



**Town of Surfside
Town Commission Meeting
AGENDA**

**January 14, 2014
7 p.m.**

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**
- G. Presentation of Certificate of Achievement for Excellence in Financial Reporting – Mayor Daniel Dietch**
- H. Presentation of Certificate to Commissioner Graubart for his Participation in the Miami Dade Commission on Ethics and Public Trust Ethical Governance Day 2013 – Mayor Daniel Dietch**
- I. Employee of the Quarter – Michael P. Crotty, Town Manager**
 - *Lasonya Nixon, Customer Service Representative (3rd Quarter)*
 - *Randy Stokes, Capital Improvement Project Manager (4th Quarter)*
- J. Police Civilian of the Month for November and December – Dina Goldstein – David Allen, Chief of Police**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

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

**** Denotes agenda items as “must haves” which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.***

- A. Minutes** – November 7, 2013 Special Town Commission Meeting
December 10, 2013 Regular Town Commission Meeting
- B. Budget to Actual Summary as of October 31, 2013** – Donald Nelson, Finance Director
- *C. Town Manager’s Report** – Michael P. Crotty, Town Manager
- *D. Town Attorney’s Report** – Linda Miller, Town Attorney
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.
- F. Committee Reports** – Michael P. Crotty, Town Manager

- October 23, 2013 Planning and Zoning Board Minutes
- November 6, 2013 Tourist Board Minutes
- November 21, 2013 Planning and Zoning Board Minutes
- November 25, 2013 Parks and Recreation Committee Minutes
- December 9, 2013 Tourist Board Minutes
- December 16, 2013 Charter Review Board Minutes

- G. National Human Trafficking Awareness Month Proclamation** – Mayor Daniel Dietch

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. Garage Door Modification** – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. Side Setback Ordinance** – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- 3. Ordinance prohibiting the sales of live animals in Surfside –
Commissioner Michelle Kligman**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4. Ordinance Amending Future Land Use Element of the Comprehensive Plan – Nancy E. Stroud, Esq., Special Land Use Counsel [SET FOR TIME CERTAIN 7:30PM]**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

- SPACE INTENTIONALLY LEFT BLANK -

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

B. First Reading Ordinances

1. **Ordinance Amending Section 54-82 to Prohibit Noise Hours in Period No. 2 (April 1 to November 30) – Commissioner Joe Graubart**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY SECTION 54-82 “SAME-WHEN PROHIBITED” BY REVISING THE HOURS FOR CONTROLLING RESTRICTED NOISES FOR PERIOD NO. 2 (APRIL 1 TO NOVEMBER 30); PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

2. **Business Improvement District Authorization – Duncan Tavares, TEDACS Director [TO BE DELIVERED SEPARTELY]**

5. Resolutions and Proclamations

(Set for approximately 8:45 p.m.) (Note: Depends upon length of Good and Welfare)

- A. **96th Street Park – Playground Equipment – Tim Milian, Parks and Recreation Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO PURCHASE PLAYGROUND EQUIPMENT FROM GAMETIME UTILIZING THE EXISTING U.S. COMMUNITIES GOVERNMENT PUCHASING ALLIANCE CONTRACT NO. 110179; APPROVING AN EXPENDITURE FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-572.6410; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT WITH GAMETIME; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Awnings and Sign Code Update – Michael P. Crotty, Town Manager Page 117 - 124

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 73 (UPDATING AWNINGS AND SIGN CODE, CGA PROPOSAL NO. 13-5932) IN A TOTAL AMOUNT NOT TO EXCEED \$15,000 FROM THE GENERAL FUND, NON-DEPARTMENTAL PROFESSIONAL SERVICES ACCOUNT, 001-7900-590-3110; PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.

- 6. Good and Welfare (*Set for approximately 8:15 p.m.*)**
Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.
- 7. Town Manager and Town Attorney Reports**
Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.
All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.
- 8. Unfinished Business and New Business**
- 9. Mayor, Commission and Staff Communications**
- A. Legislative Priorities [SET FOR TIME CERTAIN 8:30PM] – Fausto Gomez, Town’s Lobbyist Page 125 - 130**
 - B. Code Compliance Priorities – Joe Damian, Code Compliance Director Page 131 - 133**
 - C. Construction Impact- Hotel, Condo, Etc.– Commissioner Joe Graubart Page 134 - 136**
 - D. Seawall Project Update and Schedule – Michael P. Crotty, Town Manager Page 137 - 139**
 - E. Planning & Zoning Membership – Linda Miller, Town Attorney Page 140 - 141**
 - F. Request for Proposals (Grant Writing Services) and Request for Qualifications (Architectural and Engineering) – Michael P. Crotty, Town Manager Page 142 - 182**
 - G. Report on Charter Review (Verbal) – Vice Mayor Michael Karukin**
 - H. Miami Dade County League of Cities Director Designation – Mayor Daniel Dietch Page 183**
 - I. Citizens Survey – Michael P. Crotty, Town Manager Page 184 - 196**

10. Adjournment

Respectfully submitted,



Michael P. Crotty
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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

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

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

11/11/2013

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **Town of Surfside** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Donald G. Nelson, CPA, Finance Director

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

November 11, 2013

Michael P. Crotty
Town Manager
Town of Surfside
9293 Harding Avenue
Surfside FL 33154

Dear Mr. Crotty:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended **September 30, 2012** qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

Donald G. Nelson, CPA
Finance Director

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,
Government Finance Officers Association

Stephen J. Gauthier, Director

Technical Services Center

SJG/ds

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

COMMISSIONERS

Charlton Copeland, CHAIRMAN
 Nelson Bellido, VICE CHAIR
 Dawn Addy
 Kerry E. Rosenthal
 Judge Lawrence Schwartz



EXECUTIVE STAFF

Joseph M. Centorino
 EXECUTIVE DIRECTOR
 GENERAL COUNSEL
 Michael P. Murawski
 ADVOCATE
 Miriam S. Ramos
 DEPUTY GENERAL COUNSEL

December 10, 2013

Honorable Joseph "Joe" Graubart
 Town of Surfside
 9293 Harding Avenue
 Surfside, Florida 33154

Dear Commissioner Graubart,

On behalf of the Miami-Dade Commission on Ethics and Public Trust, thank you for your participation in Ethical Governance Day in Miami-Dade County on October 22, 2013.

The day was very successful, including over 300 volunteers who spoke at more than sixty schools in Miami-Dade County on civic participation and the importance of promoting ethics in government. Your generous assistance in making this a successful event merits special commendation. We have received many messages of appreciation and congratulation from those whose classrooms were included. This project could not have succeeded without the participation of many caring and knowledgeable community-minded citizens.

We hope that you will be inspired to continue your involvement in efforts to promote greater community awareness and ethical governance.

Sincerely,

Joseph M. Centorino
 Executive Director and General Counsel
 Miami-Dade Commission on Ethics and Public Trust

Miami-Dade Commission on Ethics and Public Trust

CERTIFICATE OF APPRECIATION

Presented to

JOSEPH GRAUBART




For your contribution to the success of

ETHICAL GOVERNANCE DAY 2013

At Miami-Dade County, Florida, October 22, 2013

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust



ETHICS COMMISSIONERS

CHARLTON COPELAND
CHAIR

NELSON BELLIDO
VICE-CHAIR

DAWN ADDY

KERRY ROSENTHAL

LAWRENCE A. SCHWARTZ



Town of Surfside
Town Commission Special Meeting
Code Compliance Priorities

MINUTES

November 7, 2013

7 p.m.

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:04 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present. Mayor Dietch, Vice Mayor Karukin, Commissioner Graubart, Commissioner Kligman and Commissioner Olchyk.

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

D. Welcome and Opening Remarks – Mayor Daniel Dietch

E. Report on Past Workshop Results-Joe Damien, Code Compliance Director

Code Compliance Director Joe Damian provided an overview and a PowerPoint presentation regarding compliance priorities. Director Damian indicated that site triangles will not be addressed at this meeting as there will be a separate workshop regarding site triangle codes and hedges.

Commissioner Kligman asked that we also include a public education program in the discussion.

F. Discussion Items:

After much discussion the Commission has identified the following priority ratings for non compliance.

1. **Priority Setting**

a. Single Family Homes

- trash on curb
- trash on yard
- short term rental
- derelict vehicles or parking on grass
- boats parked in yards
- construction without permits
- garbage cans left out at end of days (will tie in with education program).

Mayor Dietch opened the meeting for public comments.

Public speaker Jessie Flax said there must be follow-up when violators continue to be in non compliance. She also suggested the residents receive information so they are more educated to code compliance. Public speakers Stefan Lett, Offy Shifman and Deborah Camadenilla also spoke regarding code enforcement and a suggestion was made that the public be notified by mail (perhaps in the water bill) that a more proactive approach will be taken regarding code compliance

Commissioner Kligman made a motion to accept the high priorities for code compliance for single family homes. The motion received a second from Commissioner Graubart and the motion passed 4-1 with Vice Mayor Karukin voting in opposition.

b. Multi Family Dwellings

- exterior surfaces
- overgrowth unto right-of-way
- overgrowth of grass
- construction without permits
- short term rentals

Mayor Dietch opened the meeting for public comments.

Public Speaker Paul Yavis spoke about code enforcement on the beach regarding fishing, alcohol and dogs.

Commissioner Olchyk made a motion to accept the high priorities for code compliance for multi-family residences. The motion received a second from Commissioner Kligman and the motion passed with all voting in favor.

c. Business District

Exterior Property Management

- painting/cleaning

Rear at Alley

- dumpster maintenance
- alley cleanliness

- area used for staging equipment
- overgrowth of weeds (for alleys)

Sidewalks

- obstructions (chairs, mannequins, pots, signs)
- sidewalk café furniture/equipment/expansion
- sweep or pressure clean

Signs

- deteriorated signs
- window sign
- old signs remaining from prior business
- electronic signs
- installation without permits or approval

Awnings

- illegal signs
- deteriorated awning
- missing awning with frame remaining
- installation without permits

Other

- construction without permits
- parking lot maintenance
- local business tax receipt and certificate of use
- resort tax delinquency
- interior violations (maintenance/sanitary/safety)
- grease traps

Mayor Dietch opened the meeting for public comments. There were no public speakers.

Commissioner Olchyk made a motion to accept the high priorities for code compliance for the business district. The motion received a second from Commissioner Kligman and the motion passed with all voting in favor.

2. Maximum Compliance Period Prior to Imposing Civil Penalty

3. Enforcement Action After Civil Penalties

Director Damien explained each item and its process

I. Lien

II. Foreclosure

III. Court Action to Compel Compliance

IV. Abatement

G. Recommendations

The Commission discussed the enforcement process and timeframe in which violator has to be in compliance. Safety and health issues are high priority. Mayor Dietch suggested that after a courtesy notice is issued the violator would have two weeks to comply. If the issue has not been resolved a civil citation will be issued with another two week period to comply before further action is taken. Fee structure was also discussed as well as an educational campaign to alert residences.

H. Action Items to Address Discussion Items

The Commission asked Director Damien to prepare a report to include recommendations for compliance a timeframe as well as a fine structure. The item of educating residents is to be included in the report.

Vice Mayor Karukin thanked Director Damien for his fine service.

I. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 9:58 p.m.

Accepted this ____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Town Commission Meeting
MINUTES
December 10, 2013
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:06 P.M

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Commissioner Graubart, and Commissioner Olchyk. Vice Mayor Karukin and Commissioner Kligman were absent.

Commissioner Kligman arrived at 7:10 p.m.

C. Pledge of Allegiance

Anthony Blate led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart asked to rise and have a moment of silence in memory of Nelson Mandela. He spoke about his day of being principal of Miami Beach High School and commended the principal and students.

E. Agenda and Order of Business Additions, deletions and linkages

Commissioner Kligman requested that item 4B3 be moved to a time certain after the quasi-judicial hearings.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. The Mayor also gave an update on the Harding Avenue project. The Mayor welcomed the newly opened Beach Grand Hotel. Commissioner Graubart gave an update on the Tourist Board report.

2. Quasi-Judicial Hearings

A. Carmona Veterinary Corporation – Sarah Sinatra, Town Planner

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Town Attorney Linda Miller asked the members of the Town Commission if they had any Ex-parte Communications.

Mayor Dietch stated that he had communications with the applicant, residents and Downtown Business owners.

Commissioner Graubart stated that he had communications with the applicant and some Business owners.

Commissioner Kligman stated that she had communications with residents but not with the applicant.

Commissioner Olchyk stated that she had no communications with the applicant.

Town Clerk Sandra Novoa swore everyone wishing to speak on the item.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Applicant David Carmona presented the item to the Town Commission with a PowerPoint presentation.

Mayor Dietch opened the public hearing. No one wishing to speak on the item, Mayor Dietch closed the public hearing.

Commissioner Kligman commended the applicant and the planning staff for the improvements made to the façade of the building as it fits in with the downtown area. The Commissioner also asked Town Planner Sinatra and Town Attorney Linda Miller to explain the process if the applicant does not follow the conditions set forth and there are complaints from the public.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 3-1 with Commissioner Graubart voting in opposition.

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

Pulled Items:

Commissioner Olchyk pulled item F2D, page 61 from the Manager's report.

Commissioner Graubart pulled items 6, page 65 from the Manager's report and item 3D, page 67 from Town Attorney's report

Commissioner Kligman pulled item 3B, page 39 from Budget to Actual Summary, and item 4, page 45, item B1 page 47 and item 8, page 66 from the Manager's report.

Mayor Dietch pulled item F2, page 59 from the Manager's report

Town Manager Michael P. Crotty pulled item C2, page 50 from the Manager's report.

Commissioner Olchyk made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Kligman and all voted in favor.

A. Minutes – November 12, 2013 Regular Town Commission Meeting
Adopted on consent

B. Budget to Actual Summary as of September 30, 2013 – Donald Nelson, Finance Director
Item 3B, page 39 Commissioner Kligman no longer wished to discuss the item.

***C. Town Manager's Report** – Michael P. Crotty, Town Manager

- Item 4, Joint Skate Park with City of Miami Beach – Pulled by Commissioner Kligman

Concerns about regulation of the park and safety issues. Chief Allen and Town Manager Crotty said a meeting is scheduled with Miami Beach and they were asked to report back to the Commission with an update.

- Item B1, Harding Ave Streetscape – Pulled by Commissioner Kligman

Expressed how pleased she was with the project and suggested a celebration such as ribbon cutting when completed. Town Manager Crotty said a ballpark completion date is about 2-3 weeks.

- Item C2, North Force Main/Building Better Communities Bond Program – Pulled by Town Manager Michael P. Crotty
Chris Giordano of CGA gave update on the issue

-Item F2A, FEMA National Flood Insurance Program – Pulled by Mayor Dietch
Requested more concrete information on flood insurance and Building Official Rosendo Prieto provided some additional information.

-Item F2D, 40 Year Building Certification – Pulled by Commissioner Olchyk
Building Official Rosendo Prieto gave an update on the issue.

-Item 6, Personnel Dept. Head Salaries – Pulled by Commissioner Graubart

Article in Miami Herald that Surfside may be losing their Town Clerk to another municipality and was concerned about losing a very important and competent employee. Town Manager Crotty spoke of the disparity of salaries of department heads. The current salary for the Clerk's position in the neighboring communities is as follows:

Village of Bal Harbour - \$89,797

North Bay Village - \$94,359

Bay Harbor Islands - \$99,361

After research it was determined that the salary of the Town Clerk was inequitable and recommends an adjustment in salary as suggested by the consultant.

Based on interaction with the Town Clerk Sandra Novoa, Commissioner Kligman said Sandra has added a very high value of service to the Town and agrees that her salary be adjusted. Commissioner Olychk agreed with Commissioner Kligman and is very pleased with Sandra's accomplishments. However, she would like an assurance that the Town Clerk will not leave her position after a few months after receiving an increase in salary. Mayor Dietch also expressed his satisfaction with the Town Clerk, Sandra Novoa. The Town Commission agreed that this issue is totally under the Town Manager's purview and to take the necessary actions to assure fairness in the salaries of Department Heads.

Item 8, Requests for Proposals – Pulled by Commissioner Kligman –
Town Manager Crotty gave an update on the item.

***D. Town Attorney's Report** – Linda Miller, Town Attorney

Item 3D - Pulled by Commissioner Graubart.

Residents concern about Rliupa Project and structures with no windows. Can houses of worship be built in single family district. Town Planner Sinatra and Town Attorney Miller said they have no knowledge of an application or a request for a building for public assembly.

***E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.

Adopted on consent

F. Committee Reports – Michael P. Crotty, Town Manager

Adopted on consent

- September 12, 2013 - Pension Board Minutes
- October 2, 2013 – Planning and Zoning Board Minutes
- October 21, 2013 - Parks And Recreation Committee Minutes
- October 28, 2013 – Downtown Vision Advisory Committee Minutes
- November 4, 2013 – Downtown Vision Advisory Committee Minutes

G. Resolution Surfside General Election – Sandra Novoa, Town Clerk

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR HOLDING A GENERAL MUNICIPAL ELECTION UNDER THE DATE OF MARCH 18, 2014 FOR THE ELECTION OF MAYOR AND ALL FOUR COMMISSIONERS OF THE TOWN OF SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

Adopted on consent

H. Proposed Mutual Aid Agreement and Joint Declaration with the City of North Miami Beach Police Department – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A JOINT DECLARATION AND MUTUAL AID AGREEMENT FOR OPERATIONAL ASSISTANCE IN LAW ENFORCEMENT, EMERGENCIES AND ROUTINE LAW ENFORCEMENT SERVICES WITH THE CITY OF NORTH MIAMI BEACH POLICE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted on consent

I. Proclamation to the Youth Environmental Alliance (YEA) – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SUPPORTING BEACH DUNE RESTORATION AND PROCLAIMING JANUARY 1, 2014 AS THE “TOWN OF SURFSIDE RE-NOURISH THE BEACH DAY”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Adopted on consent

Commissioner Olchyk made a motion to approve the pulled items from the consent agenda. The motion received a second from Commissioner Kligman and all voted in favor.

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

1. Capital Improvement Element Update – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk and the motion carried 4-0.

2. Construction Fences – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-56.1.B. “CONSTRUCTION FENCING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance

Building Official Rosendo Prieto spoke on the item and answered some questions posted by the Town Commission.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk and the motion carried 4-0.

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

B. First Reading Ordinances

1. Garage Door Modification – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-0.

2. Side Setback Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Commissioner Olchyk made a motion to approve. The motion received a second from Mayor Dietch after passing the gavel. Mayor Dietch made a friendly amendment that the side setback cannot be less than ten feet. Commissioner Olchyk accepted the friendly amendment. The motion carried 3-1 with Commissioner Graubart voting in opposition.

3. Ordinance prohibiting the sales of live animals in Surfside – Commissioner Michelle Kligman

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kligman presented the item to the Town Commission, Public speaker Hallandale Beach Commissioner Michelle Lazon spoke about the importance of this ordinance and said several Florida municipalities have already adopted similar laws. She commended the Commission for moving forward on this issue for not allowing the cruelty and inhumane industry of puppy mills to exist in the town of Surfside.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Kligman. The motion carried 4-0.

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

- A. Authorization to Enter into Agreement with Florida Inland Navigation District for the Seawall Replacement Project – Michael P. Crotty, Town Manager**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH FLORIDA INLAND NAVIGATION DISTRICT AND APPROVING AN EXPENDITURE NOT TO EXCEED \$494,445. FOR THE SURFSIDE SEAWALL REPLACEMENT, PROJECT NO. DA-SU-13-149; THE EXPENDITURE IS MATCHING GRANT FUNDING RECEIVED FROM FLORIDA INLAND NAVIGATION DISTRICT; AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS FROM THE GENERAL FUND RESERVE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$494,445 TO THE STORMWATER FUND-SURFSIDE SEAWALL REPLACEMENT ACCOUNT NO. 404-5500-538.63.30; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty presented the item to the Town Commission.

Commissioner Kligman had questions regarding the funding of the project and Town Manager Crotty, Chris Giordano of CGA, and Finance Director Donald Nelson addressed the questions. Timing of the project was discussed and Town Manager Crotty said the project must be completed by June 30, 2015.

Although she will vote in favor, Commissioner Kligman had an issue with the credibility of the funding. Initially the Administration was told that the funding would come from the water and sewer budget and now the funds are to come from the reserve fund. In the future she will not support an issue that changes after the fact. Commissioner Olchyk agreed with Commissioner Kligman.

There was much more discussion regarding funding, timing of the project, who will do the work and notification of public especially those with beachfront property. The seawalls in dire need were identified.

Public Speaker Pablo Crausell spoke about access to the beach for people with kayaks or canoes and surfboards.

Commissioner Kligman made a motion to accept. The motion received a second from Commissioner Olchyk and all voted in favor.

- B. Approval to enter into an agreement for crosswalk installation at 93rd/Harding Avenue and 94th/Abbot with Paveway Systems, Inc – Joseph Kroll, Public Works Director**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN PAVEWAY SYSTEMS INC. TO INSTALL A STAMPED ASPHALT CROSSWALK AT THE INTERSECTION OF 93RD STREET AND HARDING AVENUE AND AT THE INTERSECTION OF 94TH STREET AND ABBOTT AVENUE; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH PAVEWAY SYSTEMS, INC; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$19,700 FROM THE MUNICIPAL TRANSPORTATION FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Joseph Kroll presented the item to the Town Commission.

Commissioner Olchyk made a motion to approve. The motion received a second from Commissioner Kligman. The motion carried 4-0.

C. Plastic Bag Ban Legislation – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA IN SUPPORT OF LEGISLATION RESTRICTING THE USE OF PLASTIC SHOPPING BAGS, OR IN THE ALTERNATIVE TO REPEAL THE BAN ON LOCAL AND STATE REGULATION OF THE USE OF PLASTIC SHOPPING BAGS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch presented the item to the Town Commission.

Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Kligman. The motion carried 4-0.

6. Good and Welfare (*Set for approximately 8:15 p.m.*)

No one wished to speak under good and welfare.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Town of Surfside 2014 Legislative Priorities– Michael P. Crotty, Town Manager [SET FOR TIME CERTAIN 8:45 PM]

Commissioner Olchyk made a motion to defer the item to the next Commission meeting. The motion received a second from Commissioner Graubart and all were in favor.

- B. 2014 Meeting Calendar Schedule** – Michael P. Crotty, Town Manager
Commissioner Graubart made a motion to adopt the new 2014 schedule. The motion received a second from Commissioner Olchyk. The motion carried 3-0 with Commissioner Kligman absent from the Dais.
- C. Early Voting and the March 18, 2014 General Election** – Sandra Novoa, Town Clerk
Commissioner Olchyk made a motion not to conduct the early voting. The motion received a second from Commissioner Graubart and all voted in favor.
- D. Updated Code Compliance Priorities Recommendations** – Joe Damien, Code Compliance Director
Item deferred to January agenda
- E. Communications between Commissioner Graubart and Silvia Coltrane from Transacta Lanai Developers** – Commissioner Joe Graubart
Correspondence provided for informational purposes.
- F. Construction Hours** – Commissioner Joe Graubart
Commissioner Graubart made a motion directing the Town Attorney to draft an ordinance to change the allowed times as follows: Dec. 1 – March 31 - 9am – 5:30 pm and from April 1 – November 30 - 8am – 6:00pm. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Kligman was informed that the scheduled workshop for site triangles has been cancelled. Suggested dates to reschedule are January 16, January 21, or January 22, 2014.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 10:18 p.m.

Accepted this _____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

**TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2013/2014**

AS OF

October 31, 2013

8% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: January 14, 2014

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$ 221,692	\$12,197,616	2%
EXPENDITURES	1,099,083	\$12,197,616	9%
Net Change in Fund Balance	(877,391)		
Fund Balance-September 30, 2013 (unaudited)	5,240,418 ^A		
Fund Balance-October 31, 2013 (Reserves)	<u>\$ 4,363,027</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ (6,134) ^B	\$287,471	-2%
EXPENDITURES	14,856	\$287,471	5%
Net Change in Fund Balance	(20,990)		
Fund Balance-September 30, 2013 (unaudited)	94,493		
Fund Balance-October 31, 2013 (Reserves)	<u>\$ 73,503</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ -	\$46,000	0%
EXPENDITURES	4,493	\$46,000	10%
Net Change in Fund Balance	(4,493)		
Fund Balance-September 30, 2013 (unaudited)	137,325		
Fund Balance-October 31, 2013 (Reserves)	<u>\$ 132,832</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ (30,141)	\$196,916	-15%
EXPENDITURES	7,730	\$196,916	4%
Net Change in Fund Balance	(37,871)		
Fund Balance-September 30, 2013 (unaudited)	131,475		
Fund Balance-October 31, 2013 (Reserves)	<u>\$ 93,604</u>		
CAPITAL PROJECTS			
REVENUE	\$ -	\$1,054,770	0%
EXPENDITURES	321,527	\$1,054,770	30%
Net Change in Fund Balance	(321,527)		
Fund Balance-September 30, 2013 (unaudited)	76,257		
Fund Balance-October 31, 2013 (Reserves)	<u>\$ (245,270)</u>		

NOTES:

* Many revenues for October 2013 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received. October 2013 revenue accounts include the reversal of revenues that are for the prior fiscal year.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,240,418 is unassigned fund balance (reserves).

B. Resort Tax Revenues for October 2013 are received in November 2013, the \$(6,134) to TEDAC is the result of a reversal of September, 2013 revenue).

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
--------	-----------------	----------

WATER & SEWER

REVENUE	\$ 199,605	\$3,190,000	6%
EXPENDITURES	156,865	\$3,190,000	5%
Change in Net Assets	42,740		
Unrestricted Net Assets-September 30, 2013 (unaudited)	(1,196,010)		
Restricted Net Assets-Renewal & Replacement	1,017,776		
Capital Project Expenses to date for Water & Sewer	98,693	\$0	
Unrestricted Net Assets-October 31, 2013 (Reserves)	<u>\$ (36,801) C</u>		

MUNICIPAL PARKING

REVENUE	\$ 73,043	\$1,052,185	7%
EXPENDITURES	64,862	\$972,185	7%
Change in Net Assets	8,181		
Unrestricted Net Assets-September 30, 2013 (unaudited)	1,068,996		
Capital Project Expenses to date for Municipal Parking	-	\$80,000	94%
Unrestricted Net Assets-October 31, 2013 (Reserves)	<u>\$ 1,077,177</u>		

SOLID WASTE

REVENUE	\$ 191,966	\$1,336,241	14%
EXPENDITURES	92,957	\$1,336,241	7%
Change in Net Assets	99,009		
Unrestricted Net Assets-September 30, 2013 (unaudited)	248,586		
Unrestricted Net Assets-October 31, 2013 (Reserves)	<u>\$ 347,595</u>		

STORMWATER

REVENUE	\$ 40,589	\$505,000	8%
EXPENDITURES	11,969	\$505,000	2%
Change in Net Assets	28,620		
Unrestricted Net Assets-September 30, 2013 (unaudited)	498,417		
Capital Project Expenses to date for Storm Water	9,893	\$0	
Restricted Net Assets-Renewal & Replacement	266,140		
Unrestricted Net Assets-October 31, 2013 (Reserves)	<u>\$ 803,070</u>		

NOTES:(con't)

C. The reserves balance of (\$36,801) is the result of a change in current net assets as of October, 2013 of \$42,740, net assets as of September, 2013 of (\$1,196,010), \$1,017,776 for renewal and replacement, less the Capital Project expense of \$98,693 paid through October, 2013 on the Utility Project.

The Unrestricted Net Assets as of October 2013 of (\$36,801), includes funds of \$651,144 for rate stabilization.


Donald G. Nelson, Finance Director


Michael P. Crotty, Town Manager

**ATTACHMENT

Town of Surfside
Fund Balance (Reserves)
October 31, 2013

FUND	9/30/2011	9/30/2012	9/30/2013	10/31/2013
General	\$ 4,256,315	\$ 5,266,374	\$ 5,240,418	\$ 4,363,027
Resort Tax	184,867	171,496	94,493	73,503
Police Forfeiture	117,889	122,272	137,325	132,832
Transportation Surtax	239,760	122,302	131,475	93,604
Capital	399,754	132,783	76,257	(245,270)
Water & Sewer	2,692,379	(1,931,707)	(1,196,010)	(56,801)
Parking	1,385,581	1,258,325	1,068,996	1,077,177
Solid Waste	207,462	228,437	248,586	347,595
Stormwater	342,240	104,651	498,417	803,070
Total	\$ 15,301,180	\$ 11,774,890	\$ 6,299,957	\$ 6,608,737



Town of Surfside

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

TOWN MANAGER'S REPORT January 2014

A. COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Sister Cities: Mayor Daniel Dietch

Current Status: The concept of Surfside entering into Sister City relationships with other towns/cities was first discussed within the Administration due to the success of such programs in Surfside's neighboring communities of Miami Beach and Sunny Isles Beach. The idea was recently proposed at the August, 2013 Town Commission meeting by resident Peter Neville as an initiative the Tourist Board might consider given the advent of the revitalization of the Town's tourism economy. Becoming a Sister City (or Town Twinning) creates a broad-based relationship and partnership between two communities nationally or internationally. Traditionally this relationship requires a cooperative agreement between the two towns that often promotes cultural and commercial ties. Possible programs could be established with communities such as Newtown, CT, given the established relationship created by the gift of Ruth the Turtle, with those that have an historical tourism connection (i.e. Canada), as well as with towns based on the heritage of Surfside's population (e.g. those in Israel, Latin and South America) or with those communities that are vested in turtle conservation. The Tourist Board endorsed the idea at their October 7, 2013 meeting but feels that it should be a collaborative effort with the Town Commission. At the January 6, 2014 Tourist Board meeting, the Board unanimously endorsed recommending Newtown, CT as the first Surfside sister city to the Town Commission. The Board is requesting a joint meeting with the Town Commission to develop a sister cities program, at a regularly scheduled Tourist Board Meeting on Monday, February 3, 2014 at 6pm. Items to be addressed are the focus of the program (what does the Town want to achieve), whether there should be a completely separate Sister Cities Committee or one that is a hybrid of the Town Commission and Tourist Board, and a possible budget for programing. Find more information at: <http://sister-cities.org>

2. Bullying Program: Commissioner Michelle Kligman

Current Status: The bullying program was held on January 16, 2013 in the Community Center. The event consisted of an informative session that included an expert panel in the control of bullying with a question and answer session and a showing of the movie *Bully*. The event was a great success with approximately 100 people in attendance. Commissioner Kligman proposed a robust program that incorporates surrounding communities and the School Board to further this program. A resolution defining this effort was approved by the Town Commission during the February 12, 2013 Commission meeting. The resolution along with an outline for implementing the program was introduced to the Parks and Recreation Committee during their March 18, 2013 meeting. Summer camp staff received

the bully training during the summer camp in-service training on June 8, 2013. The bully training program was held September 19, 2013 in the Community Center for full and part time staff. Staff has finalized the agenda and advertising has been posted for interactive anti-bully program January 29, 2014 at 6:30 pm. The Parks and Recreation Committee was asked again to review the resolution and is preparing suggestions for an anti-bully policy to be presented for review in January 2014. This will be an ongoing process and updates will be provided monthly.

3. Mt. Sinai Bus Route: Commissioner Michelle Kligman

Current Status: Following the Town Manager and TEDACS Director meeting with the Jewish Community Services (JCS) team on May 30, 2013 regarding transportation options and related costs, JCS staff prepared a bus proposal. This information was presented to the Town Commission in the FY 13/14 budget process. A subsequent meeting on June 24, 2013 explored further partnership options to mutually benefit Town residents and JCS clients. A Program Modification addressing transportation to Mount Sinai in conjunction with JCS has been included in the proposed FY 13/14 budget. In the interim, JCS conducted outreach meetings with all Police Department shifts to inform them of their services available to seniors. Being aware of the benefits of the Surf-Bal-Bay Program, police officers can pass on information to residents/seniors that they interact with during their daily community involvement/activities. The Town will continue to inform Surfside residents of the program through the Gazette. The FY 13/14 Adopted Budget includes up to \$7500 addressing this transportation need. Following budget adoption, the Town Manager met with JCS on a proposal that would address the request for a Mount Sinai route and also provide additional services to the Town's seniors through the Surf/Bal/Bay Club. In late November, the Town was notified that JCS has made a financial decision to close the Surf/Bal/Bay Club. Other options will be explored including discussions with neighboring barrier island communities including Bal Harbour; Bay Harbor; Sunny Isles and Miami Beach. On January 7, a meeting will be held with the Managers of Bal Harbour and Bay Harbor Islands to discuss several issues including bus service; PAL and the Nurse Initiative. An update will be provided to the Commission.

4. Joint Skate Park with City of Miami Beach

Current Status: Initial contact was made with Miami Beach officials on May 31, 2013 regarding a joint skate park project located south of the Tennis Center and discussions have begun with the Town's Parks and Recreation Committee. A meeting with Miami Beach officials and Town Representatives was held on July 11, 2013 and September 13, 2013. The meeting was positive in nature and Miami Beach is on board with the Town researching the possibility of building a skate park as a joint venture between Miami Beach and the Town of Surfside. At this time Miami Beach has a possible \$400,000 for the project along with the 2 lots of land. The project was presented to the Parks and Recreation Committee during the July 15, 2013 meeting and was supported by the Committee. Staff work on the project continues including finalizing a proposal for partnership with Miami Beach; options for park development and operation; and community outreach. Also, Bay Harbor Islands officials have expressed an initial interest in the skate park partnership and exploring possible participation. A meeting was held on September 13 with Miami Beach representatives (Assistant Manager and Recreation Director) to discuss the status of the project. They identified an additional site (the "log

cabin" site approximately 5 blocks south of 87th Terrace lot) which they are also considering. Miami Beach staff will present skate park options at a Neighborhood meeting in mid-October. The idea of a joint skate park was reviewed by the Miami Beach Neighborhoods/Community Affairs Committee on October 28, 2013 and has been forwarded on to the Miami Beach City Commission for review. It is the recommendation of the City's Parks and Recreation Department to build the Skate Park at 87th Terrace and Harding. This recommendation will also include a joint venture with the Town of Surfside with the possibility of a monetary commitment by the town for construction cost and a possibility of the Town assisting with the day to day operations of the Skate Park.

January 2014 Update: A briefing was provided to the Parks and Recreation Committee at its December meeting regarding the proposed partnership with Miami Beach on the development of the skate park at the 87th Terrace site (across from the Town's tennis facility). The briefing was enthusiastically received by the Committee members as this project is included in the 5 Year Parks and Recreation Capital Plan approved in September by the Town Commission. [Note: Following the Miami Beach Neighborhood Meeting in October, 2013, the preferred site for the park reverted to 87th Terrace from the proposed Log Cabin site].

Staff of Surfside and Miami Beach met on December 16 to discuss a conceptual proposal which will be presented to the Miami Beach Commission on January 15. As a result of this meeting, the following is a summary of input provided as a starting point to move this concept forward:

1. Surfside is enthusiastic about working with Miami Beach in preparing a conceptual plan for a partnership with Miami Beach for the construction and operation of a skate park at 87th Terrace as a skate park, as this option has been included in the Town's Five Year Capital Plan.
2. The partnership agreement would provide a buy-in from Surfside including: Recreation Staff assistance in monitoring the park with Miami Beach; and/or annual contribution representing a fair share contribution (% to be determined) for operation and maintenance costs should Miami Beach decide to take the lead/responsibility of operating the skate park. Depending on how these issues are ultimately resolved, a funding formula would be developed addressing the construction/operation/maintenance of the park over a 5 or 10 year period with the costs assigned to each municipality on an agreed upon percentage basis.
3. The issue of police service is key. Our Police Chief, has expressed his support for his department's involvement with the skate park including patrol, response to calls for service and community policing. Details to be worked out with the Miami Beach PD through an interlocal agreement. Surfside PD is in a position to be proactive with this recreation program as they are with the other recreation programs and facilities associated with our programs.

On January 2, Miami Beach Recreation Director John Rebar indicated that Miami Beach would like to locate the proposed skate park one block south to the northern portion of the lot between 87th and 86th Streets. Relocating this project one block south, results in a larger lot which will allow for more options/enhancements in design and amenities while at the same time be conveniently located for Surfside skaters.

This item is scheduled for a 9:10 am time certain at the January 15, City of Miami Beach Commission meeting.



Approximate 9000 sqft site identified as a possible location for a joint partnership with Miami Beach for developing a skate park located south of the Town's tennis facility (87th Terrace).

5. MAST Academy – Miami-Dade County Public Schools Maritime and Science Technology Academy (FIU Biscayne Bay Campus)

Current Status: Miami-Dade County Public School District is currently in the process of finalizing the startup of a District operated secondary program in environmental sciences at the FIU Biscayne Bay Campus (3000 NE 151st Street, North Miami) for School Year 13/14.

Mayor Daniel Dietch and the Town Manager received a briefing on June 18, 2013 from County School District officials on the start-up of the Environmental Science Program and longer range plans to fund and permanently establish a facility. Commissioner Michelle Kligman also received a briefing from the Superintendent's Office on the proposal.

In a number of locations through the County, municipalities partner with the School District to invest in educational opportunities for its residents particularly as it relates to MAST academies. On September 9th, Surfside and Miami-Dade County School District hosted an information meeting at Town Hall regarding the Environmental Sciences at Florida International University (FIU), located at 3000 NE 151 Street in North Miami. The meeting took place in the Commission Chambers. The agenda and meeting information was posted on the Town's website under Town News. Elected Officials and staff from Bal Harbour and Bay Harbor Islands were invited to attend the September 9th meeting to hear about this opportunity to expand educational opportunities for local students. The Commission was provided with a written report on the September 9th Community meeting. An open house tour of the MAST Academy at FIU was held on October 17. There were approximately 25 attendees at the open house and the Town was represented by Linda Jain, Web and Special Projects Coordinator.

A conference call was held on December 12 with Assistant Superintendent Iraida Mendez-Cartaya, CPA to follow-up on Fausto Gomez's suggestions on possible funding options. The following is a summary of our discussions:

- Student stations that would be eligible for Surfside students would cost \$20,000 per student station. These student stations would be on-going and not just assigned to initial students. Surfside students would have to meet eligibility requirements and the number of seats purchased for Surfside students would be assigned and if the number of eligible Surfside students exceeded the number of student stations, then a lottery would be used.
- Initial estimates for finalizing an agreement on student stations would need to be in place prior to the school year 17/18.
- A number of municipalities have entered into agreements with the County for similar endeavors where direct educational benefit is provided to students in that municipality. Ms. Mendez-Cartaya has provided us agreements between the School District and: 1. Key Biscayne, 2. Cutler Bay; and 3. Sunny Isles.

An added benefit for students from Surfside to attend the MAST at FIU would be for the student to have the ability to complete up to an AA degree at the time of graduation from high school with the cost funded by the School District.

Ms. Mendez-Cartaya will initiate an analysis of student numbers and projected growth to provide input to the Town regarding a recommended number of student stations for the Tow to consider.

The Town Manager will follow-up with area Managers regarding their jurisdiction's position on the MAST at FIU.

As the Commission addresses the allocation of resources from development activities (see Five Year Financial Forecast), a modest, annual educational investment presents a unique opportunity that would benefit current and future generations of Surfside students and have a positive impact on the desirability of raising a family in Surfside and enhance property values.

6. Turtles Project – Art in Public Places

Current Status: The Tourist Bureau continues to leverage the icon Turtles in promoting Surfside. With the Tourist Board's decision to keep the remaining Turtles and leave them on 93rd Street ("Turtle Walk"), the department can now focus on including them in marketing initiatives. Recently the Turtle logo was incorporated into the town wide banner design (on Collins & Harding Avenues) and in merchandise presently available for sale at Town Hall (calendars/t-shirts/license plate frames). The Turtle Freedom was recently featured in the Miami Design District as part of a promotion associated with Art Basel. Surfside's downtown attributes were promoted in a two page advertorial, a customized transportation vehicle, souvenir pins and an Instagram competition with the prize being a two night stay at the new Grand Beach Hotel Surfside.

B. DOWNTOWN BUSINESS DISTRICT AND TOURISM

1. Harding Avenue Streetscape Plan

Current Status: The project is nearing completion. All trees and shrubs scheduled for removal on Harding Avenue have been removed and the trees have been re-located to various locations throughout Town (94th and Bay; 93rd and Bay; Tot Lot; Tennis Center). These trees were required to be relocated by the FDOT permit. These locations are utilized to beautify and add more greenery; this practice eliminates the Town from discarding healthy plantings. All of the medjools for the project have been planted. The rough in for the up-lighting has been completed on the east/west side of Harding. The cut outs for the pocket parks on both sides of Harding Avenue are complete and concrete was formed and poured on December 23rd. The committee met and chose the hardscape furniture and trash receptacles for this project. Public Works is in the process of planting the smaller trees and shrubbery in the pocket parks. Public works is installing the wiring, up-lighting and receptacles starting at 95th and Harding and working north and south. When ten tree locations are complete with the lighting, Luke's landscape will begin the final planting around the trees. A walk thru was conducted on December 30, 2013 for a final punch list and scheduling completion dates. Public Works and the contractor are continuing to work diligently to complete the project. A ribbon cutting ceremony is tentatively planned to coincide with the Tourist Bureau's first Third Thursday event of the season: Thursday, February 20, 2014 at 7pm on Harding Avenue at 95th Street. Seeking Town Commission direction on the viability of this proposed event date. **Action Item**



2. Downtown Vision Project: Commissioner Michelle Kligman

Current Status: DVAC did not meet in December however the members were asked to network within the community to solicit attendance for the Community Dialogue on Parking Meeting that was held on December 18, 2013. See below #4 Parking Structure Feasibility Study.

The next DVAC meeting is Monday, January 27, 2014. Topics for discussion will be the results of the BID Straw Poll and subsequent Town Commission direction and a possible color palette for downtown buildings.

BID Update - The following is the timeline in operation for the BID:

Week of Nov 18 – finalized Straw Ballot Document and Summary of the BID for dissemination.
RMA - conducted preliminary outreach.

Week of Nov 25 – RMA & TEDACS Director completed preliminary outreach.

Week of Dec 2 – Outreach was conducted by the Mayor, Commissioner Kligman and Town Manager to Property Owners. RMA and the TEDACS Director conducted outreach to all business operators.

Weeks of Dec 9/Dec 16 – Conducted Straw Ballot and follow-up (RMA).

Weeks of Dec 23/Dec 30 – Summary of findings report to be completed for Town Commission January 14, 2014 meeting.

The result of the ballot will be presented to the Town Commission and an ordinance authorizing a formal process for a BID, including an election is part of the January 14, 2014 Town Commission Agenda. **Action Item**

3. Sidewalk Ordinance Implementation

Current Status: The agreement, as well as the accompanying resolution, remains with FDOT for their final review and signature. The ordinance continues to be rolled out as part of the Town's Fall business licensing process (see information on the LBTR/CU Process in this report) and will coincide, as well as complement, the Harding Avenue Business District Streetscape.

4. Parking Structure Feasibility Study

Current Status: The completed study was issued to the DVAC Parking Subcommittee (which includes members appointed by the Town Commission and the Town Manager) on March 8, 2013 for the March 20, 2013 meeting. Rich and Associates and C3TS/Stantec presented to the committee and public in attendance and the meeting was broadcast over Channel 77. The committee unanimously voted in favor of moving the study on to the Planning and Zoning Board (April 3, 2013) and Town Commission (April 9, 2013).

At the April 9, 2013 meeting, the Commission acknowledged receipt of the March, 2013 Parking Structure Feasibility Study. The Commission tasked Staff to develop a public outreach and educational process to move the Study forward in order to ensure all stakeholders have been informed and involved prior to the Commission proceeding with its action on the Study.

Staff began the outreach/education process on the Parking Structure Feasibility Study. At the May, 2013 DVAC meeting, the committee members were asked to share their ideas/suggestions on the community outreach/vision process. At the June 24, 2013 DVAC meeting, the committee

members provided ideas/suggestions on the community outreach/vision process. The item was also discussed at the two BID Property Owners/Business Operators meetings held on June 26, 2013.

At its October meeting, the Commission provided direction to move this process forward including:

- Acknowledging the parking deficiencies in the business district; (shortage of parking spaces presents unacceptable conditions for business and customers and needs a comprehensive solution).
- Supporting the outreach effort to develop a final report to be prepared no later than April 1, 2014 containing: detailed recommendations on parking facility improvements to address deficiencies including location; financing options and construction timeframes.
- Recognition that the Commission retains the ultimate decision making authority in how the recommendations of the report are implemented, including method of approval.

On December 18, a Community Dialogue was held as part of the outreach. This meeting was posted on the Town's website Meetings and Community calendars, was mentioned as part of the Mayor's Community Notes at the televised Town Commission meeting on December 10, was the main focus of the Town Manager's message in the December Gazette, sent out as a website eblast and went to all committee/board members asking them to disseminate the information to their community networks. There were over 35 in attendance.

The Town Manager discussed the study and various proposals to address the parking shortage. The majority in attendance expressed their support of the Town proceeding in the most expeditious manner to build a structure. One person in attendance advocated for a referendum on the issue. There was a favorable response to a possible solution at the Town Hall/Community Center Municipal complex and there was support for more than one structure. As many felt that a private, public partnership for the 94th Street lot was a viable idea, there was equal support for something at the Abbott lot as well as the Post Office lot. There were a few residents who expressed their opinion that there is not a need to address the parking situation as they feel the need does not exist. The Town Manager is meeting individually with these residents to further the dialogue and address their concerns. Concerns/input received related to beach parking, no additional resident taxation, traffic flow and impact to the homes on Abbott Avenue.

Regular updates will be provided including status update on the project at the January 2014 Commission meeting.

5. Five Year Tourism Strategic Plan

Current Status: Staff is working on implementing the first year identified in the plan (FY 13/14). The Tourist Board finalized the ethics, conflict of interest, policies and procedures as well as governance policies. Along with suggested changes to the Town's Resort Tax Ordinance,

these items will be brought before the Town Commission as part of the February 11, 2014 Town Commission Agenda.

C. INFRASTRUCTURE AND UTILITIES

1. 95th Street End Project

Current Status: The project is about 95% completed. Pavers were cleaned and sealing is scheduled for the 30th of December. The light poles and bollards are scheduled to be installed on the 12 of January, 2014 to complete the first phase of this project. Phase 2 (east of the bulkhead) is in the process of permitting.

95th Street looking east from Collins Avenue:



2. North Force Main/Building Better Communities Bond Program

Current Status: There is both progress and pushback on this effort to obtain funding for this critically important second sewage disposal alternative for Surfside, Bal Harbour and Bay Harbor Islands. Miami-Dade County WASH has retained the firm of Hazen and Sawyer to study the situation at the North Dade Regional Plant and the 163rd Street force main. This is recognition that something needs to be done that will resolve the issue which we keep top of their minds. The negatives are that specific projects which would facilitate acceptance of our sewage are not listed in the draft settlement agreement with EPA and FDEP. Surfside was represented in a community meeting held by WASH September 27, 2012 and our concerns were placed on the record, Mayor Daniel Dietch, Donald Nelson and the former Town Manager also attended a meeting held at WASH on October 25, 2012 in which the draft settlement agreement was further discussed. A new resolution was approved by the Board of County Commissioners that gave specific direction to the County Administration to consider innovative municipal

projects as they prioritized the Building Better Communities bond funding. This amendment was written by the former Town Manager and supported by County Commissioner Sally Heyman. Finally, the risks inherent in the Virginia Key plant (where our sewage is treated) and the new force main under Government Cut have been documented in the Miami Herald.

In a conversation with Doug Yoder, Assistant WASD Director who is handling the negotiations with EPA and DEP, it was learned that an environmental group has filed a lawsuit which questions the advisability of upgrading shoreline sewer plants that may go underwater if global warming raises sea level. Therefore WASD is looking at the alternative of an inland plant at a higher elevation. There is a long way to go on this issue.

At the May 21, 2013 County Commission meeting, the County adopted a resolution regarding the Federal Consent Decree. Commissioner Heyman again expressed support for recognition of funding efforts of municipal governments in upgrading sanitary facilities. Bob McSweeney, PE of CGA represented the Town at this meeting. However, since the County Commission action on the Consent Decree was a resolution, no public comment was received. The following is a summary of the long established Town talking points on this issue which were to be presented:

1. There should be recognition for communities that have made substantial investment to combat I&I. Rate increases should be discounted for communities which took initiative to reduce the I&I utilizing their own funds. Surfside has expended \$23 million on their utilities with the goal of reducing the I&I by 90%.
2. Lift stations – Surfside has fixed its own, as has Miami Beach. Surfside's sewage flows through upgraded lift stations with acceptable NAPOT reports. Again, communities which showed initiative should not be punished by these rate increases.
3. Support for Commissioner Heyman's position: "Any Building Better Communities water and/or sewer project in which a municipality has put forth an innovative financing plan shall not be adjusted as to priority in this analysis and in fact, shall be accelerated if possible. Further, the analysis requested of the Mayor shall include the implication for any recommended adjustments in dollars or timing in the Building Better Communities Bonds as to allocation of water and sewer permits for new or updated construction projects. Said analysis shall be done in a format that clearly demonstrates how the proposed adjustments impact the construction industry and job creation."
4. There should be recognition for building permits issuance and utilization of County capacity to offset County costs/ burden by developers. This burden should not be placed solely on the wholesale customers such as the Town of Surfside.

On May 29, 2013, Town Manager Michael Crotty discussed with Commissioner Heyman establishing a meeting to follow-up on sanitary sewer issues. The Commission will be provided updates.

On July 11, 2013, Town representatives met with Miami Beach officials regarding the agreement with Miami Beach on sanitary sewer services they provide to the Town. Issues identified during the preparation of the new agreement with Miami Beach may identify additional issues to assist

in the Town's discussions with Miami-Dade. Miami Beach will be encouraged to partner with the Town and our adjoining communities as we approach Miami-Dade regarding the possibility of a north force main. This enhancement would be a significant "back-up" for Miami Beach. Once the negotiations are concluded with Miami Beach, Bob McSweeney, CGA Director of Engineering Construction, will prepare a report outlining the Town's efforts in upgrades/improvements to its sanitary sewer system and issues in support of our talking points listed above which will serve as the basis for discussions with the County.

Finally, a meeting was held with DERM on August 29th to discuss the Town's successful compliance with the terms of the 2007 Consent Agreement as a result of the Town's \$23.6M Water/Sewer/Storm Drainage Project. Town staff discussed with DERM representatives the contemplated north force main project; benefits to be derived and possible approaches to achieve this objective. Miami Beach officials have been initially approached to discuss the north force main project and determine their interest in participating with the County in this dialogue. Additional dialogue will occur with the Manager's Office, Utilities and Economic Development staff.

3. Water/Sewer/Storm Drainage Project and Collins Avenue Force Main Project

Current Status: See CGA monthly report in the Commission agenda packet for the status of the Water/Sewer/Storm Drainage Project.

4. Seawall Project

Current Status: Miami Dade County Regulatory and Economic Resources (RER) (formerly DERM) has completed the Biological Opinion (BO). The results of the BO were submitted to the Town and CGA has incorporated the BO permit requirements into our final plans. The US Army Corps of Engineers (USACE) permit was obtained in late February 2013 and the FDEP permit was obtained in April 2013. The SFWMD and RER final permits have been received. The Town received final authorization from Florida Inland Navigation District (FIND) and the Commission approved a resolution to allocate the Town's matching funds at the December 2013 Commission meeting. A discussion item of the scheduling of the seawall project is included as part of the January 14 Commission meeting. A Staff Commission Communication is included as part of the meeting agenda packet. **Action Item**

5. Beach Management

Current Status: Hurricane Sandy and high full moon tides and wind caused significant erosion on our beach. Due to the storm, Surfside lost up to 75 feet of beach (with nearly 25 feet returning by natural drift of sand) and was one of the least damaged segments of beach countywide. Staff has begun work on many fronts to ensure that various agencies with authority and funding initiate a re-nourishment program. A meeting was held with Miami Dade County staff on December 20, 2012 and the County accepted responsibility for coordinating the re-nourishment. Town Staff will be kept updated as Miami-Dade County moves forward with any re-nourishment project.

Congresswoman Debbie Wasserman Shultz sponsored a Coastal Community Roundtable on April 4, 2013. Governmental representatives from Miami-Dade and Broward Counties heard presentations from U.S. Army Corps of Engineers in Jacksonville, Florida. Of local interest, Corps representatives presented an overview of the sand re-nourishment project scheduled in Bal Harbour (Contract G: August, 2013 Award and start date at the conclusion of Sea Turtle Season). After this project, compatible sand sources for re-nourishment will be depleted.

The Corps began an outreach pertaining to their planned sand source study (Contract J: tentative date August, 2014). The study will attempt to locate compatible sand (non-County borrow area) for future projects.

Discussions were held on the long delayed Bypass project at Port Everglades and the legal issues and challenges associated with the use of foreign sand (i.e. Bahamas) for domestic projects. Also, the Town has been approached about possible coordination with Miami Beach on their dune restoration initiative.

The dune re-nourishment project in April, 2014 is still a work in progress. Public Works staff continues to coordinate this effort with Lee Gotlieb.

6. Pedestrian Crosswalk at Harding Avenue and 96th Street

Current Status: This FDOT experiment in modifying pedestrian behavior by requiring a three light alternative has been an issue of concern. A meeting was held with FDOT District Engineer Gus Pego and he agreed to study going back to the original crosswalk. This will slow eastbound traffic on 96th Street making a right turn to Harding Avenue southbound, however, that is a more desirable consequence than leaving the current dangerous unauthorized pedestrian movement. A meeting was held with Mr. Pego on July 3, 2013 regarding the history of the pedestrian crossing at 96th/Harding.

Public Works Director Joseph Kroll, also met with the Town's Traffic Consultant, Jeff Maxwell of Calvin, Giordano, and Associates to discuss the aforementioned traffic issue. Mr. Maxwell was able to provide his findings for Harding Avenue and 96th Street crosswalk as follows:

Potential Crosswalk at 96th Street/Harding Avenue – South Leg of the Intersection: The intersection of Harding Avenue/96th Street currently provides pedestrian crosswalks on the north, east, and west approaches. The south leg of the intersection does not provide a pedestrian crosswalk. Westbound traffic is prohibited from turning left onto Harding Avenue (southbound) and would therefore not present a conflict with the proposed pedestrian crosswalk. Eastbound traffic allows for dual eastbound to southbound right-turn movements. This will present a conflict with the proposed pedestrian movement on the south side of the intersection during the eastbound through movement green phase. For this reason, it will be necessary to provide a dedicated pedestrian phase for the proposed pedestrian movement on the south side of the intersection. It will very likely result in the deterioration of the intersection traffic Levels of Service since the cycle time will need to be allocated for an exclusive pedestrian phase. This will be the primary disadvantage of the proposed crosswalk facility. If a pedestrian crosswalk is installed on the south

leg of the intersection, pedestrians on the south side of 96th Street wishing to cross Harding Avenue will no longer need to crossover to the north side of 96th Street. This will be the primary advantage of the proposed crosswalk facility.

In November, correspondence was sent to FDOT District Secretary Gus Pego requesting FDOT undertaking a study re-establishing this crosswalk and the resulting pedestrian, traffic and safety impacts.

The Town received a response from Omar Meitin, PE, District Traffic Operations Engineer for FDOT in response to our November correspondence as follows:

“Regarding your request to re-establish a pedestrian crosswalk at the south side of Harding Avenue intersection, our office has evaluated this proposal several times recently. In 2005, FDOT removed the crosswalk to avoid conflicts with a second eastbound right turn lane, which was implemented at this intersection to ease traffic congestion.

Our studies have shown that there continues to be heavy demand for eastbound right turns at this location and that re-establishing the crosswalk on the south side of the intersection will require removing the second right turn lane as well. Essentially, this proposal will revert to conditions prior to 2005 modifications, which caused undesirable congestion and neighborhood intrusion. Therefore, we do not favor this option.

As part of our studies, we analyzed crash data. Our analysis indicated that there were 2 pedestrian/bicycle accidents between 2009 and 2011 at this intersection, but neither was attributable to the absence of a crosswalk on the south side of the intersection. No conflicts between pedestrians and vehicles were observed during our studies either.”

In reviewing this issue with the Police Chief, he indicated that he also does not favor re-establishing this intersection.

As part of the Harding Avenue Streetscape project, we are having fabricated an architectural feature to be included in the planting enhancements at this location (on both sides of Harding adjacent to the two bank locations) which will serve as a barrier to prevent pedestrians from crossing at this unauthorized/unsafe location and at the same protect the landscaping enhancements in this area.

7. Community Center Expansion: Second Floor Addition: Vice Mayor Karukin

Current Status: During the December 17, 2012 Parks and Recreation Committee meeting, the second floor of the Community Center was listed by the Committee as the top priority for the Parks and Recreation Infrastructure Plan. The FY 13/14 proposed budget contains \$100,000 funding from voluntary proffers to undertake conceptual planning and design of projects including the second story addition to the Community Center. This funding is subject to the Commission approving a Five Year Capital Parks and Recreation Plan. The Resolution adopting the Five Year Capital Parks and

Recreation Plan was approved at the September 17 Commission meeting. Also, the resolutions authorizing engineering and architectural services have sunset and will need to be reviewed.

Finally, since this project contains varied components (structural analysis of an existing facility to determine expansion capability; public outreach to determine features to be included; design and permitting, bidding and construction services) the option of competitively selecting a firm which would be retained for "design build" or "best value". Based on demands of existing projects, Staff has identified an initial report to the Commission in April/May timeframe.

8. Tennis Facility

Current Status: At the July 15, 2013 Parks and Recreation Committee meeting, the Committee recommended that the improvements to the tennis facility be ranked as the #2 priority with implementation beginning in FY 13/14, (#1 priority being the second floor addition to the Community Center). The improvements (court surface, lighting and fencing) are estimated to cost \$255,000. The Committee moved up the tennis facility on its priority list due to the deteriorating condition of the court surface and overall condition of the supporting infrastructure including lights.

The Commission approved the Five Year Parks and Recreation Capital Plan during the September 17, 2013 Commission Meeting. The Town will receive in excess of \$400,000 during FY 13/14 from voluntary proffers. A proposal for the renovation of the Tennis Center was approved by the Town Commission at the October 8, 2013 Commission meeting. After meeting with the contractors, the following is the preliminary/tentative schedule:

- Approximately a week turnaround time from Musco Lighting for plan submittal. Upon town's execution, equipment will be ordered.
- Fast Dry will be providing any plan submittals needed as well.
- Delivery time for equipment -- 4-6 weeks.
- Approximately a week prior to delivery, Musco will be on site for demolition.
- Musco Lighting install expected to take approximately 2-3 weeks.
- Immediately concluding Musco's work, if not coinciding, Fast Dry will be on site for court demolition.
- Fast Dry will need at least 14 days for the courts to cure. In the meantime, fence work will be completed.
- Fast Dry expected to take approximately 3 weeks for project work.

The existing agreements have been signed by all parties and the required permits have been issued as of November 21, 2013. The renovation started December 2, 2013 with the delivery of the new light poles. Courts are closed until the project is completed. Arrangements were made with the City of North Miami for the Town of Surfside Residents to use the City of North Miami San Suocci Tennis Center Facility at the City of North Miami Resident rate/fee. This project is moving forward as projected, with lights up and the electrical completed. The anticipated opening date is the first week in February with a grand opening ceremony coordinated by the Parks and Recreation staff.

Pictured: light poles and tennis court black top rolling:



9. Biscaya Drainage

Current Status: At the November 2013 meeting, the Commission approved the Biscaya Drainage Project in the total amount of \$230,858.81 with a substantial portion of the project being completed by Public Works thus reducing the cost of the project by approximately \$90,000. The “in-house” capability to undertake this project is due to the acquisition of the front loader/back hoe funded in the FY 13/14 budget. The savings to the Town by using Public Works to undertake the project exceeds the purchase cost of the front loader/back hoe.

The project will increase the outfall culvert size (pipe diameter) through replacing the existing outfall running north-south which discharges into the northern canal opening.

This design option will serve to provide increased storm water run-off conveyance and an increased level of service for the affected / identified portion of road Right-of-Way. It is anticipated that using 18” and 24” diameter piping for replacing the existing longitudinal drainage culverts in this area will increase the outfall capacity to meet the 10 year – 1 day rainfall event (meeting Miami-Dade County standards) for the contributing Right-of-Way area and crown of roadway protection. The hydraulic capacity of the pipe size increases shall be verified for the 3 year - 1 hour storm event. Additional elements to be incorporated into the project include adding manatee grates on the islands three outfalls, and installing backflow prevention devices on the three outfalls.

The proposed design will include backflow prevention devices to be installed on the island’s three outfalls. These devices are intended prevent tidal water from backing up into the roadway drainage system and subsequently onto the roadway surface through the existing drainage catch basins during extreme high tide events. The current proposal would utilize a single backflow prevention device (in-

line or sea wall mounted check valves including but not limited to a duck bill/Red Valve, Tide Flex or flap gate) on each of the three outfalls.

Based on additional input received, consideration of a second (redundant) in-line check valve or manually operated secondary devices such as sluice gates or control valves will be investigated for inclusion in the system design, and will be cost analyzed.

When the Commission approved the project, Staff was requested to meet with Biscaya residents to ensure on-going communication throughout the project.

A meeting was held on November 26 with residents of Biscaya to discuss the project. The following was discussed:

1. Town's approach in planning and addressing the drainage issues including options considered; cost considerations; permitting requirements/variance for upsizing pipe; and safeguards included in the project to address water rise from high tides.
2. Estimated timeframes for the project.
3. Question/Answer session with residents. Resident concerns centered primarily with the impact of water rise/tidal action and the importance of regular maintenance to help offset this impact.
4. Future communications and meetings regarding the project including sending an invitation to residents to attend the pre-construction meeting--estimated to be during May.

The meeting was attended by 5 Biscaya residents and attending from the Town were the Mayor; Town Manager; Public Works Director; and representatives from CGA (Chris Giordano and Bob McSweeney, P.E.).

The plans have passed the 30% QC review (which are now under review by the utilities) and the team is now completing the 60% drawings.

10. Street Signs Replacement

Current Status: This item has been deferred until the final costs of the water/sewer/storm drainage project are known. It does not appear that enough funds will be available for this project. A final report will be provided to the Commission upon closeout of the project.

D. PLANNING, ZONING AND DEVELOPMENT

1. The Shul Project

Current Status: An application in sufficient form to start the Design Review Group (DRG) process was received and the first meeting was held on August 22, 2012. A second Design Review Group meeting was held on February 13, 2013 and a third was held on March 28, 2013. A meeting took place with Stanley Price representing the Shul, Town Attorney Linda Miller and former Town Manager on March 1, 2013 to further refine the voluntary proffers including an alternative to a Payment In Lieu of Taxes (PILOT). A DRG meeting occurred on July 18, 2013 and additional comments were discussed. A meeting was held on September 12, 2013 between the Shul and Town representatives to continue the dialogue.

A Development Impact Committee meeting was held on October 17, 2013. Initial conditions were discussed, but no items were brought to closure. A main topic of discussion was the alley between 96th Street and 95th Street. The Town expressed concerns relating to pavement quality, drainage, undergrounding the utilities, potentially moving and/or upgrading the water/gas lines in the alley, requiring easement (if necessary) for the transformers and providing lighting. The applicant will need to prepare a study describing the improvements needed in this alley and fund the cost of the improvements. Also discussed in length are the parking concerns. The applicant's proposed site plan is deficient by approximately 100 parking spaces on site. The Code permits both off-site parking, if there is adequate parking within 300 feet of the property, as well as contributions to the Downtown Parking Trust Fund. The applicant indicated at the DIC meeting that they would be proposing to park in a portion of the required parking in the Bal Harbour Shops and a portion of the required parking would be a payment into the Parking Trust Fund. They also indicated a desire to park in Bay Harbor for special events. Staff requested a full operations plan to review the full scope of the applicants request.

Bal Harbour has completed an analysis of the available parking in the Bal Harbour Shops, which indicates there is not adequate capacity at the Shops to accommodate 100% of the Shul's off-site required parking needs. Another follow up meeting occurred on December 11, 2013, where the applicant concluded they will not request off-site parking and instead request a payment into the parking fund for 100% of their parking deficiency. The second Development Impact Committee meeting is scheduled for January 9, 2014 to confirm all proffers.

2. Tracking Development Orders

Current Status: Project management tracking will be an integral part of obtaining software for project tracking, departmental interfacing/sharing of critical information (i.e. Code Department and Building Department) and overall management of special/development projects and asset management. On May 30, 2013, a meeting was held to identify and discuss Enterprise Resource Planning (ERP – systems integration of internal and external management of information across the entire Town organization) requirements for upgrades for FY 13/14. This will include a project tracking component. Funds are included in the FY 13/14 budget to move ERP forward.

3. Massing and Zoning Discussion: Vice Mayor Karukin

Current Status: At its May 15, 2013 meeting, the Town Commission directed the Town Manager to set up a Joint Workshop with the Planning and Zoning Board to discuss zoning issues. Those issues were clarified at the July 25, 2013 Planning and Zoning Board meeting and the Manager announced that the public is encouraged to provide comments regarding the zoning code on a form provided on the website.

Vice Mayor Karukin clarified his concerns in a July meeting with the Town Attorney and Staff and these specific issues have been discussed at the August Planning and Zoning Board meeting. The Planning and Zoning Board has asked staff to look at side setbacks as a percentage of the lot width to increase the current setbacks, removing the side setback requirement, require parking below grade, requiring building lengths to be no greater than 150 with 30 feet of separation, explore breezeways and consider building platforms no greater than 30 or 40 feet in height without a break similar to the conditions at the Surf Club.

A presentation with follow-up discussion was made at the October, 2013 Planning and Zoning meeting. Staff prepared rendering for the December 19, 2013 Planning and Zoning Board meeting demonstrating three options for building length modification. The renderings demonstrated that the building separations were not adequate for meeting the intent of the board, and therefore additional discussion will be required at the January Planning and Zoning Board meeting.

E. TOWN COMMISSION

1. Legislative Priorities

Current Status: Initial discussions have been held with Fausto Gomez on the Town's 2014 Legislative priorities. A legislative priorities report has been prepared and will be an agenda item at the January 14 Commission meeting (report included in the agenda packet). **Action Item**

2. Charter Review Board – Town Commission Liaison -Vice Mayor Michael Karukin

Current Status: The Charter Review Board has held 4 meetings (November 14, 2013, December 2, 2013, December 16, 2013 and January 6, 2014). The CRB has focused on election issues and their next meeting is scheduled for Tuesday, January 21, 2014 at 7:00 pm. in the Town Hall Manny Crawford Conference Room – second floor. The Public is invited to attend.

F. TOWN DEPARTMENTS

1. Town Attorney

a. Options to Mitigate Inadequate Number of Parking Spaces at Multi-family Establishments along the Collins Avenue Corridor: Mayor Daniel Dietch

Current Status: Spiaggia's counsel, Howard Weinberg, Esq. informed the Town that he is seeking formal authorization and funding and pursuing the required revisions for the parking plan from the original design firm of Kobe Karp.

2. Building Department

a. FEMA National Flood Insurance Program (NFIP)

Current Status: The commentary provided to the Town of Surfside CAV 5.27.13 are being addressed for re-submittal to Dr. Prasad Inmula, DHS FEMA Region IV, Atlanta. The documents returned with technical comments and/or clarifications have been addressed.

9564 Harding was clarified as to the substantial improvement threshold for that project and some confusion as to the address. The main address of the building in question is 9564 Harding Avenue and as per records found in the Miami Dade County Property Appraiser's database the building was constructed in 1954 and is further identified under folio number 14-2235-007-0930. Apparently this building was expanded in subsequent years and now includes five other attached buildings of the same construction type as the original but duly separated by CBS walls at each adjacent northern and southern ends. These walls are built upon individual foundations and extend above the roof line, which, by definition can classify them as separate buildings. These addresses are local mailing addresses for their individual tenants and are 9560, 9574, 9578, 9592a and 9592b Harding Avenue. The five year cumulative substantial improvement block for this project is 2009 through 2013. The application was received October 14, 2011. The value of the improvements for the project being evaluated on the application date of October 14, 2011 was \$619,000. The total value of construction, including the cumulative value of improvements and the project value as of the application date is \$642,405 which is less than the 50% threshold value of \$1,040,163. In considering the multiple local addresses that are under one single folio number as per Miami Dade County Property Appraiser's database and the previous confusion with reporting the substantial improvement calculations I have decided to utilize the records reflecting the entire folio number. I have therefore determined that this building has not, as of the date of this application, been substantially improved and will not require compliance with the Town of Surfside Code of Ordinances Chapter 42 Floods, Article II Flood Damage Protection, and Division 5 Provisions for Flood Hazard Reduction as authorized and delegated by in Chapter 166 Florida Statutes.

9415-21 Harding Avenue was substantially improved which requires full compliance with the Town of Surfside Code of Ordinances Chapter 42 Floods, Article II Flood Damage Protection, and Division 5 Provisions for Flood Hazard Reduction as authorized and delegated by in Chapter 166 Florida Statutes. This being established the professional engineer that was hired by the development team of the establishment provided the dry flood proofing calculations for this project. Shortcomings were identified with the certification including the lack of and incomplete nature of the analysis given, specifically incorrect structural data utilized to determine the buoyant load of the structure and the lack of hydrodynamic capacity of the existing structural members. No information was provided

concerning the hydrostatic and hydrodynamic loads by the project's design professional and have since been addressed by staff to answer these comments and close this particular case in-house.

1220 and 1355 Biscaya required two previously unidentified air conditioning units to be raised to Base Flood Elevation which are scheduled to be re-racked the week of January 6, 2014. There was also some comments over the correct form of submission for the Elevation Certificates for these two addresses. This issue was discussed with CGA and the survey consultant that provide these for the Town and it was agreed to modify said EC's to conform with the commentary.

FEMA can only make flood insurance available in those communities that agree to regulate future development in the floodplain. The great majority of Surfside's land mass is located within an AE zone which is classified as a Special Flood Hazard Area (SFHA) with a defined Base Flood Elevation (BFE). Enforcement of the SFHA regulations is required as a condition of participation in the NFIP and the areas where the mandatory flood insurance purchase requirement applies.

b. Community Rating System (CRS)

The initial meeting of the Program for Public Information is scheduled for January 13, 2014 in which staff and volunteer committee members will open the Community Rating System program for the Town of Surfside. The application is on-schedule for the February 2014 deadline and barring any unforeseen difficulties should be submitted on time. Some of the items that are being put into action under the Town of Surfside CRS program is to begin community outreach with the pertinent floodplain management information utilizing Channel 77, the Town website and the Gazette.

c. Building Code Effectiveness Grading System (BCEGS)

ISO is an independent statistical, rating and advisory organization that serves the property and casualty insurance industry. ISO collects information on a community's building code adoption and enforcement services, analyzes the data and then assigns a Building Code Effectiveness Classification number from 1 to 10. Class 1 represents exemplary commitment to building code enforcement. Municipalities with well enforced, up to date codes demonstrate better loss experience and their residents' insurance rates can reflect that. The prospect of minimizing catastrophe related damage and ultimately lowering insurance costs gives communities an incentive to enforce their building codes rigorously.

Not all communities have rigorous building codes, nor do all communities enforce their codes with equal commitment. Yet the effectiveness of local building codes can have a profound effect on how structures in the community will fare in a natural disaster. Studies conducted following recent natural disasters concluded that total losses might have been as much as 50% less if all structures in the area had met current building codes. That said, building code enforcement can have a major influence on the economic well-being of a municipality and the safety of its residents. The Insurance Services Office helps distinguish amongst communities with effective building code adoption and enforcement through the comprehensive program called the Building Code Effectiveness Grading Schedule (BCEGS).

Data collection and analysis ISO has collected and evaluated over 12,000 building code enforcement agencies across the United States. In each of these communities three elements of building code adoption and enforcement are reviewed. The three elements are code administration, plan review and field inspections.

The survey conducted has resulted in a BCEGS classification of 3 in both the residential and commercial sectors of the construction industry. Specifically in the Administration of Codes section the Town of Surfside Building Department earned a points rating of 47.12 and 46.52 out of a possible 54 points in its commercial and residential sectors respectively. The previous rating period in 2009 the Building Department was rated at a 40 in both sectors out a possible 54 points. In Sections II and III which correspond to Plan Review and Field Inspections the Town of Surfside Building Department earned a points rating of 77.78 in the commercial sector and 87.64 in the residential sector. This was an improvement over the previous reporting year of 2009 in which the Department earned 77.58 for both commercial and residential sectors of plan review and field inspections.

Some areas for improvement have been identified and are being evaluated for possible implementation into the present departmental operating procedure.

d. **Forty Year Building Certification - Collins and Harding Avenues**

Current Status: Collins Avenue mailings have been completed and the focus has been turned to Harding Avenue. To date three properties have been issued letters of violation for non-compliance, four properties have had their letters of violation placed on temporary hold awaiting response. In these cases the owners have responded and requested a short extension. One code sanctioned exemption was granted and one property has come into full compliance including final payment. At this time there are six total properties under the ninety day notice for which we are awaiting response. Steady progress is being made in the area of 40 year building certification.

3. Code Compliance Department

a. **Code Compliance Priorities Workshop**

Current Status: A Town Commission Special Meeting was held November 7, 2013, and a total of 35 priorities were established for Code Compliance, including enforcement priorities in the Single Family Residential, Multi-family Residential and Business Districts. A summary of the results from that Special Meeting was prepared for the December 10, 2013 Commission Meeting, along with recommendations on the higher priority items, maximum compliance periods before imposition of penalties, and amounts for civil penalties in each priority category. The item was deferred on December 10 and will be resubmitted for the January 14, 2014, Commission Meeting.

b. Residential Home Based Businesses

Current Status: At the direction of the Mayor and Town Commission, enforcement of the Local Business Tax Receipt and Certificate of Use provisions was stayed for Home Based Businesses for FY12/13, until such time as code compliance priorities are established. A Staff follow-up report from the April 17, 2013 Code Compliance Workshop was provided to the Town Commission on June 11, 2013, but deferred. Additional discussion, recommendations and options were originally to be provided at the November 7, 2013 Town Commission Special Meeting on Code Compliance Priorities, but due to time constraints was not pursued at that time.

c. Short Term Rentals

Current Status: Options/recommendations on short term rentals have been included in the Code Compliance Report that was provided, but deferred, at the June 11, 2013, Town Commission meeting as part of the follow-up to the April 17, 2013, Code Compliance Workshop. This item was incorporated in the Code Compliance priorities discussion at the November 7, 2013 Town Commission Special Meeting and addressed. The matter was also included in the Commission Communication Report submitted as part of the December 10, 2013 but the item was deferred. The Report will be resubmitted as part of the January 14, 2014, Commission Agenda.

d. Sight Triangle (Hedges) and Corner Visibility

Current Status: On August 20, 2013, Staff met with Miami-Dade County Traffic Engineer and looked at several intersections in the single family residential neighborhood. After much discussion, the County's position was that the Florida Green Book was the required minimum standard for all municipalities. County staff recommended adoption of same into our Town Code. Based on the discussions, it appears that compliance with Green Book requirements may not be easily attainable Town-wide, as many corner properties (due to limited width of easements and lack of sidewalks) may not be able to meet the minimum standards. These minimum standards include multiple "sight triangle" scenarios, some that address minimum sight clearances immediately after stop signs, as well as others that address visibility clearances that are related to cross traffic which are based on speed limits. It was also confirmed that many property owners have planted hedges and shrubs in the easement (in many cases, right up to the curb) that also hinder visibility. It was recommended that the most easily achievable resolution to compliance was to cut the hedges and shrubs back. Additional issues were also identified by County staff, such as the traffic circle at 95th & Byron, 4-way stop signs, stop sign locations, and speed limit signs, some of which may have been placed without County review or authorization. A follow-up report will be presented at the October 8 Commission meeting. With regard to the existing cases, as directed, lien releases were provided in all cases where compliance had been attained. A lien release was also provided to one non-compliant case after the administratively mitigated hearing and administrative fees were paid. Only one non-compliant case remains unresolved, as the resident has yet to pay the reduced fees. A Town Commission Special Meeting to discuss future policy and available alternatives to the corner visibility issues had been scheduled for December 12, 2013, but was subsequently cancelled due to lack of a quorum. The Administration is currently working to reschedule the Special Meeting in January 2014.

4. Finance Department

a. Online Bill Pay: Vice Mayor Michael Karukin

Current Status: The online payment by credit card of the water, sewer and storm water utility bill by residential and commercial customers was implemented as part of the water bill that was mailed in mid-June, 2013. The online bill pay went live on the website July 1, 2013. SunTrust Bank provides daily notifications to the Town on customer accounts that have been paid by credit card.

The online payment of water, sewer and storm water bills by electronic check (e-check or transfer of bank funds) will be operational in January 2014 by SunTrust Bank, Municode (utility bill preparer) and CBoss (credit card processor who will also be the processor for e-checks).

b. Certificate of Use (CU) /Local Business Tax Receipt (LBTR)

Current Status: There are only 7 businesses of the 204 total businesses that have not renewed their Certificates of Use & Local Business Tax Receipts, a collection rate of 97 percent to date.

c. Certificate of Achievement for Excellence in Financial Reporting for Comprehensive Annual Financial Report (CAFR)

Current Status: The Town of Surfside has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2012. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. The Certificate of Achievement is awarded by the Government Finance Officers Association and is presented to only 3,908 of the 36,010 total governmental units nationwide. This is the third year that the Town has submitted and received this prestigious award. The preparation of the annual CAFR would not have been possible without the dedicated staff in the Finance Department.

d. IT/Channel 77 (SCALA)/Video Streaming/Communication/Mobile Application/ERP/Online Agenda Packets (Bookmarks)

Current Status:

1. Bookmarks and file size of Agenda Packets
 - a. Bookmarks were enabled for all future Agenda Packets uploaded to the internet.
 - b. Training provided on how Agenda Packets can now be saved as a reduced file size. This will increase the download time when trying to open Agenda Packets over the internet.
2. Agenda / video integration – indexing Agenda Packet Items with video. This will enable residents to fast-forward video to a specific Agenda item in a pre-recorded meeting from the internet.
 - a. The Town currently has the software in place to index the video with specific Agenda items through E-Cities.

- b. The Town Clerk will begin the indexing process manually by jotting down the time the Agenda item was discussed during the next meeting. The Clerk would then index the video after the meeting is adjourned.
 - c. Representatives from E-Cities will provide training on the how to use the video indexing software.
3. SCALA – Channel 77 content
- a. Ideas were discussed on how to create uniform, branding style templates to be used specifically by Town departments when new content is posted on Channel 77.
 - b. Graphic templates are being prepared for a meeting in January to review the design to be used for different event types.
 - c. SCALA will be operational in January, 2014.
4. SeeClickFix and CitySourced Application DEMOs (mobile apps)
- a. DEMOs on the following were conducted on November 25:
 - SeeClickFix
 - CitySourced
 - b. For determination of successful integration of ERP systems with specific mobile app. IT Staff and Town Staff have seen the DEMO for each product and has recommended SeeClickFix
 - c. Last action item: The SeeClickFix contract agreement is being reviewed by the Legal Department.
5. ERP – project goals are to find a qualified Vendor that will meet the Town's enterprise-wide operational needs for all departments
- a. Item discussed - Conversion of existing data is a priority. Department Heads will be again provided with functional requirements.
 - b. April 1st RFP deadline.
- e. Tourist/Resort Tax Audit

Current Status: There are currently five businesses that are behind in their monthly payment of Tourist/Resort Tax. The Finance Director and Staff are working with the businesses to ensure compliance. If payment is not received, these businesses will go through the Code Enforcement process and the Special Master hearing if necessary.

5. Parks and Recreation

a. Beach Concessions

Current Status: The lease agreement with the State of Florida and Miami-Dade County was presented to the County Recreation and Cultural Affairs Committee on September 10, 2012 and moved forward to the Board of County Commissioners on October 2, 2012. The lease application and documents were prepared by Miami-Dade County and submitted to the State for approval. On May 15, 2013 the County received correspondence from by the State regarding to the lease agreement. The State informed the County that Florida Statute 161.201 allows the County to police the beach and enter into

a management agreement with the Town of Surfside. The Town Manager, Town Attorney and the Parks and Recreation Director met with John Ripple, Beach Operations and Maintenance Supervisor and Kevin Kirwin, Assistant Director for Operations from Miami Dade County on May 20, 2013 to move the process forward. Currently the County attorney's office is completing a review of the statute. Following legal review, Town and County staff will work to prepare an agreement which would provide the Town with the legal authority to regulate beach concessions. In the interim, the County will be responsible for beach management issues. This issue has still not been moved forward on the county level. A deadline of January 24 has been established by Staff to have the agreement move forward from the County legal department. Due to the lengthy delay and the importance of the issue, Elected Official assistance will be sought.

b. Pool Tot Lot Repairs - Community Center

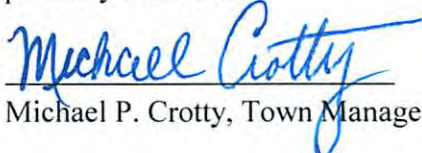
Current Status: Funtraptions, the original contractor for the Community Center water playground, is no longer in business and not available for any warranty work or repairs. At the completion of the project, a 10 percent retainer fee was held back by the Town until full satisfaction was met with the water play structure. The retainer (\$22,600) will be utilized to cover the cost of repairs of warranty items that need to be addressed. Naumann Nature Scapes, Inc. has been on site at various times since January 28, 2013 reviewing the water playground operations and the water playground pool blue prints. Naumann Nature Scapes, Inc. has provided an itemized list of work to be completed on a priority level. This proposal was presented to the Town Commission during the May 15, 2013 meeting and a resolution was passed to have the work completed. Phase I of the work began on May 9, 2013 with the removal of the Sand Dollar play feature for repairs. The Sand Dollar has been reinstalled and Phase II of the repairs has been completed to include hardware replacement, rust removal, clear coat repair and solenoid repairs. Work has started on Phase III of the repairs and continues to move forward and the water playground continues to remain open. Completion of phase III and the project will be done by the end of February 2014.

6. Request for Proposals

Architectural; Engineering and Grant Writing Services

Current Status: Pursuant to the direction provided at the November, 2013 meeting, Staff is on schedule to present the final bid packages for Commission review/action at the January, 2014 Commission meeting. Legal completed the pre-final drafts and the drafts were submitted to the Commission the last week in December for review. This will be a discussion item at the January 14, 2014 Commission meeting. **Action Item**


Respectfully submitted

by: 
Michael P. Crotty, Town Manager



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

TO: Town Commission

FROM: Linda Miller, Town Attorney 

CC: Michael P. Crotty, Town Manager
 Sarah Johnston, Assistant Town Attorney

DATE: January 14, 2014

SUBJECT: Office of the Town Attorney Report for January 2014

This Office attended/prepared and/or rendered advice for the following Public Meetings:

December 10, 2013	Town Commission Meeting
December 16, 2013	Charter Review Board Meeting
December 19, 2013	Planning and Zoning Board Meeting
January 6, 2014	Tourist Board Meeting
January 6, 2014	Charter Review Board Meeting
January 9, 2014	DIC – Shul
January 9, 2014	Red Light Camera Hearing

Ordinances prepared and reviewed for Second Reading:

- Ordinance Amending Future Land Use Element of the Comprehensive Plan
- Prohibit Animal Sales
- Setbacks in H120
- Garage Door

Ordinances prepared and reviewed for First Reading:

- Ordinance Amending Section 54-82 to Prohibit Noise Hours
- Business Improvement District

Resolutions prepared and reviewed:

- Resolution to purchase playground equipment from GameTime utilizing the existing U.S. Communities Government Purchasing Alliance contract No. 110179
- A resolution approving Calvin-Giordano & Associates, Inc. (CGA) work authorization No. 73 (updating Awnings and Sign Code, CGA proposal No. 13-5932) in a total amount not to exceed \$15,000
- Proclamation for Human Trafficking Awareness Month

Town Manager:

- Drafted RFQ Architectural, Landscape and Engineering Services and RFP Grant Writing
- Review SeeClickFix Agreement
- Attended “Triad Meetings” with Public Works Director, Building official, Code Enforcement Director
- On-going review of Shul plans/conditions in preparation for DIC meeting
- Review conditions for Grand Beach compliance
- Research and follow-up for RFP for Architect, Engineer and Grant Writer
- Continued follow-up for preparation of massing and zoning issues
- Continued follow-up with Code Enforcement regarding code compliance issues
- Review of conditions of approval on all ongoing projects
- Continued follow-up Spiaggia parking space requirements
- Continued follow-up issues regarding commercial parking and construction sites
- Ongoing review of 9200 Collins Avenue hotel project
- Follow-up on 96th Street bus stop

Town Clerk:

- Research election issues regarding Nominating Petitions
- Review and opine on Charter issues
- Research Florida Statute for election laws
- Opined on Notice requirements
- Review updated ethics law requirements
- Review election/ballot notice requirements
- Review and follow-up for public records

- Follow-up research for social media and Sunshine Law issues

Charter Review Board:

- November 14, 2013 - Prepared Agenda and documents for initial orientation meeting
- December 2, 2013 - Prepared and discussed election related Charter provisions
- December 16, 2013 – Prepared and discussed election related Charter provisions: Qualifications for Office, Induction into Office, Vacancy on Commission, and Vacancy in Candidacy.
- January 6, 2014 – Prepared and discussed the following items: Qualifications for Office, Vacancy on Commission, Induction into Office, Vacancy in Candidacy, Qualifying for Elected Office, Canvassing Board
- Next meeting scheduled for Tuesday, January 21, 2014 will continue discussion of election provisions.

December 19, 2013 Planning and Zoning Board:

- A. Request of the Owner of Property located at 9432 Carlyle Avenue to make an addition to the property.
- B. Request of the Owner of Property located at 8874 Carlyle Avenue to install a carport and fence.
- C. Request of the Owner of Property located at 9560 Harding Avenue to install a sign underneath the canopy.
- D. Request of the Owner of Property located at 9427 Harding Avenue to install a permanent sign.
- E. Request of the Owner of Property located at 9489 Harding Avenue to install a permanent sign.
- F. Request of the Owner of Property located at 9513 Harding Avenue to install a permanent sign.

Discussion items:

- A. Frontage of buildings in the H120
- B. Dock Projections
- C. Dumpster Enclosures
- D. Dock Projections
- E. Downtown Color Palette
- F. Electric Car Charging Stations

Building Department/Code Enforcement/Planning:

- Follow-up preparation of construction noise ordinance and time of operations.
- Continued followed up with Building Official regarding FEMA for follow-up for CAV response.
- Continued follow-up meetings with Town Administration regarding code compliance issues and sight triangle hedge violations.
- Collaboration on parking alleys updates and information.
- Research and review development permit language.

Parks and Recreation:

- Review and conferences with U.S. Communities Government Purchasing Alliance, review and research Florida Statutes and Town Code in preparation for drafting Resolution to purchase recreational playground equipment.
- Researched issue with Department for possible revisions to buoy ordinance.
- Review with Department surrounding municipalities for park hours and operations.
- Preparation and review for drafting of Interlocal Agreement regarding Skate Park.

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Preparation of Resort Tax Ordinance
- Preparation of BID Ordinance and supporting documents
- Follow-up research Florida Supreme Court Oral Argument scheduled for April 30, 2014 in Alachua County, et al v Expedia, et al - Case No. SC-13-838.
- Follow-up and research for Ethics operation and policy and procedures and revision to Resort Tax Board ordinance.
- Continued follow-up re: post Tourist Board requests.
- Continued assistance with Downtown Vision Project continuing issues including creation of a Business Improvement District; research various municipalities in preparation for revisions to draft ordinance.
- Continued research on parking issues.
- Research and update for social media and Sunshine Law issues.

Public Works:

- Follow-up sending two letters to Ric-Man, Inc. regarding Utility Rehabilitation Project and failure to timely complete material defaults by the Contractor under the Agreement related to the Contractor's failure to timely complete the Sanitary and Drainage Pump Stations.
- Review for revisions to the stormwater utility fees ordinance
- Follow up for Biscaya drainage project.

Police Department:

- Follow-up regarding Alfonso v Surfside Police investigation.
- Follow-up regarding Subpoena for records for Officer Edward Carrasquillo.
- Follow-up research commercial vehicle/parking and towing signs.

Florida Municipal Insurance Trust (“FMIT”) investigates claims and provides legal representation for the Town on the following matters:

1. Surfside Police Incident Report dated September 1, 2013 states that a resident was walking on the north most sidewalk in the 200 block of 93rd Street when she tripped on a raised portion of the sidewalk and fell to the ground. The Report indicates the resident sustained a contusion on her right elbow and abrasions to her chin and both knees. FMIT is investigating this matter.
2. Surfside Police Incident Report dated August 28, 2013 states a resident fell in the rear of CVS (9578 Harding Avenue). The resident claims she tripped on an uneven section of the sidewalk behind the store and hurt her right knee and right hand. FMIT is investigating this matter.
3. A Notice of Intent to file suit (Alfonso v. Surfside Police) regarding an incident on November 3, 2013 with the police and Mr. Alfonso. FMIT is investigating this matter.

Litigation:

Legal representation is provided by the (“FMIT”) in the following matter:

Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel Of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker has filed an Amended Petition for Writ of Certiorari and De Novo Complaint and a Motion for Summary Judgment. The Appellate Division issued an order for the Town and Young Israel to show cause why the Petition for Writ should not be granted. The Town filed a Motion to Dismiss the Amended Petition for Writ of Certiorari and De Novo Complaint. The Court has issued an order for Respondents (the Town and Young Israel) to address various jurisdictional issues raised by Mr. Bakker in his Petition. The deadline for filing the jurisdictional brief is January 26, 2014.

Special Matters: Continued monitoring of new case law and legislation on Federal, State, and County levels



TOWN OF SURFSIDE
 PROJECTS PROGRESS REPORT
 CALVIN, GIORDANO & ASSOCIATES, INC.
 January, 2014

1. **Planning and Community Development** – Planning and Community Development – In August 2012, the Shul submitted a site plan application for an expansion. Staff met with the applicant to discuss the review comments and the applicant resubmitted the plans on January 25, 2013. Staff held Development Review Group meetings on February 13, 2013, March 28, 2013 and July 18, 2013. A Development Impact Committee meeting was held October 17, 2013. Due to the amount of outstanding items, there will be a second DIC meeting was held on January 9, 2014. The Planning Department has prepared graphics and text relating to the length of buildings which were discussed at the August Planning and Zoning Board meeting. The Board provided feedback and the item was placed back on the October 2, 2013 and October 23, 2013 Planning and Zoning Board meetings. Staff was directed by the Town Commission to prepare additional graphics to explain the concept. These graphics were discussed at the December 19, 2013 Planning and Zoning Board meeting and additional feedback was provided. Planning Department Staff prepared a timeline for the items discussed at the joint Town Commission and Planning and Zoning Board meeting starting in November through March. Planning Staff has also prepared a spreadsheet for each development project to continually track the conditions of approval. This spreadsheet identifies the department responsible for the item and confirmation of completion. A number of ordinances have already been discussed at Planning and Zoning and will be heard by the Town Commission in the upcoming months. Staff continues to answer approximately 80 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - The mail server has been up and running without interruption for 540 days. The last downtime was for routine maintenance and occurred on July 11, 2012. IT has provided 3 quotes for surveillance cameras for the Police Department to place around the Town and is awaiting approval. The upgraded SCALA system has been installed, and IT staff has been trained as of January 3rd, 2013. Additional training has been approved and will take place for town staff once the templates are completed. The replacement check printer for SunGard has been put on hold by the Finance Department. The Police Department has requested quotes to upgrade the ID badge card readers and software and IT is currently awaiting a demo ID badge for review. Onsite IT staff will be undergoing the certification process for FCIC/NCIC in order to allow access to work on police laptops and servers. IT is working with Public Works, the Finance Department, and SunGard on integrating the water meter reading system with billing and that should be completed by February 1st. The live streaming of Channel 77 on the website and mobile devices has been running since October 7, 2013. After demos and internal discussions, the Town chose SeeClickFix as the vendor for a public service request platform, and the contract should be signed and the platform deployed by February 1st. The IT Department is moving

forward on a new proposal for wired table microphones. IT has ordered a desktop computer to be used in the lobby for resident access. The IT Staff continues to receive approximately 300 support requests monthly via phone and email.

3. **Public Utilities / Engineering** – **Public Utilities / Engineering** – The status of the remaining items are as follows:

Sanitary Sewer Pump Stations - Currently functioning as designed without Town operation. Town has notified the Contractor that they will be bringing the project to final completion with another reputable Contractor and will back charge (without payment) for any associated costs. Only remaining items are control panel/electronic reporting functions.

Sanitary Sewer Lining – Final review of all sanitary sewer mains and laterals that were either lined or replaced have been made. Contractor is grout repairing 15 areas per the engineers report review. These final grouting repairs will be completed within the next 30 days.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$873,500
FDEP Grant	\$125,000	\$125,000
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan*	\$9,312,881	\$7,339,928 ***
BBC Bond	\$859,000	\$817,500
TOTAL	\$11,270,381	\$9,225,928

*****The State of Florida has reduced the interest rate from 2.12% to 1.87% fixed over the life of the loan. This will save approximately \$200,000 of interest cost.**

4. **Neighborhood Improvements** – CGA Staff completed the traffic computer modeling of the Town’s roadway system as an element of the Town-wide traffic calming study. The initial traffic counts to complete the traffic study occurred in September, 2012. A number of the counts were finalized in late October due to construction activities. These counts are incorporated in the Draft Traffic Study Report that was discussed at the April 9, 2013 meeting. As authorized by the Town Commission, staff held public meetings on June 25, 2013 with an attendance of 10 residents. CGA will work with the Town Manager to schedule the second public meeting.

5. **Town-Owned Seawall Repair** - - Miami Dade County RER (Formerly DERM) has completed the Biological Opinion (BO). The results of the BO were submitted to the Town and CGA has incorporated the BO permit requirements into our final plans. The US Army Corps of Engineers (USACE), FDEP, SFWMD and RER permits were obtained. The Town received final authorization from Florida Inland Navigation District (FIND) and are presenting a funding resolution for the Town to approve matching funds at the December 2013 meeting. CGA received a response from FPL regarding the modified seawall design to accommodate the submerged crossing. CGA is now finalizing the revised plan and specs to accompany the bid package.



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MEETING
OCTOBER 23, 2013
7:00 PM**

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:01 pm.

2. ROLL CALL

Recording Clerk Jenorgen Guillen called the roll with the following members present: Board Member Jennifer Dray, Board Member Carli Koshal, Vice Chair Peter Glynn, Board Member Armando Castellanos and Chair Lindsay Lecour.

3. APPROVAL OF MINUTES: OCTOBER 2, 2013 (ATTACHED)

Board Member Jennifer Dray made a motion to approve. The motion received a second from Board Member Armando Castellanos and all voted in favor.

4. PLANNING AND ZONING APPLICATIONS:

A. Request of the Owner of Property located at 9365 Abbott Avenue

The applicant is requesting to build a second story closet addition.

Building Official, Ross Prieto presented the item.

The architect and applicant Michael Karukin gave more details on the project.

Board Member Armando Castellanos made a motion to approve and the motion received a second from Board Member Dray and all voted in favor.

B. Request of the Owner of Property located at 9525 Harding Avenue

The applicant is requesting to renovate a storefront.

Building Official, Ross Prieto presented the item and recommends approval with the recommendations that storefront, sign and awning permit applications be submitted for Planning and Zoning Board review and approval. The architect presented some photos of the proposed project and the Board was pleased with the design.

Board Member Jennifer Dray made a motion to approve with staff recommendations. The motion received a second from Vice Chair Peter Glynn and all voted in favor.

5. ORDINANCES:

Capital Improvement Element

(Board Member Jennifer Dray made a motion to delay the item and the motion received a second from Vice Chair Peter Glynn and all voted in favor.)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Recording Clerk Jenorgen Guillen read the title of the ordinance.

Town Planner Sarah Sinatra presented the item.

Vice Chair Peter Glynn made a motion to recommend back to the City Commission. The motion received a second from Board Member Armando Castellanos and all voted in favor.

Construction Fencing-

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1.B "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Building Official, Ross Prieto presented the ordinance.

Vice Chair Peter Glynn made a motion to recommend and proceed to the Commission. The motion received a second from Board Member Jennifer Dray and all voted in favor.

Chair Lindsay Lecour said that Town Planner Sarah Sinatra has been delayed because of the inclement weather and traffic conditions but is expected shortly.

Vice Chair Peter Glynn made a motion to skip forward to 6B Bal Harbour as Town Planner Sinatra is running late.

6. DISCUSSION ITEMS: (Ms. Sinatra arrived at 7:20 p.m.)

A. Massing

Town Planner Sarah Sinatra spoke about wall frontage and side setbacks. She presented two options for developers which would still give ocean visibility from the street. Public Speaker Silvia Coltrane suggested there be a compromise so as not to have too many restrictions on a developer. She also suggested that there be an alternative to options A and B perhaps combining them. Public Speaker Fernando Marin spoke and gave some other ideas for design of buildings. After some discussion the Board gave variations to both option 2A and 2B with some modifications such as a high level breezeway. Town Planner Sinatra will try to get some graphics and bring back some scenarios. She will also prepare an ordinance regarding setbacks as a separate item.

B. Bal Harbour Shops Expansion (Vice-Chair Glynn's request)

Vice Chair Peter Glynn expressed his deep concern about the construction of large buildings and stores being projected for the neighboring city of Bal Harbor and its effect on the Town of Surfside. His major concern regards the amount of traffic this will create on the small streets of Surfside and is requesting that the Board recommend to the Commission to speak with the Department of Transportation (DOT) and ask if the town of Surfside can have any input on the project. Board Member Castellanos had concerns about parking during and after the construction.

Town Manager Michael P. Crotty spoke and said there was a traffic pattern study done about a year ago and the impact it would have on Surfside, He suggested that staff meet with Bal Harbor and DOT and come back to the Board with its report at the next meeting.

7. PERMITS ISSUED AND REVENUE REPORT FOR SEPTEMBER 2013.

Building Official, Ross Prieto gave update.

8. FUTURE AGENDA ITEMS

- a. H-40 District for discussion
- b. Pallet of colors for buildings in downtown retail area
- c. Green walls for alleys and more greenery
- d. Canopies


Next meeting November 21, 2013.

9. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:20 p.m.

Accepted this 19 day of December, 2013

Attest:



Sandra Novoa
Town Clerk



Chair Peter Glynn



TOWN OF SURFSIDE
Tourist Board Meeting
Wednesday November 6, 2013 – 6:00 p.m.
Town Hall Commission Chambers
9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

Tourist Board Members

Eli Tourgeman (Chair)
Barbara Cohen (Vice Chair)
Randi MacBride
Ricardo Mualin

Town of Surfside

Joe Graubart, Commission Liaison
Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

**** Out of respect for the Board, Town Staff and the Public please turn off your electronic devices****

I. Call to Order and Roll Call

The meeting was called to order by Eli Tourgeman at 6:05pm. A quorum was established.

Also in Attendance: Linda Jain, Web & Special Projects Coordinator, Michael Crotty, Town Manager, Sarah Johnston, Assistant Town Attorney, June Neville, Resident, Luciana Salini and Carla Dellea (Gusto Italiano), Natalie Orr (Grand Beach), Frantza Duval, Recording Clerk

Barbara McLaughlin is absent with regrets.

II. Approval of Minutes: October 7, 2013

Barbara Cohen made a motion to approve the minutes; Eli Tourgeman seconded the motion. The motion passed unanimously. The minutes were approved.

Nathalie Orr of the Grand Beach Hotel thanked the Tourist Board for their approval and assistance. The opening date for the hotel is November 30, 2013. Harald Bindeus will attend the next meeting to provide an update.

III. Accounts Receivable & Accounts Payable

Barbara Cohen is disappointed with Accounts Receivable and people not paying the resort tax. She recommended that the Town have a collector for such matters.

Eli Tourgeman advised that in the past the Town has been sending notices, but he has not seen the effects.

Duncan Tavares advised that there is currently \$25,000 delinquent in resort tax for the fiscal year 2012/2013.

Eli Tourgeman asked that other than courtesy notices what other efforts have been taking place.

Duncan Tavares advised that Special Master Hearings were held, but haven't been scheduled in a while.

He will check with the Finance Department about "stop gaps" so that merchants don't get their LBTR or Occupational License if the Resort Tax is not paid or is at least current.

Eli Tourgeman advised that if no payments are received, the Town should send out a final letter giving merchants a specific time frame to comply. If no compliance or response, the merchant should automatically be taken to Special Master.

Eli Tourgeman inquired if the Town or the Tourist Board has the power or the authority to place liens on a property.

Sarah Johnston advised that liens are placed on the property owner and not necessarily the tenant.

Michael Crotty will check with the Finance Department and will provide an update regarding the LBTRs and Resort Tax, and issuance of liens.

Eli Tourgeman recommends sending letters advising that non-payment will result in a Special Master Hearing.

Ricardo Mualin advised that if something is not functioning properly it needs to be examined and a new method needs to be put into practice.

Duncan Tavares advised the Resort Tax is not a hardship on the merchant. The money is not money coming out of the pockets of the merchant, but rather it's money coming from the customers.

He will work with Town Manager and the Finance Department regarding a resolution and will bring it back to the Tourist Board next month.

IV. Randi MacBride Bio for Tourism Website ~ Outstanding Item

Randi MacBride advised that the bio is complete and she will be emailing it to Duncan.

V. Gusto Italiano Update ~ Luciana Saliani (5 minutes)

Luciana Saliani provided an update regarding the event. She is still deciding on a date as Sunny Isles is hosting a Jazz Festival on the Beach and didn't want it to coincide with her event.

She has sent a tentative agenda to Duncan Tavares regarding the event.

She wants to be assured that she has the Town's support.

As the Grand Beach opens later this year she will know better whether or not she has their support.

She will be taking care of all the advertising.

Eli Tourgeman hopes that by the next meeting the Board will have more information.

VI. Holiday Lights ~ Light Pole Decorations/Lighting quote

Duncan Tavares advised that the lights for the wayfarer signs were purchased under last year's fiscal budget and since the Board wasn't doing lights in Downtown this year, there was money available in this fiscal year's budget to purchase lights.

The company that is installing the wayfarer lights provided a quote for lights and garlands that would be added to the light poles Downtown. The cost for this will be \$5,000.

Barbara Cohen made a motion to accept the decision to purchase holiday lights for Downtown; Ricardo Mualin seconded the motion. The motion passed unanimously.

VII. Broadcasting Meetings ~ \$200 per meeting (\$2400/year ~ \$816 TB / \$1584 Town)

It was suggested that the Board broadcast their meeting for more transparency.

Ricardo Mualin believes that broadcasting the meeting is a good idea.

Barbara Cohen has no objection to the idea.

Randi MacBride is all for transparency, but doesn't see a reason for investing in the idea at the current moment. She feels that as the Board acquires more money, it should then be considered as an option. Being on television isn't a necessity to be transparent.

Eli Tourgeman has mixed emotions about it. He doesn't have a problem with openness, but does see the need to be more transparent. He supports the idea of looking further into it.

Randi MacBride advised that being televised can draw more interest.

Duncan Tavares stated that it can be seen as doing our own Public Relations outreach.

Eli Tourgeman made a motion to have the Tourist Board meetings broadcasted; Barbara Cohen seconded the motion. The motion passed unanimously.

Ricardo Mualin stated that Channel 77 needs to be re-vamped.

VIII. O/S Questions for Robert Meyers ~ Unbudgeted items requiring a Super Majority? Follow the Town's Procurement Policy? Director's spending authority?

Unbudgeted items:

Randi MacBride made a motion to have unbudgeted items and the reserves of the Tourist Board ruled by a simple majority of the members of the Tourist Board and not of those present; Barbara Cohen seconded the motion. The motion passed unanimously.

Town procurement plan:

Duncan Tavares advised that the Board needs something in writing that is consistent with the Town's current policy regarding procurement.

Ricardo Mualin made a motion for the Board to follow the Town's current procurement plan; Barbara Cohen seconded the motion. The motion passed unanimously.

Spending authority:

Duncan Tavares advised that the lack of spending authority hinders him from making executive decisions on behalf of the Board.

Barbara Cohen made a motion to increase the Tourist Bureau Director's spending authority to \$8,499; Randi MacBride seconded the motion. The motion passed. The motion carried 3-1 with Eli Tourgeman voting against the idea.

He was not in favor of the idea as most of the items come before the Board. The Tourist Board will be granted the opportunity to hear about an item at a scheduled meeting in order to provide feedback on the spending. As more money comes in it needs to be tightly regulated.

Barbara Cohen made a motion to amend the previous motion and restated the motion as: the Tourist Board's Administrative Staff will have the spending authority of \$8,499, but purchases must be approved by the Chair of the Board, if the Chair is not available the Vice-Chair can approve the spending; Ricardo Mualin seconded the motion. The motion passed unanimously.

IX. Review of 5 Year Tourism Strategic Plan as it relates to FY 13/14 and Events and Activities per July 11, 2013 Workshop

Duncan Tavares advised that the budget available for events and activities is \$120,000.

The Board has about \$15,000 to \$20,000 within the FY 12/13 budget that has not been spent.

He advised that Third Thursdays, with the food trucks, along with the new Downtown Streetscape and new hotel will make the event a more successful one.

Eli Tourgeman would like to see a more comprehensive schedule for Third Thursday.

Purim Festival should be under a grant proposal.

Antique/car show – Board agrees to move this proposed event to next year: December 2014

Third Thursday – Board will keep Third Thursday

Turtle – Board in favor of keeping the Turtles and will work on doing an event surrounding it.
Grand Weekend Event – Board tabled this idea until the Grand Beach is open.
Gusto Italiano – Board still supports the idea but is awaiting details.
Art Basel – Lighting of the Town to coincide with Art Basel - 2014

Barbara Cohen is disappointed with the Board's non-presence in the Neighbor's Section of the Miami Herald.

Duncan Tavares will speak to Angel Doval regarding the Herald's Neighbor section.

Joseph Graubart advised that we should speak to Grand Beach Hotel with regard to putting a Turtle in the lobby of the hotel.

Barbara Cohen suggested putting the Surfside Business Association turtle in the lobby of the Grand Beach Hotel on a temporary basis.

X. Tales of the Surfside Turtles Next Chapter Continued ~ Direction sought on the future of the Turtles

This item was discussed above.

XI. Geocaching .com ~ A Global Treasure Hunt

Duncan Tavares explained the program and advised that it could be a way to promote Downtown.

The cost to get started at a minimum level is \$3,500.

The Town does not have enough attractions to participate in a program like this, but could partner with Miami Beach, Sunny Isles, Bay Harbour, Bal Harbour, etc...

The Board doesn't feel that the idea would benefit the Town and currently passed on the idea.

XII. Updates:

- a. **Aerial Photography / Videos** ~ awaiting formalized proposal
- b. **Sister Cities** ~ Please visit www.sister-cities.org / Pending Town Commission collaboration/direction
- c. **Resort Tax Compliance / Audit II / Special Fund Designation*** ~ Finance Department Review
- d. ***Resort Tax Comparison to Miami Beach** ~ Request to Finance Department
- e. **Resort Tax Penalty Language** ~ Town Attorney review as part of overall ordinance review

f. Apps & Wayfarers ~ Part of Town review of Software needs for FY 13/14 Budget

XIII. Next Meeting: Monday December 2, 2013 at 6:00pm

- **Robert Meyers Final Draft ~ Polices Procedures/Code of Conduct/Ethics
(Time Certain 6:15pm)**
- **End of FY 12/13 Year Review (A/R & A/P)**

- Joseph Graubart suggested doing a Turtle as a Lifeguard Station on the beach behind Grand Beach Hotel. The Board is in favor of this idea.
- Eli Tourgeman will speak to Grand Beach to see if they are receptive to placing a turtle in the lobby just before the opening. If Grand Beach approves the idea, Eli will coordinate with Duncan Tavares and Public Works to move the turtle from the bank to the Grand Beach.

XIV. Adjournment

Ricardo Mualin made a motion to adjourn the meeting; Randi MacBride seconded the motion. The motion passed unanimously. The meeting ended at 8:11pm.

Accepted this 9 day of December, 2013

Eli Tougeau

Member (Print)

Tougeau

Signature

Attest:

Duval

Frantz Duval
Recording Clerk



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MINUTES
NOVEMBER 21, 2013
7:00 PM**

Due to weather storm and power outage meeting video is not available and minutes are completed from minimal notes

1. CALL TO ORDER

Chair Lecour called the meeting to order at 7:06 p.m.

2. ROLL CALL

Recording Clerk Jenorgen Guillen called the roll with the following members present: Board Member Jennifer Dray, Board Member Carli Koshal, Vice Chair Peter Glynn and Chair Lindsay Lecour. Board Member Armando Castellanos was absent. Mayor Daniel Dietch attended as the Board liaison.

3. APPROVAL OF MINUTES: OCTOBER 23, 2013 [To be delivered separately]
Item differed.

4. QUASI-JUDICIAL HEARING:

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the Agenda item number on which you would like to comment. You must be sworn in before addressing the Board and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Board member. Board members must also do the same.

A. Carmona Veterinary Office Conditional Use Application

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, RECOMMENDING FOR APPROVAL A CONDITIONAL USE APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A VETERINARY OFFICE TO BE OPERATED ON THE PROPERTY LOCATED AT 9530 HARDING AVENUE SUBMITTED BY CARMONA VETERINARY CORPORATION, SUBJECT TO CERTAIN CONDITIONS, AND AS LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Planning and Zoning Board. Applicant David Carmona spoke on the item.

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Board Member Dray and received a second by Board Member Glynn. All voted in favor.

5. PLANNING AND ZONING APPLICATIONS:

**A. Request of the Owner of Property located at 9380 Carlyle Avenue
The applicant is requesting a garage conversion.**

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Board Member Dray and received a second by Board Member Glynn. All voted in favor.

**B. Request of the Owner of Property located at 9482 Harding Avenue
The applicant is requesting to install a permanent sign.**

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Board Member Glynn and received a second by Board Member Dray. All voted in favor.

**C. Request of the Owner of Property located at 9455 Harding Avenue
The applicant is requesting to install a permanent sign.**

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Board Member Dray and received a second by Board Member Glynn. All voted in favor.

**D. Request of the Owner of Property located at 9308 Harding Avenue
The applicant is requesting to build a new single-family home.
Item differed**

**E. Request of the Owner of Property located at 708 88th Street
The applicant is requesting to build a new single-family home.**

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Board Member Glynn and received a second by Board Member Dray. All voted in favor.

6. Discussion items:

A. Garage door ordinance text draft
Unable to transcribe due to video not available.

B. Driveway materials ordinance text draft
Unable to transcribe due to video not available.

C. Paint colors
Unable to transcribe due to video not available.

D. Turtle lighting

Unable to transcribe due to video not available.

7. Future Agenda items:

A. Frontage ordinance

B. Attached list of ordinances and schedule

C. Setback ordinance

8. PERMITS ISSUED AND REVENUE REPORT FOR OCTOBER 2013.


[To be delivered separately]

Unable to transcribe due to video not available

9. ADJOURNMENT.


There being no further business to come before the Board, the meeting adjourned at 8:48 p.m.

Accepted this 19 day of December, 2013



Chairman

Attest:



Jenorgen Guillen
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm
Monday November 25, 2013
Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Retta Logan (Vice-Chair) at 7:00 pm. A quorum was established.

Also in attendance: Arnie Notkin, Louisa Agresti, Marta Olchyk, Commission Liaison, Tim Milian, Parks and Recreations Director, Linda Miller, Town Attorney, Veronica Lupinacci (Entered 7:05pm); Eliana Salzhauer (Entered 7:14pm), Frantza Duval, Recording Clerk

2. Approval of minutes from 10/21/13

Louisa Agresti made a motion to approve the October 21, 2013 minutes, Arnie Notkin seconded the motion. The motion passed unanimously. The minutes were approved.

3. Committee Chair Election

Eliana Salzhauer made a motion for Retta Logan to be Chair; Veronica Lupinacci seconded the motion. The motion passed unanimously.

Retta Logan made a motion for Eliana Salzhauer to be Vice-Chair; Veronica Lupinacci seconded the motion. The motion passed unanimously.

Retta Logan made a motion for Veronica Lupinacci to be Secretary, Eliana Salzhauer seconded the motion. The motion passed unanimously.

4. Soccer Games at 96th street park

Tim Milian provided an update of the soccer game. He advised that it was the Town's first ever home soccer game held in Surfside. The soccer program started about seven years ago, but has always been held in fields outside of the Town. Tim Milian advised that the landscaping for the field has changed allowing them to host the game. The soccer game took place on November 2, 2013 at the park. The game lasted two rounds. Everyone provided positive feedback regarding the event. Everyone is looking forward to the next game on home field.

Tim Milian advised that the next soccer game is December 7, 2013.

Veronica Lupinacci raised a concern about parking for outside visitor. Tim Milian advised that he does let incoming teams know where to park during Town games.

5. Halloween Event Recap

Tim Milian provided an update regarding the Halloween event. It was very successful.

Tim believes that there were at least 500 people who attended the event.

He saw minor issues that could be handle internally such as lighting issues.

Tim Milian brought up the long lines and the wait for the rides, but no complaints were made. Some Board members feel that allowing residents to bring additional guest creates the long lines, but they were okay with allowing residents to continue to come with guest.

The haunted maze was good but the only complaint was that it was too scary for little kids.

Retta Logan suggested posting online that maze is not appropriate for children under a certain age.

Eliana Salzhauer suggested having an additional bounce house.

6. Tennis Courts Renovation Update

Tim Milian advised that the construction/demolition is scheduled to start December 2, 2013.

The light poles for the courts will be delivered on Monday.

The tennis courts will be closed Sunday night, December 1, 2013 at 11:00pm.

Tim Milian is still working on agreement with the city of North Miami, but no formal approval complete as of yet.

The tennis courts will be closed for about 10 weeks.

A group is interested with working with the Town on running the tennis courts.

7. 96th street park playground equipment

Tim Milian advised that a piece of equipment at the park broke, the slide, specifically. The original equipment is over 20 years old. He is looking for a slide that is a duplicate of the original.

Board agrees in replacing the entire equipment.

96th street renovation is a part of the 5 year strategic plan.

If the Board buys equipment it needs to be functional.

First objective is to have it repaired and if it is non-replaceable then purchasing is the next option.

Marta Olchyk suggested that we look into used playground equipment.

Tim Milian advised that he hasn't seen anything for used playground equipment, but he will look into it.

Tim Milian will provide pricing on the on new pieces of equipment for the parks.

Board feels that the park needs to be put up first on the priority list.

Eliana Salzhauer wants Tim to look at equipment based on the age.

Retta Logan suggested looking into purchasing a slide on its own as opposed to getting a new piece of equipment altogether. Tim will look at that option as well.

Space is a factor, but it will be looked into.

Eliana Salzhauer suggested having an AED machine within the park.

Eliana Salzhauer suggested having staff trained on basic first aid and CPR. The staff should be able to take charge and respond to an emergency situation.

Veronica Lupinacci feels that the hedges are high and obstruct the view of the water. Tim will look into this for possible solutions.

8. Community Input

The pool will be closed at 5:00pm during the winter, even for lap swimming.

Lap swimming will coincide with the swim team schedule.

Veronica Lupinacci advised that there are lighting issues within the park at the corner of the field. Tim will look into the lighting.

Eliana Salzhauer suggested camping out in the park. Tim advised that there may have been some legal issues in the past, but will look into it.

The next meeting will be December 16, 2013.

9. Meeting Adjournment

Arnie Notkin made a motion to adjourn the meeting; Louis Agresti seconded the motion. The motion passed unanimously. The meeting ended at 7:54pm.

Accepted this 16 day of December, 2013

Retta Logan
Member (Print)

[Handwritten Signature]
Signature

Attest:
[Handwritten Signature]
Frantza Duval
Recording Clerk



TOWN OF SURFSIDE
Tourist Board Meeting
Monday December 9, 2013 – 6:00 p.m.
Town Hall Commission Chambers
9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

Tourist Board Members

Eli Tourgeman (Chair)
Barbara Cohen (Vice Chair)
Randi MacBride (Entered 6:10pm)
Barbara McLaughlin

Town of Surfside

Joe Graubart, Commission Liaison
Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

**** Out of respect for the Board, Town Staff and the Public please turn off your electronic devices****

I. Call to Order and Roll Call

The meeting was called to order by Eli Tourgeman at 6:04pm.

Also in attendance: Linda Miller, Town Attorney, Sarah Johnston, Assistant Town Attorney, Jennifer Brilliant, June Neville, Robert Meyers, Ethics Lawyer, Harald Bindeus, Grand Beach Hotel, Paul Jacober & Daniel Peralta of Jacober Creative.

Ricardo Mualin absent with regrets.

II. Approval of Minutes: November 4, 2013

Barbara Cohen made a motion to approve the minutes as amended; Barbara McLaughlin seconded the motion. The motion passed unanimously. The minutes were approved.

III. Accounts Receivable & Accounts Payable

Barbara Cohen advised that she is satisfied with the results of the letters going out for the Accounts Receivable.

IV. Randi MacBride BIO

Duncan Tavares advised that this item is complete and is now posted on the website.

V. Surfside Imaging ~ Jacober & Associates

Paul Jacober advised of his three (3) main goals for the Town:

- Increase sense of pride with the locals
- Spark interest for visitors

- Create a new story for the community

Paul Jacober created a new logo which would be a catch phrase for the Town.

“Simply Surfside” - elegant and straight-forward

“Bring on the Cold front” - geared towards the s-nowbirds

Paul Jacober wanted to emphasize the simply aspect with: “Simply Special”, “Simply Delicious”, “Simply Unforgettable”, “Simply Surfside.”

The best things in life are.... simple. Simply Surfside.

The print used is what the Town was already using and Jacober Creative just used and enhanced what was already there.

The print was simply a beginning to present to the Board until changes can be made in the future, when the funds become available.

Eli Tourgeman was concerned that the phrase “Simply” is already being used by another company. While he does like the graphics, he doesn’t want to move away from some of the terms/words that the Town has been using such as shop, dine and stay.

Jennifer Brilliant likes the idea of the Simply Surfside slogan.

VI. Grand Beach Surfside Update

The hotel opened on November 30, 2013 with 11 rooms occupied.

As of this week 40 rooms were occupied and as of last week 85 rooms were occupied.

The restaurant opened successfully this past weekend. The hotel has received a temporary liquor license.

Harald Bindeus has been out promoting the hotel and Surfside. He has been to Italy, Portugal, France, and England. He has seen about 200 tour operators/travel agents letting them know of Surfside. The overall feedback is that 50% know the location of Surfside, but when you add Bal Harbour into the equation they get a better idea of its location. There is more work that needs to be done, but he will continue to promote Surfside and the hotel.

The Board is looking forward to continuing to work with the Grand Beach Hotel Surfside.

VII. Gusto Italiano Sponsorship ~ Luciana Saliani

Luciana Saliani was not able to be at the meeting tonight, but Duncan Tavares spoke on her behalf. Duncan Tavares advised that he created a sponsorship form for people who seek financial support from the Board - Luciana has already filled out this form and it was sent earlier to the Board via email. He asked the Board to review her application for financial assistance with Gusto Italiano. Barbara McLaughlin asked if the form was sent out to anyone else who may need assistance with any other event. The idea of the form is that anyone who would come and need help would fill out the form for approval of assistance for any event. Duncan Tavares advised that money for sponsorship has been allocated in the budget. Eli Tourgeman advised the Board to look at the application and be prepared for any additional comments at the next Board meeting. The Board’s possible contribution is not Ms. Saliani’s only financial contribution to this event.

VIII. Tales of the Surfside Turtles Next Chapter Continued ~ Art Basel & Ruth K event December 10, 2013

One of the Turtles was used during the Art Basel event. The Turtle was linked to a social media effort, i.e, if you enter your picture of the turtle on Instagram you would be entered into a drawing for a two night stay at the Grand Beach Hotel Surfside. Duncan Tavares advised that the dedication of the Turtle to the Ruth K. Broad school is open to Board members and Town Commission. It is scheduled for December 10, 2013. Eli Tourgeman advised that the idea of the turtle in the lobby of the hotel on a temporary basis was rejected by the hotel. Harald Bindeus advised that the hotel has a specific theme and the turtles wouldn't necessarily fit with the overall theme of the hotel. He suggested placing it beach side but will speak to the hotel decision makers.

IX. Robert Meyers' Final Draft ~ Policies/Procedures/Code of Conduct/Ethics (Time Certain 6:30pm) Please note that this document has already been vetted and voted on. It is presented in its entirety prior to going to Town Commission for possible edits but not substantive changes.

Duncan Tavares is asking the Board to accept the document as is, but Robert Meyer is open to questions or changes if necessary. Eli Tourgeman is against expanding the board from 5-7 and doesn't like the idea of the rotation of board members to be Chair and Vice- chair. Item 4 Board Recommendation – Randi MacBride wants the rotation segment to read “Shall” instead of “May”, so that it automatically appears on the agenda after the term. She feels that there's a negative connotation and that the language needs to be revised. It's not necessarily to remove the member, but to rotate the members. “After the first year the Board shall move to continue or replace the Chair and Vice-Chair by a majority vote.” Barbara Cohen suggested that she will meet with the Town Attorney to go over the grammatical items of the draft. The intent of today's meeting is specifically for drafting and no major changes. Barbara McLaughlin suggested breaking down the section with regard to the Chair and Vice-Chair to make it more understandable. She made a motion to accept the draft with the minor change; Randi MacBride seconded the motion. The motion passed with Eli Tourgeman voting against the draft.

General Notices:

- Wednesday – Surfside Business Association is bringing Santa to Harding Avenue along with Ruth K. Broad K-8 School. The students will be caroling through Downtown Harding on Wednesday December 11, 2013 at 2:30pm.
- Monday, December 23, 2013 the Surfside Business Association will be visiting homes in Surfside that have holiday lights on display. Surfside Business Association will award four \$25 certificates to the best lit home. Each certificate is valid for any establishment in Surfside and the winning home will be featured in the next edition of the Surfside Gazette.

X. Delinquent Resort Tax Payments / Status of FY 12/13 Audits

Duncan Tavares advised that there are a few businesses that are delinquent, but the Finance Department is confident that they will comply

XI. Updates:

a. Aerial Photography / Videos

Duncan Tavares received the first copy of the results but is still working with Mark on a final product. Barbara Cohen inquired about a Town postcard and Duncan Tavares advised that once we have images we can use it for any collateral.

- b. **Sister Cities** ~ Please visit www.sister-cities.org / Pending Town Commission collaboration/direction. Duncan Tavares advised that he will be working on it in the new year. Barbara McLaughlin suggested partnering up with another turtle city. Duncan Tavares recommends scheduling a joint meeting with the Town Commission.

***Miscellaneous Update:**

Barbara McLaughlin will contact with the National Turtle Conservancy.

- c. **Resort Tax Compliance / Audit II / Special Fund Designation*** ~ Finance Department Review
- d. **Resort Tax Comparison to Miami Beach** ~ Request to Finance Department
Duncan Tavares advised that analyzing such data is difficult to do without staff resources. .
- e. **Resort Tax Penalty Language** ~ Town Attorney review as part of overall ordinance review
- f. **Apps & Wayfarers** ~ Part of Town review of Software needs for FY 13/14 Budget
Duncan Tavares has scheduled a meeting with a representative next week.

***Miscellaneous Update:**

Duncan Tavares advised that Town has produced shirts, calendars, and license plates available for sale. It will be sold at Town Hall and at the Community Center. These items were not financed from the Tourist Board's budget as the Board had voted several times not to produce merchandise. The cost of the t-shirts is \$10.00

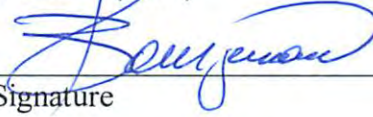
XII. Next Meeting: Monday January 6, 2013 at 6:00pm // **EOY 12/13 Review**

XIII. Adjournment

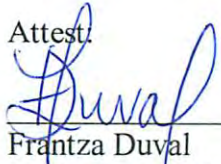
Barbara Cohen made a motion to adjourn the meeting; Randi MacBride seconded the motion. The motion passed unanimously. The meeting adjourned at 7:18pm.

Accepted this 6 day of JANUARY, 2014

ELI TOURSEMAN
Member (Print)


Signature

Attest:



Frantza Duval
Recording Clerk



CHARTER REVIEW BOARD MEETING

Town Hall Chambers

9293 Harding Avenue
Surfside, FL 33154

Monday December 16, 2013
7:00 p.m.

Town Commission Liaison: Vice Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice Mayor Karukin)
Marty Oppenheimer (Mayor Dietch)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)

MINUTES

1. CALL TO ORDER

The meeting was called to order by Vice-Chair Marc Imberman at 7:01pm.

2. ROLL CALL OF MEMBERS

Irina Mocanu called the roll with the following members present: Terry Cohen, Anthony Blate, Marty Oppenheimer and Marc Imberman. Lou Cohen was absent.

Also in attendance: Irina Mocanu, Recording Clerk, Linda Miller, Town Attorney, Jean Olin, Special Outside Counsel, Commissioner Joseph Graubart (Entered at 7:04pm), Vice Mayor, Michael Karukin, Commission Liaison (Entered 7:12pm), Michael Crotty, Town Manager.

3. APPROVAL OF MINUTES

Marty Oppenheimer made a motion to approve the December 2, 2013 minutes as amended; Anthony Blate seconded the motion. The motion passed unanimously. The minutes were approved as amended.

4. ELECTION ISSUES – Presented by Jean Olin, Esq., Special Outside Counsel

Introduction by Attorney Olin: Since CRB has only 3 months to complete Charter review prior to its conclusion (due to General Election in March, 2014), the CRB will be conducting Phase I review of Charter issues limited to certain 'election' matters--CRB is intending on completing its review by end of February so that its report on said matters may be presented to Town Commission at its final meeting on March 11, 2014. CRB will meet every 2 weeks in order to analyze certain provisions of Charter regarding 'elections', with remaining global Charter review to be addressed in Phase II, at which time there will be greater amount of time for CRB to analyze and discuss repeal of existing Charter and adoption of new revised Charter (incorporating the issues resolved during Phase I).

A. Qualifications for Office

Marty Oppenheimer suggested tabling this section for the next meeting.

Linda Miller noted that tabling this and any sections of the Charter could delay the suggested timeline/Phase I/Phase II issue presentation agreed to by CRB as suggested by Jean Olin at the last meeting.

Marty Oppenheimer made a motion to modify the language of Section 6 of the Charter to read as follow: The Commissioners shall be qualified electors of Dade County whose legal residence is in the Town of Surfside who shall be citizens of the United States, and residents of the State of Florida and Town of Surfside for at least the one year immediately prior to the date of qualifying for elected office; Terry Cohen seconded the motion The motion passed unanimously.

Committee would like to see the sample ballot language for each Charter text amendment issue at the next month meeting.

B. Induction into Office

Marc Imberman advised that the current Charter, Section 19, start time for the new Commissioners is 8 pm. The Charter time preceding election is not necessarily the start time for a meeting, but for an induction ceremony for the newly elected Commission.

Jean Olin advised that the current Charter, as stated, leaves room for discussion. Existing Charter language results in different times in which members of commission are sworn in: those elected at General Election sworn in day after that election, whereas those elected at Run-Off Election are sworn in the day after that election. Since Commissioners are elected via "pool" and not "group seats", there is no way to know which incumbent Commissioners will hold over during the period occurring between the General and the Run-Off Election. This problem is resolved by changing language to provide instead for induction of all newly-elected officials at same time, i.e., after certification of General Election, or if Run-Off Election needed, after the certification of final election results from the Run-Off.

Mr. Imberman agreed that the induction of the newly elected Commission members should be when the election results are certified, and also suggested that if there is a quorum of the newly elected

Commission members after the General Election then all terms of incumbents would then end; but, if a majority of the Commission was not elected at the General Election and a Run-Off was thus needed in that event then the incumbents would hold-over until the final certification of election results from the Run-Off at which time all of the newly-elected Commission members would be inducted. Attorney Olin expressed her concern with this alternative, recommending need to have all newly elected officials sworn in at same time under same circumstances to allow for uniformity, recommending that the CRB adopt her suggested language.

Ms. Olin to draft language proposed by Mr. Imberman for next meeting, subject to further discussion.

Board members feel that adding a designated time for commencement of Commission meetings will be beneficial specifically concerning the induction--matter subject to further discussion at next meeting.

Members requested Ms. Olin draft for next meeting language reflecting the above discussions

C. Vacancy on Commission

Section 15 discusses the definition of a vacancy.

Section 16 discusses the procedure for filling in a vacancy.

Attorney Olin advised that change in dates for vacancies allow for additional time for the Commission to fill such vacancies, and explained other proposed changes.

Marty Oppenheimer made a motion to accept the amendment of Section 16 of the Charter (concerning the 60 days for calling of special election, if necessary.); Anthony Blate seconded the motion. The motion passed unanimously.

CRB approved proposed changes to Charter sections 15 and 16, with ballot language to be presented at next meeting.

D. Vacancy in Candidacy

Attorney Olin discussed issue and proposed changes, and explained interrelationship of issue regarding "Qualifying for Office"; CRC decided that qualifying has to be discussed same time as discussion of this issue as it pertains to this section of the Charter.

Marty Oppenheimer made a motion to table Vacancy in candidacy until the qualifying issue is discussed; Anthony Blate seconded the motion. The motion passed unanimously.

Attorney Olin to prepare material related to "Qualifying for Office" at next CRB meeting, for discussion along with issue of "Vacancy in Candidacy".

5. SELECTION OF FUTURE MEETING DATES/TIMES

The next meeting date is Monday, January 6, 2014.

Town Attorney Miller, along with Attorney Olin, restated that in order to complete Phase I of the CRB's work, the meetings need to be held at least every two weeks, reflecting this proposed schedule:

January 21, 2014.
February 3, 2014.
February 18, 2014 – Public Comment
February 24, 2014.

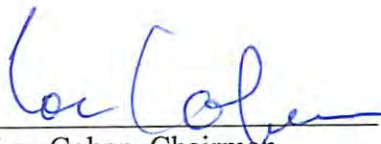
6. PUBLIC COMMENTS

N/A

7. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn the meeting; Anthony Blate seconded the motion. The motion passed unanimously. The meeting adjourned at 10:03pm.

Accepted this 6 day of January, 2014



Lou Cohen, Chairman

Attest:


Frantza Duval
Recording Clerk



**Town of Surfside
Town Commission Meeting
January 14, 2014
7:00 pm**

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

PROCLAMATION COVER MEMORANDUM

Title: National Human Trafficking Awareness Month Proclamation

Submitted By: Daniel Dietch, Mayor

Objective: That the Surfside Town Commission approve the enclosed proclamation designating January 2014 "National Human Trafficking Awareness Month."

Consideration: January 2014, Florida will again participate in National Human Trafficking Awareness Month by shining a light on human trafficking. Through the adoption of this proclamation, Surfside will serve as a voice for the millions of victims nationwide, who are suffering and enslaved in human trafficking, with Florida continuing to account for some of the highest number of calls reported to the national human trafficking hotline.



Human Trafficking Awareness Month Proclamation

Whereas, human trafficking is a form of modern day slavery and is a crime against humanity that violates the most basic human rights and deprives victims of their freedom; and

Whereas, human trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual exploitation, forced labor, involuntary servitude, debt bondage and other methods of slavery; and

Whereas, human trafficking affects as many as 27 million people worldwide, including an estimated two million children who are trafficked for child labor and sexual exploitation; and

Whereas, human traffickers target men, women, and children, both U.S. citizens and foreign nationals, isolating them from society and supportive networks, and exploiting them for personal and monetary gain; and

Whereas, victims of human trafficking suffer emotional, psychological and physical horrors at the hands of their captors who instill fear to keep them enslaved; and

Whereas, human trafficking is the fastest growing criminal enterprise in the world today, and is tied with arms smuggling as the second largest international criminal industry; and

Whereas, human traffickers view Florida as one of the most attractive destinations and transit points for their victims, and Florida accounts for the third-highest call volume to the National Human Trafficking Resource Center; and

Whereas, Floridians are committed to protecting the vulnerable and ending human trafficking through continued prevention, prosecution, education and awareness; and

Whereas, Floridians are committed to sending a strong message to perpetrators that Florida is a zero tolerance state for all forms of human trafficking; and

Whereas, Floridians are committed to protecting victims' rights, and restoring their dignity and freedom; and

Now, Therefore, the Town of Surfside does hereby extend its support to all persons observing January 2014 as Human Trafficking Awareness Month.

In witness thereof I have hereunto set my hand this 14th day of January, 2014.

*Daniel Dietch, Mayor
Town of Surfside, Florida*



Town of Surfside Town Commission Communication

Agenda Item: 4A1
Agenda Date: December 10, 2013
Subject: Garage Door Modification
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding modification to the code relating to garage doors. Staff was provided direction to modify the code.

Analysis: The strict interpretation of the code is to have two separate garage doors, rather than a two car garage. This is not practical or financially feasible for the installation of a garage door. Staff is proposing the following change:

Sec. 90-50. Architecture and roof decks.
9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the facade.~~

Staff Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-50 "ARCHITECTURE AND ROOF DECKS" TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; 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 garage door regulations that were impractical and not financially feasible for property owners; and

WHEREAS, the code requires that if there is a garage that accommodates two cars there must be two separate garage doors installed; and

WHEREAS, the Town has determined that this requirement is not practical or financially feasible for the installation of a garage door; and

WHEREAS, The Town Commission held its first public reading on December 10, 2013 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, has held a public hearing on January 30, 2014 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 has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 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.

Ordinance No. _____

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

Sec. 90-50. Architecture and roof decks.

9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the facade.~~

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 _____, 2013.

PASSED and ADOPTED on second reading this ____ day of _____, 2014.

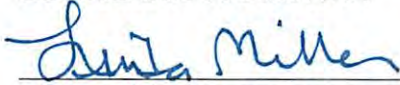
Daniel Dietch, Mayor

Ordinance No. _____

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Commissioner Graubart	yes	_____	no	_____
Commissioner Kligman	yes	_____	no	_____
Commissioner Olchyk	yes	_____	no	_____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #: 4A2
Agenda Date: December 10, 2013
Subject: Side Setback Ordinance
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the October 23, 2013 Planning and Zoning Board meeting, the Board was reviewing an ordinance relating to lot frontage and building lengths for properties in the H120 district. Part of that discussion was also relating to side setbacks. The Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet.

The Board indicated that many of the properties on the east side of Collins Avenue were larger, aggregated lots. A 10 foot side setback did not seem adequate for 120 foot tall buildings and the Board directed staff to prepare a code amendment requesting setbacks in the H120 district to be 10% of the lot frontage. Therefore, a 300 foot lot would result in 30 foot side setbacks.

Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-45 "SETBACKS"; 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 lot frontage and building lengths for properties in the H120 district; and

WHEREAS, the Town Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet; and

WHEREAS, many of the properties on the east side of Collins Avenue have larger, aggregated lots and a 10 foot side setback does not seem adequate for 120 foot tall buildings; and

WHEREAS, the Town Commission has determined setbacks in the H120 district to be 10% of the lot frontage and therefore, a 300 foot lot would result in 30 foot side setbacks; and

WHEREAS, The Town Commission held its first public reading on December 10, 2013 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, has held a public hearing on January 30, 2014 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 has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 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:

Sec. 90-45. Setbacks.

(b) *Setbacks.*

(1) *Required Setbacks—Tables:* The following tables shall be utilized for structures in the H30C, H40, H120, and SD-B40 zoning districts.

H120	Minimum Setback (Feet)
Primary frontage	40 FT
Interior side Side	10 FT 10% of the lot frontage
Rear	30 FT
Secondary frontage (Corner only)	20 FT

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 _____, 2013.

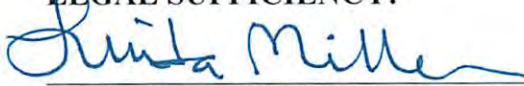
PASSED and ADOPTED on second reading this ____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Commissioner Graubart	yes _____	no _____
Commissioner Kligman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____



TOWN OF SURFSIDE
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Commissioner Michelle Kligman

CC: Michael P. Crotty, Town Manager
 Linda Miller, Town Attorney
 Sarah Johnston, Assistant Town Attorney

DATE: December 10, 2013

SUBJECT: Ordinance prohibiting the sale of live animals in Surfside

According to the American Humane Society, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories.” The mass production of animals for sale to the public at these facilities, many of which are sold at retail in pet stores, lack proper animal husbandry practices. Animals born and raised there are more likely to have genetic disorders and lack adequate socialization. Breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.

While not all dogs and cats sold in retail pet stores are the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates “puppy mills” or “kitten factories,” puppy mills and kitten factories continue to exist in part because of public demand.

In light of the above mentioned, I am proposing an Ordinance that amends Section 90.41(d) of the Zoning Code to prohibit the sale of live animals in the Town. The Town should prohibit the sale of dogs and cats and other live animals in pet stores. This will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals.

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida (the “Town”) encourages pet ownership so long as pets are properly treated and restrained so as not to create a nuisance (in accordance with the terms of Chapter 10 of the Code), and

WHEREAS, the Town Commission of the Town of Surfside, Florida (the “Town”) for the citizens of the Town, the protection of their health, safety and welfare (and in keeping with Chapter 10 “Animals” which also prohibits commercial kennels as a nuisance) now wishes to prohibit the sale of live animals, including without limitation, dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock of any kind as a permitted use; and

WHEREAS, according to the Humane Society of the United States, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories”; and

WHEREAS, the mass-production of animals for sale to the public, many of which are sold at retail in pet stores, lack proper animal husbandry practices; and

WHEREAS, animals born and raised at those facilities are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, while not all dogs and cats sold in retail pet stores are not the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates “puppy mills” or “kitten factories,” the Town Commission believes that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

WHEREAS, the Town Commission believes that the prohibition of the retail sale of live animals in pet stores in the Town will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals; and

WHEREAS, The Town Commission held its first public reading on December 10, 2013 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, has held a public hearing on January 30, 2014 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 has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 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. Code Amended. Sec. 90.41 of the Town Code is hereby amended to include Section 90.41(d)

Sec. 90.41. Regulated uses.

(25) Provided that no animals including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock shall be sold on the premises.

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 _____, _____.

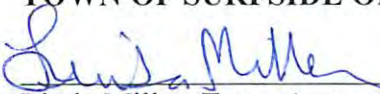
PASSED and ADOPTED on second reading this ____ day of _____, _____.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading moved by: _____

On Final Reading seconded by: _____

Vote:

Commissioner Joseph Graubart	yes	_____	no	_____
Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

To: Town Commission

From: Nancy E. Stroud, Esq., Special Land Use Counsel

CC: Town Manager, Michael P. Crotty
Town Attorney, Linda Miller
Town Clerk, Sandra Novoa

Agenda Date: January 14, 2014

Subject: Second Reading - Ordinance Amending Future Land Use Element of the Comprehensive Plan

Background: The Town Commission on September 17, 2013, adopted on first reading changes in Objective 1, Future Land Use Element, of the Town Comprehensive Plan that relate to religious uses. Those proposed changes have been reviewed by the Florida Department of Economic Opportunity (FDEO) and other state and local agencies, pursuant to the requirements of the Florida Community Planning Act. The FDEO did not have any objections to the proposed amendments and the next step in the process of adopting the changes is the second reading and final adoption. Please note that the Miami-Dade County School Board also did not have objections to the amendments.

The amendments are proposed by staff as a result of the Town planning and legal staffs and special counsel having become aware of two issues with the Town Comprehensive Plan that relate to religious uses. The amendments address both issues in order to better protect the Town against any future claim that the Town's Comprehensive Plan violates the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA"):

1. "Equal Treatment" of religious uses. RLUIPA requires that the government treat religious land uses at least equally to other uses of public assembly. There is one land use category of the Future Land Use Map -- Moderate Density Residential/Tourist -- that allows public schools but does not allow other places of public assembly (such as houses of worship). In order to provide equal treatment, the proposed ordinance strikes public school uses from the list of uses allowed in the Moderate Density Residential/Tourist category. This amendment will ensure that public schools, including charter schools, cannot locate in this residential land use category.

2. "Reasonable relief" provisions. The Town has adopted zoning regulations that provide a type of regulatory relief valve under certain defined circumstances so that on a case by case basis it can avoid unintended violations of RLUIPA. This relief valve is found in Section 90-99 of the Zoning Code "Religious land use relief procedures." Additionally, Ordinance No. 7-1479 adopted changes to the Zoning Code, including a map for "Public Assembly Places", to address potential RLUIPA issues. The proposed ordinance adds Policy 10.6 to the Future Land Use Element to provide consistency between the Comprehensive Plan and the Zoning Code. Policy 10.6 adopts Map FLU-8 which indicates where religious uses may locate in the Town consistent with the Zoning Code's Public Assembly Places map. This will enable the Town to make more effective use, on a future case by case basis, of the Zoning Code's treatment of religious uses.

Recommendation: Staff recommends that the Commission adopt the proposed ordinance striking "public schools" from the Moderate Density Residential/Tourist Future Land Use category, and adding Policy 10.6 and Map FLU-8 to the Future Land Use Element.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Nancy Stroud, Special Land Use Counsel



Michael Crotty, Town Manager

ORDINANCE NO. 14 _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside has adopted a Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and adopted its most recent EAR-Based Comprehensive Plan amendments to the Comprehensive Plan in January 2010; and

WHEREAS, pursuant to Section 90.17 of the Town Code, the Planning and Zoning Board is designated as the Local Planning Agency for the Town; and

WHEREAS, the Planning & Zoning Board in its capacity as the Local Planning Agency, has reviewed proposed amendments to the Future Land Use Element of the Comprehensive Plan as substantially contained herein and recommended approval to the Town Commission on October 2, 2013; and

WHEREAS, the Town Commission has reviewed the recommendation of the Planning and Zoning Board and, after duly noticed public hearings in accordance with the Florida Statutes and the Town Code, finds that this Ordinance is in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals.

The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Recommendation of Approval by the Local Planning Agency.

The Planning and Zoning Board, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the Town’s Comprehensive Plan and recommends approval by the Town Commission.

Section 3. Amending Policy 1.1 of the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby amends Policy 1.1 of the Future Land Use Element of the Town Comprehensive Plan as follows:

Policy 1.1 – The Town shall maintain, improve and strictly enforce provisions which are consistent with the Future Land Use Map, including the land uses and densities and intensities specified thereon and including the following:

...
Moderate Density Residential/Tourist: up to 58 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, ~~public schools~~, and parks and open space.

Section 4. Adopting new Policy 10.6 and Map FLU-8 in the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby adopts new Policy 10.6 and Map FLU-8 in the Future Land Use Element as follows:

Policy 10.6 – The Town shall maintain land development regulations that allow reasonable relief from the Town land development regulations or the use restrictions of this Comprehensive Plan in order to address possible unintended violations of the Religious Land Use and Institutionalized Persons Act of 2000 or the Florida Religious Freedom Restoration Act of 1998. For the purpose of allowing such relief, the land development regulations shall provide that religious

land uses may be permitted in the areas of the Town as depicted on Map FLU-8 of this Comprehensive Plan.

Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6. Conflict.

That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall be effective immediately upon passage by the Town Commission on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Economic Opportunity notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

PASSED and ADOPTED on first reading this 17 day of September, 2013.

PASSED and ADOPTED on second reading this ____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Commissioner Joseph Graubart	yes	_____	no	_____
Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marty Olchyk	yes	_____	no	_____



Religious Land Use Relief Procedures





TOWN OF SURFSIDE

TOWN COMMISSION COMMUNICATION MEMORANDUM

From: Commissioner Joseph Graubart

Agenda Item # 4B1

Agenda Date: January 14, 2014

Subject: Ordinance Amending Section 54-82 to Prohibit Noise Hours in Period No. 2 (April 1 to November 30)

Background: At the December 10, 2013 Town Commission meeting, the Town Commission discussed the on-going construction in the Town and recognized issues concerning the quality of life of the residents and visitors. In an effort to mitigate the identified issues, the Town Commission recommended revision of the Code of Ordinances to control and restrict hours of prohibited noises. The Town Commission directed staff to prepare an ordinance amending the Code to revise and update the hours controlling prohibited noises during Period No. 2 (April 1 to November 30). Therefore, the new hours prohibiting noise established under Period No. 2 will be from 6:00 pm to 8:00 am.

Recommendation: The Town Commission adopt the proposed ordinance amending prohibited noise hours in Period No. 2.

ORDINANCE NO. - ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 "PROHIBITED NOISES"; SPECIFICALLY SECTION 54-82 "SAME-WHEN PROHIBITED" BY REVISING THE HOURS FOR CONTROLLING RESTRICTED NOISES FOR PERIOD NO. 2 (APRIL 1 TO NOVEMBER 30); 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, Florida, proposes to amend its Code of Ordinances to revise and update the hours controlling prohibited noises during Period No. 2 (April 1 to November 30) which are, at present, prohibiting noise from 8:00 pm to 8:00 a.m.; and

WHEREAS, the new hours prohibiting noises established under Period No. 2 will be from 6:00 p.m. to 8:00 a.m.; and

WHEREAS, The Town Commission held its first public reading on January 14, 2014 and recognized it is in the best interests of the quality of life of the citizens and visitors of the Town to control and restrict hours of prohibited noises during Period No. 2 (April 1 to November 30) and recommended approval of the proposed amendment to the Code of Ordinances having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on February 11, 2014 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:

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. 54-82. Same—When prohibited.

The restricted noises set forth in section 54-79 are hereby prohibited at any location and at any hour on Sundays, Christmas Day, New Year's Day, Thanksgiving Day, Labor Day and the Fourth of July; provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto. The

hours on weekdays during which such restricted noises of the various classifications, regardless of location, are prohibited are as follows:

		Group A	Group B	Group C
(1)	During period no. 1	from 5:30 p.m.	5:30 p.m.	5:30 p.m.
		to 9:00 a.m.	9:00 a.m.	9:00 a.m.
(2)	During period no. 2	from 8:00 p.m. <u>6:00 p.m.</u>	8:00 p.m. <u>6:00 p.m.</u>	8:00 p.m. <u>6:00 p.m.</u>
		to 8:00 a.m.	8:00 a.m.	8:00 a.m.

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 become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the _____ day of _____, 2014.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Michelle Kligman yes _____ no _____

Commissioner Marta Olchyk yes _____ no _____

Commissioner Joseph Graubart yes _____ no _____

Vice Mayor Michael Karukin yes _____ no _____

Mayor Daniel Dietch yes _____ no _____



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: January 14, 2014


Subject: 96th Street Park – Playground Equipment

Background: In December 2012, the Parks and Recreation Department and the Parks and Recreation Committee were requested to develop a Five Year Capital Plan for the Parks and Recreation Department. The plan included the priority capital projects and the 96th Street Park renovation was listed as the number three priority. The park equipment has been in operation for over 15 years without any major renovation. The equipment is outdated and provides insufficient recreational use at the facility. Given the current status of the equipment, by replacing the existing structure would upgrade the facility and substantially improve the facility until additional renovations are completed.

Analysis: The Five Year Capital Plan was established to set priorities. This project was ranked third. The changing demographics over the years have led to an increase in usage of the facility and the need for replacement. The equipment selected will be utilized in the future as part of the renovation for the facility. This was the recommendation of the Parks and Recreation Committee during the December 16, 2013 committee meeting to replace the existing equipment as soon as possible. The Parks and Recreation Department has been able to work with Game Time for competitive pricing off of the US Communities contract, meeting the supply and installation needs for the Town of Surfside.

Budget Impact: Funds have been included in the FY 13/14 Budget to start the process of implementing the Five Year Capital Plan. Funds will be provided thru the voluntary proffers. Replacement of the existing playground structure is \$19,958.91.

Recommendation: It is recommended that the Town Commission approve the replacement and installation of the existing playground equipment prior to the full renovations of the 96th Street Park. Approval of this equipment will allow for continued recreational use by the users of this facility. Equipment selection has been presented to and approved by the Parks and Recreation Committee.



Department Head



Town Manager

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO PURCHASE PLAYGROUND EQUIPMENT FROM GAMETIME UTILIZING THE EXISTING U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE CONTRACT NO. 110179; APPROVING AN EXPENDITURE FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-572.6410; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT WITH GAMETIME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town recently adopted a Five Year Capital Plan for the Parks and Recreation Department in Resolution No. 13-2187 and pursuant to that Plan the 96th Street Park renovation was listed as the number three priority; and

WHEREAS, the existing equipment is outdated and provides insufficient recreational use of the facility; and

WHEREAS, pursuant to Florida Statutes Chapter 163 Intergovernmental Programs, Part 1 (163.01) Florida Interlocal Cooperation Act of 1969, the Town of Surfside is permitted to join national cooperative purchasing agreements; and

WHEREAS, the Town of Surfside recommends to participate in the City of Charlotte/Mecklenberg County, North Carolina contract for Park and Playground, Number: #110171, to purchase Playground Equipment through the U.S. Communities Government Purchasing Alliance ("U.S. Communities") (A copy of the Agreement is located in the Town Clerk's Office); and

WHEREAS, U.S. Communities is co-founded and sponsored by the National Association of Counties (NACO), United States Conference of Mayors (USCM), Association of School Business Officials (ASBO), and National Institute of Governmental Purchasing (NIGP); and

WHEREAS, the aforementioned contract for Park and Playground, Number #110171, has been competitively solicited and it is the desire of the Town of Surfside, pursuant to Chapter 163.01, to utilize such contract to make the most efficient use of the Town's powers to purchase and install the playground equipment from GameTime (See Attachment "A"); and

WHEREAS, the Town Commission of the Town of Surfside, Florida would like to enter into an agreement with GameTime in the amount of \$19,958.91 from the Capital

Resolution No. _____

Projects Fund Account No. 301-4400-572.6410 to purchase and install the recreational playground equipment as shown in Attachment "A"; and

WHEREAS, in accordance with the Surfside procurement process and pursuant to Section 3-13(3) of the Code of Ordinances, the Town may enter into contracts entered into by another governmental agency through a competitive bid process; and

WHEREAS, Town Commission of the Town of Surfside, Florida feels it is in the best interest of the Town to enter into the Agreement with GameTime for the purchase and installation of the recreational playground equipment.

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

Section 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization to enter into an agreement. The Town Commission hereby authorizes the Town Manager to enter into the Agreement by and between GameTime and the Town of Surfside attached as Exhibit "A."

Section 3. Implementation. The Town Manager and the Town Attorney 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.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

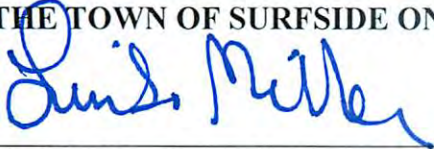
Daniel Dietch, Mayor

Resolution No. _____

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



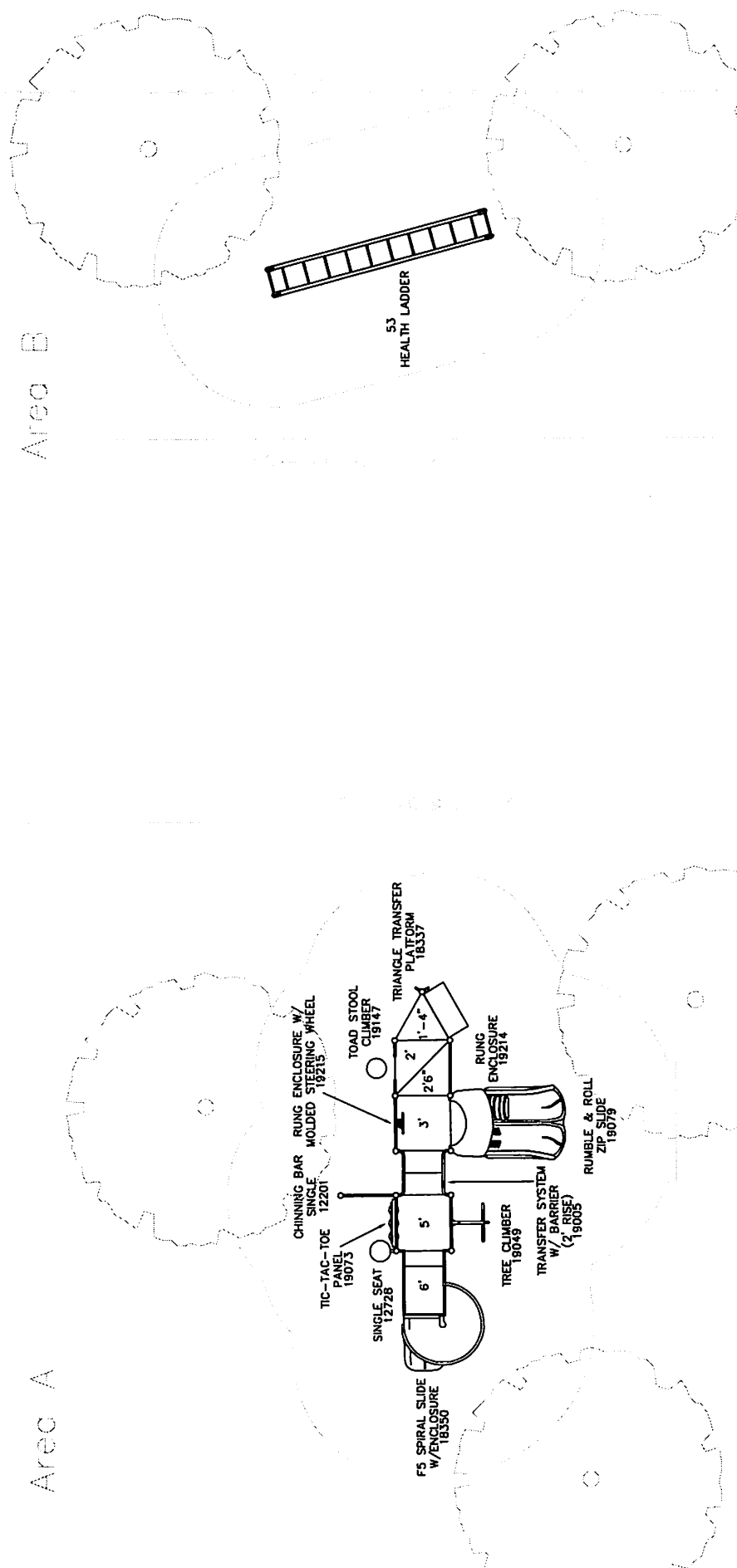
Linda Miller, Town Attorney

Resolution No. _____



Area A

Area B



The play equipment and layout comply with the applicable Department of Justice 2010 ADA Standards for Accessible Design. Also the play equipment design and connections have been reviewed and are compliant with ASTM F1487-11.

Total Elevated Play Components	6	Required	n/a
Total Elevated Play Components Accessible By Ramp	6	Required	3
Total Elevated Components Accessible By Transfer	6	Required	2
Total Accessible Ground Level Components Shown	2	Required	2
Total Different Types Of Ground Level Components	2	Required	2

Minimum Area Required: per site
 Scale: NTS
 This drawing can be scaled only when in an 11" x 17" format

Overlapper shall install and maintain protective surfacing within the use zone (U.S.) or protective surfacing zone (Canada) of all play equipment to comply with ASTM F1292, F1951, F2075, F2223, F2479, and F1487 (U.S.) or CAN/CSA Z814 (Canada).

This play equipment is recommended for children ages 5 - 12

Town of Surfside
 96th Street Park
 Representative
 Dominica Recreation Products

GameTime
 A PLAY-CORSE COMPANY
 150 PlayCora Drive SE
 Fort Payne, AL 35967
 www.gametime.com

ISO 9001 CERTIFIED
 ASQ 48464

Drawn By: Rob
 Date: 12-11-13
 Drawing Name: Surfside A



GameTime
 c/o Dominica Recreation Products, Inc.
 P.O. Box 520700
 Longwood, FL 32752-0700
 800-432-0162 * 407-331-0101
 Fax: 407-331-4720
 www.playdrp.com

QUOTE
#66175

12/11/2013

96th Street Park - Playground

Town of Surfside
 Attn: Stacie Barrett
 PO Box 546853
 Miami, FL 33154-6853
 Phone: 305-866-3635
 sbarrett@townofsurfsidefl.gov

Ship To Zip: 33154

Quantity	Part #	Description	Unit Price	Amount
1	INSTALL	5-Star Plus - Removal of Existing Equipment	\$1,000.00	\$1,000.00
1	19577	Game Time - PrimeTime Myrtlewood	\$16,272.00	\$16,272.00
1	53	Game Time - Health Ladder	\$1,097.00	\$1,097.00
1	INSTALL	5-Star Plus - Five Star Plus Playground Installation Services - <i>Performed by a Certified Installer, includes meeting and unloading delivery truck, signed completion forms, site walkthrough, 90 day site revisit by installation foreman, and 3-Year Labor Warranty!</i>	\$3,750.00	\$3,750.00
1	Sealed	5-Star Plus - Signed/Sealed FBC 2010 Building Code Drawings	\$700.00	\$700.00

Surfacing by others! Sealed Drawings are included, however time and cost for permits will be by Town of Surfside.
 Contract: USC

SubTotal: \$22,819.00
 Discount: (\$4,080.80)
 Freight: \$1,220.71
Total Amount: \$19,958.91

This quote was prepared by Rob Dominica, President.
 For questions or to order please call - 800-432-0162 ext. 113 robd@gametime.com

All pricing in accordance with U.S. Communities Contract #110179.
 All terms in the U.S. Communities Contract take precedence over terms shown below.
 For more information on the U.S. Communities contract please visit www.uscommunities.org/gametime

Permits are not included in cost, unless specifically listed in pricing. If permits are required Signed/Sealed drawings are usually needed and are also not included unless specifically listed in pricing. Any costs for municipal permits, paid by installer, will be charged back to the owner. Adding permits to any job will increase the length of completion (this is not due to manufacturing but rather the permit process at the municipality level). It is expected that **owner will provide approved site plans** of the area for the permit office if required, and will help and assist in the securing of all required approvals before assembly of equipment can begin. Installer cannot provide site plans.



96th Street Park - Playground

**QUOTE
#66175**

12/11/2013

Payment Terms: Governmental Purchase Order.

Purchases in excess of \$1,000.00 to be supported by your written purchase order made out to GameTime.

Net 30 days subject to approval by GameTime Credit Manager. A completed Credit Application and Bank Reference Authorization, must be received with the order. The decision on credit is the sole discretion of GameTime/PlayCore. A 1.5% per month finance charge will be imposed on all past due accounts.

Multiple Invoices: Invoices will be generated upon services rendered. When equipment ships it will be invoiced seperately from installation and/or other services. Terms are Net 30 for each individual invoice.

This Quotation is subject to policies in the current GameTime Park and Playground Catalog and the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment.

Pricing: Firm for 60 days from date of quotation.

Shipment: F.O.B. factory, order shall ship within 30-45 days after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of payment.

Taxes: State and local taxes will be added at time of invoicing, if not already included, unless a tax exempt certificate is provided at the time of order entry.

Exclusions: Unless specifically discussed, this quotation excludes all sitework and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; security of equipment (on site and at night); equipment assembly and installation; safety surfacing; borders; drainage; signed/sealed drawings; or permits.

Installation Terms: Shall be by a Certified Installer. If playground equipment, installer will be NPSI and Factory Trained and Certified. Customer shall be responsible for scheduling and coordination with the installer. Site should be level and allow for unrestricted access of trucks and machinery. Customer shall be responsible for unknown conditions such as buried utilities, tree stumps, rock, or any concealed materials or conditions that may result in additional labor or material costs. Customer will be billed hourly or per job directly by the installer for any additional costs that were not previously included.

Acceptance of quotation:

Accepted By (printed): _____

P.O. No: _____

Signature: _____

Date: _____

Title: _____

Phone: _____

E-Mail: _____

Purchase Amount: **\$19,958.91**



U.S. COMMUNITIES
A Division of
The Home Depot

Policies & Organizations

The Industry's Best Warranty!

*For the purpose of this warranty, lifetime encompasses no specific term of years, but rather that Seller warrants to its original customer for as long as the original customer owns the Product and uses the Product for its intended purpose that the Product and all parts will be free from defects in material and manufacturing workmanship.

- **Lifetime*** limited warranty on PowerScope®, PrimeTime®, and Xscape® uprights.
- **Lifetime*** limited warranty on all hardware.
- **Lifetime*** limited warranty on PowerScope Tru-Loc®.
- **15 Year** limited warranty on pipes, rungs, rails, metal decks and loops.
- **15 Year** warranty on rotationally molded KidTime® and GameTime® products.
- **10 Year** limited warranty on PrimeTime bolt-through connection.
- **10 Year** limited warranty on iTrack™ fitness equipment.
(does not include Endurance products)
- **5 Year** limited warranty on SuperSeats™.
- **5 Year** limited warranty on GFRC PlayWorx products.
- **3 Year** limited warranty on rubber or C type springs used on SaddleMates®.
- **1 Year** limited warranty on all other GameTime products.

TO THE EXTENT PERMITTED BY LAW, THESE WARRANTIES ARE EXPRESSLY IN LIEU OF ANY OTHER IMPLIED OR EXPRESSED WARRANTIES OR REPRESENTATIONS BY ANY PERSON, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS. Warranties do not cover damage caused by vandalism or abuse. Warranty claims must be filed within the applicable warranty period and accompanied by a copy of the original invoice or GameTime invoice number.



Boundless Playgrounds

GameTime is pleased to announce our partnership with the National Center for Boundless Playgrounds, the first national nonprofit dedicated to opening the world of play to children of all abilities. A Boundless Playground eliminates barriers for children with all kinds of disabilities: physical, sensory, cognitive, and developmental. As a Boundless Playgrounds Industry Partner, GameTime is a leader in pursuing the goal of totally integrated play.

We are proud to partner with Boundless Playgrounds, Inc. and share their mission to build inclusive playgrounds where children of all abilities can learn and play side by side. On a Boundless Playground, all children gain the proven intellectual, physical, and social developmental benefits of unstructured play. They also develop an acceptance of individuals of all abilities.



General Services Administration

Under the GSA Schedules Program, GSA enters into

contracts with commercial firms to provide supplies and services at stated prices for given periods of time. Orders are placed directly with the Schedule contractor, and deliveries are made directly to the customer.

The GSA Schedules Program mirrors commercial buying practices more than any other procurement process in the federal government today. It provides customers with state-of-the-art, high-quality commercial supplies and services at volume discount pricing on a direct delivery basis. All customers, large or small, even those in remote locations, are provided the same services, convenience, and pricing.



National Lekotek Center

Since 1980, The National Lekotek Center's "therapeutic play" philosophy has grown to include a network of 20 affiliates, who serve over 6500 families annually. Lekotek offers a vast model of programs including: family play sessions, toy lending libraries, Compuplay programs, and other services, such as home visits, that meet the unique and diverse needs of families.

GameTime's parent company, PlayCore, worked in partnership with the National Lekotek Center to develop 2Play Together - a rich inclusive play program specifically designed to promote inclusive

play, understanding, and fun between children with and without disabilities on the playground. We are proud to partner with the National Lekotek Center to carefully evaluate a variety of products through their AblePlay Rating™ system to assess how it meets the needs of children of all abilities and support more inclusive play opportunities. In 2012, the National Lekotek Center awarded GameTime the first AblePlay ratings for commercial playground equipment for many of our inclusive play products.



Unlimited Play

Unlimited Play is an award winning non-profit organization that builds universally accessible playgrounds to promote health and wellness while transforming communities by providing the freedom of play for ALL children and families.

Many playgrounds around the world deny children, adults, and Veterans with disabilities the opportunity for recreation, enrichment, and social interaction which other people enjoy. Unlimited Play addresses this shortfall by providing a place where people of all abilities play together, learn from one another, value differences and find strength to overcome challenges.

An expert in both design and community engagement strategies, Unlimited Play can help you plan, design, fundraise, build and celebrate your next universally accessible playground.



U.S. Communities

With more responsibilities and smaller budgets than ever before, state and public agencies today are looking for ways to reduce both time and dollars spent. With U.S. Communities, a National Collaborative Purchasing Program, agencies are allowed to skip the lengthy bid process and take advantage of significant government discounts for playground equipment. And although saving money is a great benefit, most agencies agree that it is the ability to skip the bid process that is most attractive.



US Green Building Council

The U.S. Green Building Council is a 501(c)(3) nonprofit organization committed to a prosperous and sustainable future for our nation through cost-efficient and energy-saving green buildings. USGBC works toward its mission of market transformation through its LEED Green Building Program, robust educational offerings, and a nationwide network of chapters and affiliates.



ISO 9001/ISO 14001

Industry certification processes issued by the International Organization for Standardization. ISO 9001 is used to measure manufacturing standards and to certify company compliance with quality management systems covering design, development, production,



Town of Surfside Commission Communication

Agenda Item #: 5B

Agenda Date: January 14, 2014

Subject: Awnings and Sign Code Update

Introduction: Commissioner Kligman has requested that this item be brought back for Commission consideration. The Resolution authorizing the update of the sign code had previously been considered by the Commission at two meetings (June 11 and September 17, 2013) and the motions to approve failed. Also, at the September 30 Joint Meeting with Planning and Zoning, the Commission approved a motion to defer any update until the October Commission and to “get back to Planning and Zoning to address a sign ordinance”.

No formal action of the Commission is required to bring this item back as the last consideration by the Commission was more than three (3) months (Sec. 2-207-Rules of Debate – Rule 8.01 Rules of Debate).

Background: As the Town is moving forward with the streetscape plan for the downtown area, both the DVAC and the Planning and Zoning Board have requested that the code as it relates to awnings and signs be reviewed and updated. Recently, the Planning and Zoning Board has reviewed many applications for signs and awnings that have been presented to the Board for review and approval. While most of the applications meet the current code requirements, the Board members would like to see changes to the code that would provide for more design criteria for signs and awnings.

At its August meeting, the Planning and Zoning Board again urged the Commission to proceed with authorizing the necessary professional services to update the sign code and awning provisions.

Analysis: The sign code is outdated and does not reflect the vision of either DVAC or the DRB/P&Z Boards and both boards have recommended that the sign code be updated.

During the Commission’s previous deliberations on the sign ordinance update, two questions surfaced. 1. Why can’t the P&Z or Staff or Legal undertake the study/update?; and 2. Isn’t this service included as part of CGA’s continuing services agreement for planning services?

1. Why can't Planning and Zoning or Staff or Legal undertake the study/update? The Planning and Zoning Board specifically stated that it does not have the time or expertise to undertake a project of this scope. Similar comments have been provided by the Town Attorney as the legal department does not have the planning expertise to craft a new ordinance but would be available to assist with legal issues including first amendment issues/content neutral issues; ordinance writing, etc. Since planning services are provided on a contractual basis, there is not expertise among existing Staff to successfully achieve this update. However, existing Staff will be available to be actively involved in this effort as we are in all Town initiatives.

2. Isn't this service included as part of CGA's continuing agreement for planning services?

The current agreement between the Town and CGA for planning services provides for a monthly fee of \$5,545.60. The services are:

- Provide all staff services for Planning and Zoning Review Process
- Provide and maintain a zoning ordinance, related documents and make recommendations to the Town Manager regarding amendments to said ordinance
- Provide and maintain a comprehensive plan and related documents
- Perform any and all related services required for Planning and Zoning Services

It is my professional opinion that a comprehensive re-write/update of the sign code exceeds the services contemplated under the above list of services. A re-write/update of a sign code will entail analysis of current regulations; review of enforcement issues and code inconsistencies; reaching out to other disciplines (such as graphics which will assist in the development of complex ideas and make the sign review process more understandable); address and consider new trends and advancement in technology in the sign industry; and coordinate public outreach in order to achieve community desires for signs and awnings. Finally, the cost of \$15,000 is a reasonable fee for this service.

Recommendation: Staff recommends that the Town Commission adopt the enclosed Resolution approving the work authorization with CGA in the amount of \$15,000 so that the process of amending the awning and sign code can move forward.

Budget Impact: \$15,000 and the Finance Director indicates funding is available in the General Fund (Non-Departmental Professional Services Account #: 001-7900-590-3110). This account has an annual allocation for professional services that arise during the year.

Growth Impact: N/A

Staff Impact: N/A


Town Manager

RESOLUTION NO. 13 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 73 (UPDATING AWNINGS AND SIGN CODE, CGA PROPOSAL NO. 13-5932) IN A TOTAL AMOUNT NOT TO EXCEED \$15,000 FROM THE GENERAL FUND, NON-DEPARTMENTAL PROFESSIONAL SERVICES ACCOUNT, 001-7900-590-3110; PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has determined a need to begin review of Town Code regulations relating to awnings and signs; and

WHEREAS, the FY 13/14 has funds available for professional services in the Non-Departmental section of the 13/14 budget; and

WHEREAS, Town consulting planners CGA have submitted a proposal for said planning consulting services (See Attachment “A” Proposal No. 13-5932); and

WHEREAS, it is in the best interest of the Town to approve the proposal of CGA in the amount of \$15,000.00 for said consulting planning services.

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

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement the terms and conditions of a work order No. 73 (Update awnings and sign code; CGA Proposal No. 13-5932 Attachment “A”) in the amount of \$15,000.

Section 3. Authorization to Appropriate and Expend Funds. The Town Manager is hereby authorized to expend funds from the 2013/2014 Fiscal Year Budget not to exceed \$15,000 from the General Fund, Non Departmental Professional Services; Acct #: 001-7900-590-3110.

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

PASSED AND ADOPTED this ____ day of January 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

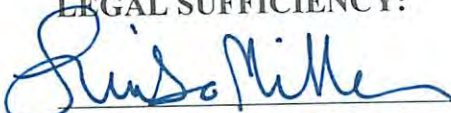
Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

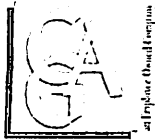
ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

Date: May 29, 2013

Mr. Michael Crotty
Town Manager
TOWN OF SURFSIDE
9293 Harding Avenue
Surfside, FL 33154

RE: Work Authorization No. 73
Update Sign Code
CGA Proposal No. 13-5932

Dear Mr. Crotty,

Enclosed for your review and approval is Work Authorization No. 73 for Update Sign Code. The scope of the project includes Update sign Code.

The Scope of Services to be furnished under this Work Authorization includes Planning 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, for a total not to exceed \$15,000.00.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

Shelley Eichner, AICP
Senior Vice 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
Update Sign Code

PROJECT DESCRIPTION

1. SCOPE OF SERVICES

The sign code is outdated and does not reflect the vision of either DVAC or the DRB/P&Z Boards. The proposed code would be reviewed at numerous public hearings, including DVAC, DRB/P &Z and the Town Commission.

I. Professional Planning Services

- A. Review sign code and provide analysis and comparison to other local sign codes. This analysis will include sign criteria including types, size, design, content, lighting, permanent and temporary, number, and location.**
- B. Meet with members of DVAC to identify concerns and changes to sign code. (2 meetings)**
- C. Prepare graphics and photos of signage from similar communities to assist in developing signage criteria for the Town.**
- D. Participate in Joint Workshop with Planning and Zoning Board and Town Commission to determine changes to the sign code. (1 meeting).**
- E. Based on the outcome of the meetings and direction given to staff, findings and analysis and areas for improvement will be identified. Factors to be identified will include the components of signage (size, design, colors, logos, quantity, location), whether there should be different criteria for office and retail uses.**
- F. Based on data and information gathered, prepare amendments to the sign code.**
- G. Attend 1 Planning and Zoning Board meeting and 2 Town Commission meetings to present proposed sign code.**

2. BASIS OF COMPENSATION:

Hourly rates with an estimated fee of \$15,000.00 with a total not to exceed amount of \$15,000.00. Payments to be made monthly.
Preparation for and attendance at additional meetings other than those listed above, will be on an hourly basis.

3. TIME OF PERFORMANCE:

4. SUBMITTED

Submitted by: Shelley Eichner Date: 5/29/13
Shelley Eichner, AICP

5. APPROVAL

Approved by: _____ Date: _____
Michael Crotty, Town Manager

**TOWN OF SURFSIDE
WORK AUTHORIZATION ESTIMATE DATE**

WORK AUTHORIZATION NO. 73
PROJECT NAME Update Sign Code
CGA Proposal No. 13-5932
DESCRIPTION Update Sign Code

TITLE	RATE	HOURS/UNITS	COST
Principal			\$15,000.00
			\$15,000.00

SUB-CONSULTANTS	COST

LABOR SUBTOTAL	\$15,000.00
REIMBURSABLE SUBTOTAL	\$0.00
TOTAL	\$15,000.00

Reviewed by: _____
Michael Crotty, Town Manager

Town of Surfside Legislative Principles

- State Government should focus on state-level issues and allow local governments 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 wastewater and stormwater improvements, local transportation projects, and park and recreational activities.
 - 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 seek to access local tax dollars. The Town of Surfside will oppose 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 Town further supports enhanced funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for comprehensive water supply infrastructure needs.
 1. *The Town of Surfside will seek relief from the Clean Water State Revolving Loan Fund obligations for sewer rehabilitation and stormwater improvements in the amount of \$9,310,000.*
 2. *The Town of Surfside will again seek funding in the amount of \$75,000 for the 88th Street Pump Station. This amount was allocated by the legislature last session but was vetoed by the Governor.*
- The Town of Surfside supports 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. 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.

1. *Both of these important programs have had minimal or no funding during the past three years but with the state's improving fiscal outlook should again be considered for legislative funding. The Town will be submitting an application of \$250,000 for the second story of the Community Center for possible legislative funding during the FY2015-16 cycle.*
- The Town of Surfside supports grant and legislative line item funding that dedicates to small businesses state economic development resources. Small businesses are the strength of Florida's economy; but they are often overlooked or do not qualify for existing economic development initiatives. Additionally, the Town will explore establishing a partnership with the state Small Business Development Center Network for resources and technical assistance.
 - The Town of Surfside will support the continuation of dedicated state funding sources for beach re-nourishment at or above statutory levels. Funding for this item flows from the state to Miami-Dade County and it is thus crucial that the relationship with the County be fortified.

- The Town of Surfside will support strengthening 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

- *Municipal Police Pensions*

The Town of Surfside seeks to preserve flexibility in order to negotiate sustainable pension benefit levels; key to ensuring that plans are sound and secure for current and future police retirees.

Prior to 1999, cities were largely free to bargain with local police unions the pension benefits that best fit the priorities and needs of the city and its police. That year, the Legislature amended Chapter 185, F.S., to require that additional insurance premium tax revenues (taxes on property and casualty insurance premiums) over a base amount be used to provide only “extra” pension benefits. In aggregate numbers, this mandate has required cities to provide over \$520 million in new, “extra” pension benefits since 1999.

In concert with the approach that local decisions should be made at the local level, the Town has the following two priorities:

1. Preserve Chapter 185, Florida Statutes with no changes. This is the state law governing local police pension plans. Over the last eighteen months, the Florida Division of Retirement has reinterpreted Chapter 185 to provide cities greater flexibility in reforming their pension plans without jeopardizing their eligibility to receive state premium tax revenues. In the “Naples Letter” (August 2012), the Division determined that retirement benefits could be prospectively adjusted to the minimum benefit levels in Chapter 185 without the loss of premium tax monies. Before said letter, if a city reduced any benefit below the level established in 1999 it would no longer be eligible for future premium taxes. In the “Palm Beach Gardens Letter” (August 2013), the Division concluded that a city could join the Florida Retirement System (FRS) and continue to receive premium tax monies as long as some current employees elect to continue participating in the city pension plan. Before the Palm Beach Gardens Letter, if a city joined the FRS it could no longer receive premium tax revenues.

Both the Naples and Palm Beach Gardens decisions expand the options available to cities for reforming local pension plans.

2. Assure that cities retain the ability to negotiate changes in pension benefits without jeopardizing their eligibility to receive premium tax revenues. No

“one size fits all” approach from Tallahassee will work for many local governments that are struggling to contain pension costs and maintain the long-term sustainability of their pension plans. The best way to ensure that municipalities keep local control of their pension plans is to allow the collective bargaining process to work, without artificial limits imposed by the state. If there is to be legislation amending Chapter 185, Florida Statutes, the legislation should provide that pension changes implemented through the collective bargaining process will comply with the law, and not result in the loss of premium tax dollars.

Senators Jeremy Ring and Rob Bradley have filed SB246 for the 2014 legislative session. The bill is similar to that they filed last year and which failed. Broadly speaking, the bill allows cities to negotiate pension benefits but imposes restrictions on the use of premium tax dollars, repeals the current DMS interpretation as stated in the Naples letter, and institutionalizes the “extra” benefit mandate in the 1999 law.

- *Sober Homes*

The Town of Surfside supports legislation defining and establishing minimum regulatory standards for recovery residence facilities, while also allowing more stringent local regulation.

Senator Jeff Clemens and Representative Bill Hager will be filing legislation requiring “Sober Homes” to be identified in statute, licensed by the state, prohibiting clustering of same in residential neighborhoods, and providing for local planning and zoning regulation. Their bill will be as a result of budget proviso language last legislative session requiring the Florida Department of Children and Families to review the Sober House issue and proffer recommendations for legislative action.

- *Communications Services Tax*

The Town of Surfside supports revising the Communications Services Tax (CST) in a manner that does not reduce current local government related revenues, simplifies the administration and collection of the current tax, provides for a broad and equitable tax base, and affords for enhanced stability and reliability as an important revenue source for local governments.

The CST is one of the main sources of general revenue for municipalities. It generates over \$800 million annually and the funds can be used for any public purpose. Surfside currently receives \$303,320 from this source.

Governor Scott has pledged to reduce taxes by \$500 million next year and included within that discussion is the CST. As a result, Senator Dorothy Hukill, Chair of the Appropriations Subcommittee on Finance and Tax, has filed SB 266

which would reduce the state CST rate and the direct-to-home satellite rate by 2%. It does not include a reduction of the local CST but could have a negative fiscal impact on municipalities due to the distribution of some of the state and direct-to-home satellite revenues.

- *Local Business Tax*

Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession, or occupation within its jurisdiction. Last legislative session, a number of bills were defeated that would have phased out the Local Business Tax by 2020 and a Committee Bill proposed to base the tax on the amount of square footage of a business. That also failed.

In order to preserve the \$60,000 in current funding to the Town of Surfside from local business taxes, The Town opposes legislation that restricts or eliminates municipal revenue generated under the local business tax. However, Surfside supports the authorization of local governments to modify ordinances in a manner that results in a more simplified, efficient, and equitable tax system that benefits businesses and local communities.

- *Transportation*

The Town of Surfside will lobby for inclusion in the Department of Transportation bill a mandate that off-duty police officers be assigned to every FDOT construction project as well as a pedestrian “countdown” meter at intersections where traffic devices are installed.

- *Traffic Infraction Devices*

Red light cameras, referred to as traffic infraction detection devices in law, were authorized through the Mark Wandall Traffic Safety Act of 2010. The subject of red light cameras has been contentious and debated extensively in the legislature every session since 2010, with multiple attempts to both strengthen the law as well as repeal it. In the 2013 Legislative Session, Senator Jeff Brandes, Chair of the Transportation Committee, amended the law to provide remedy to due process concerns in the issuance of red light camera notices of violation, and limited the ability of red light cameras to issue “right-turn on red” citations.

For the 2014 legislative session Senator Brandes has filed SB 144 and Representative Frank Artiles has filed HB4009 both of which would fully repeal the red-light camera programs in the state of Florida.

The Town of Surfside opposes legislation that would prohibit local governments from utilizing “Red Light Cameras” and/or redirect additional revenues from

same to the state. Currently, Surfside receives \$310,000 from this life safety effort.

- *Parking Meter Revenue*

During the 2013 Legislative session the Florida Department of Transportation (FDOT) advanced language that any municipality that installed and maintained parking meters on state roads would remit 50% of their revenue to the state. This was included in both SB1132 and HB7127, the comprehensive transportation bills. Along with other colleagues who represent local governments, we were able to amend these bills to simply require a study by the Florida Transportation Commission. Ultimately these bills died on the last night of session, but the FDOT has continued to work on this matter in the legislative interim and will again propose this for the 2014 legislative session.

The Town of Surfside opposes this language in order to preserve over \$300,000 in current parking meter revenue the Town receives from meters on state roads. (Surfside currently received a total of \$852,000 from all parking meters, including those on surface lots).

- *Vacation Rental Preemption*

The Town of Surfside supports repealing the state preemption of local governments' authority to regulate, restrict, or prohibit vacation rental property in single family neighborhoods and other zoning categories.

- *Billboards:*

The Town of Surfside opposes legislation that preempts or dilutes local government's ability to establish and maintain local ordinances which regulate billboards and outdoor advertising.



Town of Surfside Commission Communication

Agenda Item # 9B

Agenda Date: January 14, 2014

Subject: Code Compliance Priorities, Compliance Periods and Civil Penalties

Introduction

On December 10, 2013, the Administration provided a Report (Item 9D) to the Mayor and Commissioners updating and confirming the Code Compliance priorities established by the Town Commission during the Special Commission Meeting of November 7, 2013. Additionally, at the November 7, Special Commission Meeting the Town Commission requested that the Administration provide more detailed recommendations on compliance periods and civil penalties for the Code Compliance priority items.

Attached are two sheets: 1) List of Code Priorities by District; and 2) Recommended Civil Penalties and Compliance Period Chart.

Analysis

The list of the final Code Compliance priority rankings are attached as Exhibit A.


A chart of the recommended civil penalties and compliance periods are also attached as Exhibit B.

Conclusion

It is recommended that the Administration and Town Attorney be directed to amend and submit a resolution adopting the new civil penalty schedule, substantially in the form that is provided in the attached Chart.



Joe Damien
Code Compliance Director



Michael Crotty
Town Manager



CODE COMPLIANCE PRIORITIES

SINGLE FAMILY DISTRICTS PRIORITIES

- Trash on Curb
- Construction without permits
- Boats parked in yards
- Sight-Triangle (hedge) visibility
- Garbage Cans left out at days end
- Trash on Yard
- Derelict Vehicles/parking on grass
- Hedge Heights (front, rear/side)
- Barking dogs

MULTI-FAMILY DISTRICTS PRIORITIES

- Short Term Rentals
- Exterior Surfaces (paint/clean)
- Overgrowth of Grass
- Overgrowth onto right-of-way
- Construction without permits
- Inadequate/inappropriate parking

BUSINESS DISTRICT PRIORITIES

- Exterior Surfaces (paint/cleaning)
- Alley cleanliness
- Dumpster maintenance
- Missing awning/frame remaining
- Interior Violations (maintenance)
- Sidewalk Obstructions
- Sidewalk Café equipment & expansion
- Deteriorated awnings
- Grease traps
- Overgrowth of weeds (at alleys)
- Sidewalk (sweep/pressure clean)
- Alley area used staging equipment
- Sign installation without permits
- Awning installation w/o permits
- Construction without permits
- Resort Tax delinquency
- Old signs from prior businesses
- Electronic Signs
- Business Tax & Certificate of Use
- Parking Lot Maintenance

**PRIORITIES FOR EACH DISTRICT ARE LISTED IN ORDER BASED ON POLICY DIRECTION APPROVED BY THE SURFSIDE TOWN COMMISSION AT ITS MEETING ON NOVEMBER 7, 2013*

Civil Penalties and Compliance Periods to be Provided Prior to Enforcement for Prioritized Violation Types

	PRIORITY RANKING	ISSUE	COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY
Single Family	1.8	Trash on Curb	2 Days	\$25
	1.8	Construction without permits*	5 Days	\$250
	2.0	Boats parked in yards	15 Days	\$25
	2.0	Sight-Triangle (hedge) visibility	15 Days	\$25
	2.2	Garbage Cans left out at days end	2 Days	\$25
	2.2	Trash on Yard	5 Days	\$25
	2.4	Derelict Vehicles/parking on grass	5 Days	\$25
	2.4	Hedge Heights (front, rear/side)	15 Days	\$25
	2.4	Barking dogs	Immediate (after warning)	\$100
Multi-Family	2.0	Short Term Rentals	30 Days	\$250
	2.2	Exterior Surfaces (paint/clean)	30 Days	\$25
	2.2	Overgrowth of Grass***	5 Days	\$100
	2.2	Overgrowth onto right-of-way	15 Days	\$25
	2.2	Construction without permits*	5 Days	\$250
	2.4	Inadequate/inappropriate parking	30 Days	\$25
Business District	1.0	Exterior Surfaces (paint/cleaning)	30 Days	\$25
	1.2	Alley cleanliness	1 Day	\$25
	1.4	Dumpster maintenance	1 Day	\$25
	1.4	Missing awning or frame remaining	7 Days	\$25
	1.4	Interiors (maintenance, sanitary)	15 Days	\$25
	1.6	Sidewalk Obstructions (signs, planters, etc.)	2 Days	\$25
	1.6	Sidewalk Café furniture & expansion	2 Days	\$25
	1.8	Deteriorated awnings	15 Days	\$25
	1.8	Grease traps	7 Days	\$250
	2.0	Overgrowth of weeds (at alleys)	5 Days	\$25
	2.0	Sidewalk (sweep/pressure clean)	5 Days	\$25
	2.2	Alley area used staging equipment	5 Days	\$25
	2.2	Sign installation without permits	5 Days to apply*	\$250
	2.2	Awning installation w/o permits	5 Days to apply*	\$250
	2.2	Construction without permits	5 Days to apply*	\$250
	2.2	Resort Tax delinquency	15 Days (+late fee & int.)	\$25
	2.2	Old signs from prior businesses	15 Days	\$25
	2.4	Electronic Signs	2 Days	\$25
	2.4	Delinquent L.B.T.R & Cert. of Use	15 Days (+late fee & int.)	\$25
2.4	Parking Lot Maintenance	30 days	\$25	
*** Depending on the season grass may reach overgrowth height within 10-15 days of cutting. By the time we respond action must be swift or overgrowth will reach levels that are costing the Town well above that which we are permitted to collect \$125.			* One time penalty for violation. Subject to permit double fee and other Building Dept. penalties	



**Town of Surfside
Town Commission Meeting
January 14, 2014**

DISCUSSION ITEM MEMORANDUM

Title: “Construction Impact - Hotel, Condo, etc.”

Objective: To provide the residents, Town Commission, Town Manager, Town Officials and Staff a document listing: “Lessons Learned” from the recent Grand Beach Surfside Hotel construction project – 94th street Collins Avenue (east and west sides).

Consideration: It is the ‘job’ and responsibility of the Town Commission and Officials to protect residents, tourists, and visitor’s health, safety, and well being – this agenda item pursues this goal. Knowledge gained, “Lessons Learned” from the impacts that were, and are a result of the construction project: Grand Beach Surfside, must be reviewed and considered. The construction projects of the hotel on 92nd street (possible Marriot Hotel), the 91st Street Surf Club Condo/Hotel and the Best Western 94th Street project “Chateau” – all basically under construction at the same time. Both the Surf Club and the 92nd street hotel construction projects impact could dwarf the Grand Beach Hotel project as they impact Harding Avenue as well. That’s 91st, 92nd, and 94th Streets currently underway. A private school for Collins Ave and 95th Street is in the application ‘pipeline’ and hopes for a second floor for the Community Center (93rd St.). Not to mention Parking garages being ‘debated.’ All this construction will be stressful to Town – we must do all we can to mitigate the impact to the Town, its’ residents, Town Staff and Employees, visitors and tourists alike.

Action: I am asking the Commission to give direction to the Town Manager to prepare a Lessons Learned list and actions to be taken to minimize impacts to traffic congestion, worker parking, construction debris, (dust and dirt) and noise,

and general effects and inconveniences to the abutting residential neighborhoods and beach. Present Commission enforcement procedures as well ASAP.

Additional Info/Note: Importance: High

Approximate Cost: Minimal/None to ascertain information stated above under “Action.”

Respectfully,

Joe Graubart, Commissioner

Notes/Specifics:

- **Travel Lane closures On Collins and Harding Avenues**
 - **Example: None allowed on Harding before 10AM or Collins after 5PM**
 - **Lane closures prohibit residents to return to Town on a timely basis.**
 - **Lane closures during ‘rush hours’ slow down emergency response time for Fire and Rescue – Ambulances.**

- **Emergency Routes Established for residents**

- **Construction Worker Parking Violation(s)**
 - **Booting vs. Towing**

Note: A **wheel clamp**, also known as **wheel boot** or **Denver boot**,^{[1][2]} is a device that is designed to prevent vehicles from being moved. In its most common form, it consists of a clamp that surrounds a vehicle wheel, designed to prevent removal of both itself and the wheel.

- **Hard Pack and Beach concerns: Access, Safety, Closure, Maintenance, etc.**





Town of Surfside Commission Communication

Agenda Item # 9D

Agenda Date: January 14, 2014

Subject: Seawall Project Update and Schedule

Background: At its **August 15, 2012 meeting**, the Commission adopted Resolution No. 12-2013 authorizing the submission of a FIND grant application for replacement of Town seawalls and committed to financing its 50% of the cost of the project (Town local share estimate -- \$530,800). The resolution did not specify the source of the local funding.

At its **December 10, 2013 meeting**, the Commission adopted an additional resolution approving the FIND agreement and the required local funding source (General Fund Reserves). Concern was expressed regarding utilizing the reserves for the General Fund (fund balance) to fund the Town's commitment to provide its 50% share of the project.

Update: Since the December Commission meeting, the following has occurred:

1. Contract documents have been signed with FIND and the Town has a fully executed copy.
2. Extension of Contractor Unit Prices to Town Residents: The Commission has expressed its desire to include language in the bid documents that would encourage the selected contractor to make available the Town's contract unit prices to residents to undertake private seawall improvements. The business arrangement would be between the resident and contractor and the Town would have no business/contractual involvement. This type of arrangement would likely reduce homeowner's cost for seawall improvements and act as an incentive for homeowners to upgrade their seawalls. CGA has been advised to include language to this effect in the specifications.

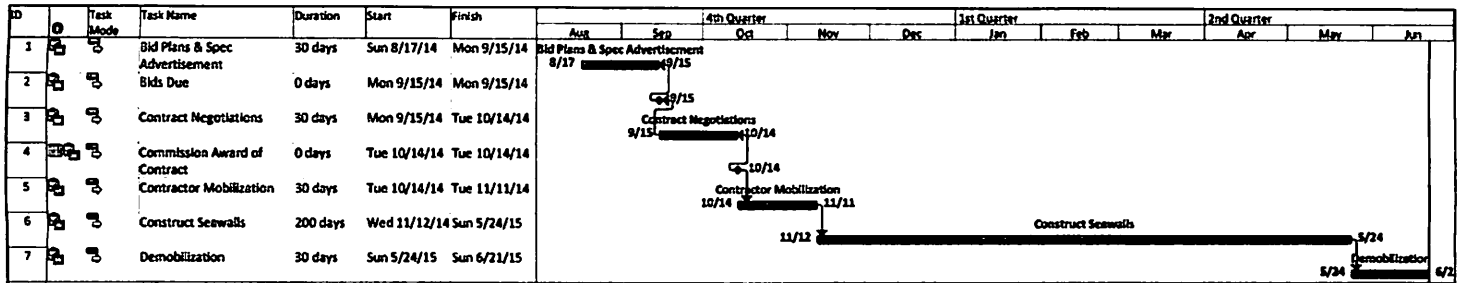
As a point of information, the Building Official and I met with Joseph Spector/PACE Program to discuss possible involvement of the PACE Program to assist private property owners with financing seawall upgrades or replacements which tend to be costly. Mr. Spector indicated that the seawall project would be eligible as it falls under the category of "Hurricane Projection". As the project evolves, this PACE option will be included.

3. **Schedule/Local Funding:** Based on the discussion at the December Commission meeting relating to concern about funding the local share from reserves, this project can

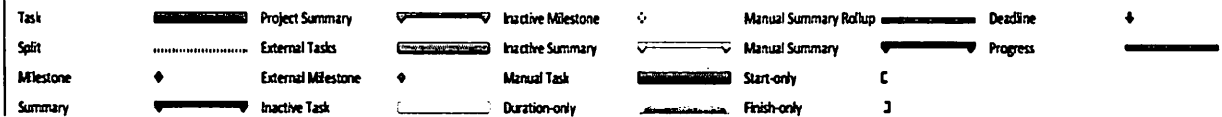
be funded as part of the FY 14/15 budget and still be completed within the timeframes of the FIND grant agreement and the approved permits. The timeframes are:

- FIND Grant Agreement (3 years – December 2016)
- DRER Letter of Consent is valid for 5 years from issuance (October 28, 2018)
- FDEP Permit states construction must be completed within 5 years from permit issuance (April 23, 2018)
- USACE Permit is valid until March 18, 2017

If it is the desire of the Commission to utilize this approach, the following schedule will accommodate the Town funding its share as part of the FY14/15 budget:



Project: Seawall Schedule
Date: Thu 12/19/13



- The above 200 day construction schedule can easily be accommodated within the grant contract and permitting timeframes if the award is made at the October, 2014 Commission meeting. By awarding the contract for construction in October, 2014, the seawall construction will take place essentially during the “non” hurricane season. However, this would mean that the existing Town seawall would remain in place through the 2014 hurricane season.
- The Town Commission can continue to proceed with the Seawall Project in this 2013/2014 fiscal year as authorized in December, 2013 with the authorization to fund the Town’s share of the project from the General Fund Reserves to the Stormwater Fund – Surfside Seawall Replacement, Account 404-5500-538-6330 with the intent of the Town Commission to budget said amount in the 2014/2015 budget in order to reimburse the General Fund Reserve.

Requested Action:

- Should Staff immediately proceed with project development (out to bid in March) resulting in the Town’s local funding to come from General Fund reserves as authorized at the December 2013 Commission meeting?; or


2. Should the bid for the Seawall Project be awarded at the October 2014 Commission meeting (FY 14/15) based on the factors detailed in this Commission Communication?
3. If the decision is made to immediately proceed with the project, the reserves can be reimbursed as outlined above during the FY 14/15 budget process.


Town Manager



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

TO: Town Commission

FROM: Linda Miller, Town Attorney 
 Sarah Johnston, Assistant Town Attorney

COPY: Michael P. Crotty, Town Manager

DATE: January 14, 2014

SUBJECT: Planning and Zoning Board Membership and Alternatives

Background:

In January 2013, the Town Commission approved Ordinance 13-1598 dissolving the Design Review Board (hereinafter "DRB") and merging its function with the Planning and Zoning Board (hereinafter "P&Z Board"). The code change resulted in the P&Z Board now consisting of five members and an unintended consequence of the resignation of the sitting architect for the DRB due to a conflict that resulted from the change.

Per the current ordinance, one of the Board members must be a Florida-licensed architect and at a minimum another, one member, must be a Florida-licensed general contractor, certified planner (AICP), Florida-licensed landscape architect, registered interior designer, or Florida-licensed attorney. However, there is no longer a Florida-licensed architect serving on the P&Z Board, and no licensed landscape architect or certified planner, and therefore, no review of applications submitted for approval have been reviewed and voted upon by architects and design professionals.

The Miami-Dade Commission on Ethics and Public Trust (Ethics Commission) opined that, pursuant to Miami-Dade County Code Section 2-11.1(m)(2), an architect serving on a board whose sole function is to pass on aesthetics of plans submitted is permitted to make presentations to the board on behalf of private client so long as the architect member abstains from voting and is absent from any discussion. The Ethics Commission explained that this ability of such an architect member to sit on the DRB if he recused himself from voting does not apply to the P&Z Board, as the P&Z Board does not serve for the sole function of passing on the aesthetics of plans. Additionally, it does not matter

whether the architect is a voting or non-voting member of the P&Z Board as to whether he can serve on the Board while also representing clients before the Board.

Consideration:

Currently, the P&Z Board does not have a Florida-licensed architect and has not been able to locate one that may be able to sit on the Board and continue to represent clients before the P&Z Board in place of one of the five currently serving members. In light of the Ethics Commission opinion, the Town has faced a challenge in locating an architect without clients in Town to serve on the Board.

The following are options to explore to resolve this situation:

- **Reinstitute the DRB-** this would allow the unique exception for architects serving on the Board with the task of design review for aesthetics only, and to thus allow for a number of candidates to be considered for membership on the DRB.
- **Nullify the architect requirement-** the code provides that if an architect cannot be located within three (3) months of the vacancy, the architect requirement can be nullified [until a board member vacates or a new board is appointed] by a vote of the Town Commission.

Action Requested:

The Town Attorney is seeking policy direction from the Town Commission.



Town of Surfside Commission Communication

Agenda Item #: 9F

Agenda Date: January 14, 2014

Subject: Request for Proposals (Grant Writing Services) and Request for Qualifications (Architectural and Engineering)

Background: At the November 12 meeting, the Commission authorized an issuance of an RFQ for Architectural, Landscape and Engineering Services, excluding IT; Planning; and Community Development Services. Also an RFP for grant writing services is being prepared consistent with the FY 13/14 budget authorization.

Staff presented drafts of the RFQ's /RFP for these services to the Commission on December 27 so you could review them prior to the January 14, 2014 Commission Meeting.

The following comments are offered to assist in your review of the draft RFP/RFQs:

- 1. Grant Writing Services:** In addition to the RFP for grant writing services, Staff will pursue another option to secure these services. Specifically, we will send an email blast to the Miami-Dade municipalities inquiring about the possibility of "piggy-backing" on other municipal grant writing contracts. The potential advantage to this is two-fold. First, the first year allocation is relatively modest (\$15K) which might not attract responses from some firms. Second, our grant writing needs are probably fairly similar to other municipalities in the County—utilities; environmental enhancements; recreation opportunities; etc. This will provide another option for the Commission to consider pertaining to the hiring of grant writers.
- 2. RFQ for Engineering Services:** At the November 14 Commission meeting, the Town Manager specifically asked if the authorization for engineering services included Community Services/Engineering which is essentially the day-to-day support to the Public Works Department. These are the day-to-day support services provided to the Public Works Department by Bob McSweeney and Chris Giordano and includes attendance at all the regular Commission meetings. In order to provide final direction, please review Section II—Public Works Department Staff Augmentation (page 12 of 17 of the RFQ for Engineering Services highlighted in yellow). These services are provided to the Town at the monthly rate of \$5,415.73. It was stated at the November Commission meeting that some members would like to consider this in more detail prior to providing final direction whether to include these services in the RFQ.

Following considerable review/discussion on this issue, it is recommended that the RFQ include the day to day engineering services (Section II, Public Works Department Staff Augmentation which was highlighted in yellow in the copies previously submitted to the Commission on December 27) in the engineering RFQ. The RFQ states that “**The Town does not guarantee that any or all of the services identified in this Request for Qualifications (RFQ) will be assigned to the selected consultant(s) during the term of their agreements**”. The final decision regarding these services can be made later in the process after receiving the RFQ’s.

Finally, it is the intent of the RFQ for engineering services to select a firm to serve as the Town’s consulting engineer for a period of three (3) years with up to two (2) one year extensions for the services listed under the scope of services.

3. **RFQ for Architectural Services:** Unlike the RFQ for engineering firms, it is the intent of the RFQ for Architectural Services (including landscape design) that the previous procedure used by the Town will again be utilized. Specifically, a number of architects (up to 5) will be selected and agreements would be negotiated providing for a rotation among the selected firms.

Analysis: The process to advertise the RFQ’s and RFP; receive proposals; review/rank proposals and prepare recommendation to the Commission is approximately 75 days.

Requested Action: Authorize Staff to proceed with advertising for RFP for grant writing services and RFQ’s for Engineering and Architectural (landscaping) services.


Town Manager

Attachments: RFP – Grant Writing Services
RFQ – Architecture (landscaping)
RFQ - Engineering



REQUEST FOR PROPOSALS

GRANT WRITING SERVICES FOR THE TOWN OF SURFSIDE

**TOWN OF SURFSIDE
MIAMI-DADE COUNTY, FLORIDA**

TABLE OF CONTENTS

RFP

Public Notice

Section 1.1 Introduction

Section 1.2 Background.....

Section 1.3 Scope of Services

Section 1.4 Submittal Requirements.....

Section 1.5 Submission Date and Pre-RFP Submission Conference.....

Section 1.6 Additional Information and Clarification.....

Section 1.7 Selection, Award, and Protest Procedures.....

Section 1.8 Contract Execution

Section 1.9 Instructions

Section 1.10 Changes/Alterations.....

Section 1.11 Discrepancies, Errors, and Omissions.....

Section 1.12 Disqualification.....

Section 1.13 Submissions Receipt/Withdrawal

Section 1.14 Conflict of Interest

Section 1.15 Hold Harmless and Indemnification

Section 1.16 Reservation of Rights.....

Section 1.17 Additional Information.....

Section 1.18 Insurance Requirements.....

Section 1.19 Assignment; Amendments.....

Section 1.20 Consent to Jurisdiction

Section 1.21 Governing Law

Section 1.22 No Waiver of Breach.....

Section 1.23 Standard of Care.....

Section 1.24 Public Records.....

Section 1.25 Laws and Regulations.....

Section 1.26 Attachments.....

Attachment “A” Public Entity Crime Affidavit

Attachment “B” Non-Collusive Affidavit

Attachment “C” Anti-Kickback Affidavit

Attachment “D” Drug Free Workplace Affidavit

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town of Surfside (Town) is soliciting proposals to provide grant writing services for the Town. It is the intention of the Town to secure grant writing services on a contractual basis. Interested firm/individuals (“Proposer (s)”) may pick-up a copy of Request for Proposals (RFP) No. 14-__ to be issued on _____, 2014 at Town of Surfside Town Hall 9293 Harding Avenue, Town Clerk’s Office, Second Floor, Surfside, Florida, 33154. The RFP contains detailed and specific information about the scope of services, submission requirements and selection procedures.

One (1) original, five (5) copies of the completed and executed Submissions must be delivered to the following address no later than _____, 2014 at 3:00 pm.

**Town of Surfside Town Hall
9293 Harding Avenue, Town Clerk’s Office
Second Floor
Surfside, Florida, 33154**

The envelope containing the sealed Proposal must be clearly marked as follows:

“SEALED PROPOSAL”

**RFP NO. 14-__ GRANT WRITING SERVICES FOR TOWN OF SURFSIDE
TIME: _____, _____, 2014.**

A Pre-RFP Submission Conference is scheduled for _____, 2014 at 10:00 a.m. at the Town of Surfside Town Hall, 9293 Harding Avenue, Second Floor Commission Chambers, Surfside, Florida. All Proposers planning to submit Submissions are encouraged to attend this meeting. Proposers should allow sufficient time to ensure arrival prior to the indicated time.

The Town of Surfside intends to enter into an agreement with the successful Proposer(s) to provide grant writing services for the Town.

The contract will be awarded by the Town to the Proposer(s) whose proposal(s) best serves the interests of, and represents the best value to the Town in accordance with the criteria set forth in the attached contract.

The Town reserves the right to accept no late submissions, late submitted proposals in the sole discretion of the Town Manager or his designee. In addition, the Town reserves the right to reject any or all proposals, with or without cause, to waive technical errors and informalities, and to accept the proposal which best serves the interest of and represents the best value to the Town.

Any questions regarding RFP No. 14-__ are to be directed in writing to Sandra Novoa, C.M.C, Town Clerk, at the following address: 9293 Harding Avenue, Second Floor, Surfside, Florida 33154. Alternatively, any questions may be sent via email to: snovoa@townofsursidefl.gov.

Any questions or clarifications concerning the proposal specifications must be received by Sandra Novoa, C.M.C. Town Clerk, no later than seven (7) calendar days prior to the proposal opening date. All persons attending the pre – submission conference will receive the answers to all questions.

For further information, please contact Sandra Novoa, C.M.C, Town Clerk, at 305-861-4863 ext. 226.

DRAFT

Town of Surfside, Florida

REQUEST FOR PROPOSAL NO. 14-__

GRANT WRITING SERVICES FOR SURFSIDE, FLORIDA.

1.1 INTRODUCTION

The Town of Surfside, Florida (Town) a municipality located in Miami-Dade County, Florida, requests qualified Proposers (“Proposers”) to submit proposals to provide grant writing services as needed in Surfside, Florida.

1.2 BACKGROUND

The Town is a residential beach community located in Miami-Dade County. The major services are Public Safety; Parks and Recreation; Building and Zoning; Administration/Finance; Public Works and Community Development. Additional information about Town is available at the Town Website (<http://www.townofsurfsidefl.gov/>).

It is the intention of the Town to apply for grants which address documented Town needs associated with service delivery and necessary capital infrastructure improvements; environmental/“Green” initiatives; technology; recreation; community development/redevelopment and capital assets.

In addition, it is the intent of the Town to apply for grants which not only are consistent with identified Town needs but those grants which can be properly and efficiently administered by staff taking into account existing duties and responsibilities.

A goal of the Town’s grant program is to secure funding for services and projects which the Town otherwise would be required to utilize local tax dollars alone.

1.3 SCOPE OF SERVICES

The Town of Surfside invites Requests for Proposals (RFP) from qualified providers of grant writing services. Contracts may be awarded to more than one firm or individual. The contract term would be for a period of one year with the option of two one-year renewals.

PROPOSAL REQUIREMENTS

Proposers shall provide supporting documentation for the following in their response package to the Town:

1. Proposer’s Experience and Qualifications with Providing Services Requested in the RFP.
2. Qualifications of employees, to include key personnel.
3. Past performance based on references and Performance Evaluation Surveys (supplied directly to Procurement from clients of Proposers).
4. Number of years’ experience in providing grant writing services to public and private organizations.
5. Fee schedule for proposed services.

1.4 SUBMITTAL REQUIREMENTS

Proposals shall be as thorough and detailed as possible so that the Town may properly evaluate the capabilities of respective firms to provide the required services. All submittals by Proposers shall contain no more than fifteen (15) pages specifically addressing the following issues. Items number 6 and 7 below will not be considered a part of the fifteen (15) pages.

Any Proposer wishing to provide the services described in **Sections 1.3** above must submit a total of six (6) copies shall be submitted, with one (1) marked "Original" containing all original documents of the required response to the Request for Proposals (RFP) and one (1) electronic copy (in PDF format) on electronic media (CD-R/flash drive) that must include, at a minimum, the following documentation:

1. Name, address and company, including, but not limited to, a business overview, financial state of the business, annual revenue for past two years, and names and addresses of all persons having financial interest in the firm:
2. Outline in detail the experience and qualifications of the Proposer's entity, and the Proposer's management team, in providing similar projects/programs as the one proposed in this RFP. Provide an organizational chart of all personnel and consultants to be used on this project/program and their qualifications. A resume of each individual, including education, experience, and any other pertinent information, shall be included for each team member to be assigned to this project/program.
3. Past performance information will be collected on all Proposers. Proposers are required to identify and submit their client list which shall be verified by the Town.
4. List up to five (5) funded grants which the Proposer developed detailing the funding source, amount requested, and amount funded which would possibly address the needs of the Town as described herein.
5. Provide information about contractual piggybacking services and the opportunity to review your contract for such use.
6. Proof of authorization to transact business in Florida as well as any other supporting documentation as they deem necessary to demonstrate the capability to provide and implement the services that provide evidence as to the capability to provide and implement the services as outlined in this RFP.
7. The successful Proposer(s) will be responsible for hiring the necessary personnel to conduct the audits and all services associated with this RFP and will comply with all federal, state, and local laws related to minimum wage, social security, nondiscrimination, Americans with Disabilities Act (ADA), unemployment compensation, and workers' compensation.
8. Provide a statement in the proposal certifying that you have read this RFP and agree to be bound by the terms and conditions of this RFP.



REQUEST FOR QUALIFICATION (RFQ)

PROFESSIONAL GENERAL ENGINEERING SERVICES

The Town of Surfside (Town), Miami-Dade County, Florida, hereby gives notice that it is seeking qualifications for professional general engineering services to the Town on a continuing and/or consulting contract basis. Selection of the firm(s) or individual(s) will be made in accordance with Florida Statutes, Section 287.055-Consultants' Competitive Negotiations Act.

Submittals shall be accepted until 10:00 a.m. on _____. A total of six (6) copies of the submittal must be submitted and clearly marked on the front of the envelope:

"SEALED QUALIFICATIONS"

RFQ # 14- PROFESSIONAL ENGINEERING SERVICES

OPENING DATE AND TIME: _____ DAY, _____, 2014, 10:00 A.M.

Sealed submittals will be received by the Town Clerk until **10:00 a.m.**, _____ day, _____, **2014**, at **Town of Surfside, Town Hall located at 9293 Harding Avenue, Surfside, Florida, 33154**. Submittals received after this time will not be accepted. Submittals will be opened publicly at this time.

A mandatory pre-submittal conference will be held in the Commission Chambers of the Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154 at 10:00 am on _____ day, _____, 2014. Only those firms with representatives in the room at 10:00 am at will be allowed to submit a Response on _____, 2014.

Proposers are responsible for making certain that their submittal is received at the location specified by the due date and time. The Town of Surfside is not responsible for delays caused by any mail, package or courier service, including the U.S. mail, or caused by any other occurrence or condition.

RFQ packages may be obtained from the Office of the Town Clerk, Town of Surfside, 9293 Harding Avenue, Surfside, Florida 33154, at no cost, and are also available on line at www.townofsurfsidefl.gov.

The Town reserves the right to reject any or all submittals, with or without cause, and to waive technical errors and informalities, and to accept the submittal which best serves the interest of the Town.

Sandra Novoa, CMC, Town Clerk
Town of Surfside

**Town of Surfside, Florida
Request for Qualifications No. 14-**

PROFESSIONAL GENERAL ENGINEERING SERVICES

The Town of Surfside (Town) is accepting Submittals from qualified and properly licensed firms or individuals (all respondents shall hereinafter be referred to as "consultants" and/or "firms") interested in providing professional general engineering services. The Town is soliciting professional engineering services for civil engineering related work which may include, but not limited to, the following tasks: Survey; Geotechnical; Structural; Environmental; Traffic; Landscape Architecture; Construction Management; Construction Inspection; Construction Testing; Electrical; Hurricane Recovery and Debris Monitoring Services; General Design Work; Preparation of Complete Construction Contract Plans and Special Provisions for the Assigned Projects; Public Involvement; Post Design Services (shop drawing review, responses to Request for Information and services during construction); and Bid Administration (selection and letting).

SUBMITTAL REQUIREMENTS:

1. **SELECTION PROCESS:** Selection of the firm or individual will be made in accordance with Florida Statutes, Section 287.055 -Consultants' Competitive Negotiations Act.
2. **ELIGIBILITY:** In addition to the other requirements stated in this document, to be eligible to respond to this RFQ, the consultants must have successfully provided within the past five years services similar to those outlined in the Scope of Work (included herein) of this RFQ. Each consultant shall meet all legal, technical, and professional requirements for providing the requested services. The consultants shall furnish such additional information as the Town may reasonably require. This includes information that indicates financial resources as well as the ability to provide and maintain the requested services. The consultants shall have no record of judgments, pending lawsuits against the Town or criminal activities involving moral turpitude.
3. **SUBMITTAL:** Submittals must be received by the Town Clerk's Office at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154. A total of ten (10) copies of the submittal must be submitted at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154.
4. **SUBMITTAL REQUIREMENTS:** All submittals shall contain no more than ten (10) pages and a total of six (6) copies shall be submitted, with one (1) marked "Original" containing all original documents of the required response to the Request for Qualifications (RFQ) and one (1) electronic copy (in PDF format) on electronic media (CD-R/flash drive). The submittal should include as a minimum guideline at least the following:
 - a. Name, address and company, including but not limited to, a business overview, financial state of the business, annual revenue for the past two years, and names and addresses of persons having financial interest in the firm.
 - b. Details of your qualifications and capabilities to provide services under this solicitation.
 - c. Composition and experience of the project team that will be assigned under this solicitation. Resumes of key personnel should be included. Location of the project team members should be clearly identified.

- a. The number of all projects (including government projects) completed or in process for the past 5 (five) years, and a synopsis of those projects most relevant to the services sought in herein. Include a list of client references with contact names and telephone numbers.
- b. Disclosure of any potential conflict of interest that your firm may have due to other clients, contracts or property interests in the Town's projects under this solicitation.
- c. A current GSA SF 254 and 255 should be furnished, i.e. firm's capabilities, adequacy of personnel, past performance record and experience. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- d. Sworn statement pursuant to Section 287.133(3)(A), Florida Statutes, on Public Entity Crime, a copy of which is attached hereto. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- e. Non-Collusive Affidavit, a copy of which is attached hereto. *(Note: These forms will NOT be counted as part of the 10 page maximum.)*
- f. Evidence of recent, current and projected person-hour workload should be provided for the proposed project team members. The candidate firm must have at least one (1) registered professional engineer under Florida Statutes, Chapter 471, as principal officer or partner of the firm. The candidate firm must comply with Florida Statutes, Chapter 471.
- g. Proof of authorization to transact business in Florida from the Florida Secretary of State, from the prime as well as supporting firms,

The attached Scope of Service provides more detail as to actual tasks involved within the scope of this proposal. Failure to satisfy the requirements contained herein may result in the submittal being deemed non-responsive.

5. **PUBLIC ENTITY CRIMES STATEMENT:** All submittals must be accompanied by an executed form PUR 7068, SWORN STATEMENT PURSUANT TO § 287.133, FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES. (Copy enclosed)
6. **DRUG-FREE WORKPLACE:** In accordance with Florida Statutes, § 287.087, preference will be given to businesses with drug-free workplace programs; whenever bids are similar in all other respects, award will be made to the entity having a Drug-Free Workplace Program if a Drug-Free Workplace Certification is submitted with the response.

TERMS AND CONDITIONS:

1. **STATUTORY REQUIREMENTS:** Selection of the consultant will be made in accordance with the Florida Statutes, Section 287.055, "Consultants' Competitive Negotiation Act". Pursuant to Florida Statutes, Chapter 119, Public Records, Section 119.071, Inspection and examination of records; exemptions (b): "Sealed bids or proposals received by an agency pursuant to invitations to bid or request for proposals are exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State constitution until such time as the agency provides notice of the decision or intended decision pursuant to s 120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier."
2. **RESERVATION OF RIGHTS:** While pursuing this RFQ process, the Town reserves the right to;
 - accept any or all responses, and the right, in its sole discretion, to accept the consultants it considers most favorable to the Town's interests;

- reject any and all qualifications and to seek new qualifications when such a procedure is reasonably in the best interest of the Town at any time during the process;
- investigate the financial capability, integrity, experience, and quality of performance of each consultant, including officers, principals, senior management, and supervisors, as well as staff identified in the response to RFQ;
- investigate the consultants' qualifications or any of its agents, as it deems appropriate;
- conduct personal interviews of any or all prospective consultants prior to selection (the Town shall not be liable for any costs incurred by the consultant in connection with such interviews); and
- waive any of the conditions or criteria set forth in this RFQ.

3. **PROOF OF INSURANCE**: The consultant shall secure and maintain throughout the duration of this Agreement insurance of such types and in such amounts not less than those specified below as satisfactory to the Town, naming the Town as an Additional Insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the Town, its officials, employees, agents and volunteers naming the Town as additional insured. Any insurance maintained by the Town shall be in excess of the consultant's insurance and shall not contribute to the consultant's insurance. The insurance coverage's shall include at a minimum the following amounts set forth in this Section 16:

- a. Commercial General Liability coverage with limits of liability of not less than a \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of consultant. The General Aggregate Liability limit (including Products/Completed Operations) shall be in the amount of \$2,000,000.
- b. Workers Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of \$1,000,000. each accident. No employee, subcontractor or agent of the consultant shall be allowed to provide work pursuant to this Agreement who is not covered by Worker's Compensation insurance.
- c. Business Automobile Liability with minimum limits of \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.
- d. Builder's Risk property insurance upon the entire work to the full replacement cost value thereof. This insurance shall include the interest of the Town and the consultant and shall provide All-Risk coverage against loss by physical damage including, but not limited to, Fire, Extended Coverage, Theft, Vandalism and Malicious Mischief, Windstorm and Flood.

The consultant acknowledges that it shall bear the full risk of loss for any portion of the work damaged, destroyed, lost or stolen until final completion has been achieved for a Project, and all such work shall be fully restored by the consultant, at its sole cost and expense, in accordance with the Agreement Documents.

Certificate of Insurance. On or before the Effective Date of this and prior to commencing of any work, Certificates of Insurance shall be provided to the Town, reflecting the Town as an Additional Insured. Each certificate shall include no less than (30) thirty-day advance written notice to Town prior to cancellation, termination, or material alteration of said policies or insurance. The consultant shall be responsible for assuring that the insurance certificates required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the Town. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The Town reserves the right to inspect and return a certified copy of such policies, upon written request by the Town. If a policy is due to expire prior to the completion of the Work, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Acceptance of the Certificate(s) is subject to approval of the Town.

Additional Insured. The Town is to be specifically included as an Additional Insured for the liability of the Town resulting from work performed by or on behalf of the consultant in performance of this Agreement. The consultant's insurance, including that applicable to the Town as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the Town shall be in excess of and shall not contribute to the consultant's insurance. The consultant's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

Deductibles. All deductibles or self-insured retentions must be declared to and be reasonably approved by the Town. The consultant shall be responsible for the payment of any deductible or self-insured retention in the event of any claim.

The provisions of this section shall survive termination of this Agreement.

4. **COMPLIANCE WITH LAWS:** The consultant shall be licensed and certified by all appropriate federal, state, county and local agencies. Prior to the commencement of the work and at all times during the Term of this Agreement, the consultant shall procure and maintain, at its sole cost and expense, and provide copies to the Town, all required licenses and certifications for the performance of the work and the operations set forth in this Agreement.

The consultant shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, age, marital status, national origin, physical or mental disability in the performance of the work under this Agreement. The consultant shall comply with all equal employment opportunity requirements and any and all applicable requirements established by state and federal law.

5. **PUBLIC RECORDS:** Upon award recommendation or ten (10) days after RFQ submittal opening, whichever is earlier, any material submitted in response to this RFQ will become a "public record" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes (Public Record Law). Proposers must claim the applicable exemptions to disclosure provided by law in their response to the RFQ by identifying materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary and legal. The Town reserves the right to make all final determination(s) of the applicability of the Florida Public Records Law.
6. **CONFLICT OF INTEREST:** The consultant agrees to adhere to and be governed by the

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Section 2-11.1, as amended; and by Town of Surfside Ordinance No.07-1474, which are incorporated by reference herein as if fully set forth herein, in connection with the Agreement conditions hereunder. The consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirectly that should conflict in any manner or degree with the performance of the services.

7. **INDEPENDENT CONTRACTOR:** The consultant is an Independent Contractor under this Agreement. Personnel provided by the consultant shall be employees of the consultant and subject to supervision by the consultant, and not as officers, employees, or agents of the Town. Personnel policies, tax responsibilities, social security, health insurance, worker's compensation insurance, employee benefits, purchasing policies and other similar administrative procedures applicable to the Work rendered under this Agreement shall be those of the consultant.

8. **TERMINATION OF AGREEMENT**

Termination. The Town has the right to terminate this Agreement for convenience and for any reason or no reason, in whole or in part, upon thirty (30) days' written notice to consultant. Upon termination of this Agreement, and final payment of any undisputed outstanding amounts due for the work rendered by the consultant prior to and through the date of the notice of termination, copies of all records, charts, sketches, studies, plans, drawings, and other documents related to the work performed under this Agreement, whether finished or not, shall be turned over to the Town within ten (10) days.

Termination for Default. If the consultant fails to timely begin the work, or fails to perform the work with sufficient workers and equipment or with sufficient materials to insure the prompt completion of the work according to the work order and this Agreement, or shall perform the work unsuitably, or cause it to be rejected as defective and unsuitable, or shall discontinue the prosecution of the work pursuant to the accepted schedule, or if the consultant shall fail to perform any material term set forth in the Agreement Documents/Work Order, or if the consultant shall become insolvent or be declared bankrupt, or commit any act of bankruptcy or insolvency, or shall make an assignment for the benefit of creditors, or from any other cause whatsoever shall not carry on the work in an acceptable manner, the Town may, upon seven (7) days written notice of termination, terminate the work of the consultant, exclude the consultant from the Project sites, provide for alternate prosecution of the Work, appropriate or use any or all materials and equipment on the Project site as may be suitable and acceptable, and may perform the Work by whatever methods it may deem expedient. In such case, the consultant shall not be entitled to receive any further payment. All damages, costs and charges incurred by the Town, together with the costs of completing the Work, shall be deducted from any monies due or which may become due to the consultant. In case the damages and expenses so incurred by the Town shall exceed monies due to the consultant from the Town, consultant shall be liable and shall pay to the Town the amount of said excess promptly upon demand therefore by the Town. In the event it is adjudicated that the Town was not entitled to terminate the Agreement as described hereunder for default, the Agreement shall automatically be deemed terminated by the Town for convenience as described below.

Payment after Termination. Provided that the consultant has performed in accordance with the terms of this Agreement as of the date of termination pursuant to the provision provided for herein, the consultant shall receive all payments due to the consultant for work rendered and accepted prior to and up to the date of termination.

9. **ASSIGNMENT; AMENDMENTS:** This Agreement or the work shall not be assigned, sold, transferred or otherwise encumbered, under any circumstances, in whole or in part, by the consultant, without the prior written consent of the Town, in its sole and absolute discretion.

No modification, amendment or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality as this Agreement by both parties.

10. **CONSENT TO JURISDICTION:** The parties submit to the jurisdiction of any Florida state or federal court in any action or proceeding arising out of relating to this Agreement. Venue of any action to enforce this Agreement shall be proper exclusively in Miami-Dade County, Florida.

11. **GOVERNING LAW:** This Agreement shall be construed in accordance with and governed by the laws of the State of Florida.

12. **NO WAIVER OF BREACH:** The failure of a party to insist on strict performance of any provision of this Agreement shall not be construed to constitute a waiver of a breach of any other provision or of a subsequent breach of the same provision.

13. **STANDARD OF CARE:** Consultant shall exercise the same degree of care, skill, and diligence in the performance of the work as is ordinarily provided by a professional under similar circumstances and consultant shall, at no additional cost to the Town, re-perform services which fail to satisfy the foregoing standard of care.

14. **INDEMNIFICATION:** The consultant shall at all times indemnify and hold harmless and, at the Town Attorney's option, defend or pay for an attorney selected by the Town Attorney to defend the Town of Surfside, its officers, agents, and employees from and against all causes of action, demands, claims, losses, liabilities, damages, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the acts, omissions, negligence, recklessness, wrongful conduct, acts, errors or omissions of the consultant or any subcontractors or other persons employed or utilized by the consultant in the performance of the work pursuant to this Agreement. The consultant's obligation under this paragraph shall not be limited in any way by the agreed upon cost of services/contract price, or the consultant's limit of, or lack of, sufficient insurance protection.

The indemnification obligations under this clause shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the consultant or any subcontractor or other persons employed or utilized by the consultant in the performance of this Agreement, under worker's compensation acts, disability benefit nets, or other employee benefit acts.

The consultant shall not specify or allow any subcontractor or other persons employed or utilized by the consultant in the performance of this Agreement to specify a particular design, process or product that infringes upon any patent. The consultant shall indemnify and hold the Town and its officers and employees harmless from any loss, cost or expense, including reasonable attorney's fees and costs incurred, on account thereof if the consultant violates the requirements of this section.

- 15.

16. **OTHER ISSUES:**

The Town reserves the right to determine whether the consultant's responses are adequate or inadequate, complete or incomplete, and to determine what constitutes the grounds for disqualification of a consultant who may submit inadequate or incomplete responses. The Town reserves the right to determine if a proposal is unresponsive. The Town may disqualify a consultant who submits a proposal determined by the Town to be unresponsive or which contains insufficient, inadequate, or incomplete responses to be deemed unresponsive. The Town Manager shall make such determinations and will rely on the staff selection committee for input in this matter.

The Town reserves the right to request clarification of information submitted and to request additional information from consultants after the deadline for receipt of qualifications.

Any proposal may be withdrawn until the date and time set above for submission of the proposals.

Costs of preparation of a response to this RFQ are solely those of the consultant and the Town assumes no responsibility for any such costs incurred by the consultant.

The consultant understands that this RFQ does not constitute an agreement or contract with the Town.

Any consultant, who submits in its response to the Town, any information that is determined by the Town to be substantially inaccurate, misleading, exaggerated, or incorrect, may be disqualified from consideration. The Town Manager will determine if a consultant will be disqualified.

17. **EVALUATION CRITERIA**

The qualifications will be reviewed and evaluated in accordance with the following criteria:

<u>Criteria</u>	<u>Points</u>
Ability of Professional Personnel	25
Past Performance and Experience – Firm	25
Past Performance and Experience – Individual/Project Team	25
Location	10
Approach to the Project	<u>15</u>
TOTAL	100

NOTE TO CONSULTANTS: Price will not be a factor at this stage of the process and no prices should be quoted.

18. **SELECTION PROCESS**

- a. An evaluation committee comprised of appropriate Town staff and/or members of the community, as deemed necessary with the appropriate technical expertise and/or knowledge, shall be appointed by the Town Manager to assist in the necessary evaluation.
- b. The committee shall have a minimum of three (3) members. All meetings of the

selection committee shall be conducted in a manner consistent with the Sunshine Law and all applicants shall receive notice by mail, fax, or email. A quorum shall be a majority of members except that if there are only three members all three members must be present. All members shall be free of any conflicts of interest as set forth in Chapter 112, Florida Statutes. The selection committee shall then set forth the procedure for reviewing the applicants. The selection committee shall reduce the number of firms to a short list of a minimum of five (provided at least five members responded.) In short-listing firms, the committee shall use the criteria set forth in the RFQ and attempt to select the best qualified firms for the particular project. The committee shall then hold discussion with all short-listed firms. This may be undertaken at the same meeting or a separate meeting scheduled by the committee.

- c. After discussions are held with the short-listed firms, the voting members of the selection committee may discuss the presentations and the qualifications of each firm further and shall rank the firms based upon which firms will best serve the Town based upon the factors set forth in the RFQ. The firms shall be ranked in order of preference. The ranking shall be reported to the Town Commission who shall make the final decision with regard to the firms that should be chosen. The Town Commission may approve the rankings as set forth by the selection committee or, re-rank the consultants based upon the criteria. Prior to re-ranking the consultants based upon the criteria set forth in the RFQ, the Town Commission must undertake a 4/5 vote to indicate that it may wish to rank the consultants in an order different from those established by the selection committee.
- d. Upon the Town Commission approving a ranking, negotiations shall be undertaken with the top three (3) ranked firms. The Town Manager or his/her designee shall undertake said negotiations. If the Town Manager or his/her designee is unable to negotiate a satisfactory contract with the first ranked firm, negotiations with that firm shall be formally terminated in a writing sent to the firm. Upon termination of said negotiations, negotiations shall then be undertaken with the second ranked firm, with this process being repeated until an agreement is reached which is then approved by the negotiator and formally approved by the Town Commission or until the short-list is exhausted in which case a new request for qualifications shall be undertaken. The Town reserves to award to more than one firm.

19. **Protest Procedures**

Standing - Parties that are not actual proposers, including, but not limited to, subcontractors, material and labor suppliers, manufacturers and their representatives, shall not have standing to protest or appeal any determination made pursuant to this Section.

Protest of Failure to qualify - Upon notification by the Town that a proposer is deemed non-responsive and/or non-responsible, the proposer who is deemed non-responsive and/or non-responsible may file a protest with the Town Clerk by close of business on the third Business Day after notification (excluding the day of notification) or any right to protest is forfeited. (Town Hall hours are as follows: Monday-Friday from 8:30 am to 5:00 pm.)

Protest of Award of Agreement. After a Notice of Intent to Award an Agreement is posted, any proposer who is aggrieved in connection with the pending award of the agreement or any element of the process leading to the award of the agreement may file

a protest with the Town Clerk by close of business on the third Business Day after posting (excluding the day of posting) or any right to protest is forfeited. A Notice of Intent to Reject all Proposals is subject to the protest procedure.

Content and filing - The protest shall be in writing, shall identify the name and address of the protester, and shall include a factual summary of, and the basis for, the protest. Filing shall be considered complete when the protest and the Protest Bond are received by the Town Clerk. The official clock at the Town Hall reception desk shall govern.

Protest Bond - Any consultant filing a protest shall simultaneously provide a Protest Bond to the Town in the amount of ten thousand dollars (\$10,000). If the protest is decided in the protester's favor, the entire Protest Bond shall be returned to the protester. If the protest is not decided in the protester's favor, the Protest Bond shall be forfeited to the Town. The Protest Bond shall be in the form of a cashier's check.

Protest Committee - The Protest Committee shall review all protests. The Town Manager shall appoint the members of the Protest Committee. The Town Attorney or designee shall serve as counsel to the Committee. The meeting of the Protest Committee shall be opened to the public and all of the actual proposers shall be notified of the date, time and place of the meeting. If the Protest Committee determines that the protest has merit, the Town Manager shall direct that all appropriate steps be taken. If the Protest Committee denies the protest, the protester may appeal to the Town Commission. All of the actual proposers shall be notified of the determination by the Protest Committee. The Protest Committee shall terminate upon the award of the contract, or such other time as determined by the Town Commission.

Stay of ranking in the RFQ Process- In the event of a timely protest, the Town Manager shall stay the ranking of qualified consultants in the RFQ process unless the Town Manager determines that the award of the Agreement without delay or the continuation of the RFQ process is necessary to protect any substantial interest of the Town. The continuation of the RFQ process or award under these circumstances shall not preempt or otherwise affect the protest.

Appeals to Town Commission - Any actual consultant who is aggrieved by a determination of the Protest Committee may appeal the determination to the Town Commission by filing an appeal with the Town Clerk by close of business on the third Business Day after the protester has been notified (excluding the day of notification) of the determination by the Protest Committee. The appeal shall be in writing and shall include a factual summary of, and the basis for, the appeal. Filing of an appeal shall be considered complete when the appeal is received by the Town Clerk.

Failure to file protest - Any actual proposer that does not formally protest or appeal in accordance with this Section shall not have standing to protest the Town Commission's award.

20. **ADDITIONAL INFORMATION**

Questions regarding this RFQ must be directed to:

Michael Crotty
Town Manager
Tel: (305) 993-1052
Email: mcrotty@townofsurfsidefl.gov

Responses to this RFQ must be delivered by the date and time specified in the Notice to Engineers, and addressed to:

Sandra Novoa, CMC
Town Clerk
Town Clerk's Office
9293 Harding Avenue
Surfside, FL 33154

- The Town is under no obligation to return the submittals.
- The Town will not be liable for any cost incurred in the preparation of the response to RFQ.
- The submittal shall be prima facie evidence that the consultant has full knowledge of the scope, nature, quantity and quality of work to be performed; the detailed requirements of the specifications; and the conditions under which the work is to be performed.
- The consultants shall furnish the Town with such additional information as the Town may reasonable require.
- Under no circumstance should any prospective consultant, or anyone acting on their behalf, seek to influence or to gain the support of any member of the Town Commission or the Town Staff favorable to the interest of the prospective consultant. Likewise, contact with the Town Commission or Town Staff against the interest of other prospective consultants is prohibited. Any such activities may result in the exclusion of the prospective consultant from consideration by the Town.

**Town of Surfside, Florida
Request for Qualifications No. 13-**

SCOPE OF SERVICES

Section I. General Objectives

The Town of Surfside is soliciting professional engineering services of an individual or firm qualified to serve as the Town's Consulting Engineer as detailed below in Sections II and III. The consultant(s) selected shall provide professional engineering services under the terms of a Continuing Contract for a three (3) year period with up to two additional consecutive one (1) year renewal clauses, subject to mutual agreement. The Town may also have other consultants perform engineering assignments or related engineering work tasks during the contract period as determined exclusively by the Town.

Section II. Public Works Department Staff Augmentation

The Town's Consulting Engineer shall provide continuing engineering services to augment existing staff in the Public Works Department related to the planning, design, review and/or construction of projects, which may include, but are not limited to the following services:

- Contract administration for maintenance of public rights-of-way, landscaping and irrigation systems to provide safe and aesthetically attractive public spaces for the benefit of the Town
- Contract administration for the construction, operation and maintenance of public facilities
- Contract administration and coordination of sidewalk and streetlight maintenance for all public roadways to ensure safe passage throughout Surfside
- Contract administration and assistance with local, state and federal grants for improvements to public works facilities and services within the Town
- Contract administration and oversight of the Town's solid waste management operations and regulatory compliance
- Recommend, develop and implement a capital improvement plan for the Town
- Administer the Town's NPDES/Stormwater Master Plan programs and provide associated regulatory monitoring and compliance services
- Oversee the operation and maintenance of water, wastewater and stormwater utilities and provide associated regulatory monitoring and compliance services
- Manage traffic management/improvement projects and contracts implemented by the Town
- Disaster recovery and debris monitoring oversight services
- Public Engagement
- Procurement Administration
- Attend all regular monthly meetings of the Town Commission
- Attend other public meetings as-requested by the Town Manager or his designee
- Perform related services as-requested by the Town Manager or his designee

Section III. Consulting Engineering Services

The below description of services the Consultant may be called upon to perform is not all-inclusive and is given as a guide for proposal preparation. The Town and its selected engineering consultant(s) on a project-by-project basis will prepare detailed scopes of work for specific projects. Services required for projects may be provided by other consultants, at the discretion of the Town. The Town may also have other consultants perform engineering

assignments or related engineering work tasks during the contract period. The Town's Consulting Engineer may be required to review the work of other Professional Engineers. The scope of services shall include, but are not necessarily limited to the following disciplines:

- Mechanical, Electrical, Plumbing Engineering
- Landscape Architecture
- Environmental Engineering
- Traffic Engineering
- Construction/Project Management
- Engineering Code Development
- Plan and Development Review
- Civil Engineering
- Geotechnical Engineering
- Value Engineering
- Sampling and Testing Services
- Inspection Services
- Engineering Studies
- Cost Estimating

The Town does not guarantee that any or all of the services identified in this Request for Qualifications ("RFQ") will be assigned to the selected consultant(s) during the term of their agreements.

DRUG-FREE WORKPLACE CERTIFICATION

IDENTICAL TIE BIDS - In accordance with F.S. 287.087, preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

VENDOR'S SIGNATURE

**SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(a)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to: _____
By: _____
For: _____
whose business address is: _____

and (if applicable,) its Federal Employer Identification Number (FEIN) is: _____
(IF the entity had no FEIN, include the Social Security Number of the individual signing this sworn statement:

2. I understand that a “public entity crime” as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that “convicted” or “conviction” as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an “affiliate” as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a “person” as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term “person” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active

in management of any entity.

- 6. Based on information and belief, the statement which I have marked below is true in a relation to the entity submitting this sworn statement. (Please indicate which one (1) of the following three (3) statements is applicable.)

____ (1) Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (2) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (3) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or agents who are active in management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. However, there has been a subsequent proceeding before a Hearing Officers of the State of Florida, Division of Administrative Hearings and the Final Order by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attached is a copy of the final order.)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THE PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED AND FOR THE PERIOD OF THE CONTRACT ENTERED INTO , WHICHEVER PERIOD IS LONGER. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

SIGNATURE OF AFFIANT

(Printed or Typed Legal Name of Affiant)

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 2014 by

Notary Seal:

Notary's Name Printed, Stamped or Typed

Personally Known: _____ or Produced Identification _____

Identification Produced _____

NON-COLLUSIVE AFFIDAVIT

State of _____)

County of _____)

_____ being first duly sworn, deposes and says that:

(1) He/she is the (Owner, Partner, Officer, Representative or Agent) of the Bidder that has submitted the attached Bid;

(2) He/she is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the Work for which the attached Bid has been submitted; or to refrain from bidding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Bidder, firm, or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit, or cost elements of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Town of Surfside, Florida, or any person interested in the proposed Work;

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any other of its agents, representatives, owners, employees or parties in interest, including this Affiant.

SIGNATURE OF AFFIANT

(Printed or Typed Legal Name of Affiant)

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 2014 by

_____.

Notary Seal:
Notary's Name Printed, Stamped or Typed

Personally Known: _____ or Produced Identification _____

Identification Produced _____



REQUEST FOR QUALIFICATION (RFQ)

PROFESSIONAL GENERAL ARCHITECTURAL SERVICES

The Town of Surfside (Town), Miami-Dade County, Florida, hereby gives notice that it is seeking qualifications for Professional General Architectural services to the Town on an as-needed, project-by-project basis under the terms of a Continuing Contract. Selection of the firm(s) or individual(s) will be made in accordance with Florida Statutes, Section 287.055-Consultants' Competitive Negotiations Act.

Submittals shall be accepted until 10:00 a.m. on _____. A total of six (6) copies of the submittal must be submitted and clearly marked on the front of the envelope:

"SEALED QUALIFICATIONS"

RFQ # 14- PROFESSIONAL ARCHITECTURAL SERVICES

OPENING DATE AND TIME: _____ DAY, _____, 2014, 10:00 A.M.

Sealed submittals will be received by the Town Clerk until **10:00 a.m.**, _____ day, _____, **2014**, at **Town of Surfside, Town Hall located at 9293 Harding Avenue, Surfside, Florida, 33154**. Submittals received after this time will not be accepted. Submittals will be opened publicly at this time.

A mandatory pre-proposal conference will be held in the Commission Chambers of the Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154 at 10:00 am on _____ day, _____, 2014. Only those firms with representatives in the room at 10:00 am at will be allowed to submit a Response on _____, 2014.

Consultants are responsible for making certain that their submittal is received at the location specified by the due date and time. The Town is not responsible for delays caused by any mail, package or courier service, including the U.S. mail, or caused by any other occurrence or condition.

RFQ packages may be obtained from the Office of the Town Clerk, Town of Surfside, 9293 Harding Avenue, Surfside, Florida 33154, at no cost, and are also available on line at www.townofsurfsidefl.gov.

The Town reserves the right to reject any or all submittals, with or without cause, and to waive technical errors and informalities, and to accept the submittal which best serves the interest of the Town.

Sandra Novoa, CMC, Town Clerk
Town of Surfside

**Town of Surfside, Florida
Request for Qualifications No. 14-**

PROFESSIONAL GENERAL ARCHITECTURAL SERVICES

The Town of Surfside (Town) is accepting Submittals from qualified and properly licensed firms or individuals (all respondents shall hereinafter be referred to as “consultants” and/or “firms”) interested in providing Professional General Architectural services.

The chosen consultants will provides these services on a non-exclusive basis. The Town does not guarantee that any or all of the services identified in this Request for Qualifications (“RFQ”) will be assigned to the chosen consultant during the term of their agreements.

SUBMITTAL REQUIREMENTS:

1. **SELECTION PROCESS:** Selection of the firm or individual will be made in accordance with Florida Statutes, Section 287.055 -Consultants’ Competitive Negotiations Act.
2. **ELIGIBILITY:** In addition to the other requirements stated in this document, to be eligible to respond to this RFQ, the consultants must have successfully provided within the past five years services similar to those outlined in the Scope of Work presented in this RFQ. Each consultant shall meet all legal, technical, and professional requirements for providing the requested services. The consultants shall furnish such additional information as the Town may reasonably require. This includes information that indicates financial resources as well as the ability to provide and maintain the requested services. The consultants shall have no record of judgments, pending lawsuits against the Town or criminal activities involving moral turpitude.
3. **SUBMITTAL:** Submittals must be received by the Town Clerk’s Office at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154. A total of ten (10) copies of the submittal must be submitted at the date and time stated in the Notice to Consultants at the Surfside Commission Chambers, 9293 Harding Avenue, Surfside, FL 33154.
4. **SUBMITTAL REQUIREMENTS:** All submittals shall contain no more than ten (10) pages and a total of six (6) copies shall be submitted, with one (1) marked “Original” containing all original documents of the required response to the Request for Qualifications (RFQ) and one (1) electronic copy (in PDF format) on electronic media (CD-R/flash drive). The submittal should include as a minimum guideline at least the following:
 - a. Name, address and company, including but not limited to, a business overview, financial state of the business, annual revenue for the past two years, and names and addresses of persons having financial interest in the firm.
 - b. Details of your qualifications and capabilities to provide services under this solicitation.
 - c. Composition and experience of the project team that will be assigned under this solicitation. Resumes of key personnel should be included. Location of the project team members should be clearly identified as well as projects where the proposed team has worked together for a municipal client.
 - d. The number of all projects (including government projects) completed or in process for the past 5 (five) years, and a synopsis of those projects most relevant to the services sought in herein. Include a list of client references with

- contact names and telephone numbers.
- e. Disclosure of any potential conflict of interest that your firm may have due to other clients, contracts or property interests in the Town's projects under this solicitation.
 - f. A current GSA SF 254 and 255 should be furnished, i.e. firm's capabilities, adequacy of personnel, past performance record and experience. (*Note: These forms will NOT be counted as part of the 10 page maximum.*)
 - g. Sworn statement pursuant to Section 287.133(3)(A), Florida Statutes, un Public Entity Crime, a copy of which is attached hereto. (*Note: These forms will NOT be counted as part of the 10 page maximum.*)
 - h. Non-Collusive Affidavit, a copy of which is attached hereto. (*Note: These forms will NOT be counted as part of the 10 page maximum.*)
 - i. Evidence of recent, current and projected person-hour workload should be provided for the proposed project team members The candidate firm must have at least one (1) registered professional engineer under Florida Statutes, Chapter 471, as principal officer or partner of the firm. The candidate firm must comply with Florida Statutes, Chapter 471.
 - j. Proof of authorization to transact business in Florida from the Florida Secretary of State, from the prime as well as supporting firms.

The attached Scope of Service provides more detail as to actual tasks involved within the scope of this proposal. Failure to satisfy the requirements contained herein may result in the submittal being deemed non-responsive.

5. **PUBLIC ENTITY CRIMES STATEMENT:** All submittals must be accompanied by an executed form PUR 7068, SWORN STATEMENT PURSUANT TO § 287.133, FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES. (Copy enclosed)
6. **DRUG-FREE WORKPLACE:** In accordance with Florida Statutes, § 287.087, preference will be given to businesses with drug-free workplace programs; whenever proposals are similar in all other respects, award will be made to the entity having a Drug-Free Workplace Program if a Drug-Free Workplace Certification is submitted with the response.

TERMS AND CONDITIONS:

1. **STATUTORY REQUIREMENTS:** Selection of the consultant will be made in accordance with the Florida Statutes, Section 287.055, "Consultants' Competitive Negotiation Act". Pursuant to Florida Statutes, Chapter 119, Public Records, Section 119.071, Inspection and examination of records; exemptions (b): "Sealed bids or proposals received by an agency pursuant to invitations to bid or request for proposals are exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State constitution until such time as the agency provides notice of the decision or intended decision pursuant to s 120.57(3)(a) or within 10 days after bid or proposal opening, whichever is earlier."
2. **RESERVATION OF RIGHTS:** While pursuing this RFQ process, the Town reserves the right to;
 - accept any or all responses, and the right, in its sole discretion, to accept the consultants it considers most favorable to the Town's interests;
 - reject any and all qualifications and to seek new qualifications when such a procedure is reasonably in the best interest of the Town at any time during the process;
 - investigate the financial capability, integrity, experience, and quality of

- performance of each consultant, including officers, principals, senior management, and supervisors, as well as staff identified in the response to RFQ;
- investigate the consultants' qualifications or any of its agents, as it deems appropriate;
 - conduct personal interviews of any or all prospective consultants prior to selection (the Town shall not be liable for any costs incurred by the consultant in connection with such interviews);
 - waive any of the conditions or criteria set forth in this RFQ
3. **PROOF OF INSURANCE:** The consultant shall secure and maintain throughout the duration of this Agreement insurance of such types and in such amounts not less than those specified below as satisfactory to the Town, naming the Town as an Additional Insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the Town, its officials, employees, agents and volunteers naming the Town as additional insured. Any insurance maintained by the Town shall be in excess of the consultant's insurance and shall not contribute to the consultant's insurance. The insurance coverage's shall include at a minimum the following amounts set forth in this Section 16:
- 4.
- a. Commercial General Liability coverage with limits of liability of not less than a \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of consultant. The General Aggregate Liability limit (including Products/Completed Operations) shall be in the amount of \$2,000,000.
 - b. Workers Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of \$1,000,000. each accident. No employee, subcontractor or agent of the consultant shall be allowed to provide Work pursuant to this Agreement who is not covered by Worker's Compensation insurance.
 - c. Business Automobile Liability with minimum limits of \$1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.
 - d. Builder's Risk property insurance upon the entire work to the full replacement cost value thereof. This insurance shall include the interest of the Town and the consultant and shall provide All-Risk coverage against loss by physical damage including, but not limited to, Fire, Extended Coverage, Theft, Vandalism and Malicious Mischief, Windstorm and Flood.

The consultant acknowledges that it shall bear the full risk of loss for any portion of the work damaged, destroyed, lost or stolen until final completion has been achieved for a Project, and all such work shall be fully restored by the consultant, at its sole cost and expense, in accordance with the Agreement Documents.

Certificate of Insurance. On or before the Effective Date of this and prior to commencing of any work, Certificates of Insurance shall be provided to the Town,

reflecting the Town as an Additional Insured. Each certificate shall include no less than (30) thirty-day advance written notice to Town prior to cancellation, termination, or material alteration of said policies or insurance. The consultant shall be responsible for assuring that the insurance certificates required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the Town. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The Town reserves the right to inspect and return a certified copy of such policies, upon written request by the Town. If a policy is due to expire prior to the completion of the Work, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Acceptance of the Certificate(s) is subject to approval of the Town.

Additional Insured. The Town is to be specifically included as an Additional Insured for the liability of the Town resulting from work performed by or on behalf of the consultant in performance of this Agreement. The consultant's insurance, including that applicable to the Town as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the Town shall be in excess of and shall not contribute to the consultant's insurance. The consultant's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

Deductibles. All deductibles or self-insured retentions must be declared to and be reasonably approved by the Town. The consultant shall be responsible for the payment of any deductible or self-insured retention in the event of any claim.

The provisions of this section shall survive termination of this Agreement.

5. **COMPLIANCE WITH LAWS:** The consultant shall be licensed and certified by all appropriate federal, state, county and local agencies. Prior to the commencement of the work and at all times during the Term of this Agreement, the consultant shall procure and maintain, at its sole cost and expense, and provide copies to the Town, all required licenses and certifications for the performance of the work and the operations set forth in this Agreement.
6. The consultant shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, age, marital status, national origin, physical or mental disability in the performance of the work under this Agreement. The consultant shall comply with all equal employment opportunity requirements and any and all applicable requirements established by state and federal law.
7. **PUBLIC RECORDS:** Upon award recommendation or ten (10) days after RFQ submittal opening, whichever is earlier, any material submitted in response to this RFQ will become a "public record" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes (Public Record Law). Consultants must claim the applicable exemptions to disclosure provided by law in their response to the RFQ by identifying materials to be protected, and must state the reasons why such exclusion from public disclosure is necessary and legal. The Town reserves the right to make all

final determination(s) of the applicability of the Florida Public Records Law.

8. **CONFLICT OF INTEREST:** The consultant agrees to adhere to and be governed by the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Section 2-11.1, as amended; and by Town of Surfside Ordinance No.07-1474, which are incorporated by reference herein as if fully set forth herein, in connection with the Agreement conditions hereunder. The consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirectly that should conflict in any manner or degree with the performance of the services.
9. **INDEPENDENT CONTRACTOR:** The consultant is an Independent Contractor under this Agreement. Personnel provided by the consultant shall be employees of the consultant and subject to supervision by the consultant, and not as officers, employees, or agents of the Town. Personnel policies, tax responsibilities, social security, health insurance, worker's compensation insurance, employee benefits, purchasing policies and other similar administrative procedures applicable to the Work rendered under this Agreement shall be those of the consultant.

10. **TERMINATION OF AGREEMENT**

Termination. The Town has the right to terminate this Agreement for convenience and for any reason or no reason, in whole or in part, upon thirty (30) days' written notice to consultant. Upon termination of this Agreement, and final payment of any undisputed outstanding amounts due for the work rendered by the consultant prior to and through the date of the notice of termination, copies of all records, charts, sketches, studies, plans, drawings, and other documents related to the work performed under this Agreement, whether finished or not, shall be turned over to the Town within ten (10) days.

Termination for Default. If the consultant fails to timely begin the work, or fails to perform the work with sufficient workers and equipment or with sufficient materials to insure the prompt completion of the work according to the work order and this Agreement, or shall perform the work unsuitably, or cause it to be rejected as defective and unsuitable, or shall discontinue the prosecution of the work pursuant to the accepted schedule, or if the consultant shall fail to perform any material term set forth in the Agreement Documents/Work Order, or if the consultant shall become insolvent or be declared bankrupt, or commit any act of bankruptcy or insolvency, or shall make an assignment for the benefit of creditors, or from any other cause whatsoever shall not carry on the work in an acceptable manner, the Town may, upon seven (7) days written notice of termination, terminate the work of the consultant, exclude the consultant from the Project sites, provide for alternate prosecution of the Work, appropriate or use any or all materials and equipment on the Project site as may be suitable and acceptable, and may perform the Work by whatever methods it may deem expedient. In such case, the consultant shall not be entitled to receive any further payment. All damages, costs and charges incurred by the Town, together with the costs of completing the Work, shall be deducted from any monies due or which may become due to the consultant. In case the damages and expenses so incurred by the Town shall exceed monies due to the consultant from the Town, consultant shall be liable and shall pay to the Town the amount of said excess promptly upon demand therefore by the Town. In the event it is

adjudicated that the Town was not entitled to terminate the Agreement as described hereunder for default, the Agreement shall automatically be deemed terminated by the Town for convenience as described below.

Payment after Termination. Provided that the consultant has performed in accordance with the terms of this Agreement as of the date of termination pursuant to the provision provided for herein, the consultant shall receive all payments due to the consultant for work rendered and accepted prior to and up to the date of termination.

11. **ASSIGNMENT; AMENDMENTS:** This Agreement or the work shall not be assigned, sold, transferred or otherwise encumbered, under any circumstances, in whole or in part, by the consultant, without the prior written consent of the Town, in its sole and absolute discretion.

No modification, amendment or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality as this Agreement by both parties.

12. **CONSENT TO JURISDICTION:** The parties submit to the jurisdiction of any Florida state or federal court in any action or proceeding arising out of relating to this Agreement. Venue of any action to enforce this Agreement shall be proper exclusively in Miami-Dade County, Florida.

13. **GOVERNING LAW:** This Agreement shall be construed in accordance with and governed by the laws of the State of Florida.

14. **NO WAIVER OF BREACH:** The failure of a party to insist on strict performance of any provision of this Agreement shall not be construed to constitute a waiver of a breach of any other provision or of a subsequent breach of the same provision.

15. **STANDARD OF CARE:** Consultant shall exercise the same degree of care, skill, and diligence in the performance of the work as is ordinarily provided by a professional under similar circumstances and consultant shall, at no additional cost to the Town, re-perform services which fail to satisfy the foregoing standard of care.

16. **INDEMNIFICATION:** The consultant shall at all times indemnify and hold harmless and, at the Town Attorney's option, defend or pay for an attorney selected by the Town Attorney to defend the Town of Surfside, its officers, agents, and employees from and against all causes of action, demands, claims, losses, liabilities, damages, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the acts, omissions, negligence, recklessness, wrongful conduct, acts, errors or omissions of the consultant or any subcontractors or other persons employed or utilized by the consultant in the performance of the work pursuant to this Agreement. The consultant's obligation under this paragraph shall not be limited in any way by the agreed upon cost of services/contract price, or the consultant's limit of, or lack of, sufficient insurance protection.

The indemnification obligations under this clause shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the consultant or any subcontractor or other persons employed or utilized by the

consultant in the performance of this Agreement, under worker's compensation acts, disability benefit nets, or other employee benefit acts.

The consultant shall not specify or allow any subcontractor or other persons employed or utilized by the consultant in the performance of this Agreement to specify a particular design, process or product that infringes upon any patent. The consultant shall indemnify and hold the Town and its officers and employees harmless from any loss, cost or expense, including reasonable attorney's fees and costs incurred, on account thereof if the consultant violates the requirements of this section.

17. **OTHER ISSUES:**

The Town reserves the right to determine whether the consultant's responses are adequate or inadequate, complete or incomplete, and to determine what constitutes the grounds for disqualification of a consultant who may submit inadequate or incomplete responses. The Town reserves the right to determine if a proposal is unresponsive. The Town may disqualify a consultant who submits a proposal determined by the Town to be unresponsive or which contains insufficient, inadequate, or incomplete responses to be deemed unresponsive. The Town Manager shall make such determinations and will rely on the staff selection committee for input in this matter.

The Town reserves the right to request clarification of information submitted and to request additional information from consultants after the deadline for receipt of qualifications.

Any proposal may be withdrawn until the date and time set above for submission of the proposals.

Costs of preparation of a response to this RFQ are solely those of the consultant and the Town assumes no responsibility for any such costs incurred by the consultant.

The consultant understands that this RFQ does not constitute an agreement or contract with the Town.

Any consultant, who submits in its response to the Town, any information that is determined by the Town to be substantially inaccurate, misleading, exaggerated, or incorrect, may be disqualified from consideration. The Town Manager will determine if a consultant will be disqualified.

18. **EVALUATION CRITERIA**

The qualifications will be reviewed and evaluated in accordance with the following criteria:

<u>Criteria</u>	<u>Points</u>
Ability of Professional Personnel	25
Past Performance and Experience – Firm	25
Past Performance and Experience – Individual/Project Team	25
Location	10
Approach to the Project	<u>15</u>
TOTAL	100

NOTE TO CONSULTANTS: Labor rates will not be a factor at this stage of the process and should not be provided.

19. SELECTION PROCESS

- a. An evaluation committee comprised of appropriate Town staff and/or members of the community, as deemed necessary with the appropriate technical expertise and/or knowledge shall be appointed by the Town Manager to assist in the necessary evaluation.
- b. The committee shall have a minimum of three (3) members. All meetings of the selection committee shall be conducted in a manner consistent with the Sunshine Law and all applicants shall receive notice by mail, fax, or email. A quorum shall be a majority of members except that if there are only three members all three members must be present. All members shall be free of any conflicts of interest as set forth in Chapter 112, Florida Statutes. The selection committee shall then set forth the procedure for reviewing the consultant submittals. The selection committee shall reduce the number of firms to a short list of a minimum of five (provided at least five members responded.) In short-listing firms, the committee shall use the criteria set forth in the RFQ and attempt to select the best qualified firms for the particular project. The committee shall then hold discussion with all short-listed firms. This may be undertaken at the same meeting or a separate meeting scheduled by the committee.
- c. After discussions are held with the short-listed firms, the voting members of the selection committee may discuss the presentations and the qualifications of each firm further and shall rank the firms based upon which firms will best serve the Town based upon the factors set forth in the RFQ. The firms shall be ranked in order of preference. The ranking shall be reported to the Town Commission who shall make the final decision with regard to the firms that should be chosen. The Town Commission may approve the rankings as set forth by the selection committee or, re-rank the applicants based upon the criteria. Prior to re-ranking the consultants based upon the criteria set forth in the RFQ, the Town Commission must undertake a 4/5 vote to indicate that it may wish to rank the consultants in an order different from those established by the selection committee.
- d. Upon the Town Commission approving a ranking, negotiations shall be undertaken with the top ranked firms. The Town Manager or his/her designee shall undertake said negotiations. Upon the successful negotiation of a contract or, if the Town Manager or his/her designee is unable to negotiate a satisfactory contract with the first ranked firm, negotiations with that firm shall be completed or formerly terminated in a writing sent to the firm. Upon termination or completion of said negotiations, negotiations shall then be undertaken with the second ranked firm, with this process being repeated until agreements are reached with the desired number of consultants; the agreements are then approved by the negotiator and formally approved by the Town Commission. If the desired amounts of agreements are not entered into by the Town and if the short-list is exhausted, a new request for qualifications shall be undertaken. The Town reserves the right to award to less than five firms.

20. Protest Procedures

Standing - Parties that are not actual proposers, including, but not limited to, subcontractors, material and labor suppliers, manufacturers and their representatives,

shall not have standing to protest or appeal any determination made pursuant to this Section.

Protest of Failure to qualify - Upon notification by the Town that a proposer is deemed non-responsive and/or non-responsible, the , proposer who is deemed non-responsive and/or non-responsible may file a protest with the Town Clerk by close of business on the third Business Day after notification (excluding the day of notification) or any right to protest is forfeited. (Town Hall hours are as follows: Monday-Friday from 8:30 am to 5:00 pm.)

Protest of Award of Agreement. After a Notice of Intent to Award an Agreement is posted, any proposer who is aggrieved in connection with the pending award of the agreement or any element of the process leading to the award of the agreement may file a protest with the Town Clerk by close of business on the third Business Day after posting (excluding the day of posting) or any right to protest is forfeited. A Notice of Intent to Reject all Proposals is subject to the protest procedure.

Content and filing - The protest shall be in writing, shall identify the name and address of the protester, and shall include a factual summary of, and the basis for, the protest. Filing shall be considered complete when the protest and the Protest Bond are received by the Town Clerk. The official clock at the Town Hall reception desk shall govern.

Protest Bond - Any consultant filing a protest shall simultaneously provide a Protest Bond to the Town in the amount of ten thousand dollars (\$10,000). If the protest is decided in the protester's favor, the entire Protest Bond shall be returned to the protester. If the protest is not decided in the protester's favor, the Protest Bond shall be forfeited to the Town. The Protest Bond shall be in the form of a cashier's check.

Protest Committee - The Protest Committee shall review all protests. The Town Manager shall appoint the members of the Protest Committee. The Town Attorney or designee shall serve as counsel to the Committee. The meeting of the Protest Committee shall be opened to the public and all of the actual proposers shall be notified of the date, time and place of the meeting. If the Protest Committee determines that the protest has merit, the Town Manager shall direct that all appropriate steps be taken. If the Protest Committee denies the protest, the protester may appeal to the Town Commission. All of the actual proposers shall be notified of the determination by the Protest Committee. The Protest Committee shall terminate upon the award of the contract, or such other time as determined by the Town Commission.

Stay of ranking in the RFQ Process- In the event of a timely protest, the Town Manager shall stay the ranking of qualified consultants in the RFQ process unless the Town Manager determines that the award of the Agreement without delay or the continuation of the RFQ process is necessary to protect any substantial interest of the Town. The continuation of the RFQ process or award under these circumstances shall not preempt or otherwise affect the protest.

Appeals to Town Commission - Any actual consultant who is aggrieved by a determination of the Protest Committee may appeal the determination to the Town Commission by filing an appeal with the Town Clerk by close of business on the third Business Day after the protester has been notified (excluding the day of notification) of the determination by the Protest Committee. The appeal shall be in writing and shall include a factual summary of, and the basis for, the appeal. Filing of an appeal shall be considered complete when the appeal is received by the Town Clerk.

Failure to file protest - Any actual proposer that does not formally protest or appeal in accordance with this Section shall not have standing to protest the Town Commission's award.

21. ADDITIONAL INFORMATION

Questions regarding this RFQ must be directed to:

Michael Crotty
Town Manager
Tel: (305) 993-1052
Email: mcrotty@townofsurfsidefl.gov

Responses to this RFQ must be delivered by the date and time specified in the Notice to Engineers, and addressed to:

Sandra Novoa, CMC
Town Clerk
Town Clerk's Office
9293 Harding Avenue
Surfside, FL 33154

- The Town is under no obligation to return the submittals.
- The Town will not be liable for any cost incurred in the preparation of the response to the RFQ.
- The submittal shall be prima facie evidence that the consultant has full knowledge of the scope, nature, quantity and quality of work to be performed; the detailed requirements of the specifications; and the conditions under which the work is to be performed.
- The consultants shall furnish the Town with such additional information as the Town may reasonable require.
- Under no circumstance should any prospective consultant, or anyone acting on their behalf, seek to influence or to gain the support of any member of the Town Commission or the Town Staff favorable to the interest of the prospective consultant. Likewise, contact with the Town Commission or Town Staff against the interest of other prospective consultants is prohibited. Any such activities may result in the exclusion of the prospective consultant from consideration by the Town.

**Town of Surfside, Florida
Request for Qualifications No. 13-**

SCOPE OF SERVICES

Section I. General Objectives

The Town of Surfside is soliciting professional architectural services of an individual(s) or firm(s) qualified to serve as the Town's Consulting Architect. The selected consultant(s) shall provide professional architectural services on an as-needed, project-by-project basis, under the terms of a Continuing Contract for a three (3) year period with up to two additional consecutive one (1) year renewal clauses, subject to mutual agreement. The Town reserves the right to also have other professional architectural consultants perform assignments or related architectural work tasks during the contract period.

The Town is soliciting professional architectural services and related work which may include, but not limited to, the tasks identified below:

- Design/Programming, Schematic
- Reports
- Analysis
- Graphic conceptual drawings
- Color selection and coordination
- Inspection
- General design work
- Preparation of complete construction contract plans, specifications for permitting and special provisions for the assigned projects
- Submission of plans for building permits prior to selection of contractor
- Procurement and negotiation services
- Construction administration
- Interior layout and design including furniture
- Public engagement and public agencies interface
- Post design services (e.g., submittal review, responses to Request for Information and services during construction)
- Landscaping layout and design

The Town does not guarantee that any or all of the services identified in this Request for Qualifications ("RFQ") will be assigned to the selected consultant(s) during the term of their agreements.

DRUG-FREE WORKPLACE CERTIFICATION

IDENTICAL TIE PROPOSALS - In accordance with F.S. 287.087, preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

VENDOR'S SIGNATURE

**SWORN STATEMENT PURSUANT TO SECTION 287.133(3)(a)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

- 1. This sworn statement is submitted to: _____
 By: _____
 For: _____
 whose business address is: _____

_____ and (if applicable,) its Federal Employer Identification Number (FEIN) is: _____
 (IF the entity had no FEIN, include the Social Security Number of the individual signing this sworn statement: _____)

- 2. I understand that a “public entity crime” as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
- 3. I understand that “convicted” or “conviction” as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
- 4. I understand that an “affiliate” as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
 - a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
- 5. I understand that a “person” as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term “person” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active

in management of any entity.

6. Based on information and belief, the statement which I have marked below is true in a relation to the entity submitting this sworn statement. (Please indicate which one (1) of the following three (3) statements is applicable.)

____ (1) Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (2) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.

____ (3) The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or agents who are active in management of the entity, or any affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months. However, there has been a subsequent proceeding before a Hearing Officers of the State of Florida, Division of Administrative Hearings and the Final Order by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (Attached is a copy of the final order.)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THE PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED AND FOR THE PERIOD OF THE CONTRACT ENTERED INTO , WHICHEVER PERIOD IS LONGER. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR THE CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

SIGNATURE OF AFFIANT

(Printed or Typed Legal Name of Affiant)

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 2014 by _____.

Notary Seal:

Notary's Name Printed, Stamped or Typed

Personally Known: _____ or Produced Identification _____
Identification Produced _____

NON-COLLUSIVE AFFIDAVIT

State of _____)

County of _____)

_____ being first duly sworn, deposes and says that:

- (1) **He/she is the (Owner, Partner, Officer, Representative or Agent) of the Bidder that has submitted the attached Bid;**
- (2) He/she is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;
- (3) Such Bid is genuine and is not a collusive or sham Bid;
- (4) Neither the said bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the Work for which the attached Bid has been submitted; or to refrain from bidding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Bidder, firm, or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit, or cost elements of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Town of Surfside, Florida, or any person interested in the proposed Work;
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any other of its agents, representatives, owners, employees or parties in interest, including this Affiant.

SIGNATURE OF AFFIANT

(Printed or Typed Legal Name of Affiant)

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 2014 by

_____.

Notary Seal:
Notary's Name Printed, Stamped or Typed

Personally Known: _____ or Produced Identification _____

Identification Produced _____



MIAMI-DADE COUNTY LEAGUE OF CITIES

226 East Flagler Street • Suite 200 • Miami, FL 33131
Phone 305.416.4155 Fax 305.416.4157 www.mdclc.org

Richard Kuper, Esq.
Executive Director

OFFICERS

President
Hon. Deede Weithorn
Commissioner, Miami Beach
First Vice President
Hon. Cindy Lerner
Mayor, Pinecrest
Second Vice President
Hon. Jon Burgess
Councilman, Homestead
Third Vice President
Hon. Francis Suarez
Commissioner, Miami
Secretary
Hon. Oliver Gilbert, III
Mayor, Miami Gardens
Treasurer
Hon. Jordan W. Leonard
Vice Mayor, Bay Harbor Islands

BOARD OF DIRECTORS

Hon. Luz Weinberg
Commissioner, Aventura
Hon. Joni D. Blachar
Assistant Mayor, Bal Harbour
Hon. Robert Yaffe
Mayor, Bay Harbor Islands
Hon. Robert "Bob" Anderson
Commissioner, Biscayne Park
Hon. Patricia Keon
Commissioner, Coral Gables
Hon. Edward MacDougall
Mayor, Cutler Bay
Hon. Luigi Boria
Mayor, Doral
Hon. Claudia Cubillos
Councilwoman, El Portal
Hon. R.S. Shiver
Commissioner, Florida City
Hon. Judy Lusskin
Vice Mayor, Golden Beach
Hon. Isis Garcia-Martinez
Council President, Hialeah
Hon. Yisot De La Cruz
Mayor, Hialeah Gardens
Hon. Elvis Maldonado
Councilman, Homestead
Hon. Bernard Klepach
Mayor, Indian Creek
Hon. Frank Caplan
Mayor, Key Biscayne
Hon. Roberto Martell
Mayor, Medley
Hon. Wilfredo "Willy" Gort
Commissioner, Miami
Hon. Lynda Bell
Vice-Chairwoman, Miami-Dade County
Hon. Dr. Wilbert "Tee" Holloway
Board Member
Miami-Dade County School Board
T.B.A.
Miami Beach
Hon. Felicia Robinson
Councilwoman, Miami Gardens
Hon. Nelson Rodriguez
Councilman, Miami Lakes
Hon. Herta Holly
Mayor, Miami Shores
Hon. Xavier Garcia
Mayor, Miami Springs
Hon. Connie Leon-Kreps
Mayor, North Bay Village
Hon. Marie Steril
Councilwoman, North Miami
Hon. George Vallejo
Mayor, North Miami Beach
Hon. Myra Taylor
Mayor, Opa-Locka
Hon. Shelley Stanczyk
Mayor, Palmetto Bay
Hon. James McDonald
Councilman, Pinecrest
Hon. Walter Harris
Commissioner, South Miami
Hon. Norman Edelcup
Mayor, Sunny Isles Beach
Hon. Michelle Klignan
Commissioner, Surfside
Hon. Jose M. Diaz
Mayor, Sweetwater
Hon. Richard Block
Councilman, Virginia Gardens
Hon. Eduardo Muñiz
Mayor, West Miami

November 26, 2013

The Honorable Daniel Dietch
Mayor, Town of Surfside
9293 Harding Ave
Surfside, Fl 33154

Immediate Past President

Hon. Luis Gonzalez
Council Vice-President, City of Hialeah

Past Presidents

Hon. Eduardo Gonzalez
State Representative, District 111
Hon. Isaac Salver
Councilman, Town of Bay Harbor Islands
Hon. R.S. Shiver
Commissioner, City of Florida City
Hon. Wilfredo "Willy" Gort
Commissioner, City of Miami

Dear Mayor Dietch:

Allow me this opportunity to first thank you for your continued participation in and support of the Miami-Dade County League of Cities (MDCLC). President Deede Weithorn, and myself are well aware that MDCLC's success is a direct result of the hard work and dedication of its members. For this reason, we need your cooperation in making appointments to the Board.

Each member municipality designates one of its elected officials to serve as a **Director** and one as an **alternate Director** of the League for a period of one year. The term commences at the date of the Annual Meeting in the month of February, and runs until the following February.

Allow this letter to serve as a kind reminder that you are required to designate a Director and an alternate to represent your municipality on the MDCLC's Board preferably before or by no later than Tuesday, December 17, 2013. Please send us a note to the League office naming your appointments.

Thank you for your continued cooperation and support.

Sincerely,

Richard Kuper, Esq.
Executive Director

RK/mr

DEC3'13 11:15AM

TOWN OF SURFSIDE



Town of Surfside Commission Communication

Agenda Item # 9I

Agenda Date: January 14, 2014

Subject: Citizen Surveys

Background: The Commission allocated \$5,000 in the FY 13/14 Budget for a citizen survey. As stated in the FY 13/14 Budget Program Modification, professionally conducted citizen surveys have been utilized as an effective management tool by local governments in assessing current and future service delivery levels; the satisfaction/approval rating of how the local government is doing; and reinforces to residents that their opinions are encouraged and valued. Simply put, a municipal survey says to the residents that you are the customers and the Town wants to know:

- Are you deriving value from the investment you make with the tax dollars you provide to the Town?;
- What should we be doing that we are not currently doing and conversely, what should we not be doing as a Town?; and
- What are your priorities for the Town?

More importantly, the benefit of a municipal opinion survey will allow for the collection of unbiased "Surfside specific" information to be obtained regarding issues the Commission is currently considering/evaluating, including such issues as:

- Senior services (i.e. transportation)
- Community Center expansion
- Services (i.e. police; solid waste collection)
- Charter Review issues (i.e. length of terms; staggering)
- Traffic calming (survey can be structured to survey specific improvements in specific neighborhoods)
- School issues (i.e. MAST/Environmental Science Academy)
- Parking structure(s) (i.e. location, size)
- Undergrounding of overhead utilities
- Zoning code
- Code compliance

To minimize the cost, the survey would likely be conducted online with a final report prepared on the survey results which would be broken down by the demographics and possibly area of Town. Also, an executive summary should be completed incorporating all of the comments provided by respondents. Survey questions would be presented to the Commission prior to conducting the survey.

Human Resources Director Yami Slate-McCloud provided a copy of the Town's 2009 Customer Service Survey which was provided by Town Staff to residents/customers who had interaction with a Town department/employee during a certain period of time in 2009. Attached is a copy of the Customer Service Survey and tabulation of responses.

A key to a successful survey is identifying a correct approach (methodology); and avoid developing biased/leading questions which create predictable outcomes in order that the results of the survey have legitimacy. This 2009 Town Customer Survey was successful in developing questions that essentially addressed the Town's desire for citizen feedback on recent experiences and interactions with Town employees. However, the methodology or survey technique quite possibly skewed the survey results. Why?

The customer was asked to fill out a survey based on their just completed one-on-one interaction with a Town employee. The survey was handed to the customer by the Town employee. While the customer responses likely reflected their opinion of the interaction with the Town employee, one could logically conclude that the survey results were skewed because the employee knew he/she was going to be evaluated so this could have impacted how the employee interacted with the customer. Would the employee have handled the customer service relationship in the same manner if no survey was involved? Maybe, maybe not. Irrespective, the methodology utilized potentially calls into question the validity of the customer service survey results.

Analysis: To assist the Commission in providing final direction regarding the specifics of a citizen survey, Department Heads were asked to provide input as to how a survey would benefit their operation. The Department Heads were given broad latitude in preparing their input. General guidelines relating to survey approach were suggested/identified:

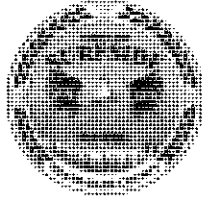
- Assist in assessing current and future services and allocation of current and future financial resources
- Satisfaction with current services
- Ask our "customers" how are we doing?
- Establish priorities
- Reinforces to residents that their opinions are valued

The attached report summarizes the input received. Please note that the suggested questions need to be refined to make them survey neutral and/or concise. However, this input captures what is on the mind of our Department Heads.

Requested Action: The Commission provide direction in sufficient detail that will identify the purpose/philosophy of the Town survey; specific issues/topics/questions to be included in the survey and timing of the survey. Upon receiving direction, Staff will prepare a final proposal for Commission approval.


Town Manager

Attachment: 1. Citizen Surveys (2014): Departmental Input
2. Town 2009 Customer Service Survey and Result Tabulation



Town of Surfside

Citizen Surveys 2014

Subject: Departmental Input

I. Code Compliance

1. Do you feel that the condition of the Town has improved over the last two years with regard to compliance with Town Codes?
2. Do you believe the code enforcement program is being effective at this time?
3. Do you feel code compliance staff is being responsive to your needs?
4. Do you believe additional code compliance staff is needed to address town-wide concerns?
5. Do you believe imposing civil penalties (fines) on violators will help attain compliance more quickly?
6. Do you feel the Town's residential streets look clean, or should there be additional enforcement to keep trash and garbage of the streets?
7. Should the Town more strictly enforce hedge heights that block visibility for drivers at intersections on corner properties?
8. What issues do you believe need to be a priority?
 - a. Street cleanliness
 - b. Overgrowth of grass
 - c. Visibility at intersections
 - d. Up-keep of business district
 - e. Noise
 - f. Other

II. Police Department

1. Are you satisfied with the services the Police Department is currently offering and if not how can we improve?
2. Do you find the police officers to be friendly, helpful and approachable?
3. What is the most important issue to you? Crime, parking, traffic or quality of life issues?
4. If you could create a crime prevention initiative for your neighborhood, what would it be?
5. Are you are satisfied with the police presence in your neighborhood?
6. Do you find the police department to be customer service oriented?

7. Are you satisfied with the crime prevention/community events hosted by the police department?
8. Have you had more negative or positive encounters with the police department?
9. How can we get you to participate for more Police Department crime prevention/community events?
10. Do you feel the Police Department is communicating effectively regarding notifications of crime or traffic issues and crime prevention/ community events? If not, how do you recommend we reach our residents? Social media, cable channel, etc.?

III. Parks and Recreation

1. How often do you participate in Parks and Recreation programs?
 1) Always 2) Sometimes 3) One Time Use 4) Never
 Comments:

2. What are the reasons for participating in our programs?
 1) Type of program 2)Program Fees 3)Time of Programs 4) Instructor of Program
 Comments:

3. Consequently, why are programs not utilized? (Type of program, fees, instructor, etc.)

4. How far in advance do participants prefer for promotion of events, programs and additional happenings?

5. Preferred method of contact for promoting events/programs? (flyers, Gazette, banners, smart sign, constant contact, etc.)

6. What programs are you interested in? 1)Toddlers 2)Youth 3)Teen 4)Adult 5)Senior
 Please elaborate with specific programs:

IV. Building Department

1. If you have had an issue with your house or business, how was your experience with the Building Department?
2. Would you place a great value on being able to access building department records on-line?
3. Does the Building Department provide information in a complete and timely manner?
4. Do you find the field and staff members of the Building Department to be courteous and well-informed?
5. Are the processes and procedures of the Building Department reasonable and effective?

V. Tourist/Economic Development/Community Service

1. How do you prefer to communicate with the Town?
Phone/Email/Text/Social Media (i.e. as Facebook)
2. How do you prefer to receive Town communications?
Phone/Email/Text/Social Media (i.e. as Facebook)
3. The Town gives me timely and adequate notifications on Town news, meetings and events: 5. Excellent etc... 4. 3. 2. 1.
4. How many times a week would you like to be notified of Town news, meetings and events? 5 / 4 / 3 / 2 / 1
5. What content interests you on the Town's website?
Fill in the blank _____
6. What content interests you in the Town's monthly Gazette?
Fill in the blank _____
7. What content interests you for Channel 77?
Fill in the blank _____
8. Do you utilize the Surfside Shuttle? Yes / No / Maybe
9. Would you utilize the Surfside Shuttle if the route was expanded and coordinated with Surfside's neighboring communities? Yes / No / Maybe
10. Would you utilize the Surfside Shuttle to transport you to and from Mount Sinai?
Yes / No / Maybe
11. How often do you eat at a Surfside restaurant monthly? 5 / 4 / 3 / 2 / 1
12. How often do you shop at a Surfside store monthly? 5 / 4 / 3 / 2 / 1
13. How often do you patronize a Surfside downtown service provider (i.e. bank, salon, etc.) monthly? 5 / 4 / 3 / 2 / 1
14. What would entice you to eat or shop in Surfside?

- a. More information on what is offered downtown
- b. Specials for residents?
- c. Different selection/variety of businesses?
- d. Better/longer hours of operation?

15. Do you like public art? Yes / No / Maybe

16. Do you like the recent beach street end renovation on 95th Street? Yes / No / Maybe

17. Would you support beach side facilities such as restrooms? Yes / No / Maybe

18. Would you support beach side rental of chairs and umbrellas? Yes / No / Maybe

19. Sustainability initiatives interest you? (you may choose more than one)

Recycling / Solar Power / Electric Car Charging Stations / Plastic Bag Ban / Seawater Level Awareness / etc...

If possible I would like to use some of the survey (applicable items from above and below) with the business community:

20. How do you rate the customer service at Town Hall?

5. Excellent ... 4. 3. 2. 1.

21. How do you rate the Town's licensing process?

5. Excellent ... 4. 3. 2. 1.

22. How do you rate the Town's permitting process?

5. Excellent ... 4. 3. 2. 1.

23. How do you rate the Town's Code Compliance process?

5. Excellent ... 4. 3. 2. 1.

24. How do you rate the Town's trash/recycling program?

5. Excellent ... 4. 3. 2. 1.

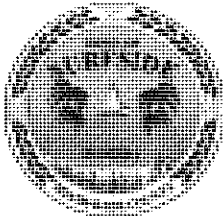
[Note: Fyi – I purposely left off parking questions and many of these in their more generic forms can be further enhanced by additional/supplemental questions].

VI. Public Works/Utilities

1. Please rate the overall appearance of Town properties and parks
5. Excellent ... 4. 3. 2. 1.
2. How satisfied are you with your garbage (household waste) service?
5. Excellent ... 4. 3. 2. 1.
3. Would you support a reduction in the number of days garbage (household waste) is collected from 5 days to 4 days in an effort to reduce current costs and/or reduce increased costs in the future? Yes___ No___
4. How satisfied are you with the Town's recycling effort (collection once every 2 weeks)?
5. Excellent ... 4. 3. 2. 1.
5. Should recycling pick-up be scheduled:
____ Current schedule (once every two weeks)
____ Increase to once a week
____ Eliminate recycling pick-up
____ Other (please specify)

VII. Finance

1. Please rate the customer service response to questions on your water, sewer and stormwater utility bill.
 - Over the telephone
 - In person at Town Hall
2. Please rate the ease of understanding your water, sewer and stormwater utility bill.
3. Are there any recommendations to improve the customer service received from Town Hall regarding your water, sewer and stormwater utility bill?



TOWN OF SURFSIDE Customer Service Survey

The Town of Surfside is dedicated to delivering quality customer service to the public. Please let us know how we are doing. Your input is valuable to us.

Please tell us the reason for your visit to the Town of Surfside. Check all that apply...

- | | | |
|-------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------|
| <input type="checkbox"/> New Resident | <input type="checkbox"/> Building Permit | <input type="checkbox"/> Employment Application/ Human Resources |
| <input type="checkbox"/> Parking Permit | <input type="checkbox"/> Lien Search | <input type="checkbox"/> Solid Waste (Garbage/Recycling) |
| <input type="checkbox"/> Public Records Request | <input type="checkbox"/> Resort Tax | <input type="checkbox"/> Water/Sewer Department |
| <input type="checkbox"/> Pay Utility Bills | <input type="checkbox"/> Local Business Tax Receipt | <input type="checkbox"/> Public Works Department |
| <input type="checkbox"/> Tourist Bureau | <input type="checkbox"/> Library | <input type="checkbox"/> Police Department |
| <input type="checkbox"/> Finance Department | <input type="checkbox"/> Code Compliance | <input type="checkbox"/> Parks and Recreation Department |
| <input type="checkbox"/> Other: _____ | | |

Were you able to get your question or concern resolved? Yes No

Was the response time to address your request reasonable? Yes No

Overall, how satisfied were you with the service you received?

- Very satisfied
- Mostly satisfied
- Satisfied
- Mostly unsatisfied
- Very unsatisfied

Comments: _____

Was the Town representative courteous and professional?

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

Comments: _____

Do you have any comments or feedback about a specific staff member? Yes No

Staff member's name: _____

Comment: _____

Is there any service that the Town is currently not providing that you would like to see provided? Yes No

If we did not meet your expectations, please describe the situation, the name(s) of the employee (s) involved, and the date the incident occurred:

If you would like to be contacted regarding your responses to this survey, please provide the following:

Name: _____

Address: _____

E-mail: _____ Telephone: _____

Thank you for taking the time to complete this important survey. The information you have provided will assist us in providing the best customer service possible. Please complete and return your survey in the postage-paid envelope provided and mail to:

**Town of Surfside
Attn: Human Resources
9293 Harding Avenue
Surfside, Fl 33154**

<u>DEPARTMENT</u>	<u>OVERALL SATISFACTION</u>	<u>COURTEOUS</u>	<u>STAFF FEEDBACK</u>	<u>COMMENTS</u>	<u>SERVICE YOU WILL LIKE TO SEE PROVIDED</u>
Code Compliance	Very satisfied	Strongly agree	Mike Garcia- very professional answered all the questions very quickly.		
	Very satisfied	Strongly agree		Very nice service & prompt	
	Very satisfied	Strongly agree		Unprofessional- did not give me their card with their name, not able to identify them later on when the issue persisted.	
	Satisfied	Agree			
Tourist Bureau	Very satisfied	Strongly agree		Very helpful and outgoing	
Building	Very satisfied	Strongly agree			
	Satisfied	Agree	Very courteous		
	Mostly satisfied	Strongly agree	Lilli- nice & helpful		
	Mostly satisfied	Agree	Lilli- very professional & kind	Continue to provide parking permits to residents- excellent and practical idea	Able to use the Town's phone to make calls when needed
	Very satisfied	Strongly agree		Congratulations to all Town Bldg. services	
Town Hall	Mostly satisfied	Agree			
	Very satisfied	Agree	Good employees, really helpful		
	Very satisfied	Strongly agree			The new Club House
	Very satisfied	Strongly agree	Liliane & Darlene - were both very helpful		
	Very satisfied	Strongly agree			
Town Hall	Very satisfied	Strongly agree	Lilli- friendly and helpful; outstanding		
	Very satisfied	Strongly agree			
	Mostly satisfied	Agree			
	Very satisfied	Strongly agree	The new girl on parking permits is very nice lady and attentive with the people		Lower the parking- is getting expensive for customers
	Very satisfied	Strongly agree			We have a lot of complaint and have lost a lot of business because of it.
Town Hall	Very satisfied	Strongly agree			
	Very satisfied	Strongly agree			
	Very satisfied	Strongly agree			Remove all telephone poles & wires put underground or go wireless

DEPARTMENT	OVERALL SATISFACTION	COURTEOUS	STAFF FEEDBACK	COMMENTS	SERVICE YOU WILL LIKE TO SEE PROVIDED
Town Hall Cont.	Very satisfied	Strongly agree	All the women behind the service counter have always been friendly, professional and do a wonderful job.		More movies in the park, organize a friendly competition between neighbors 7 judge the best "spruced" yard- with prizes for the best. (Gift certificate to Publix would be enough give people incentive and competitive edge to make Surfside beautiful again !!
	Very satisfied	Strongly agree	Strongly agree	Replace Town's pool, bathroom & showers	
	Very satisfied	Strongly agree	Cathy- she is always courteous, kind & efficient	A reality check when it comes to spending & how it affects our taxes.	
	Mostly satisfied	Agree		Parking on the street- the cars park on any side or direction, very confusing and illegal.	
Water & Sewer	Very satisfied	Strongly agree			
	Very satisfied	Agree			
	Very satisfied	Strongly agree	Good employees, really helpful		
	Very satisfied	Strongly agree			
Town Clerk	Very unsatisfied	Agree		Public Records request- maps (Beach area) were not available	Perhaps Public Records Requests could be posted to the Surfside Web page
	Very/Mostly satisfied	Strongly agree/agree	All were helpful		
	Satisfied	Strongly agree	Mr. Cooper @ Public Works- courteous, honest, efficient	re: Public records request	Door to door warning/request to follow placement of garbage & recycle container rules
Parks & Rec	Very satisfied	Strongly agree	Stacie Barrett- always superceded the needs of my family.	Privilage to live in a Town which offers year long programs and the BEST summer camp in the area.	More adult exercise classes ie... ballet, tap, modern jazz
	Very satisfied	Strongly agree	Jackie Villagran- set up class field trip. Very informative, well organized, and a lot of fun.		
	Very satisfied	Strongly agree	Jeanette Jagiello- I endorse 100%		

DEPARTMENT	OVERALL SATISFACTION	COURTEOUS	STAFF FEEDBACK	COMMENTS	SERVICE YOU WILL LIKE TO SEE PROVIDED
Library	Satisfied	Agree		Employees are helpful but are not familiar with their books.	
	Mostly satisfied	Agree			
	Very satisfied	Strongly agree	All the library staff are friendly and helpful	We are blessed to have the Surfside Library	
	Mostly satisfied	Strongly agree	They are always very nice & helpful; excellent staff		Rent golf carts to residents so they can move around Town. More friendly to residents, parking, environmental and safer for children that are playing on our streets.
	Mostly satisfied	Agree			
	Very satisfied	Strongly agree	Reps in Town Hall & Library are always helpful.	Why does Mayor not have a comment page in our monthly magazine? Wow- huge like in water/waste charges. I understand shortages, wages hurt.	Pool- no need for Taj Mahal- plenty of empty stores available for work out rooms/art ect.
	Very satisfied	Strongly agree			
	Very satisfied	Strongly agree			
	Very satisfied	Strongly agree			
	Very satisfied	Strongly agree	Suzanne, and Leslie in the library I endorse them 100%	Ms. McGlynn & her staff do everything possible to secure book items & media for clients and are always cheerful & welcoming to those who are the library.	I wish that Surfside was more a pedestrian/bicycle friendly Community center & pool is the Surfside community and is sorely missed. I look forward to the vote being passed so that contruction could beging as soon as possible.
	Very satisfied	Strongly agree	S. McGlynn -always helpful, courteous & knowledgeable. Her expertise has been welcomed by myself & my family for some years. Also to be noted is Leslie .	I would like for the Town to note and appreciate the professionalism shown by these two ladies.	
	Very satisfied	Strongly agree	Ladies @ the Library are very nice, and very welcoming	Insufficient funding for an appropriate library. Level of noise (babies, children, adults, and staff). "Librarians" did not appreciate the concept of reading as a "quiet" activity.	Dogs being able to be on the beach.
	Mostly unsatisfied	Agree			
	Very satisfied	Strongly agree	All the library staff are courteous constantly & extremely helpful at the time.	The library is the most valuable asset in this Town.	
Very satisfied	Strongly agree	Leslie, Suzanne & the other 2 woman are wonderful			
Very unsatisfied	Agree		Service is good, policy decisions bad; crazy prices, bad judgements.	Library like we used to have, good employees!! Bad facility.	

Finance