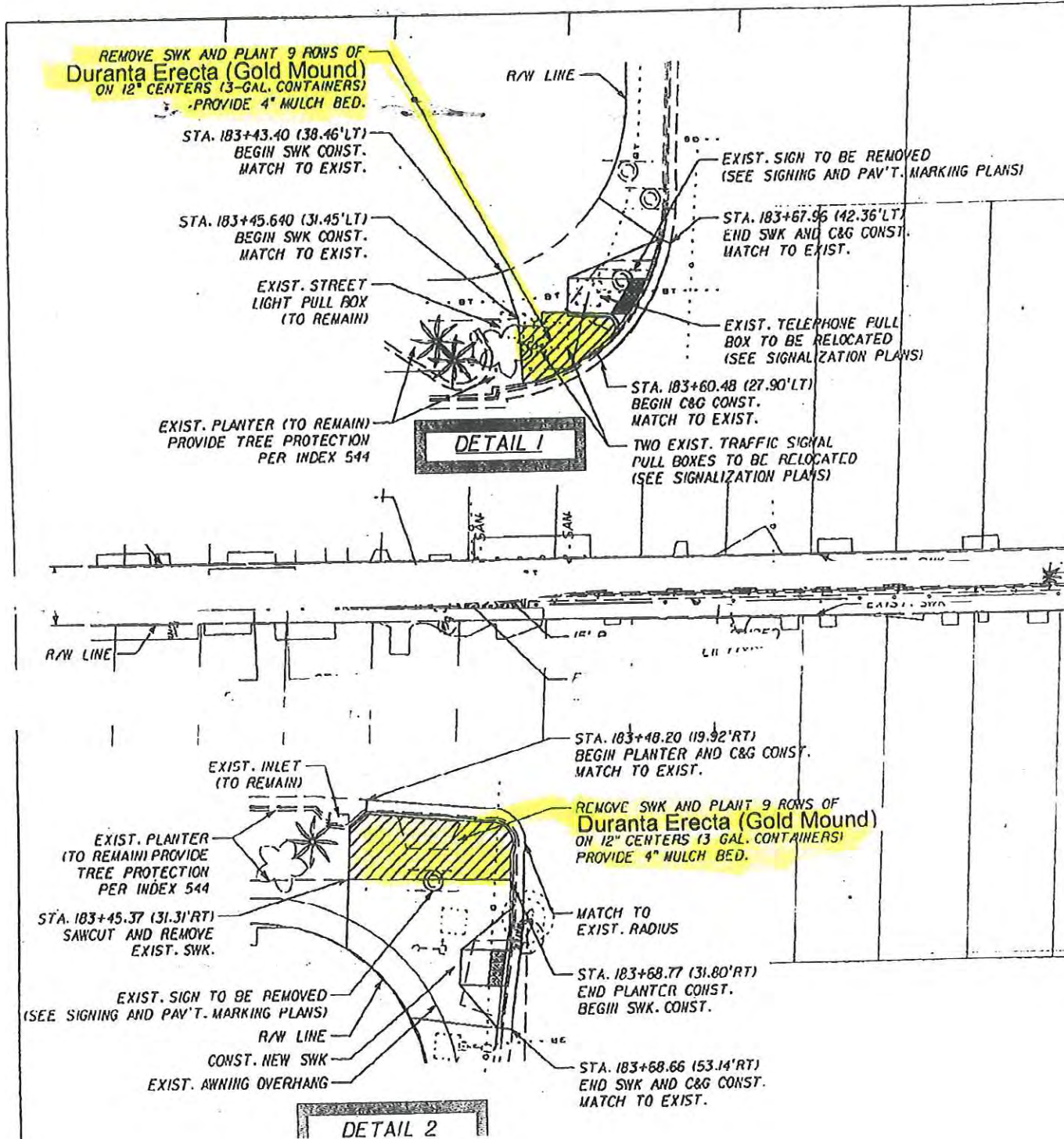
**Staff Impact:** None.

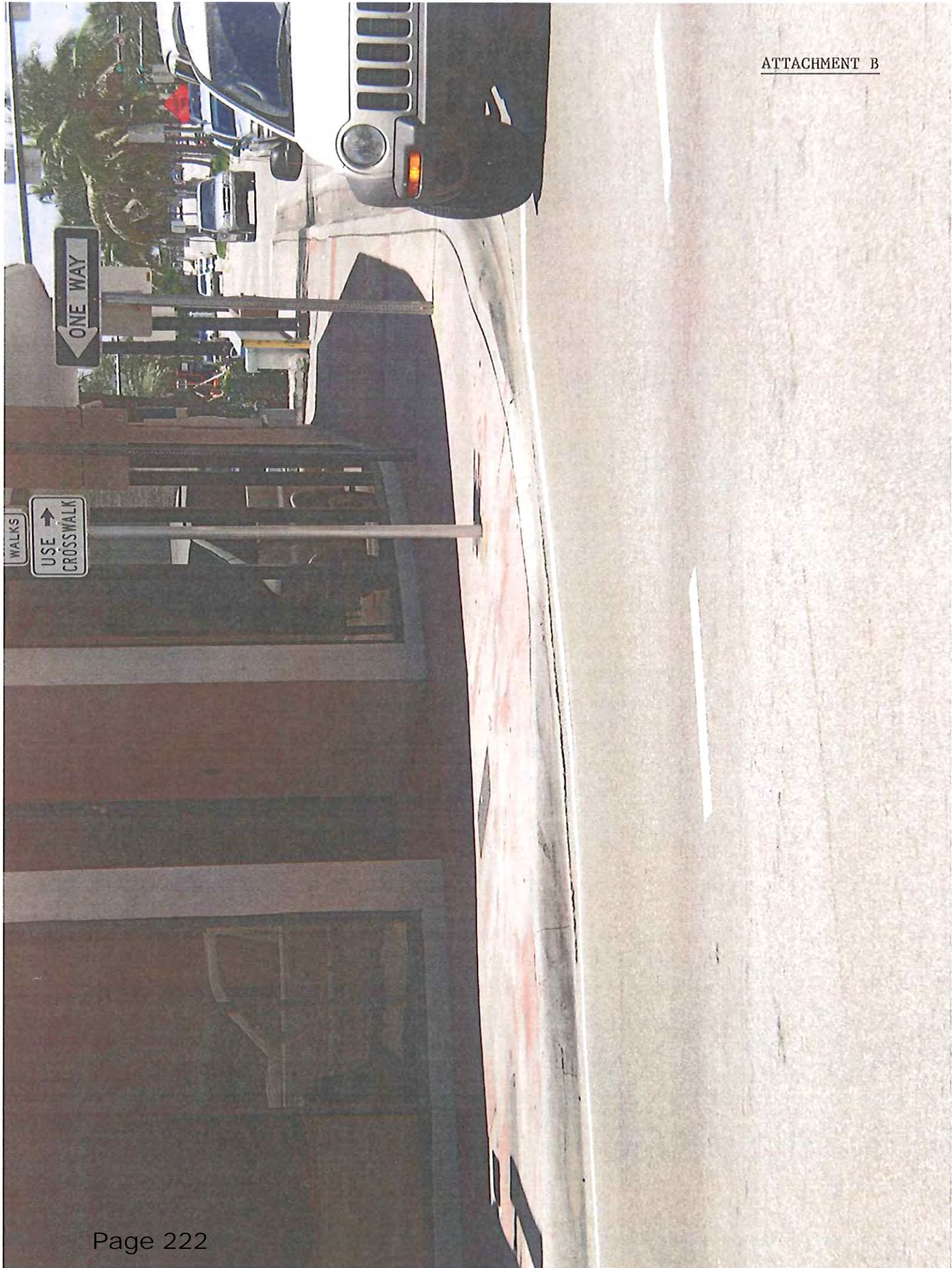
**Recommendation:**

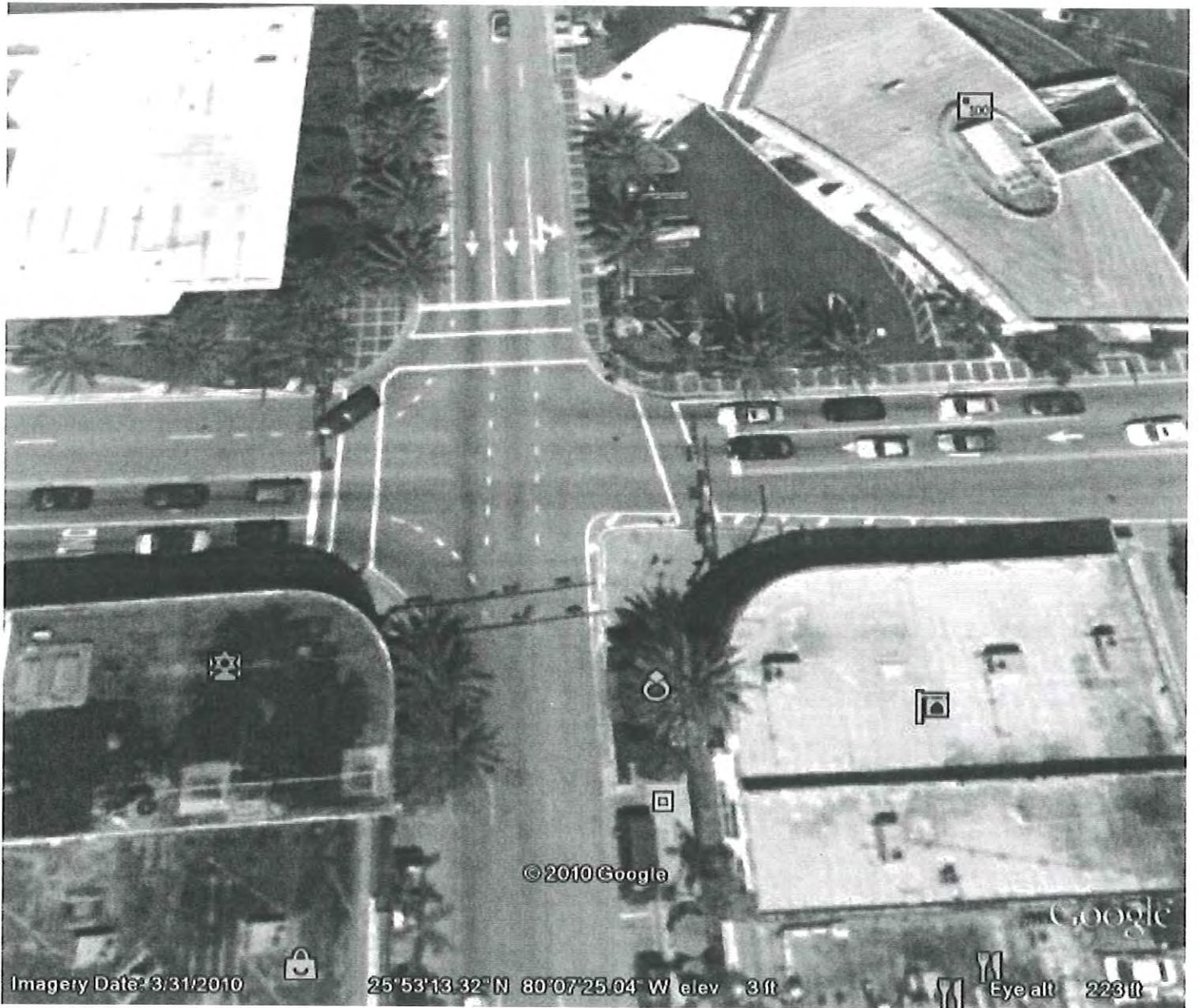
This matter is being brought to the Town Commission for discussion in order to ascertain whether the Commission wishes to support the installation of a crosswalk along the south side of 96<sup>th</sup> Street. If that is the direction provided, the Administration will approach FDOT in an effort to determine the feasibility and cost impact of this alternative and will seek deferral of the proposed landscaping project. The project's construction is projected to begin in the spring of 2012.

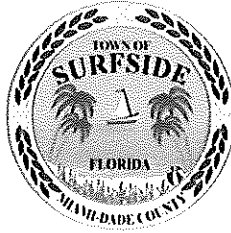
  
\_\_\_\_\_  
**Department Head**

  
\_\_\_\_\_  
**Town Manager**









# Town of Surfside Commission Communication

**Agenda Item #** 9H

**Agenda Date:** January 18, 2011

**Subject: ADJUSTMENT OF SOLID WASTE COLLECTION SERVICE**

## **Background:**

At the request of Commissioner Olchyk the Public Works and Parks Department have reviewed the option to adjust the frequency of solid waste collection in order to place additional emphasis on Town-wide cleaning efforts. The Town's solid waste crews currently collect household garbage five days a week (Monday – Friday) and yard waste four days a week (Tuesday – Friday). Surfside's is the only five-day refuse collection service in Miami-Dade County. Solid waste crews collect household garbage from the side yard of the property, although many residents prefer to place the refuse at the curb. Side yard or backyard service is very rare, with only a small number of municipalities offering this service. Four-day yard waste service is not provided by any other municipality in Miami-Dade County, with the majority of the cities offering one or two day per week collection.

The Town collects waste from multi-unit buildings, high-rise condominium buildings and commercial establishments five days per week primarily using four cubic yard wheeled containers. While this operation's efficiency could benefit from using larger containers, the size and geometry of most buildings and alleys preclude this practice. The Town is the sole provider of containerized waste collection service. This is also an unusual practice in the industry, as most municipalities and counties opt for franchising or contracting out the commercial/containerized collection operation.

## **Analysis:**

The solid waste division's operating budget for FY 2010/11 is \$1.3 million (includes \$135,000 towards the purchase of a new garbage truck and \$104,000 administrative service payment to the General Fund). Before we move forward with a new truck purchase, there are many questions to answer including conversion to the "one armed" vehicles that require only one operator and the possibility of outsourcing. These possibilities are only put on the table for discussion purposes with the clear recognition that our residents expect a high level of service. The question to be addressed is "how do we deliver a high level of service in the most efficient manner possible".

There is currently no segmented cost accounting for each of these waste collection operation components e.g. residential, commercial and multi-family. During the current fiscal year, the Town will move towards defining the revenue/cost for each collection operation. This will enable the Town to better analyze the operation as well as improve its degree of compliance with State requirements.

The elimination of one day of service for single family residential collection will result in an estimated savings of \$2,500 in fuel as well as prolong the life of the garbage trucks. The latter benefit has significant cost avoidance implications, as the current cost of a new garbage truck is slightly over \$200,000. It is estimated that the reducing the use of the older trucks by 20% (1 of 5 days) and the added benefit of having the vehicle more available for preventive maintenance (Wednesdays) will allow the Town to defer the purchase of a new truck by one to two years.



**Budget Impact:** Provided in recommendations below (see Recommendation 1 and 2a).

**Staff Impact:** A shifting of the waste collection staff's duties during the Wednesday work shift could take place, as described herein. If the Town Commission is supportive of these changes, it is recommended that a process of Town involvement be initiated before implementation, impacted employees be briefed and our new Public Works Director be on board to capitalize on his/her experience. This process would take approximately 60 days and Staff would bring back a final recommendation which could incorporate the decision on new collection equipment and the other issues mentioned in this memorandum.

**Recommendations:**

1. In the short-term, the Administration recommends discontinuation of garbage and yard waste collection on Wednesdays. The nine-person crew that will become available will be assigned to cleaning duties as follows:
  - a. The landscaped section west of the "hardpack" road behind the oceanfront buildings (including trash can waste disposal): twice monthly. *\*Note, we have been contacted by the State of Florida Department of Environmental Protection (DEP) regarding limitations on cleaning this area and will work closely with DEP so as to avoid any environmental issues.*
  - b. The commercial district and parking lots: four times per month.
  - c. The residential district and public spaces twice per month.

In addition to making substantial labor available for litter control, the estimated \$2,500 in fuel savings can be applied towards the purchase of 34 new trash containers for the hardpack and beach area to supplement the containers provided by Miami-Dade County (priced out by Parks and Recreation at \$5,304).

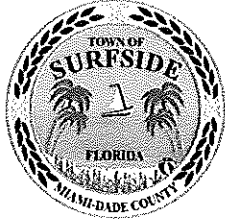
2. In the medium term, the following actions will be analyzed:
  - a. The solid waste operation could begin transitioning to larger, wheeled collection containers. This will facilitate the somewhat heavier collection volumes resulting from the decrease in the service frequency. Funding for these larger containers and the required vehicles will be less impactful if leasing is considered.
  - b. Side yard collection should be discontinued with the exception of residents who provide medical documentation of a physical disability. The labor impact of this change may result in significant time savings that can be utilized to enhance the litter control program.
  - c. The Town should investigate the feasibility of two approaches to modify its involvement with containerized, commercial and multi-family collection service:
    - i. Review options to solicit the service of a private commercial hauler(s).
    - ii. Review options to award franchise rights to several commercial haulers.

  
Department Head

  
Town Manager

**SUMMARY OF OPTIONS TO REDUCE SOLID WASTE COLLECTION FREQUENCY & REDIRECT LABOR TO LITTER CONTROL**

Option:	COST INCREASE/REDUCTION	PROS	CONS	COMMENTS
<b>ELIMINATE WED. COLLECTION</b>	Reduction in fuel consumption & truck wear & tear. Fuel red. - roughly: \$49 / wk. <b>\$2,525 annually</b> (Increase in fuel consumption negligible)	increase in weekly street cleaning capacity by 39 labor hrs. (5 days) or roughly 147%	20% (1 of 5) reduction in garbage collection frequency 25% reduction (1 of 4) in yard waste collection frequency.  (4 days of garbage & 3 days of yard waste would be near top in MD County)	<u>Suggested staff deployment:</u> Mon, Tues, Thurs: resid'l street cng  Wed - full day; 7 - 8 laborers: split crew: hardpack/resid'l  Fri: resid'l / "spot cng" hardpack
<b>ELIMINATE WED. &amp; THURS. COLLECTION</b>	Reduction in fuel consumption & truck wear & tear. Fuel red. - roughly: \$100 / wk. <b>\$5,200 annually</b>  Possible reduction of 1 solid waste driver (see comments): <b>\$35,614 annually</b>	increase in weekly street cleaning capacity by 78 labor hrs. (10 days) or roughly 300%	40% reduction in garbage collection frequency; 50% reduction in yard waste collection frequency.	<u>Suggested staff deployment:</u> Similar to above; additional emphasis on parking facilities  With 2 day reduction & continuing NO yard waste collection on Mon., the s. waste foreman can assume two-day per week driving duties & continue to provide 80% of the current clerical support & field supervision.



## Commission Communication

**Agenda Item #** 9I

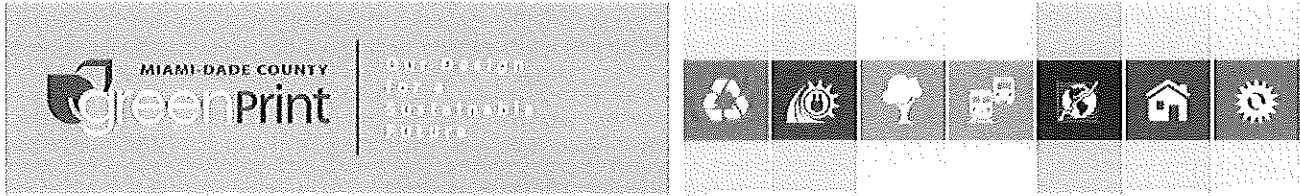
**Agenda Date:** January 18, 2011

**Subject:** GreenPrint

**Background:** Mayor Daniel Dietch requested that the attached GreenPrint, Miami-Dade County Design for a Sustainable Future be forwarded to the Town Administration for their review. Town Manager, Roger Carlton, will make a report and recommendation at the February 8, 2011 Town Commission Meeting.

Debra E. Eastman, MMC

Town Clerk



- Home
- [GreenPrint Plan](#)
- [Introduction](#)
- [Planning Process](#)
- [Sustainability Goal Areas](#)
  - [Strong Leadership, Connections & Commitment](#)
  - [Water & Energy Efficiency](#)
  - [Our Environment](#)
  - [Responsible Land Use & Smart Transportation](#)
  - [Vibrant Economy](#)
  - [Healthy Communities](#)
  - [Climate Change Action Plan](#)
- [Looking Forward: GreenPrint 2015](#)
- [Sustainability Scorecard](#)
- [Implementation Table](#)
- [Appendices](#)

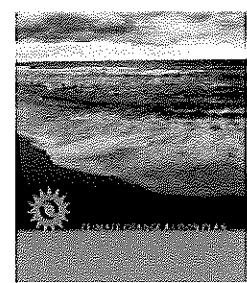
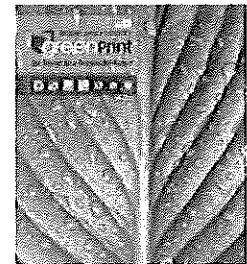


Miami-Dade County is pleased to share with you *GreenPrint: Our Design for a Sustainable Future*. The plan's development was a fully collaborative process among the many diverse stakeholders of our community: County staff, community groups, experts from the business community and academia, and a wide range of individual Miami-Dade residents. During the course of the year, nearly 100 public meetings were held, and approximately 360 new and existing initiatives were evaluated.

The Miami-Dade County Board of County Commissioners (Board) has, throughout the years, made serious commitments to prepare the County for a sustainable future. By committing to the U.S. Cool Counties Program, the County has agreed to pursue the regional goal of reducing greenhouse gas (GHG) emissions by 80 percent from 2008 levels by 2050. The Board also supports the state's goal of achieving 20 percent of Florida's energy from renewable sources by 2020. Those are just two of the [more than 100 actions taken](#) by Miami-Dade County government related to sustainability, environmental protection and climate change.

Now, for the first time ever, Miami-Dade County has one roadmap to achieve these ambitious and aggressive goals. GreenPrint culminates in the County's first [Climate Action Plan](#). There are 137 separate initiatives outlined in GreenPrint, many of which will directly contribute to a reduction in GHG emissions. It is estimated that these initiatives will result in a reduction of 1.5 million metric tons of GHG emissions and an avoidance of 3.1 million metric tons over the next five years, and move us toward even deeper reductions in the future. These are our first collective and comprehensive steps to address climate change and to creating a resilient Miami-Dade County of tomorrow.

GreenPrint is available for [public comment](#). Your feedback is welcome.

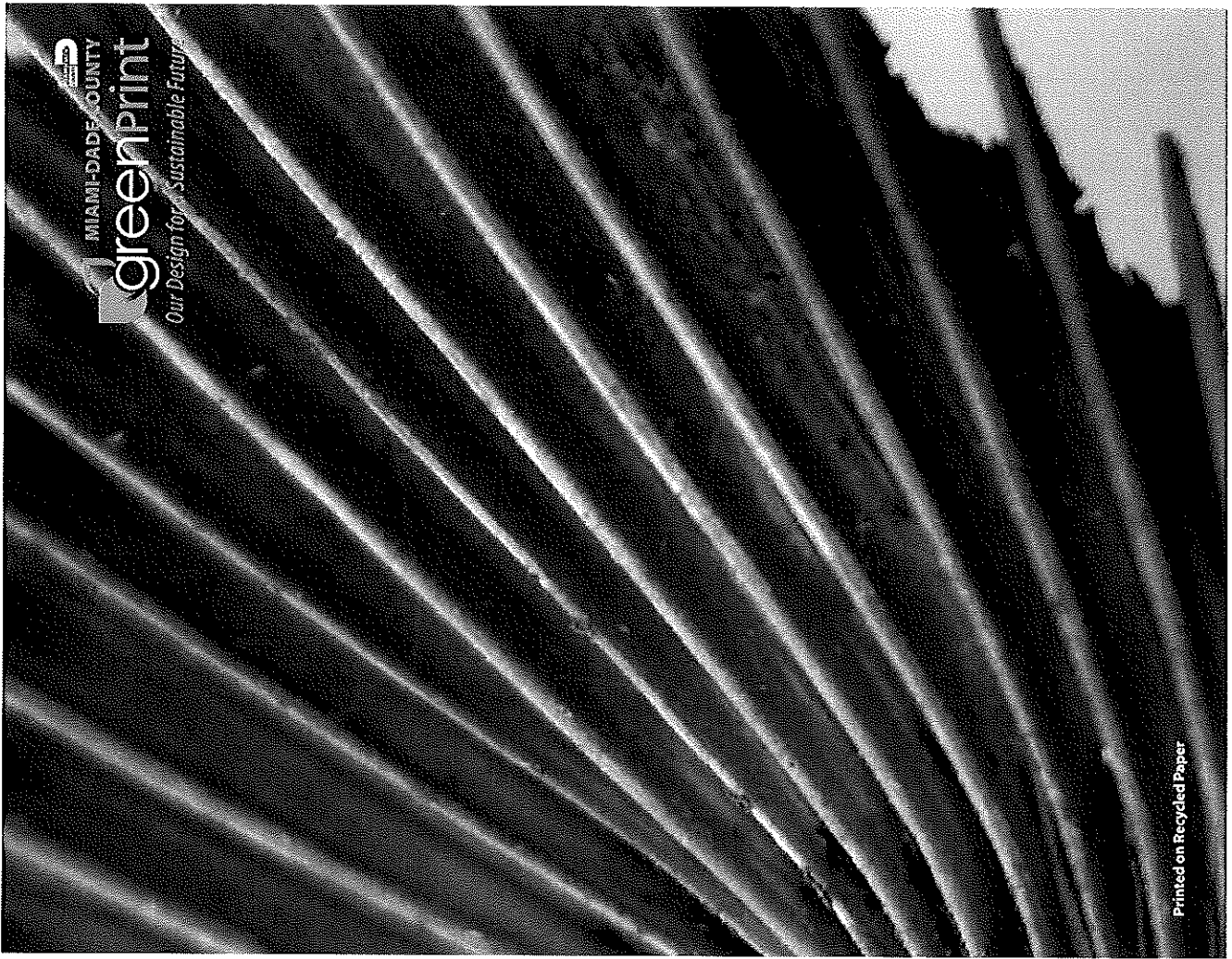


MIAMI-DADE  
COUNTY

# MIAMI-DADE COUNTY greenPrint

*Our Design for a Sustainable Future*







**MIAMI-DADE COUNTY**

Carlos Alvarez  
*Mayor*

**BOARD OF COUNTY COMMISSIONERS**

Dennis C. Moss  
*Chairman*

José "Pepe" Diaz  
*Vice-Chairman*

- Barbara J. Jordan  
*District 1*
- Jean-Monestime  
*District 2*
- Audrey M. Edmonson  
*District 3*
- Sally A. Heyman  
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*District 5*
- Rebeca Sosa  
*District 6*
- Carlos A. Giménez  
*District 7*

- Lynda Bell  
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- Dennie C. Moss  
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- Senator Javier D. Souto  
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- Joe A. Martínez  
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*District 13*

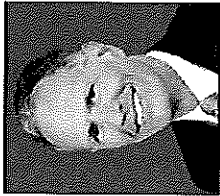
Harvey Ruvin  
*Clerk of Courts*

Pedro J. Garcia  
*Property Appraiser*

George M. Burgess  
*County Manager*

Robert A. Cuevas Jr.  
*County Attorney*

Susanne M. Torriente  
*Sustainability Director*



Dear Chairman Moss, Commissioners, and Residents of Miami-Dade County:

It is my pleasure to present to you *GreenPrint: Our Design for a Sustainable Future*. And it truly is our design. This has been a fully collaborative process among the many diverse stakeholders of our beautiful community: County staff, community groups, experts from the business community and academia, and a wide range of individual Miami-Dade residents.

*GreenPrint*, then, is not a government plan. It is a community plan with tangible action and measurable goals, a plan that calls upon and enables government, groups and individuals to unite behind this most lofty and important mission.

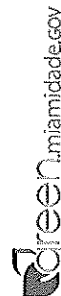
This Board has made serious commitments to prepare the County for a sustainable future. By committing to the U.S. Cool Counties Program, we have agreed to pursue the regional goal of reducing greenhouse gas emissions by 80 percent from 2008 levels by 2050 (Resolution No. R-1431-08). This Board supports the State of Florida's goal of achieving 20 percent of Florida's energy from renewable sources by 2020 (R-124-09). The Board has expressed an intent to establish a voluntary energy efficiency and renewable energy program (No. R-143-10). Those are just three of the more than 100 actions taken by this Board related to sustainability, environmental protection and climate change.

*GreenPrint* is our roadmap to achieving these ambitious goals. It strikes a balance among the environment, the economy and the Miami-Dade County's culture. It is the framework to get us there. There are 137 separate initiatives outlined in this plan, which are designed to reduce greenhouse gas emissions by 1,470,000 million metric tons and avoid 3,050,000 million metric tons over the next five years and move us toward even deeper reductions in the future.

I am proud today to ask you to join me in making Miami-Dade County a resilient and sustainable community of tomorrow.

Yours truly,

Carlos Alvarez  
Mayor



Released December 2010



Already, Miami-Dade County is a recognized leader on issues related to the environment, a model for any organization that is truly committed to one of our generation's great calls to action. We have been tackling issues like global climate change, efficient energy use, water conservation, green building, and recycling for many years. Our elected leadership has made these matters a priority, and our professional staff has made it a reality.

In that long effort, 2009 was a defining year. Last spring we were poised to receive \$12.5 million from the Energy Efficiency and Conservation Block Grant program under the American Recovery and Reinvestment Act. Mayor Alvarez identified sustainability as a top priority for Miami-Dade's economic, social and environmental development. We mobilized, strengthening the Office of Sustainability by adding grant dollars and aligning existing resources. We were able to jumpstart many of the energy-saving initiatives in this plan.

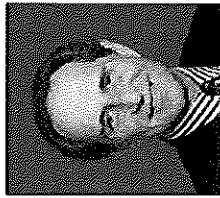
That same year, the County was selected by ICLEI - Local Governments for Sustainability as one of only three communities nationwide to pilot a sustainability planning toolkit based on New York City's PlaNYC. The planning process was central to *GreenPrint*, helping us evaluate the plan's environmental, social and economic benefits and create a complete picture of our policy decisions, programs, initiatives and services.

*GreenPrint* will further Miami-Dade's longtime environmental leadership by laying out a vision and an action plan for a greener, more sustainable future in which we turn the pressing challenges of our day into opportunities for economic growth and a better quality of life. *GreenPrint's* success hinges on the County's ability to create measurable and achievable goals informed by accurate and detailed data.

I commend the *GreenPrint* planning team for developing this plan with existing resources and within the constraints of recent difficult budgets. I look forward to seeing the results in a more resilient Miami-Dade of tomorrow.

Yours truly,

George M. Burgess  
County Manager



Dear Mayor Alvarez:

RE: *GreenPrint*: Our Design for a Sustainable Future

As you know, over the last four (4) years, I've had the honor and privilege of chairing our Climate Change Advisory Task Force (CCATF). Its outstanding membership labored long and hard, producing some 60 specific and detailed recommendations, all have been presented to and accepted by the Board of County Commissioners ([www.miamidade.gov/derm/climatechange/taskforce.asp](http://www.miamidade.gov/derm/climatechange/taskforce.asp)).

The CCATF, while building on the County's past efforts at Greenhouse Gas mitigation, focused largely on proactive steps needed to make our County and Region more resilient to projected impacts from climate change affecting our Built Environment and Natural Systems, as well as our Health, Social and Economic concerns.

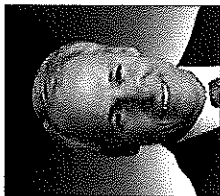
From the very beginning, it has been our hope, our dream, that the work product of these outstanding volunteers would eventually be institutionalized within an overarching policy and operational commitment to sustainability. *GreenPrint*: Our Design for a Sustainable Future does exactly that and more. We are both gratified and grateful that these commitments will now become an essential part of the "day-to-day" delivery of excellence by Miami-Dade County.

Mr. Mayor, you are to be congratulated, along with your staff, particularly Susy Torriente, Director of the Office of Sustainability (OOS) for this trailblazing collaboration.

Sincerely,

Harvey Ruvin  
Clerk of Courts  
Chair of Climate Change Advisory Task Force





Honorable Carlos Alvarez  
 Mayor, Miami-Dade County  
 Stephen P. Clark Center  
 111 N.W. 1st Street, 29th Floor  
 Miami, Florida 33128

Mayor Alvarez,

It is with great pleasure that I offer my congratulations to Miami-Dade County on the occasion of this important milestone – the publication of *GreenPrint: Our Design for a Sustainable Future*. You and your staff as well as the hundreds of other contributors must be commended on what will likely become a new standard in sustainability plans.

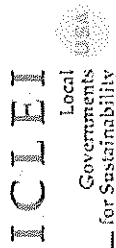
As a founding member of ICLEI-Local Governments for Sustainability and with a continued presence on our Board of Directors, Miami-Dade County is an international leader and innovator in climate protection, adaptation and sustainability. This history of commitment and success was among the leading reasons ICLEI chose Miami-Dade County as one of only three communities to test and pilot ICLEI's groundbreaking Sustainability Planning Toolkit. Thanks to Miami-Dade's input, this suite of resources is among the most complete and thorough guides for local governments interested in successfully creating and implementing a comprehensive sustainability plan.

The nation and world will continue to look to Miami-Dade County for leadership and best practices as it did during the first-ever Resilient Cities Conference in Bonn, Germany, where Miami-Dade was the only American local government present to share its exceptional efforts to protect its community from the impacts of a changing climate.

As you proceed into the next stage – implementing this plan – ICLEI will be by your side to broadcast the measures, policies and strategies you deploy and to work with you to create the next generation of best practices.

We at ICLEI look forward to continuing our strong relationship with and support of Miami-Dade County as it tackles these urgent issues. I have the utmost confidence that local governments will continue to lead the world in addressing climate change and making our communities strong, thriving places to live, work and play. I fully expect Miami-Dade to be leading that charge.

Martin J. Chavez  
 Executive Director



Acknowledgements ..... 10  
 Executive Summary ..... 12  
 Aspirational Goals ..... 15  
 Planning Process ..... 16  
 Sustainability Goal Areas ..... 22

<p> Strong Leadership, Connections &amp; Commitment ..... 22</p> <p> Water &amp; Energy Efficiency ..... 30</p> <p> Our Environment ..... 40</p> <p> Responsible Land Use &amp; Smart Transportation ..... 46</p> <p> Vibrant Economy ..... 58</p> <p> Healthy Communities ..... 64</p> <p> Climate Change Action Plan ..... 73</p>	<ul style="list-style-type: none"> <li>• Create the next generation of green leaders..... 22</li> <li>• Use less water and energy ..... 30</li> <li>• Maintain exceptional quality of air, drinking water, and coastal waters used for recreation</li> <li>• Protect and enhance Biscayne Bay, the Everglades, and vital ecosystems</li> <li>• Reinvent our solid waste system..... 40</li> <li>• Use our land wisely, creating and connecting strong sustainable neighborhoods</li> <li>• Provide more transportation options, reducing the time we spend in our cars..... 46</li> <li>• Build on our international reputation to become a green enterprise destination..... 58</li> <li>• Raise awareness that sustainable living is healthy</li> <li>• Plant more Florida-friendly and native trees and landscapes..... 64</li> <li>• Understand and respond to current and future climate change impacts</li> <li>• Reduce greenhouse gas emissions..... 73</li> </ul> <p>Part 1. What is climate change, and what does it mean to Miami-Dade County? ..... 75          Part 2. Climate Change Adaptation Plan ..... 76          Part 3. Climate Change Mitigation Plan ..... 81</p>
---	--

Looking Forward: *GreenPrint 2015* ..... 112  
 Implementation Table ..... 114  
 Sustainability Scorecard ..... 172  
 Appendices ..... 178

I would like to thank the participants in the GreenPrint planning process for their time, dedication and professionalism. The core planning team worked tirelessly to ensure that GreenPrint captures the key sustainability priorities of our government, community and economic partners, as well as concerned residents. During the process, I was struck by the passion and thoughtfulness of all participants to preserve and improve Miami-Dade County for generations to come. It is their unique and collective commitment to GreenPrint's development and implementation that will lead all of us to accomplish our comprehensive and inclusive sustainability goals.

Susanne M. Torriente, Sustainability Director

Mayor's Sustainability Advisory Board

- Honorable Katy Sorenson, Former County Commissioner, Advisory Board Chairperson
Honorable Shirley Gibson, Mayor, City of Miami Gardens
Colleen Ahern-Hettich, Director, Earth Institute, Miami Dade College
Veronica Benzinger, Sr. Vice President, Aon Environmental Services Group
Truly Burton, Director of Government Affairs, Builders Association of South Florida
Ray Castellanos, Owner, Authentic Construction
Tracey E. Gallentine, Senior Account Executive, Ameresco
Barry Johnson, President and CEO, Greater Miami Chamber of Commerce
Jim Murley, Director, Catanese Center for Urban & Environmental Solutions at Florida Atlantic University Chair, Florida Climate & Energy Commission, Climate Change Advisory Task Force Vice-Chair
Bill Riley, Business Manager, International Brotherhood of Electrical Workers Local 349
Traci Romine, Director of Climate Change Policy and Communications, Audubon of Florida
Dr. Mark B. Rosenberg, President, Florida International University
Paul C. Savage, Law Offices of Paul C. Savage, P.A.
John Scott, Director of Client Solutions, Cushman and Wake
Dr. Jose Szapocznik, Chair, Department of Epidemiology and Public Health, University of Miami
William D. Talbert, III, President and CEO, Greater Miami Convention and Visitors Bureau

GreenPrint Core Planning Team

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Angela Sager, Energy Management Specialist, Office of Sustainability
Susannah Troner, Sustainability Program Manager, Office of Sustainability/DERM

GreenPrint Interdepartmental Team

All County departments played a vital role in developing this plan and will be essential for implementation.

ICLEI Local Governments for Sustainability

- Cyrus Bredwar, Southeast Regional Director
Climate Change Advisory Task Force
Honorable Harvey Ruvlin, Chair and Members

In addition to the institutions referenced above, additional research and implementation partners include:

- Americans with Disabilities Act (ADA) Office
Audubon Society
Beacon Council
Builders Association of South Florida (BASF)
Building Owners and Management Association (BOMA)
Chicago Climate Exchange (CCX)
Citizens Independent Transportation Trust (CITT)
Civic organizations
Clean Cities Coalition
Climate Leadership Initiative, Steve Adams
Community bicycling enthusiasts
Community Image Advisory Board (CIAB)
Dade Community Foundation Miami Follows Initiative
Dade County Farm Bureau
Dream in Green
Environmental Education Providers
Earth Learning
Environmental Protection Agency (EPA)
Fairchild Tropical Gardens
Federal Transportation Authority (FTA)
Financial Institutions
Florida Department of Environmental Protection (FDEP)
Florida Department of Transportation (FDOT)
Florida Fish and Wildlife Conservation Commission (FWC)
Florida Highway Administration (FHWA)
Florida Power and Light (FPL)
Greater Miami Chamber of Commerce
Greater Miami Visitors and Convention Bureau
Human Services Coalition

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Water and Sewer Department Contract Team, Florida International University, Civil and Environmental Engineering Department

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Written July 2010-October 2010; Released December 2010

"In Miami-Dade, global warming and climate change, these are local issues to us – as local as public safety, affordable housing and public transit. We are among the world's most forward-thinking on matters related to our environment, land-use planning, natural resources, and energy consumption."

*Mayor Alvarez speech at Mayors' Green Initiatives for Economic Growth Workshop and Trade Fair, Miami Beach Convention Center, August 28, 2010*

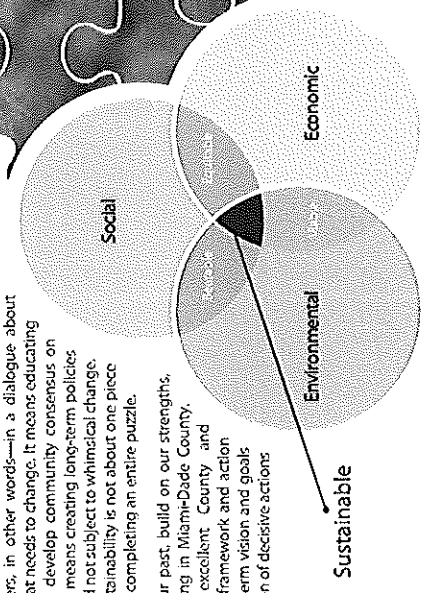
**What does sustainability mean to Miami-Dade County?**

Miami-Dade County is a beautiful and resilient community, but it's no secret that the past few years have been challenging. Unemployment has grown, Government, school, and private-sector budgets have shrunk. The real estate and construction industries have suffered. Life has been a struggle for many of our residents. What is sustainability, and why do we need to plan for it now? We need it now more than ever. If you care about the people here, if you care about your finances, if you care about our beautiful surroundings, then you care about sustainability. *GreenPrint* is your plan, and it is our plan. Join us in designing our sustainable future.

Sustainability, or being "green", is a relatively new term. In *GreenPrint*, sustainability is offered in a comprehensive, balanced, and progressive spirit. A sustainable community has a vibrant economy and clean, pedestrian-friendly, and tree-lined healthy communities. It provides for responsible land use and smart transportation, with easy movement via a variety of transportation options for the benefit of current and future residents and visitors. Sustainability ensures that our environment is clean and carefully managed for adequate water supplies, ecosystem health, and sustainable solid waste management. These sustainability elements directly help us reduce our vulnerability to climate change. Our geography and population are expansive and diverse. Strong leadership, connections, and commitment are essential to focus our actions as one community.

The most important principle of sustainability is that it starts with community commitment. That means developing a common language and involving residents, developers, businesses, environmentalists—all stakeholders; in other words—in a dialogue about why change must happen and what needs to change. It means educating stakeholders and asking them to develop community consensus on what needs to change and how. It means creating long-term policies that are consistent and reliable and not subject to whimsical change. And it means recognizing that sustainability is not about one piece of community building, but about completing an entire puzzle.

It is critical that we learn from our past, build on our strengths, and wisely define sustainable living in Miami-Dade County. *GreenPrint*, along with other excellent County and municipal plans, will provide the framework and action plan to do this, focusing on long-term vision and goals and a manageable five-year horizon of decisive actions to move toward those goals.



**Our history of progress and resilience**

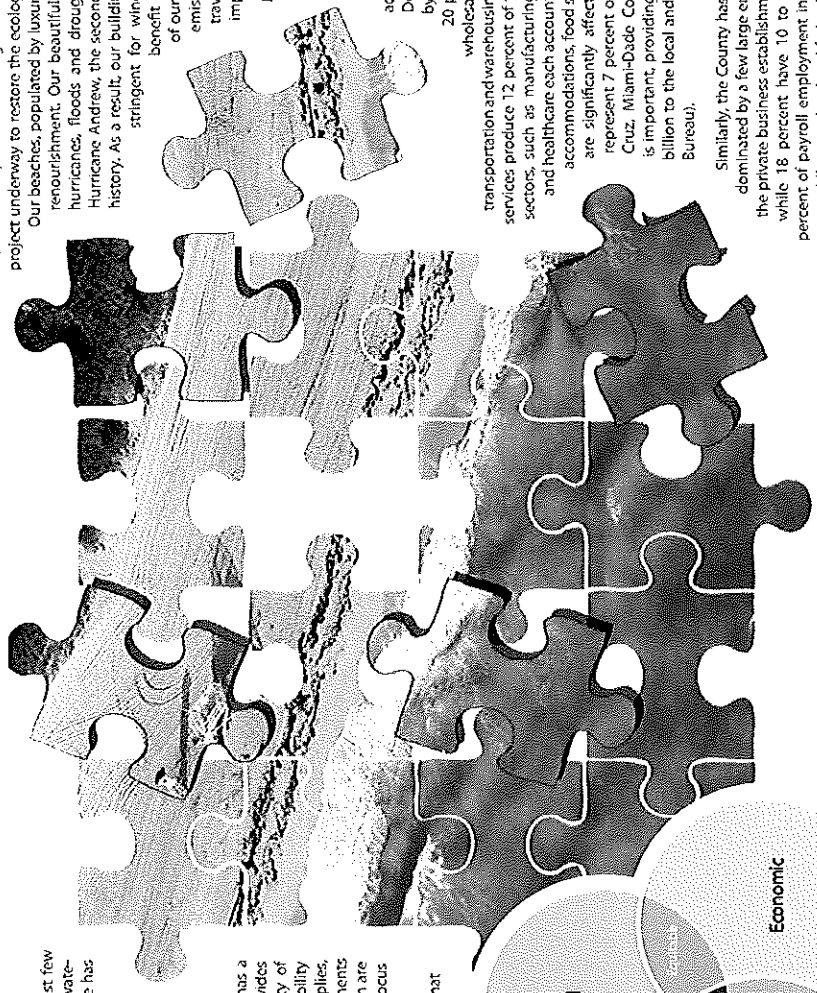
A century ago the first Miami-Dade railroads, drained the Everglades, and established a tropical tourism destination. What we are now is a metropolis of 2.5 million people, and growth is projected at 30,000 per year. We have benefited from our unique global position and extraordinary environment. Known as the "Gateway to the Americas", Miami-Dade County hosts one of the busiest international seaports and airports in the United States.

We are home to two renowned national parks, Everglades and Biscayne Bay, as well as miles of beaches and hundreds of thousands of acres of wetlands and environmentally sensitive lands. We minimize damage from development to our environment through regulatory, restoration and acquisition programs. Our hydrology is unique. A man-made drainage system is critical for stormwater management and is linked to a porous aquifer that supplies excellent quality drinking water. The Comprehensive Everglades Restoration Plan is a major federal project underway to restore the ecological function of the "River of Grass."

Our beaches, populated by luxury hotels and homes, require vigilant renourishment. Our beautiful weather is also intense with heat, hurricanes, floods and droughts. We survived and rebuilt after Hurricane Andrew, the second most destructive hurricane in U.S. history. As a result, our building codes are now the nation's most stringent for wind-resistant construction. While we benefit from excellent air quality courtesy of our location and wind patterns, carbon emissions from our homes and vehicles travel to neighboring counties and impact those with sensitive health.

Miami-Dade County has a fairly well diversified economy. The economy is not overly dependent upon a few industries. Its largest industry groups are finance, insurance and real estate which together account for 25 percent of the Gross Domestic Product (GDP), followed by commerce, which accounts for 20 percent of GDP and is comprised of wholesale trade, retail trade, and transportation and warehousing services. Professional and business services produce 12 percent of the County's GDP. Goods-producing sectors, such as manufacturing and construction, and education and healthcare each account for 8 percent of the economy. Hotel accommodations, food service and leisure businesses, which are significantly affected by overnight visitors, together represent 7 percent of the County's economy (Dr. Robert Cruz, Miami-Dade County Chief Economist). Agriculture is important, providing an economic impact of over \$2.57 billion to the local and state economy (Dade County Farm Bureau).

Similarly, the County has a diverse employer base that is not dominated by a few large employers. Eighty-one (81) percent of the private business establishments have fewer than 10 employees, while 18 percent have 10 to 249 employees. Approximately 84 percent of payroll employment in the County is found in the private sector, while state, local and federal agencies employ approximately 16 percent of the workforce.



Sustainability means staying in business forever, whatever your business is. If you run a ski resort, that means you have to address climate change while also cultivating your business in many ways. If you're in the business of parenting, to keep that practice viable forever means ensuring clean water, a healthy environment for your children to grow up in, financial security, stable climate and lots more. <sup>7</sup>

Auden Schendler, Getting Green Done



### Why should we be concerned about climate change?

Miami-Dade County is progressive and resilient, but is also one of America's communities most vulnerable to climate change. We are a coastal community at sea level, located at the tip of the Florida peninsula with many low-lying areas. We have a large, dense population. Key economic drivers, tourism and agriculture, are weather dependent. Our population growth could be exacerbated at any time by a segment of mass migration. According to a recent study by the National Academy of Sciences, "As many as 7 million Mexicans could migrate to the U.S. by 2080 as climate change reduces agricultural production in Mexico" (Gorman). Could Miami-Dade County be host to climate refugees, given our international positioning and immigration history?

Now is the time to focus as a community on how to turn science into action. The Climate Change Action Plan contained within GreenPrint charts the steps necessary to do this.

### A "new normal"

The recent downturn in the economy has the hidden benefit of creating a positive impact in individual household sustainability. Residents and businesses are focused on cutting costs. We are producing less solid waste, lower fuel emissions, and less water use. A tougher economy has also forced behavioral changes: less spending, more saving and a shift from consumerism to a more frugal or minimalist lifestyle. The challenge and opportunity is to take advantage of an otherwise negative situation and allow it to become the new normal. How do we as a society and as a government avoid the temptation to grow, build and pollute again when our fortunes improve? How do we manage growth, consume only what we need, recycle more and conserve water and energy?

These are the questions GreenPrint seeks to address and our community is called to answer.

<p>STAY GREEN Sustainable Communities &amp; Communities</p>	<ul style="list-style-type: none"> <li>• <b>Create the next generation of green leaders</b> Work with the more than 100 GreenPrint partners to integrate sustainability into local, regional and national strategic decision-making, policies, and operations.</li> </ul>
<p>Waste &amp; Energy Efficiency</p>	<ul style="list-style-type: none"> <li>• <b>Use less water and energy</b> Reduce per capita non-renewable energy use to 20 percent below 2007 baseline by 2015. Reduce water consumption by 1.5 million gallons a day. Reduce government electricity use by 20 percent from 2007 to 2014. In accordance with State of County Commissioners' legislation.</li> </ul>
<p>Soil Enhancement</p>	<ul style="list-style-type: none"> <li>• <b>Maintain exceptional quality of air, drinking water, and coastal waters used for recreation</b> Continue to achieve the best air quality rating at least 90 percent of the year and exceed drinking water quality standards. Prevent degradation of our outstanding Florida waters.</li> <li>• <b>Protect and enhance Biscayne Bay, the Everglades, and vital ecosystems</b> Restore and enhance more than 500 acres of coastal habitat and wetlands, and preserve more than 24,000 acres of environmentally endangered lands.</li> <li>• <b>Reinvent our solid waste system</b> Reduce or divert 75 percent of our solid waste from landfills by 2020 through reusing, recycling, and generating electricity.</li> </ul>
<p>Responsible and Green Transportation</p>	<ul style="list-style-type: none"> <li>• <b>Use our land wisely, creating and connecting strong sustainable neighborhoods</b> Develop 15 urban center area plans and six multi-modal corridor master plans. Create four transit-oriented developments (TODs) on I-95 rail and bus corridors. Develop level of service metrics to identify resident accessibility to parks and open space areas. Improve access through an interconnected network of shared and self-bikeways and trails connected to neighborhoods, schools, employment centers, civic buildings, and other community destinations.</li> <li>• <b>Provide more transportation options, reducing the time we spend in our cars</b> Add 10 million boardings to our public transportation system through increased services, and enhanced convenience, comfort, and timely service. Increase the percentage of total trips taken by walking or bicycling from 10 percent to 15 percent of all travel trips. Increase resident satisfaction with the availability of sidewalks for pedestrians to 65 percent or more, and add 40 miles of bicycle trails and lanes.</li> </ul>
<p>Vibrant Economy</p>	<ul style="list-style-type: none"> <li>• <b>Create green jobs</b> Cultivate an innovative and sustainable economic infrastructure that creates 20,000 green jobs by 2020 while building on our economic strengths and adding to our competitiveness in the global economy.</li> <li>• <b>Build on our international reputation to become a green enterprise destination</b> Increase the percentage of green habits, occupations, and sustainability related businesses.</li> </ul>
<p>Healthy Communities</p>	<ul style="list-style-type: none"> <li>• <b>Raise awareness that sustainable living is healthy</b> Decrease our community's lifestyle disease rates, such as diabetes and heart disease through healthy eating and exercise. Provide access to fresh, local and/or organic food in all neighborhoods through grocery stores, farmers markets and community gardens supported by local agriculture. Increase the number of short walking and biking trips through safety and other programs. Reduce barriers for disabled and elderly residents.</li> <li>• <b>Plant more Florida-friendly and native trees and landscapes</b> Plant half a million trees by 2015 to achieve a 30 percent tree canopy by 2020 and encourage native, drought-tolerant landscaping to cool our communities, capture greenhouse gas emissions, beautify our neighborhoods, and provide wildlife habitat.</li> </ul>
<p>Climate Change Action Plan</p>	<ul style="list-style-type: none"> <li>• <b>Understand and respond to current and future climate change impacts</b> Integrate local climate change indicators with existing emergency management, storm water planning, and infrastructure planning.</li> <li>• <b>Reduce greenhouse gas emissions</b> Reduce GHG emissions by 10 percent by 2015, working towards 40 percent reduction by 2050 to advance the Cool Guardians Program commitment.</li> </ul>

More importantly, focusing on sustainability is about confronting one of our generation's great moral imperatives. Facing that challenge will carry us for much, much longer. I congratulate every one of you for being a part of this historic evolution in the way public business is done, and I call upon every one of you to be relentless in pursuing the next steps. Together, we will continue to achieve the extraordinary."

County Manager George M. Burgess, message to County employees, 2010

The Mayor's Sustainability Advisory Board

Mayor Carlos Alvarez created the Sustainability Advisory Board to provide expertise and guidance from a practical and local perspective. Throughout the process, the Advisory Board has provided a reality check on the sustainability challenges facing the community and has offered strategic direction and advice for GreenPrint's development. Katy Sorenson, Former Chairperson of the Board of County Commissioners' Budget, Planning and Sustainability Committee, chaired the Advisory Board. It included representatives of academia, cities, construction, commerce, energy, the environment, health, property insurance, municipal government, sustainable development, property management, the State Climate and Energy Commission, tourism and organized labor.

Why and how was GreenPrint developed?

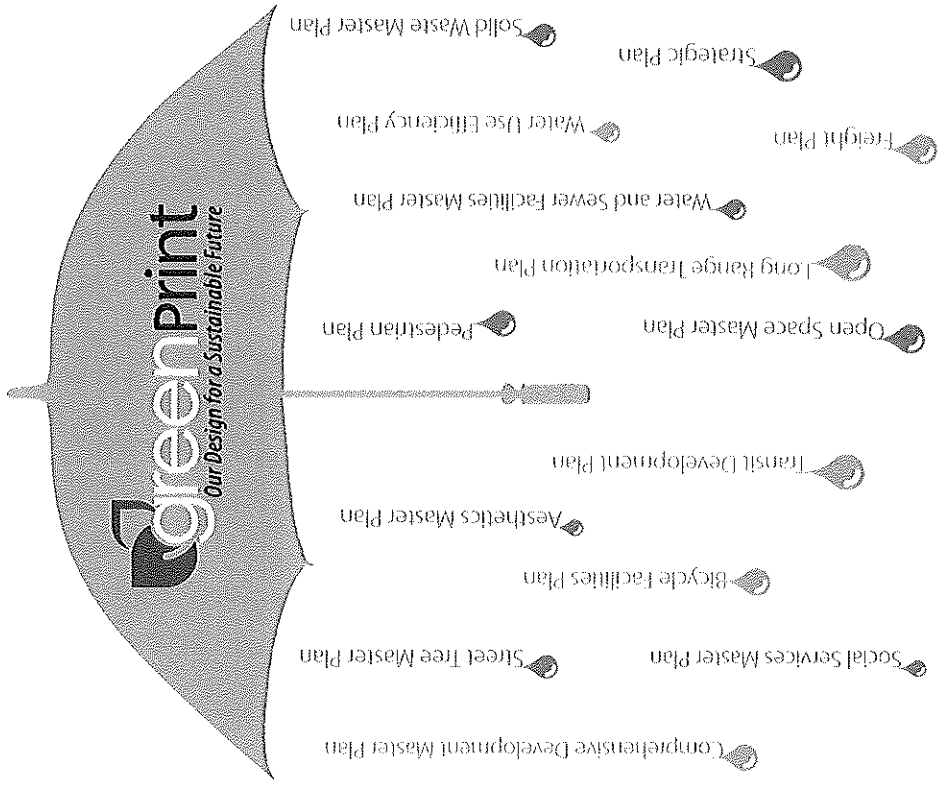
In March 2009, Miami-Dade County was selected as one of three communities nationwide to participate in a sustainability planning toolkit pilot program throughICLEI-Local Governments for Sustainability (ICLEI). Miami-Dade's plan will be used as a model by local communities worldwide. It is quite an honor to have been chosen as a pilot community, but with it comes great responsibility.

For years the Miami-Dade Board of County Commissioners (Board) and County departments have been implementing policies and initiatives to address climate change and other important sustainability issues. Many municipalities in Miami-Dade County have made sustainability a priority as well, and have existing plans or are developing plans.

Through this planning process we have learned from our partners, who have strong initiatives to build upon. Now is the time to elevate and intensify our efforts, better coordinate our plans and resources and raise awareness in our community for a sustainable future. GreenPrint will be the framework to integrate environmental, social and economic benefits in the policy decisions we make, programs and initiatives we implement and services Miami-Dade County delivers.

GreenPrint is a community plan... developed and implemented by all

GreenPrint is not a Miami-Dade County government plan. It is a community plan for all residents, organizations and businesses. As an institution, Miami-Dade County produces three percent of the community's total carbon emissions. Residential and commercial uses account for most of the energy consumption; clearly we must become more efficient together. According to Florida Power and Light's (FPL) Ten Year Power Site Plan, 2009-2018, our collectively increasing energy use is driving FPL's plans to increase energy supply. This will result in greater electricity costs and higher demand for scarce resources such as water. Our homes, hospital systems, universities, colleges, and public school systems can all have a significant sustainability impact. We all have a role. The GreenPrint planning team recognized this from the beginning, and partners have been crucial in plan development every step of the way.



Interdepartmental Sustainability Partners

Sustainability is important to County leadership and employees. The Interdepartmental Sustainability Partners were identified early in the process as a network of department directors and key staff to develop GreenPrint. Our County departments understand the complexities and details of delivering services such as water and wastewater, solid waste collection and disposal, mass transit such as rail and bus, recreation and culture, parks and libraries. In addition to this team, experts throughout County government have given much time and energy to help develop GreenPrint through analyzing initiatives and they will also be implementation partners.

Department directors and staff have been weaving sustainability initiatives into their operations for years and seek to continually learn and improve how they do business. County directors are skilled professionals in their fields; their input and ability to grasp and integrate GreenPrint into their operations has been invaluable.

Climate Change Advisory Task Force

In July 2006, the Board of County Commissioners established the Miami-Dade County Climate Change Advisory Task Force (CCATF), through the adoption of Ordinance 06-113, sponsored by Commissioner Natacha Soifas. This unanimous action by the Board further cemented Miami-Dade County's commitment to continuing its greenhouse gas reduction efforts and established the County as a leader in climate change adaptation planning.

The CCATF is chaired by Harvey Ruvin, Miami-Dade's Clerk of Courts, and serves as an advisory board to the Board of County Commissioners. It is charged with identifying potential future climate change impacts to Miami-Dade County while providing recommendations regarding mitigation and adaptation measures to respond to climate change. The GreenPrint planning team attended CCATF meetings throughout the planning process with the goal of incorporating its recommendations into GreenPrint. Many of the recommendations and their concepts are reflected in the GreenPrint strategies and initiatives.

**More Planning Team**

When the County was selected as anICLEI pilot program, the County Executive Office selected key staff from the Office of Sustainability, the Department of Environmental Resources Management, the Planning and Zoning Department, and the Office of Strategic Business Management to develop *GreenPrint*. In addition to their existing professional responsibilities, this small dedicated group spearheaded the sustainability research, the assessment, plan development, outreach, initiative analysis, and plan writing.

**Cities**

Early in the process the *GreenPrint* planning team established a collaborative network with municipalities. Municipalities are in different stages of actual planning and implementation. We have linked existing sustainability plans to the *GreenPrint* website in order to share best practices. Most cities are interested in the subject, and we have agreed to continue meeting in the coming year to work on common initiatives.

**Stakeholders, Partners, and Collaborators**

During the planning process, the *GreenPrint* core planning team reached out to experts within the community such as Miami-Dade County Public Schools and the South Florida Water Management District. They have consistently embraced *GreenPrint*'s development and have impressed the planning team with their own sustainability leadership, further reflecting the notion of *GreenPrint* as a community plan. They will be integral implementation partners.

**Southeast Florida Regional Climate Change Compact**

Southeast Florida is addressing climate issues beyond the borders of individual jurisdictions. The 5.6 million residents of our four counties exceed the population of 30 states and represent 30 percent of Florida's population. Commissioners representing each county announced the regional compact in October 2009 at the Southeast Florida Regional Climate Leadership Summit. The compact commitments include federal and state policy coordination on climate related issues, development of a Southeast Florida Regional Climate Change Action Plan, and annual participation in regional summits to mark progress. The second annual summit was held in Miami-Dade County in October 2010. The development of a Regional Climate Action Plan builds on the individual work of each County to address climate change. As of January 2010, each County commission adopted the compact with unanimous votes. Since adoption, each County has assigned staff resources to support implementation of the compact under the direction of a Compact Steering Committee.

The South Florida Water Management District is an invited partner to the compact process and is represented on the Compact Steering Committee. The University of Oregon's Climate Leadership Initiative is providing technical assistance to the regional climate action planning process as part of its national climate preparedness program. By working collectively at the regional level, the counties seek to enhance their individual efforts to mitigate emissions associated with the built environment, regional transportation and land use. The counties seek also to actively incorporate adaptation considerations into the regional action plan.



The regional action plan will be developed in two phases, starting with completion of a regional greenhouse gas emissions inventory (with a particular focus on emissions from inter-county travel and commerce) and the development of regional climate impacts planning scenarios incorporating sea-level rise and other anticipated impacts. This first phase is scheduled to be completed by October 2010. The second phase of the process will feature the development of climate mitigation and adaptation measures for each of the three sectors included in the compact: land use, regional transport, and the built environment. Measure development will be assigned to work groups composed of experts from each County, regional entities, state agencies and federal agency staff working in the region.

The technical work products of the Compact are integrated with *GreenPrint*'s implementation plan and will greatly contribute to achieving climate change adaptation goals.

**Milestones**

The planning process has been supported by theICLEI Southeast Regional Office. The process itself is comprised ofICLEI's five key milestones. The milestones are designed to evaluate and integrate the environmental, social and economic benefits of our policy decisions, programs, initiatives and services.

**Milestone One: Conduct a sustainability assessment**

To begin the planning process, we researched and assessed 13 areas linked to sustainability to help define environmental, economic and social equity baselines and challenges, and existing programs to address these issues. The assessment was conducted in the fall of 2009. The planning process and the assessment report are located at <http://green.miamidade.gov>.

**Milestone Two: Set sustainability goals**

The sustainability goals define the overarching objectives and scope of the sustainability plan. The purpose of the goals is to address the challenges identified in Milestone One. For *GreenPrint*, there are seven main goal areas and 13 aspirational yet achievable goals.

**Milestone Three: Develop a sustainability plan**

Through the planning process, more than 360 initiatives were collected and analyzed for potential inclusion in *GreenPrint*. The planning team and partners used a systematic and rigorous analysis to understand the ownership, costs, benefits, impacts, emissions, and key implementation steps associated with each initiative. Today, *GreenPrint* has 137 initiatives. The plan details the action steps to achieve our goals, as well as main indicators to evaluate our progress.

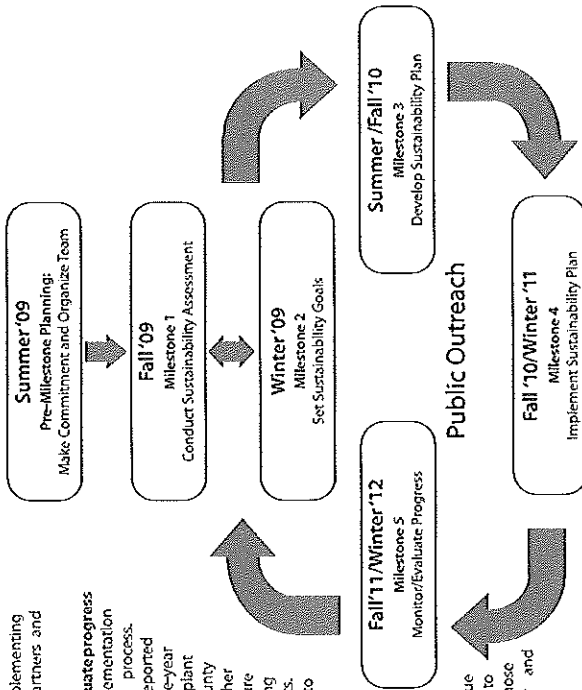
**Milestone Four: Implement the sustainability plan**

We are responsible for implementing *GreenPrint* along with our partners and stakeholders.

**Milestone Five: Monitor and evaluate progress**

Monitoring and verifying implementation progress is an ongoing process. *GreenPrint* progress will be reported on annually. *GreenPrint* is a five-year action plan. It does not supplant other Miami-Dade County planning documents, but rather it is a green umbrella to capture and build upon their existing sustainability components. *GreenPrint* tackles barriers to achieve the sustainability goals of existing plans and addresses issues within the County such as climate change and energy use. It also highlights our many existing programs that continue to significantly contribute to our sustainability, such as those surrounding drinking water and natural resource quality.

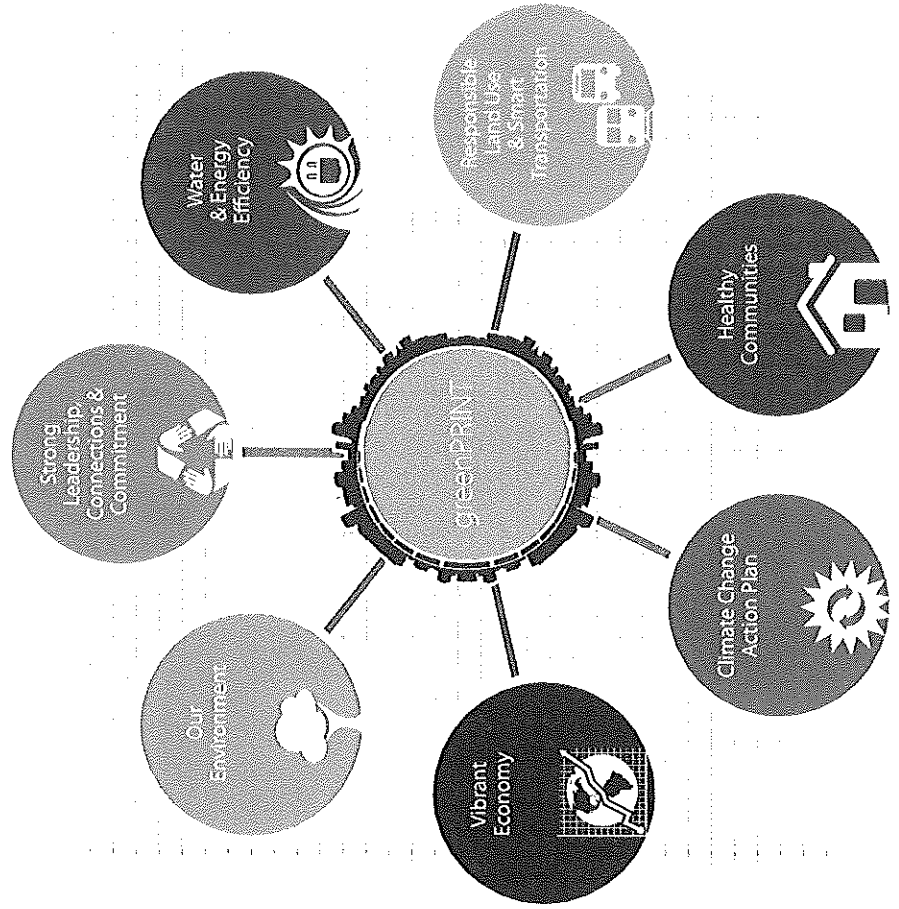
**Milestones**

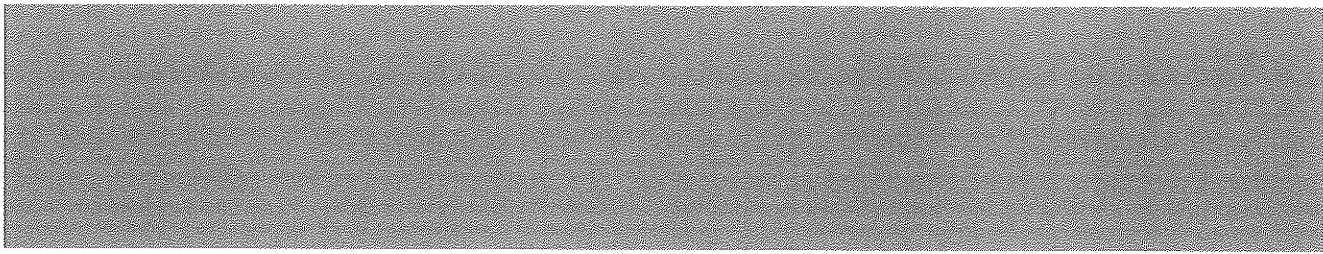


GreenPrint also makes a special effort to include concrete strategies and actions to help achieve the sustainable development vision laid out by a 30-year Comprehensive Development Master Plan (CDMP) in light of climate change considerations. The CDMP provides for sustainable development, adjusting developable land capacity to meet projected needs, preservation of wetlands and agricultural areas and protection of drinkable water wetlands. It expresses the County's general objectives and policies, addressing where and how development or conservation of land and natural resources will occur during the next 10 to 20 years, as well as the delivery of County services to accomplish the Plan's objectives.

During the development process, 14 plans were reviewed and their relation to sustainability considered. When appropriate, sustainability components were integrated into GreenPrint as goals or within the goal area text. These components are included as initiatives if deemed critical to achieving a GreenPrint strategy. A brief summary of each plan's purpose is included for reference within Appendix D: Existing Planning Documents.

Inherent to its mission as an overarching community plan, GreenPrint has been created to build on existing knowledge, enhance existing initiatives and engage existing stakeholders. Its success is not dependent on creating an entirely new framework or forcing partners into compliance; to the contrary, the goals of GreenPrint will live in its ability to unify and standardize this community's growing commitment to a sustainable future.





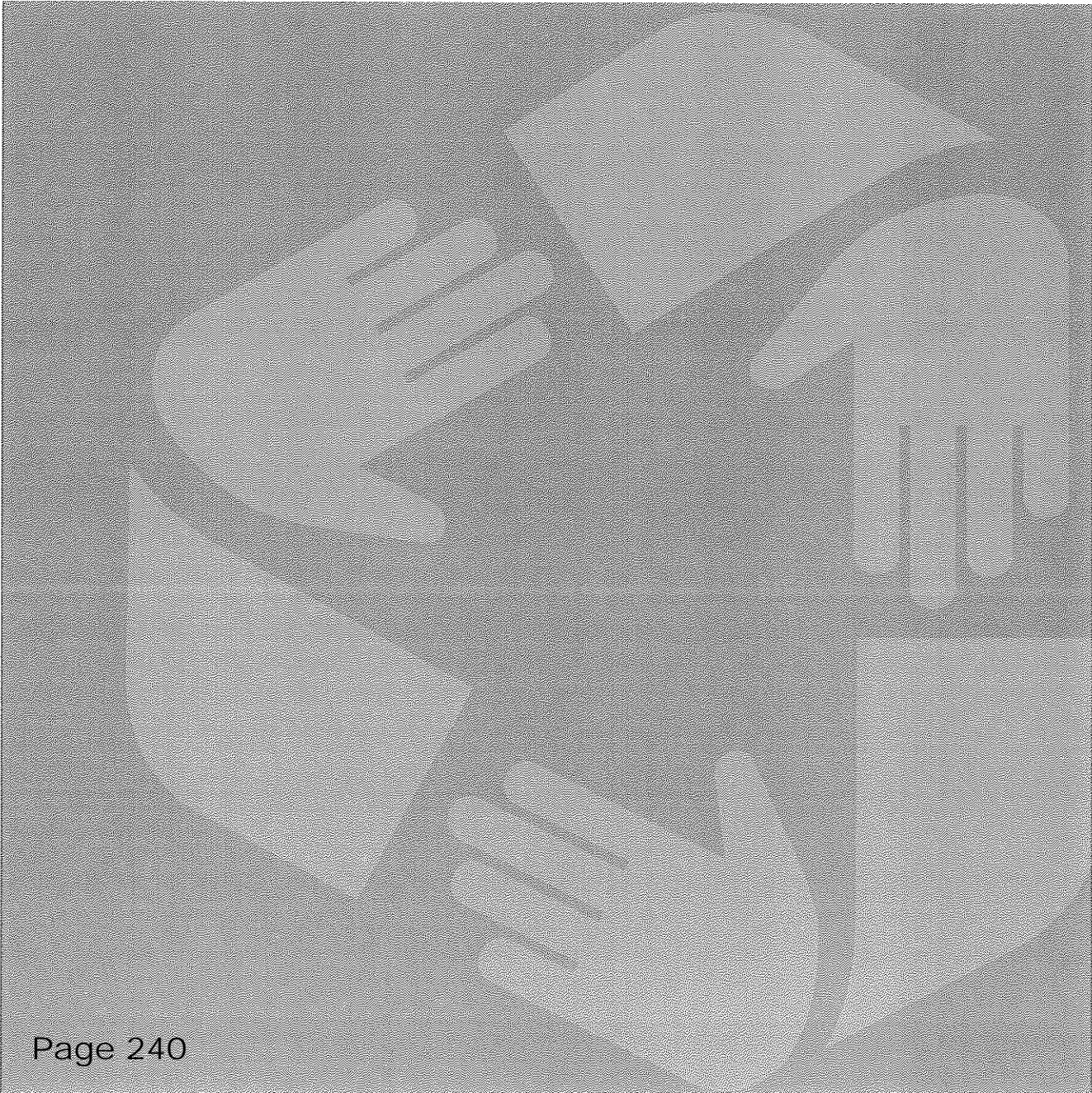
### Strong Leadership, Connections & Commitment

Miami-Dade County has a strong record of environmental leadership and stewardship that dates back to the early 1990s. That rich history and local commitment in a community with obvious vulnerabilities to climate change has given Miami-Dade a voice on a national and international level. Miami-Dade County is shaping policy at the global table. We must continue to work at all these levels, from the international discussion to the individual and personal commitments.

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#### Goals

- Create the next generation of green leaders







"We have a blueprint for staying green and sustainable... called 'GreenPrint.' It's getting noticed. We are at the forefront of green initiatives, but we need to make sure our efforts stretch beyond the confines of County government by forming partnerships with businesses, industries and residents. Commissioners, I need your help in shaping these proposals and turning them into policy."

- Mayor Carlos Alvarez, State of the County, February 24, 2010

## Strengths & Accomplishments... Opportunities & Actions

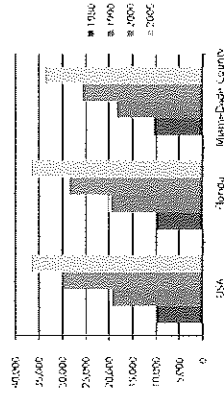
This goal area is unique to Miami-Dade County in comparison to other local government sustainability plans. It is here to reinforce the notion that this is not just a government plan, and it is not a plan for the bookshelf. This is an action-oriented, community-based, quality-of-life plan for a sustainable design for our future. It requires leadership to make tough decisions and change the status quo; connections to partners, because we are not alone in this and we do not have all the resources in the world; and commitment to persevere from generation to generation.

In order to create the next generation of green leaders, there must be willingness and a commitment to create interest, imagination, and innovation for investments in sustainability; craft a common language to communicate the importance of investments in sustainability to all segments of our rich and diverse community; become a role model for green government best practices; encourage and foster civic engagement and personal commitment; and incorporate sustainability into all levels of decision making by community leaders in all sectors.

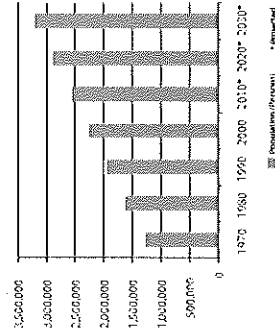
This is important because today we already face significant challenges. Miami-Dade County has a per-capita income falling further below the national average. Our unemployment rate continues to rise. We trail the state and the nation in the share of our residents with high-school diplomas. The Miami-Dade County Planning and Zoning Department continues to forecast population growth by 30,000 people per year. And while 49 percent of the population in the County is registered to vote and this number continues to steadily rise, the quality of life of our community as a whole could greatly improve with more participation in the public decision making process.

Rene Dubos was a French-American Pulitzer Prize winner credited with coining the phrase, "think globally, act locally" (Schendler n. pag.). In Southeast Florida we have inserted "work regionally" into that equation. Southeast Florida is already addressing climate issues beyond the borders of individual jurisdictions. The 5.6 million residents of our four counties exceed the population of 30 states and represent 30 percent of Florida's population. Commissioners representing each County announced a regional compact in October 2009 at the Southeast Florida Regional Climate Leadership Summit. The compact commitments include federal and state policy coordination on climate related issues, development of a Southeast Florida Regional Climate Change Action Plan, and annual participation in regional summits to mark progress. The development of a Regional Climate Action Plan builds on the individual work of each County to address climate change. This is leadership, connections and commitment in action.

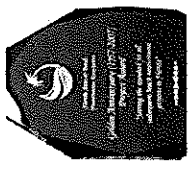
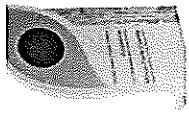
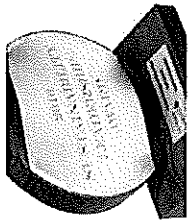
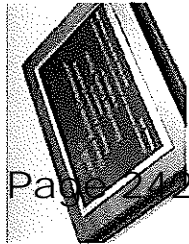
Miami-Dade County  
Per Capita Personal Income (\$) 1960 - 2006



Population Growth



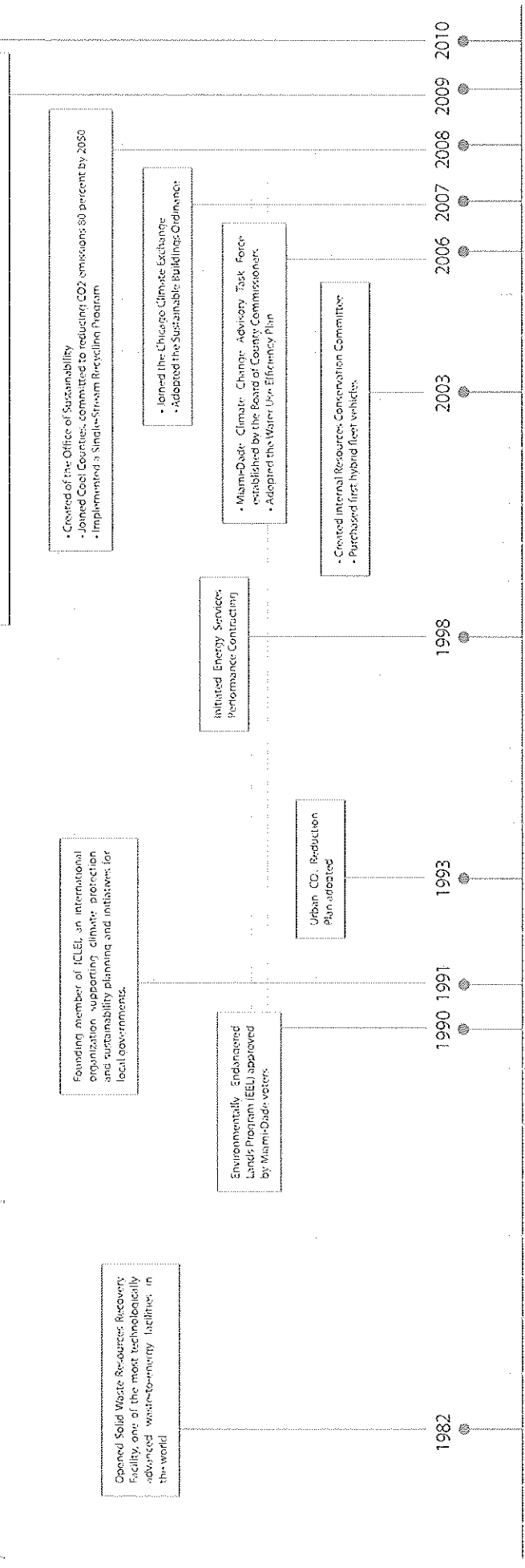
To make progress towards our strategies, initiatives must be critical, supported by our partners, and successful. Many of the following initiatives have their foundation in building upon existing relationships and developing new ones. A recent study of chief executives worldwide reinforced this notion: "Across the board, the CEOs we spoke to confirmed that partnerships and collaboration are now a critical element of their approach to sustainability issues." (UN Global Compact-Accenture CEO 2010).



- First hybrid Microbuses placed into passenger service
- First fuel-efficient hybrid waste collection vehicle placed into service
- Became a National Oceanic and Atmospheric Administration (NOAA) case study and pilot program and hosted the "Roundup for Adapting to Coastal Risks" workshop led by the Coastal Services Center in South Carolina
- Hosted the White House Council on Environmental Quality and the Interagency Climate Change Task Force Learning Session (one of six sessions nationwide)
- Received the "Most Outstanding Green Government" award by the U.S. Green Building Coalition South Florida Chapter
- Received the "Leadership Award for Process Innovation" byICLEI Local Governments for Sustainability for the Southeast Florida Regional Climate Compact



# Sustainability Timeline



**Strategies**

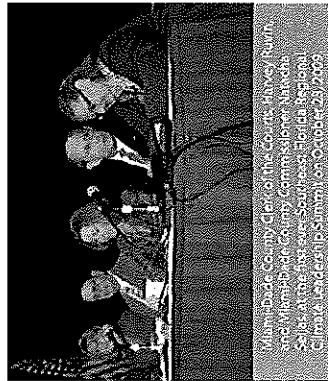
Strengthen regional and local community partnerships to integrate sustainability into all leadership systems. Be green government role models. Create ongoing outreach, education, and dialogue with the community about the implications of climate change and the benefits of sustainability.

**Leadership, Connections and Commitment Initiatives:**

- 1. **Strengthen regional and local community partnerships**
  - Implement the Southeast Florida Regional Climate Change Compact
  - Codify the sustainability planning process and create a formal leadership structure for GreenPrint implementation
  - Encourage all municipalities to adopt GreenPrint
  - Pursue more public-private partnerships to implement policies identified in County plans that improve County services

- 2. **Integrate sustainability into all leadership systems**
  - Continue to participate in and influence sustainability policy formulation and decision-making at the national and international level through partnerships, conferences, and legislation
  - Integrate sustainability knowledge into existing leadership programs and new elected official orientations countywide

- 3. **Be green government role models**
  - Integrate and prioritize climate change and sustainability in local government strategic planning, business planning and in fiscal decision making
  - Develop an interagency working group to ensure implementation of the CDMP by tackling conflicts between different County plans and within the development process



Miami-Dade County, along with Collier, Duval, Alachua, and Volusia counties, joined with the Florida Department of Transportation, Florida Department of Environmental Protection, and Florida Department of Natural Resources to host the Southeast Florida Regional Climate Change Summit on October 29, 2009.



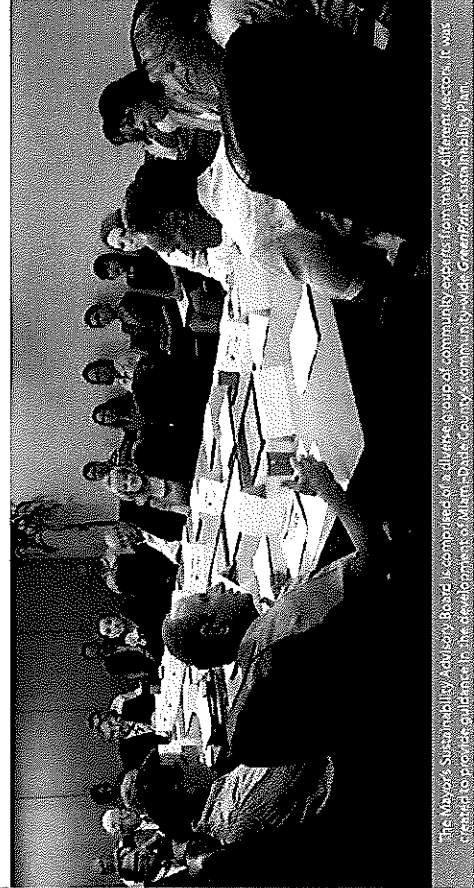
US Department of Commerce Under Secretary of Economic Affairs, Deputy Assistant Secretary and Miami-Dade County Mayor Carlos Alvarez, with local interagency climate change adaptation assessors, including the June 25, 2010 Miami-Dade County Press Conference. The event provided an opportunity for state assessors to listen to local and regional leaders' questions and concerns about climate change adaptation and to describe federal efforts already underway to plan for climate change adaptation.

- Work with local Board of Rules and Appeals and other stakeholders to maintain the Florida Energy Code and to better define and set forth responsibilities of each trade in order to improve compliance with and enforcement of the Code (Within the Florida Energy Code and 2010 Florida Statutes, Chapter 468, Part XII)
  - Adopt existing draft County Ordinance (per Resolution R468-06) requiring water efficiency retrofits at point of home resale (prior to changing ownership) and later update the ordinance to require additional retrofits focusing on energy efficiency
4. **Create ongoing outreach, education, and dialogue with the community about the implications of climate change and the benefits of sustainability**
- Develop and implement ongoing community outreach about sustainability and climate change
  - Estimate the Costs of Action vs. Inaction and communicate implications to key decision-makers

*"Our survey found widespread agreement among CEOs about what the next era of sustainability will look like: It is one where sustainability is not only a separate strategic initiative, but something fully integrated into the strategy and operations of a company. As one emerging economy CEO told us, 'Currently, the burning issue is how to better incorporate sustainability into daily practice.'"*

-UN Global Compact- Accenture CEO Study 2010

Sustainability and the implications of climate change bring a different managerial twist to any organization. Learning and communicating with each other as government entities, business, and major institutions will help to facilitate this change. Eventually, it will be integrated into how we do business. Public Management magazine, a publication from ICMA, drove this home: "Educating residents about sustainability is important. When speaking to them, it may be good to refer to sustainability as being about local people, local places and local prosperity. To bankers, speak about living off the interest not the principle. To farmers, speak about not eating your seed corn. To the elderly, speak about their grandchildren. To veterans, speak about our nation's security. To scout groups, speak about leaving your campsite better than you found it... speak out" (Reid). We need to keep speaking.



The Mayor's Sustainability Advisory Board is comprised of a diverse group of community experts from many different sectors. It was created to provide guidance in the development of Miami-Dade County's county-wide GreenPrint Sustainability Plan.

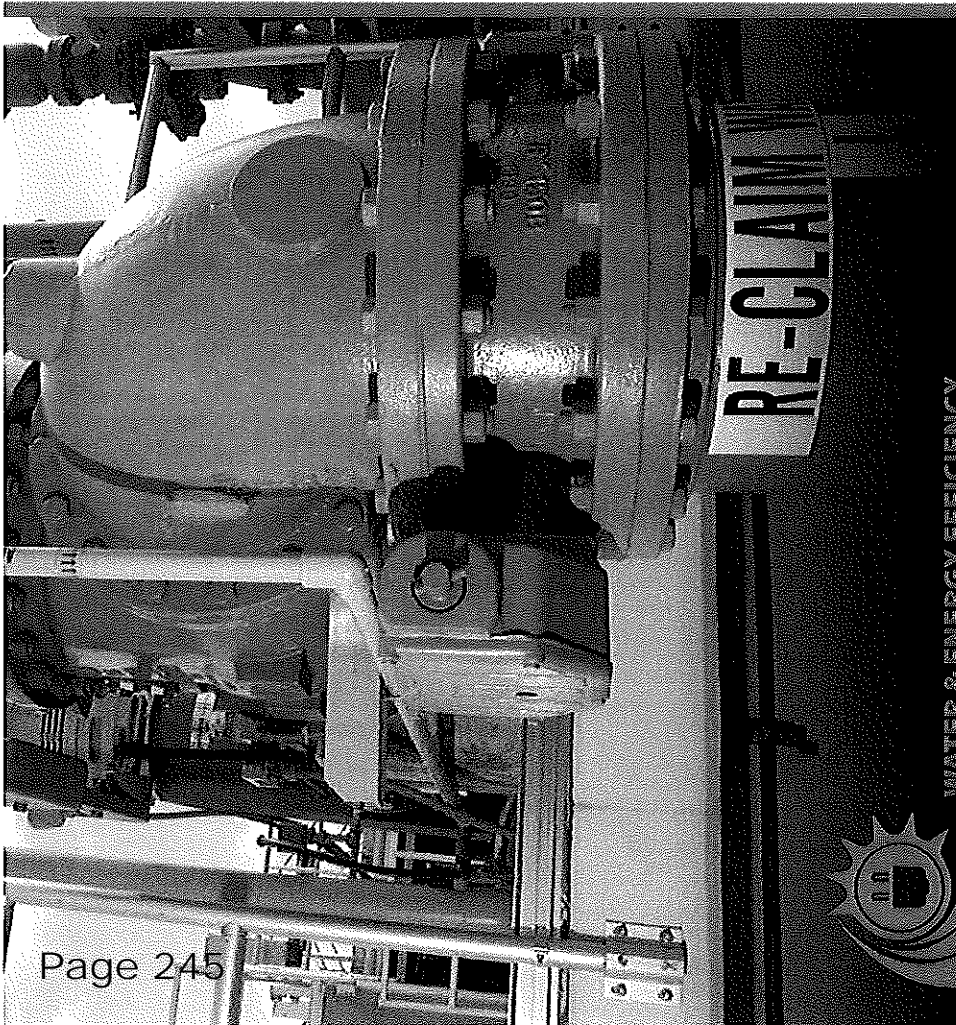


## Water & Energy Efficiency

Water and energy are vital to all communities and are intricately linked in terms of generation and supply. We can seek and develop new resources to increase supplies, but the simplest and cheapest way to secure a sustainable future is by decreasing demand through efficiency and conservation. As we use less water, we use less energy, and vice versa. Some strategies are simple: using more efficient light bulbs, programmable thermostats and low-flow plumbing fixtures. We can also introduce smart energy systems that allow for more effective monitoring and control of an entire office building. We can even pursue alternative and renewable sources, such as solar energy. What's most important is that as a growing community, we simply use less. This nearly always leads to more money in our pockets. It's the essence of common sense.

### Goals

- Use less water and energy
  - Reduce per capita non-renewable energy use to 20 percent below 2007 baseline by 2015. Reduce water consumption by 1.5 million gallons a day. Reduce government electricity use by 20 percent from 2007 to 2014 in accordance with Board of County Commissioners legislation.



"The Block Grants are a major investment in energy solutions that will strengthen America's economy and create jobs at the local level. The funding will be used for the cheapest, cleanest, and most reliable energy technologies we have—energy efficiency and conservation—which can be deployed immediately. The grants also empower local communities to make strategic investments to meet the nation's long-term clean energy and climate goals."

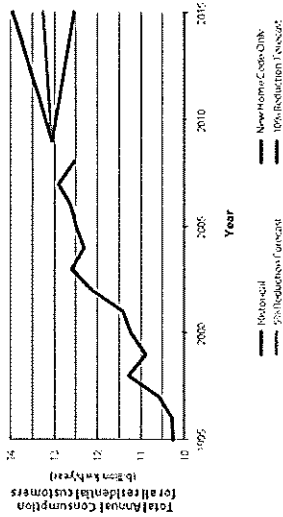
—U.S. Secretary of Energy Steven Chu

## Strengths & Accomplishments...Opportunities & Actions

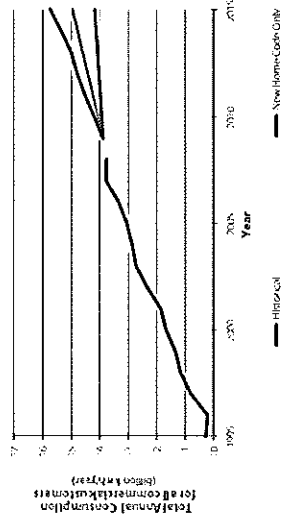
### The water and energy connection

Energy and water are related in just about every imaginable way from the production of electricity and potable water, down to the lights and water in our homes that we too often take for granted. The water-supply industry uses large amounts of energy to transport, treat and deliver water. On the flip side, vast quantities of water are required for all stages of energy production, from extraction to processing and refining, to transportation, to power generation itself. Understanding this relationship highlights the importance of conserving water and practicing energy efficiency. For every kilowatt saved, water is also saved. For every gallon of water not used, energy demand is reduced. Investments in and incentives for energy and water conservation must be high priorities, and progress in one area will be reflected in the other.

Miami-Dade County Residential Consumption Projections



Miami-Dade County Commercial Consumption Projections



### Efficiency versus conservation

It is important to note the difference between efficiency and conservation. Efficiency is getting the most productivity out of each usable unit of energy or water. In contrast, conservation normally refers to actions taken by consumers to reduce their resource use (i.e. turning off the lights when leaving a room, or turning off water while brushing teeth). The promotion of efficiency aims to reduce the amount of kilowatt-hours or gallons needed to satisfy a consumer's demand for end-uses such as cooling and hot-water heating; in other words, to get more out of each unit consumed. Consumers generally need to make upfront investments, such as more expensive, higher efficiency appliances and products, such as low-flow faucets, windows and insulation.

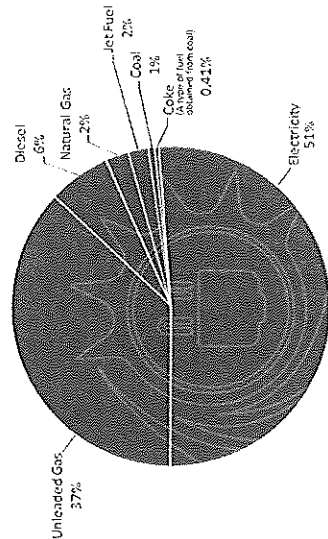
Improving the energy performance of our buildings can have important impacts on our electricity consumption. As illustrated by the graphs, exceeding code requirements has the potential to change the trajectory of our growth trends.

**The benefits of becoming more energy efficient**

Uninterrupted access to reliable energy is critical to operating the buildings, equipment and vehicles that we depend upon every day. Sustaining our current lifestyle, absent a critical and deliberate effort to increase efficiency and use alternative sources, will only become more challenging due to economic costs, geo-political instability, and the natural environment (i.e. climate change, air pollution, natural resources extraction). These costs have long-term ramifications for the quality of life we want to maintain and pass along to future generations.

On average, electricity accounts for 75 percent of the cost of producing municipal water, primarily for capturing, treating, and distributing, and using the water. After the water is used, more energy is required to treat the wastewater.

**Miami-Dade County Community Fuel Emissions by Type (2005)**



Our current energy supplies – nearly 90 percent of which go toward transportation and electricity generation – are unsustainable in numerous ways. Environmental, extraction, transport and combustion of fossil fuels can hazardously impact human health and natural ecosystems. Our community does not have local supplies of oil, natural gas and coal, requiring the added expense, environmental impact and geo-political implications involved with importing those fuels from other states and countries. Nuclear energy, despite its smaller emissions footprint, consumes vast quantities of water, and creates the long-term challenges associated with disposing of contaminated waste. The key then, to meeting sustainability goals related to climate change, is to work collaboratively to reduce dependence on these supplies.

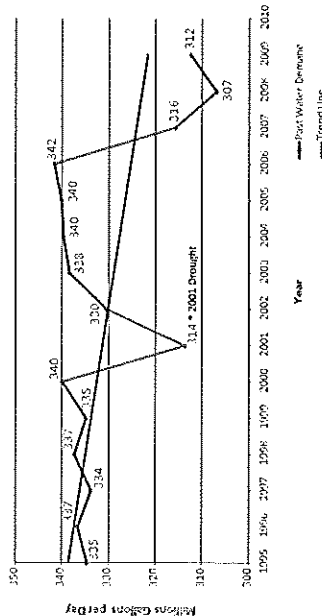
**We are using less water**

Developing efficient practices and using water wisely is paramount to preventing future water shortages and protecting water quality. Efficient water use ensures the sustainability of the Biscayne aquifer to meet future demand. Our strong water conservation efforts have been successful, helping us reduce and defer infrastructure costs and meet future water demands without causing harm to our water resources and surrounding natural systems.



For Miami-Dade County, conservation has proven to be the most economically feasible water management approach. Our per-capita use in 2009 was 139.6 gallons of water per day, down from 158 gallons four years prior. In 2009, the County produced an average of 312.5 million gallons per day (MGD) and served a population of more than 2.2 million customers. Miami-Dade has excellent drinking water quality, and its protection is addressed in the *Our Environment* goal area of *GreenPrint*.

**Historical Community-wide Average Water Use**



In 2005, the Miami-Dade Board of County Commissioners adopted the Miami-Dade Water Use Efficiency Plan. Since then, Miami-Dade residents have responded to the call to be more efficient in their water use. Residents have adopted a variety of water conservation practices, such as installing low-flow toilets and showerheads. This is important because Miami-Dade County residents continue this trend in order to sustain the Biscayne aquifer water supply.

**Leveraging funding opportunities**

In 2009, Miami-Dade County was awarded a \$12.5 million federal grant through the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant program (EECBG). The program, initially funded under the American Recovery and Reinvestment Act, has provided \$3.2 billion in funding to more than 2,300 cities, counties, states, and Indian tribes nationwide to assist in improving energy efficiency, reducing energy use and fossil-fuel emissions, and creating green jobs locally. It has also empowered local communities to make strategic investments to meet the nation's long-term goals for energy independence and leadership on climate change.

The award of EECBG funds has enabled the County to jump start energy efficiency projects that otherwise would not have been implemented. Thirteen grant-funded activities, which include a mix of energy-management projects, citizen outreach and education opportunities, sub-grants, pilot/demonstration programs, construction projects, and incentive programs, are being implemented across eight County departments. This mix of projects showcase and demonstrate the additional energy-efficient projects the County can undertake.

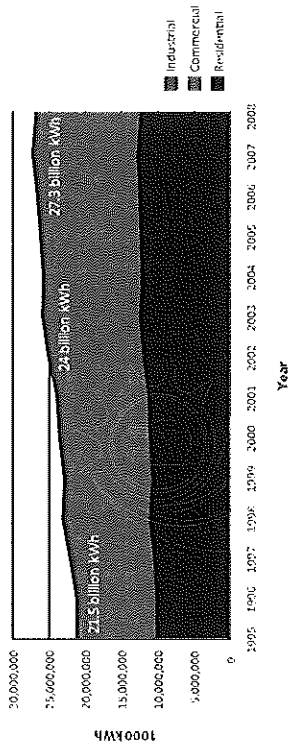
Those activities complement the County's integrated Energy Efficiency Conservation Strategy which aims to:

- Improve our ability to manage and reduce energy use across our government operations
- Enable, demonstrate and evaluate the performance of energy-efficiency and renewable-energy retrofits of facilities and other energy-consuming government assets
- Provide targeted community-wide financial assistance and industry-based financial incentives for energy efficiency and renewable energy
- Target behavior change community-wide for energy conservation

**The Office of Sustainability is managing the EECEBG program over its three-year term. Specific activities include:**

1. Enterprise-wide and facility-based energy management systems upgrade and coordination at the Stephen P. Clark Government Center and Gerstein Justice Building.
2. Community-wide energy efficiency campaign aimed at achieving long-term behavior changes to reduce energy. Elements include, but are not limited to, energy workshops, light bulb exchange program, and an energy savings challenge for businesses and residents.
3. Grants to Green Nonprofits (G2GN) Program which offers grants to local nonprofit and faith-based organizations to perform energy audits and energy-efficient building retrofits, replacements and upgrades.
4. Development of sustainable capital improvement procedures and guidelines to ensure that the County's capital improvement process maximizes energy conservation for new construction and building renovations.
5. Methane sequestration from the South Dade Landfill combined with digester gases to power water and sewer operations at the South District Wastewater Treatment Plant.
6. Energy efficient and sustainable buildings: evaluation of building/zoning codes and permitting processes to identify recommended changes to remove energy-efficient and climate change obstacles to land use and development.
7. Cool roof retrofit project at Homestead Library which replaces the existing roof with a high-reflective Cool Roof system.
8. Daylight harvesting demonstration which sets programmable lighting controls tied into daylight coming in from outside at the Naranja and Kendall Lakes libraries.
9. Pilot desktop virtualization project which replaces nearly 1,600 personal computer workstations with more energy-efficient virtual desktops utilizing "thin client" technologies to reduce power consumption and environmental waste.
10. Energy-efficient lighting on "Green Roadway" demonstration to promote people-friendly movement by including high-efficiency lights and pedestrian-friendly access while reducing energy use and air pollution.
11. Solar power systems demonstration which installs solar panels on the roofs of recreational buildings at the Country Village, Martin Luther King, Jr. Memorial and Westwind Lakes parks.
12. Energy-efficiency revolving loans will be offered to all Miami-Dade businesses to perform energy audits and energy-efficient building retrofits, replacements and upgrades.
13. Sustainable technologies demonstration to identify and test equipment, technologies and services that can enhance building sustainability at existing County facilities.

**Total Electricity Consumption of Miami-Dade County 1995-2008**

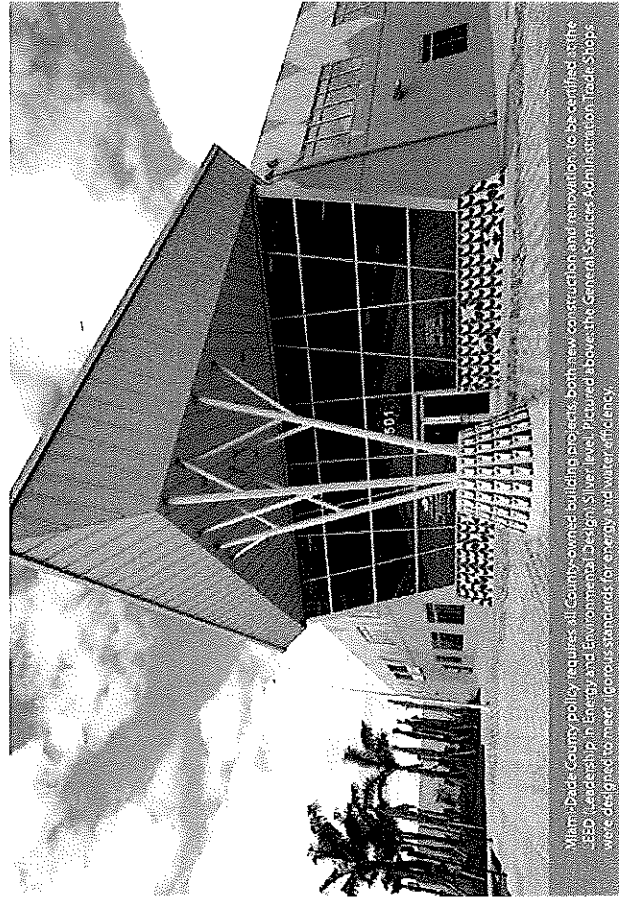


Source: Florida Power & Light, 2009

The following strategies reflect the common-sense pairing of water and energy. They are designed to conserve and improve efficiency through innovative approaches.

**Strategies**

- Reduce energy and water consumption through increasing efficiency
- Improve energy planning through public-private partnerships
- Continue water and energy efficiency and conservation campaigns
- Expand alternative fuel (bio-diesel/waste-based bio-diesel) and renewable energy industries
- Be government leaders in energy, fuel and water efficiency



Miami-Dade County policy requires all County-owned building projects, both new construction and renovation, to be certified at the LEED (Leadership in Energy and Environmental Design) Silver level. Pictured above the General Services Administration Trade Shops were designed to meet rigorous standards for energy and water efficiency.

*"Our most promising energy resource lies not in some new fuel or yet-to-be-invented technology, but rather in the potential to reduce demand through improvements in energy efficiency."*

-Center for Housing Policy

Year	Electric Consumption			Total Miami-Dade County Electric Customers	Residential Customers	County Population
	Annual Countywide Consumption (Residential Only)	Annual Residential Consumption (Residential Only)	Average Residential Consumption (Per Capita Residential With)			
2000	23,951,899	11,234,637	14,742	896,736	782,839	2,252,362
2001	24,328,587	11,411,103	14,789	908,597	798,815	2,285,869
2002	25,512,650	12,122,334	14,975	920,563	809,506	2,312,478
2003	26,279,216	12,892,363	15,298	926,083	823,210	2,345,932
2004	26,251,400	12,311,684	14,739	951,090	835,301	2,379,816
2005	26,637,284	12,494,972	14,727	966,206	848,446	2,422,075
2006	27,092,059	12,614,845	14,684	979,094	859,113	2,437,022
2007	27,733,222	12,889,040	14,715	998,204	875,901	2,467,583

Source: Florida Power & Light; Miami-Dade County, Department of Planning and Zoning, 2008

Electric use is directly linked to population growth, however the rate of increase in Miami-Dade County's electricity use is outpacing that of its population. To determine how efficiently electricity is being used, we can look at per capita electricity consumption. While the growth rates should correlate, the per capita use should ideally remain stable or decrease as efficiency standards and awareness improve. Despite this, between 2000 and 2007, the per capita electricity use has increased, in large part due to increased square footage demand for all conditioning, as well as popularity of technologies such as large screen televisions and digital video recorders, which now account for more electricity use than the traditional light bulb. The Green Plan goal is to reduce electricity consumption participation by 20 percent.

The water and energy efficiency initiatives include both new and existing approaches to accomplishing our strategies and stimulating advances in commercial, private and government arenas. They truly reflect a community approach with a focus on public-private partnerships for implementation. As such, this goal area beneficially overlaps the Vibrant Economy goal area.

### Water & Energy Efficiency Initiatives

- 1. Reduce energy and water consumption through increasing efficiency**
  - Continue to implement the Water Use Efficiency Plan and the Non-Revenue Water Loss Plan initiatives to meet established reduction targets
  - Incentivize energy efficient development prioritizing walkable, transit-oriented areas
  - Implement EECBG projects
  - Promote and create innovative financing for energy efficiency
- 2. Improve energy planning through public-private partnerships**
  - Create a Miami-Dade Energy Alliance with a diverse group of stakeholders to implement sustainable energy and building management system retrofits and practices that conserve energy, natural resources, and provide reinvestment savings
- 3. Continue water and energy efficiency and conservation campaigns**
  - Continue to implement current campaigns and pursue additional funding
- 4. Expand alternative fuel (bio-diesel/waste-based bio-diesel) and renewable energy industries**
  - Explore partnerships with large public and private landowners/entities to implement alternative fuel/energy parks and incentivize in public and private use
  - Incentivize local and sustainable alternative energy/fuel industries, and enact legislation to remove obstacles and stimulate the industry

- 5. Be government leaders in energy, fuel and water efficiency**
  - Develop and implement a government energy efficiency master plan
  - Continue to implement Energy Star Portfolio Manager Benchmarking of County facilities
  - Develop incentives for County employees to save energy through the Idea Machine
  - Create a countywide energy reinvestment fund to capture savings from energy efficiency projects and reinvest in new energy efficiency projects, making the EECBG program financially sustainable
  - Retrofit government facilities according to water efficiency audit recommendations
  - Continue fuel reduction and monitoring programs such as Chicago Climate Exchange
  - Continue to transition fleet to hybrid electric vehicles
  - Continue to purchase hybrid-hydraulic diesel garbage trucks
  - Create a process to purchase biodiesel that complies with Environmental Protection Agency's biodiesel protocol which requires a minimum 50 percent GHG lifecycle reduction
  - Develop a process that facilitates delivery of diesel fuel to Miami International Airport from Port Everglades through existing aviation fuel pipeline



In September 2010, Miami-Dade County acquired the first of what will become a fleet of six hybrid hydraulic diesel waste collection vehicles.





## Our Environment

Miami-Dade County is internationally recognized for its beaches and pristine waters. Beyond the beaches are ecosystems that are unique, diverse and directly linked to water management. So valuable are these critical resources that two national parks, a National Marine Sanctuary, State of Florida aquatic preserves and water conservation areas have been created. Underlying all of South Florida is the Biscayne Aquifer, a shallow, porous limestone formation that has historically provided all urban and agriculture supply of fresh water.

Vulnerable natural resources have been altered throughout the years. Progressive environmental programs seek to protect, restore, and minimize harm to these resources, but major paradigm shifts are upon us, and we must continue to act.

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### Goals

- **Maintain exceptional quality of air, drinking water, and coastal waters used for recreation**  
*Continue to achieve the best air quality rating at least 90 percent of the year and exceed drinking water quality standards. Prevent degradation of our outstanding Florida waters.*
- **Protect and enhance Biscayne Bay, the Everglades, and vital ecosystems**  
*Restore and enhance more than 500 acres of coastal habitats and wetlands, and preserve more than 24,000 acres of environmentally endangered lands.*
- **Reinvent our solid waste system**  
*Reduce or divert 75 percent of our solid waste by 2020 through reusing, recycling, and generating electricity.*



## Our Environment

Practically without exception, areas that have been turned over to the Services national parks have been of cooperative value with existing features so outstanding that if the Services were able to merely retain the status quo, the job was success. This will not be true of the Everglades National Park. The reasons for even considering the Everglades National Park as a national park are 80 percent biological ones, and hence highly perishable. Primitive conditions have been changed by the hand of man, abundant wildlife resources exploited, woodland and prairie burned and rebounded, water levels altered, and all the attendant, less obvious biological conditions disturbed.

*Daniel B. Beard, Wildlife, Reconnaissance-Everglades National Park Project, 1938*

## Strengths & Accomplishments... Opportunities & Actions

Miami-Dade is a leader in environmental protection

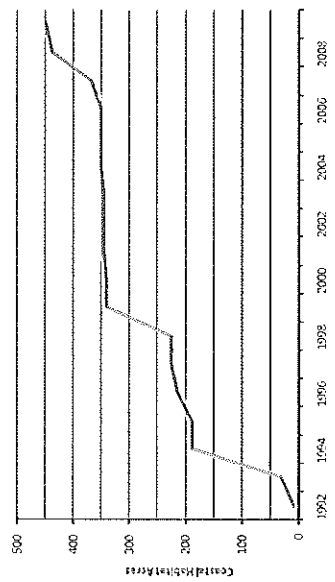
Our drinking water, drawn from the shallow Biscayne Aquifer, is of exceptional quality and rated among the best nationally. It has been protected through strong land use regulations, other legal protections and a community culture of preservation. To assure that there is an adequate supply of fresh water to meet the needs of both the natural system and human uses, strong water conservation, wastewater reuse, and development of alternative water supply are growing priorities. In spite of continuous significant population increases bringing increased pollution potential and other pressure on natural resources, our beaches remain swimmable, and portions of Biscayne Bay seagrass communities and mangrove shorelines remain largely undisturbed. Twenty miles of our barrier island beaches, once severely eroded, are now continually renourished through federal, state and local efforts, including restored coastal dune systems and sea turtle nesting habitats. Our air quality is excellent.

*"Clean air, clean drinking water, swimmable waters, and quality ecosystems are fundamental for our future. They are the backbone of a healthy community. They support our economic system. Without a doubt, environmental protection costs less than treatment, restoration, or irreparable loss."*

*-Carlos Espinosa, Department of Environmental Resources Management Director*

Much of our now-developed land was historically pine rockland forests or part of the greater Everglades ecosystem, made up of wetlands that allowed flow of freshwater from sawgrass prairies to coastal wetlands and estuaries. In other words, today's built environment has replaced much of our native, natural and wet areas. Flood control canals and structures were built to allow for agriculture, residential development and water supply but altered the natural patterns of freshwater flow. This canal system does provide effective drainage, and with additional improvements, we now rank in the top five percent in the nation for flood control efforts according to the Federal Emergency Management Agency's Community Rating System. We have approximately 148,200 acres of wetlands remaining within Miami-Dade County borders, important for recharging our aquifer. Since 1990, our County has acquired and preserved more than 23,000 acres of environmentally endangered degraded coastal ecosystems. In addition, the state and federal governments have preserved 80,000 acres within Miami-Dade County in addition to Everglades National Park, the Everglades Wildlife Conservation Area and Biscayne National Park. These preserved areas provide habitat for native fish and wildlife, as well as threatened natural forest, wetlands and tropical plant communities. Agriculture, open lands, and environmental protection areas in south and west Miami-Dade help to provide a "green" buffer between the national parks and urban development.

### Cumulative Acres of Coastal Habitat Restored



We cannot credit these accomplishments to luck. The keys have been leadership, commitment, careful County stewardship and governance achieved through strategic planning and successful programs, as well as collaborative efforts with federal, state, other local government and non-governmental resource-management organizations.

In spite of these efforts, we face several concerns



The Environmentally Sensitive Lands (ESL) Program was established in 1990 through a countywide referendum which approved a 1% increase in sales tax. The program provides a financially sound and effective means to ensure that the lands needed from development and will continue to be in natural habitats. Over the years, over 20,000 acres are included in the program. The program provides a means to protect wetlands, coastal wetlands, and other sensitive habitats.

New water-treatment technologies promise more sustainable alternative water supplies through the beneficial reuse of wastewater, but they are expensive and energy intensive. Our low-lying terrain and porous aquifer are especially vulnerable to contamination and to potential impacts from sea-level rise and other climate change factors. As sea levels rise, movement of saltwater further inland and through the aquifer threatens coastal water supply wells and may overwhelm protective coastal dunes and mangroves. Gravity-based drainage infrastructure and canals will not perform as effectively as groundwater levels increase in the future. Populations of native plants and animals are increasingly threatened by invasive exotic species, which reduce the ecological, economic and lifestyle benefits that the natural communities provide. Conservation and restoration of natural resources will create a healthier and more resilient environment more adaptable to climate change.

In response to the effects caused by development, a multi-billion dollar federal and state program, the Comprehensive Everglades Restoration Plan (CERP), was approved by Congress in the Water Resources Development Act (WRDA) of 2000. It includes more than 60 elements to restore the South Florida ecosystem by improving water quantity, quality and delivery to more closely resemble natural patterns. Successful implementation of CERP is expected to improve conveyance of water quantity and quality to South Florida. Although CERP will not create new supplies of water for human consumption or increase flood protection, additional freshwater may help to reduce the effects of saltwater intrusion and increase the resilience of the natural system to climate change and development impacts.

The topography and meteorological patterns of South Florida help remove harmful air emissions from our community, but we produce greenhouse gas emissions that impact our neighbors. The Environmental Protection Agency (EPA) is strengthening its air-quality standards, which will result in reduced ratings in the near future. Initiatives to reduce emissions will provide benefits for both air quality and climate change mitigation.

Developing a sustainable solid waste system

Our Environment is not only composed of the natural beauty described above, but also the management of the resources we use. The amount and type of waste generated by a community – and the strategies employed to manage or treat that waste – contribute to the many facets of a sustainable community: human health, the environment, land use, and economic development. Our solid-waste system is a crossroads and must be reinvented for the most effective use of our land resources and out of economic necessity. A new solid waste master plan is under development, and its operational and

In 2006, 24 percent of our solid waste was recycled, 30 percent was converted into energy through incineration and 46 percent was landfilled. Through the plan, we will divert more waste from the landfill, conserve resources through 355,000 energy-saving light bulbs, approximately 20,000 tires in household use,

financial foundation is sustainability. This plan should provide the highest and best value for waste-stream components. The planning process will address several realities, including decreasing landfill capacity, expiring customer contracts, disposal tonnage that is significantly impacted by the economy and hurricane activity, and a new statewide goal to divert the bulk of solid waste from landfills. The master plan will explore more waste-to-energy opportunities, mulching and composting alternatives, examine a "pay-as-you-throw" collection system, and consider rate structure options for the disposal system, all within the context of the entire solid waste management system. It will also address how to reinvent the current business model, which relies on waste for disposal revenue.

Recycling Conversion from Dual-Stream to Single-Stream  
Tons Collected per Month - Cumulative



The master plan is an opportunity to build upon many strengths. Since 2008, residential recycling increased 88 percent with the introduction of an easy and convenient single-stream approach. Recently, the County has begun the process to sequester methane gas from the South Dade landfill to help power the Water and Sewer South District Wastewater Treatment facility.

The following strategies and initiatives within GreenPrint outline specifically how we will maintain drinking water quality, protect and restore our natural environmental resources, and meet our waste system needs now and in the future.

Strategies

- Implement wastewater reuse to provide future water supply and benefit the environment
- Address salt intrusion that threatens drinking water wells and sensitive natural areas
- Protect, enhance, and restore our natural resources
- Protect environmental and other lands that may be important for ecosystem and community resilience
- Develop a Sustainable Solid Waste System and Master Plan, using waste to benefit our economy and environment

Waste Production

	2005	2006	2007	2008	2009
Tons of Waste/Person	1.79	1.73	1.88	2.08	1.81
Percent Change in Waste/Person	-0.5 percent	-3.5 percent	8.7 percent	10.6 percent	-13.44 percent

(Annual Tonnage - Wastestream/Population) • (FDEP 2008 Report/Calendar year/groxtons)





## Responsible Land Use & Smart Transportation

America benefits from great quantities of land, which is reflected in suburban land development patterns across our country. Our population continues to grow, but so does our understanding of sustainable development. As a nation, we are trying to shift from unsustainable sprawl to a more compact, efficient, and urban paradigm that increases our individual and collective quality of life while reducing greenhouse gas emissions. Transit and other alternative modes of transportation such as walking or biking, must support these land-use patterns. Miami-Dade County is no different than fellow cities and counties struggling with how to transform existing land development and transportation infrastructure to meet a more sustainable standard of design. Along with the rest of the nation, we are struggling with how to creatively fund mass-transit improvements. This goal area acknowledges new federal livability priorities and lays forth a plan to address local challenges both internal to County operations and external for municipalities and our development industry. It lays out a vision but understands the realities that we face, taking gradual steps to move us in the right direction. Change is difficult, but progress is necessary if we are to provide for quality of life through walkable communities, long-term housing solutions, affordable housing and transportation costs, and preservation of open lands that provide water, natural resources and resistance to climate change.

### Goals

- Use our land wisely, creating and connecting strong sustainable neighborhoods
- Provide more transportation options, reducing the time we spend in our cars.

## Strengths & Accomplishments... Opportunities & Actions

It is up to us to use our land wisely

Recent studies have analyzed the direct relationship between land use practices and greenhouse gas emissions, concluding that the "D" of compact development—density, diversity, design, destination, and distance—can reduce up to 12 to 15 percent reductions in vehicle miles traveled by 2050 (Urban Land Institute/20

Miami-Dade County encompasses more than 2,000 square miles of land, including 418 square miles of urban development, cradled between two national treasures: Biscayne National Park and Everglades National Park. The County establishes, through its Comprehensive Development Master Plan (CDMP), general objectives and policies addressing where and how land development and conservation should occur during the next 10 to 20 years. The CDMP provides a framework for sustainable development by providing land capacity to meet projected needs while preserving wetlands and agricultural areas, and protecting wellfields for drinkable water.

The CDMP calls for the establishment of a more compact and efficient urban form within the County's Urban Development Boundary (UDB). More specifically, CDMP states that "the location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl." Successful implementation of this and other visionary objectives of the CDMP require a heightened level of coordination between all County agencies. The CDMP also calls for a better integration of land use development and the transportation system, recognizing the need to effectively link neighborhoods, urban centers, employment centers and other major destinations.

*"The suburban model is not sustainable"*

— Marc LeBlanc, Director, Miami-Dade Department of Planning and Zoning

How are the Comprehensive Development Master Plan and GreenPrint connected? Miami-Dade County is in the process of adopting its Evaluation and Appraisal Report (EAR) for the CDMP. The EAR adoption process is expected to be completed in early 2011. It contains an analysis of goals, objectives, policies and major issues, as well as recommendations to amend the CDMP. Many of these amendments, such as those related to climate change, increasing transit ridership and directing infrastructure to urban centers, will establish new policies or modify existing policies to further initiatives in GreenPrint.

Transportation must support our land use patterns

An effective transportation network is a cornerstone of a livable and sustainable community. It determines the mobility of the community and is one of the main considerations when choosing a place to live. Access to public transportation and the ability to bike and walk as a transportation option have been identified by many public surveys as indicators residents use to assess the quality of life within a community. Because passenger cars are one of the greatest contributors to air pollution and greenhouse gas (GHG) emissions in Miami-Dade County, the overall health of our community is intimately linked to the movement of people and goods throughout the network. In addition, all indicators regarding congestion and the amount of time we spend in our cars continue to climb.

According to the 2009 Urban Mobility Report, Miami-Dade is the fifth most congested metropolitan area in the nation in terms of travel time. In 2009, the total cost of congestion experienced by County residents amounted to approximately \$3.0 billion and resulted in a water fuel consumption of 1.02 million gallons. The population of Miami-Dade County continues to grow, so does the demand for the existing transportation system, which requires innovative investments and collaborative strategies to avoid the rising cost of congestion (MPO, "Year 10 in Transportation").



## RESPONSIBLE LAND USE & SMART TRANSPORTATION

Historically, we have rebuilt our nation every 30 to 60 years... The choice is ours: either a society of homogeneous pieces isolated from one another in often fortified enclaves, or a society of diverse and memorable neighborhoods organized into mutually supportive towns, cities and regions"

— Suburban Nation, Andres Duany, Elizabeth Plater-Zyberk and Jeff Speck

currently the primary tool for measuring these development standards. It provides the adoption of transit-oriented development (TOD) projects and standards in areas designated as urban centers. Miami-Dade County has been in place for almost 10 years and has already had considerable success. Over 7,000 dwelling units and 3 million square feet of commercial development have been approved in urban centers that were previously blank space.

Another critical piece of the formula, the efficiency of vehicles operating on our roads, is set by federal fuel efficiency standards. While these standards set the minimum allowable fuel efficiency, opportunities remain to encourage the purchase of more efficient vehicles for both government and private use. Other elements of a strong network, such as the structure and functioning of our roadways and public transportation, are directly addressed by the County through the institution of policies, goals, objectives, and measures set forth in several County plans.

### Our Transportation System and Priorities

Miami-Dade Transit is the largest transit agency in Florida, providing 40 percent of the trips taken on public transit in Florida last year. The system consists of a 22-mile heavy rail rapid transit system, a downtown people mover system, a South Dade Busway, which is the longest Bus Rapid Transit system in Florida, an extensive bus system with more than 900 buses operating on 90 routes, and a Special Transportation System. Together these modes comprise an integrated system that carries more than 326,000 daily passenger boardings.

### Connecting People to Transportation Options

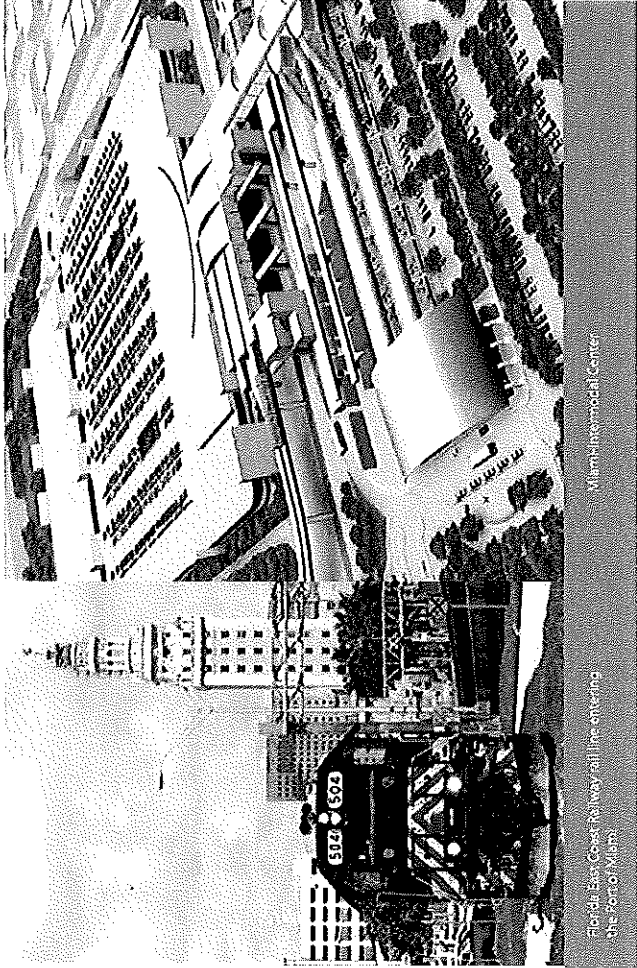
#### Corridors

With limited funding for new capital projects and increasing operation and maintenance costs, the current transit priority is improving services and developing ridership within major corridors so that premium transit service such as bus rapid transit or a rail transit system can be implemented successfully when feasible. An example of this incremental approach to premium transit is in the recent improvements on the Kendall Corridor. In June 2010 Miami Dade Transit (MDT) implemented enhanced bus service with articulated hybrid buses, improved transit stops, Wi-Fi, Traffic Signal Priority, future park and ride lots and improved headways. Major corridors targeted for improvements are presented in the map.

#### Focusing on Centers

The Comprehensive Development Master Plan calls for development and redevelopment to occur along transit corridors and designated urban centers. Urban centers are designed to contain businesses, employment, civic, and/or high- or moderate-density residential uses within walking distance from transit stations. Roadways and other structures within the centers are designed to encourage pedestrian activity, safety and comfort. The proximity of housing and retail allows residents to walk or bike for some daily trips and encourages transit use for commuting. Ultimately, these centers are hubs for development intensification in Miami-Dade County around which a more compact and efficient urban structure will evolve. Designated urban centers are illustrated by map at the end of this section.

Rapid transit station sites and their vicinity are developed as urban centers. The developments in these areas are termed transit-oriented development (TOD). Types of TOD projects include large commercial and market-rate residential projects, such as at Dadeland South and Dadeland North Metrorail Stations, government office buildings at four Metrorail Stations,



Miami-Dade Transit Center

Florida East Coast Railway station, the Port of Miami

and residential, mixed-use developments (affordable, workforce, or elderly housing units with retail spaces). Current and future housing TOD projects are identified by a star in the map at the end of this section.

### Connecting our economic engines

The efficient movement of goods and people into and out of our ports, both airports and seaports, is critical to our economic growth and to reducing our local greenhouse gas (GHG) emissions. Miami International Airport (MIA) is the largest U.S. gateway for Latin America and the Caribbean and is one of the leading international passenger and freight airports in the world. The Port of Miami (POM) is geographically the first major Atlantic port in the U.S. for shippers using the Panama Canal and is expected to be a preferred port of call for larger New Panama vessels following the widening of the canal by 2014. The projects below will improve freight movement thereby reducing freight congestion and GHG emissions from local roads.

#### Connecting Port and Rail

Federal funding was recently awarded that will allow for movement of freight by rail. The project has a total estimated cost of \$47 million. It includes reconstructing the existing underutilized rail line from the POM to the main Florida East Coast Railway line, and the construction of an on-port intermodal yard. The new rail link will provide access to the Hialeah intermodal rail yard terminal, which connects to rail yards in Jacksonville, providing a tie-in to the national rail system. This project is expected to be completed in 2014, contributing to several sustainability goals:

- Avoiding 34 million gallons of fuel and 200,000 tons CO2 over the next 20 years
- Increasing container traffic by 15 percent through improved access
- Adding 822 construction jobs to the local economy
- Improving local redevelopment through increased pedestrian traffic and overall activity
- Increasing transportation choices with the potential future passenger rail service on the FEC corridor and linkage to the Metrorail

#### The Port Tunnel

The Port Tunnel between the Port of Miami and the MacArthur Causeway will remove much of the truck traffic from downtown streets, and will provide direct freeway access to and from the Port of Miami, improving its competitive advantage among other ports. The tunnel will serve as a dedicated roadway connector linking the seaport with the MacArthur Causeway and Interstates 395 and 95. Twin tubes, each 3,900 feet long and 41 feet in diameter, will reach a depth of 120 feet below the water. Construction on the project which began in 2010, includes roadway work on Dodge and Watson Islands and widening the MacArthur Causeway Bridge. The project is expected to be completed by spring 2014 at a cost of \$610 million.

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...of the city's most vibrant neighborhoods...  
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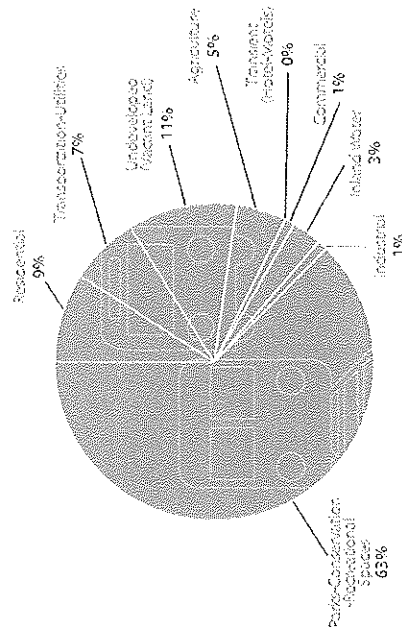
**Viaduct**

The NW 25th Street Viaduct project will improve the movement of trucks carrying freight between Miami International Airport's (MIA) West Cargo Area (WCA) and off-airport freight distribution and consolidation facilities, such as warehouses, bonded warehouses, and truck transfer stations. The two main project components along an approximately two-mile corridor are (1) reconstructing and widening the NW 25th Street roadway, including intersection and signalization improvements and (2) constructing a new viaduct (an elevated bridge) for dedicated air cargo transport. The first (eastern) phase of the project is under construction and includes the roadway improvements and viaduct construction from MIA's WCA to the Palmetto Expressway (SR-626). The second phase extends the roadway improvements to NW 87th Avenue and completes the viaduct construction west from the Palmetto Expressway to NW 82nd Avenue. Phase 1 is expected to be completed in 2011 at a cost of \$117.7 million. Phase 2 is expected to be completed by 2016 at an estimated cost of \$85 million. The project is expected to achieve an overall reduction of more than 19,000 tons of carbon emissions and a fuel cost savings to the freight industry of \$630,000 annually, rising to 21,400 tons of carbon emissions and a fuel cost savings to the freight industry of \$705,000 by 2035.

**The Miami-Intermodal Center**

The Miami Intermodal Center (MIC) is a massive transportation hub being developed across from Miami International Airport (MIA) by the Florida Department of Transportation (FDOT) and upon completion will be the largest surface transportation investment made by the federal government (MIC Miami Intermodal Center). It will provide connectivity among all forms of ground transportation available in the County, while decongesting the streets in and around the airport. The MIC Program consists of major roadway improvements which were completed in May 2008, the Rental Car Center which opened for business on July 13, 2010, the MIA Mover, set to be operational in the fall of 2011, and the Miami Central Station, scheduled to be completed by 2013 (MIC Miami Intermodal Center). The Miami Central Station, Miami's version of the Grand Central Station, will provide choices and connections for transportation customers between Amtrak and regional rail systems; Greyhound and city buses, and shuttles and taxis. The facility will also provide seamless transfers for travelers in private passenger vehicles, bicycles and for pedestrians. A key element in the MIC Program is its Joint Development strategy. The Joint Development component of the MIC Program consists of public and private ground lease-development opportunities for offices, hotel and meeting space, parking, ancillary retail and restaurants.

**Miami-Dade County Existing Land Uses**



Geographically, the County is constrained by the presence of the Everglades to the west, Biscayne National Park to the southeast, the Florida Turnpike to the north and the Atlantic Ocean to the east. While approximately 62 percent of the County is undeveloped land, a conservation land use, only a population of approximately 25 percent of the County's 2,000 square mile land area. Considering projected population growth of 200,000 people by 2035, the County clearly needs to grow in a more responsible and compact form as opposed to sprawl.

Sources: PRIZ

Sustainability benefits will be multiple. Vehicle trips will be avoided due to mass transit connections, and RCC will reduce pollution from the airport's core. Rental car shuttles will be replaced by the MIA Mover, eliminating more than half a million shuttle bus trips to off-site rental car companies each year. With rental cars and their shuttles absent from the airport's arrival deck, curbside traffic will be reduced by 30 percent (MIC Miami Intermodal Center).

**Strategies:**  
 - Better integrate planning and prioritize investments  
 - Support existing communities and value neighborhoods  
 - Increase bicycling & walking  
 - Increase transit ridership  
 - Improve connectivity and mobility on the existing system

This goal area seeks to create and connect communities where residents live, work and play. The land-use initiatives focus on the best uses of land within the Urban Development Boundary (UDB) with the aim of making our communities more walkable and connected by a variety of public transportation options. Smarter development will help us prepare for the depletion of single-family residential land projected by 2015 that the Department of Planning and Zoning. Given that 68 percent of our residents have never used mass transit according to our 2008 resident satisfaction survey, we have hard work ahead.

Our land outside of the UDB also requires careful planning considering the importance of environmental and agriculture lands. We acknowledge that much, if not all, can be achieved through the CDMP; the challenge is to correct the disconnects in the overall process from planning to implementation.

There are several initiatives below that tackle the hurdles in the County's internal development process in order to make the process consistent with the CDMP and the Board's intent. Our challenge is to simplify the process, not to complicate it to shift the practices to the urban model called for in the CDMP and not the traditional suburban model that has been the practice.

**Responsible Land Use and Smart Transportation Initiatives**

**1. Better Integrate planning and prioritize investments**

- Coordinate among the County departments and other agencies in implementing the CDMP and the County code
- Increase transit-oriented development (TOD)
- Develop Corridor Master Plans modeled after the community based area planning process and designed to address the Federal Livability Principles
- Establish a uniform set of criteria for departments to follow in developing budget priorities as part of the County's capital budget planning process - These criteria should include sustainability benefits and compliance with the CDMP
- Develop a map illustrating the location of capital improvement projects in comparison to areas designated in the CDMP for re-development, i.e. urban infill areas and urban centers for use by departments in planning and prioritizing infrastructure investments
- Better integrate land use and transportation planning modeling for the long-range transportation planning process
- Evaluate shifting current revenue streams to include funding of transit operations and maintenance and other sustainable modes
- Study innovative funding sources and mechanisms to support Miami-Dade Transit operations and maintenance costs and for capital improvements

**2. Support existing communities and value neighborhoods**

- Continue to promote infill development by exploring incentives and addressing costs of infrastructure
- Examine innovative options for infrastructure cost sharing mechanisms (consider public private partnerships, re-examine impact fees)
- Prioritize infrastructure and service delivery to infill and redevelopment areas consistent with the CDMP (water &