



**Town of Surfside
Town Commission Meeting
AGENDA
March 12, 2013
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 on Ruth K. Broad K-8 Turtle to People of Newtown, CT** – Mayor Daniel Dietch (Time Certain 7:25 PM)
- H. Presentation to Planning and Zoning Board Member Jorge Gutierrez** – Mayor Daniel Dietch
- I. Recognition of Lifeguards Calvin Webb III, Heather Johnson, Jose Espinoza and Peter Filiberto** – Tim Milian, Parks and Recreations Director

2. Quasi-Judicial Hearings

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 before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. 1233 Biscayne Drive – Klahr Variance Page 1-7

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1233 BISCAYA DRIVE, TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO REPLACE THE EXISTING DECK WITH A NEW CONCRETE DECK; PROVIDING FOR AN EFFECTIVE DATE.

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** – January 15, 2013 Regular Commission Meeting **Page 8-23**
January 22, 2013 Special Commission Meeting **Page 24-26**
January 24, 2013 Special Commission Meeting **Page 27-32**
February 12, 2013 Regular Commission Meeting (will be delivered under separate cover)
February 26, 2013 Special Commission Meeting **Page 33-35**
- B. Budget to Actual Summary as of December 31, 2012** – Donald Nelson, Finance Director **Page 36-38**
- *C. Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 39-94**
- *D. Town Attorney’s Report** – Linda Miller, Interim Town Attorney **Page 95-98**
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 99-101**
- F. Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*) **Page 102-112**
 - January 9, 2013 Streetscaping Masterplan Sub-Committee Minutes
 - January 28, 2013 Downtown Vision Advisory Committee Minutes
 - January 29, 2013 Pension Board Minutes
- *G. Opposing Transportation Committee Bill** – Roger M. Carlton, Town Manager **Page 113-114**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO OPPOSE THE “PROPOSED TRANSPORTATION COMMITTEE BILL” REQUIRING MUNICIPALITIES TO REMIT 50% OF REVENUE GENERATED FROM ANY FEES COLLECTED BY ON-STREET PARKING METER DEVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

H. Proclaiming Dr. Bernstein Day – Mayor Daniel Dietch Page 115-117

A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING YEARS OF EDUCATIONAL SERVICE BY DR. ALLYN BERNSTEIN, PH.D.; PROCLAIMING MAY 2, 2013 AS “DR. ALLYN BERNSTEIN DAY”; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

***I. Prohibit Texting While Driving – Commissioner Joe Graubart Page 118-120**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; URGING THE HONORABLE GOVERNOR AND FLORIDA LEGISLATURE TO BAN TEXTING WHILE DRIVING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

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

B. First Reading Ordinances

***1. Corner Clearance Ordinance – Sarah Sinatra, Town Planner Page 121-130**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” STRIKING CODE SECTION 90-52 REQUIRED CLEARANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

***2. Outdoor Dining Ordinance – Sarah Sinatra, Town Planner Page 131-153**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS” AND SPECIFICALLY AMENDING SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

5. Resolutions and Proclamations

(Set for approximately 9:15 p.m.) (Note: Depends upon length of Good and Welfare)

***A. IPS Parking Meter Agreement – Chief of Police David Allen Page 154-171**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS GROUP INC., FOR THE PURCHASE OF FIFTY-ONE (51) CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS AND WEB-BASED MANAGEMENT SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

***B. Purchase of Three (3) Additional Bus Shelters – Commissioner Marta Olchyk
(Memo will be delivered under separate cover) Page 172-174**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PREMIERE DESIGN SOLUTIONS, INC. TO PURCHASE AND INSTALL THREE (3) BUS SHELTERS: TWO (2) ON COLLINS AVENUE AND ONE (1) ON HARDING AVENUE; AUTHORIZING THE PURCHASE OF THREE BUS SHELTERS FOR APPROXIMATELY \$75,000; AUTHORIZING THE APPROPRIATION OF FUNDS IN FISCAL YEAR 2012-13 FROM THE MUNICIPAL TRANSPORTATION FUND IN THE AMOUNT OF \$40,000 AND FROM THE CAPITAL FUND IN THE AMOUNT OF \$35,000; PROVIDING FOR AN EFFECTIVE DATE.

***C. Establishing the Town’s “Attorney/Client Conflict Disclosures and Waiver” Policy – Commissioner Marta Olchyk [Linked to Item 9A] Page 175-179**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) ESTABLISHING THE TOWN’S “ATTORNEY/CLIENT CONFLICT DISCLOSURES AND WAIVER” POLICY; PROVIDING FOR AN EFFECTIVE DATE.

***D. Consultants Competitive Negotiation Act (CCNA) – Mayor Daniel Dietch Page 180 - 181**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, FLORIDA STATUTES, ALSO KNOWN AS THE “CONSULTANTS COMPETITIVE NEGOTIATION ACT” OR “CCNA”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

***E. Town Manager John Mark Taxis Employment Agreement – Mayor Daniel Dietch**
(The negotiations are on-going but not completed by the agenda deadline)

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. Concern re: Conflict of Interest – Roger M. Carlton, Town Manager and Linda Miller, Interim Town Attorney [Linked to Item 5C](TIME CERTAIN 8:30 PM) Page 182**

- B. Consideration for Allocation to Shared Cost for Full Time Nurse in Ruth K. Broad K-8 Center – (TIME CERTAIN 7:45 PM) Page 183-190**
- *C. Traffic Study (Please bring the Traffic Study book provided in December 2012) – Roger M. Carlton, Town Manager Page 191**
- *D. FPL Sixth Update – Roger M. Carlton, Town Manager (*Memo will be delivered under separate cover*)**
- E. Financing the Proposed Conversion of Overhead Utilities to Underground – Commissioner Joe Graubart Page 192-200**
- F. Severance/Compensation – Commissioner Joe Graubart Page 201**
- G. Town Calendar – Commissioner Joe Graubart Page 202**
- H. Commission Directive: Town Manager Short Term Priorities – Commissioner Joe Graubart Page 203-206**
- *I. Setting a Date for a Special Meeting on Revision to the Plans for the Surf Club April 23, 2013 Amendment to the Development Agreement – Roger M. Carlton, Town Manager (*Memo will be delivered under separate cover*)**
- J. Approval of Any Donation Over \$850 – Commissioner Marta Olchyk Page 207**

10. Adjournment

Respectfully submitted,



Roger M. Carlton
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 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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

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

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.