



**Town of Surfside
Regular Town Commission Meeting
AGENDA
November 9, 2021
7 p.m.**

1. Opening

A. Call to Order

B. Roll Call of Members

C. Mayor and Commission Remarks – Mayor Charles W. Burkett

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

E. Community Notes – Mayor Charles W. Burkett

F. Appointment to Boards and Committees – Sandra N. McCready, Town Clerk

- **Planning and Zoning Board – Commissioner Salzhauer**
- **Budget Committee - Mayor Burkett**
- **Parks and Recreation Committee – Vice Mayor Paul**
- **Personnel Appeals Board – Mayor Burkett**
- **Personnel Appeals Board – Commissioner Kesl**
- **Personnel Appeals Board – Commissioner Salzhauer**
- **Personnel Appeals Board – Commissioner Velasquez**

G. Undergrounding Update Presentation and Discussion - Andrew Hyatt, Town Manager [Pages 1-9](#)

H. Presentation of the 2021 Public Pension Standards Award - Andrew Hyatt, Town Manager [Page 10](#)

2. Quasi-Judicial Hearings – N/A

3. Consent Agenda (*Set for approximately 7:30 p.m.*) *All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting. They will be recognized to speak prior to the approval of the consent agenda.*

A. Minutes – Sandra N. McCreedy, MMC, Town Clerk **Pages 11-118**

- June 25, 2021 Emergency Town Commission Meeting Minutes
Zoning Code Workshop
- September 13, 2021 Special Town Commission – First Budget Hearing
Meeting Minutes
- September 14, 2021 Regular Town Commission Meeting Minutes
- September 23, 2021 Special Commission Meeting Minutes
- September 30, 2021 Special Town Commission – Final Budget Hearing
Meeting Minutes
- October 12, 2021 Regular Town Commission Meeting Minutes

***B. Town Manager’s Report** – Andrew Hyatt, Town Manager **Pages 119-129**

***C. Town Attorney’s Report** – Weiss Serota, Town Attorney **Pages 130-142**

D. Committee Reports - Andrew Hyatt, Town Manager **Pages 143-184**

- August 23, 2021 Special Parks and Recreation Committee Meeting
Minutes
- September 30, 2021 Planning and Zoning Board Meeting Minutes
- October 14, 2021 Planning and Zoning Board Zoning Code Workshop
Minutes

E. Resolution Authorizing the Renewal of the Agreement with Thomson Reuters West Publishing for CLEAR Investigative Tool for Fiscal Years 2021-2024 - Andrew Hyatt, Town Manager **Pages 185-191**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE RENEWAL OF AGREEMENT WITH THOMSON REUTERS WEST PUBLISHING CORPORATION FOR CLEAR INVESTIGATIVE TOOL FOR FISCAL YEARS 2022-2024; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

F. Resolution Authorizing Law Enforcement Mutual Aid Agreement between the Town of Surfside and the City of North Miami- Andrew Hyatt, Town Manager **Pages 192-203**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Resolution Authorizing Expenditure of Forfeiture Funds for FY 2021-2022 - Andrew Hyatt, Town Manager [Pages 204-209](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING FISCAL YEAR 2022 POLICE FORFEITURE FUND EXPENDITURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. Approval of 2022 Regular Town Commission Meeting Dates and Agenda Deadlines – Sandra N. McCready, Town Clerk [Page 210](#)

I. Authorization to Expend to Preserve Historical Town Documents – Sandra N. McCready, Town Clerk [Pages 211-247](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF SERVICES FROM KOFILE TECHNOLOGIES, INC. FOR PRESERVATION. ARCHIVAL AND DIGITIZATION OF HISTORICAL TOWN DOCUMENTS; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(6) OF THE TOWN CODE AS A SOLE SOURCE PROVIDER; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER FOR SUCH SERVICES AND/OR AGREEMENT AS DEEMED NECESSARY BY THE TOWN ATTORNEY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Robert Fisher Historic Designation by the Town of Surfside Proclamation Approval - Andrew Hyatt, Town Manager [Pages 248-249](#)

K. Town Hall Fire Alarm System Upgrade - Andrew Hyatt, Town Manager [Pages 250-271](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A TOWN HALL FIRE ALARM SYSTEM UPGRADE FROM SCIENS BUILDING SOLUTIONS, LLC C/O EMPIRE FIRE SAFETY; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)F OF THE TOWN CODE AS A PUBLIC WORKS PURCHASE FOR TOWN FACILITY MAINTENANCE WORK; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER AND/OR OTHER AGREEMENTS AS MAY BE APPROVED BY THE TOWN MANAGER AND TOWN ATTORNEY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- L. **FY 2021 Budget Amendment Resolution No. 11- Andrew Hyatt, Town Manager** [Pages 272-276](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A TOWN HALL FIRE ALARM SYSTEM UPGRADE FROM SCIENS BUILDING SOLUTIONS, LLC C/O EMPIRE FIRE SAFETY; FINDING THAT THE PURCHASE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(7)F OF THE TOWN CODE AS A PUBLIC WORKS PURCHASE FOR TOWN FACILITY MAINTENANCE WORK; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASE ORDER AND/OR OTHER AGREEMENTS AS MAY BE APPROVED BY THE TOWN MANAGER AND TOWN ATTORNEY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

- M. **Resolution Urging the Florida Service Commission to Reject or Reduce FPL's Proposed Rate Increase – Vice Mayor Tina Paul** [Pages 277-280](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA PUBLIC SERVICE COMMISSION (PSC) TO REJECT FLORIDA POWER & LIGHT'S (FPL) REQUEST FOR A BASE RATE INCREASE AND RATE UNIFICATION, AND TO REJECT THE PROPOSED MINIMUM MONTHLY CHARGE; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Reading Ordinances

1. **Ordinance to Amend Side Setback in H120 District – Tony Recio, Town Attorney** [Pages 281-288](#)

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47, “YARDS GENERALLY, ALLOWABLE PROJECTIONS” AND SECTION 90-48 “MODIFICATION OF SIDE AND REAR YARD REGULATIONS” TO PROVIDE ALTERNATIVE SIDE SETBACK REQUIREMENTS IN THE H120 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

B. First Reading Ordinances

5. Resolutions and Proclamations

(Set for approximately 9:45 p.m.) (Note: Depends upon length of Good and Welfare)

A. Champlain Towers South Collapse Investigation – Destructive Testing -

Andrew Hyatt, Town Manager [Pages 289-292](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING EXPENDITURE OF FUNDS TO KCE STRUCTURAL ENGINEERS PC FOR TASK 2 ENGINEERING ANALYSIS TO DETERMINE THE CAUSE OF THE CHAMPLAIN TOWERS SOUTH (CTS) BUILDING COLLAPSE AND DESTRUCTIVE TESTING NOT TO EXCEED THE AMOUNT OF \$1,500,000.00; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

B. FY 2022 Budget Amendment Resolution No. 1 - Andrew Hyatt, Town Manager

[Pages 293-296](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 1 FOR THE FISCAL YEAR 2022 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Resolution in Support of the Sister Bays Program – Vice Mayor Tina Paul

[Pages 297-301](#)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SUPPORT FOR THE SISTER BAYS PROGRAM AND URGING COASTAL COMMUNITIES THROUGHOUT THE COUNTY TO SUPPORT THE PROGRAM; ENCOURAGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS TO DEVELOP A MEMORANDUM OF UNDERSTANDING FOR THE SISTER BAYS PROGRAM; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

**6. Good and Welfare/ Public Comments from Residents
(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.

8. Unfinished Business and New Business

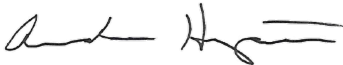
9. Mayor, Commission and Staff Communications

- A. Champlain Tower South Memorial** – Vice Mayor Paul **Pages 302-315**
- B. Amending the Town’s Purchasing Code (Chapter 3)** – Commissioner Nelly Velasquez **Page 316-328**
- C. Ending Option to Contribute to Parking Fund in Lieu of Having Required Parking in Building Plans** – Commissioner Charles Kesi **Pages 329-334**
- D. Demolition by Neglect** - Mayor Charles W. Burkett **Pages 335-337**
- E. Excessive Homeless Contribution Made by the Former Commission** - Mayor Charles W. Burkett **Pages 338-345**
- F. Lowering of Property Taxes and Water Bills – Staff Report** – Andrew Hyatt, Town Manager **Page 346**
- G. Climate Environmental Collective Revised** - Vice Mayor Tina Paul **Pages 347-349**
- H. Amending Town Code Section 2-237 Business Relationships** – Commissioner Eliana Salzhauer **Pages 350-355**
- I. Community Center Pool Deck Lighting - Staff Report** – Andrew Hyatt, Town Manager **Pages 356-357**
- J. Community Center Second Floor – Staff Report** - Andrew Hyatt, Town Manager **Page 358**
- K. Amend Tourist Board Ordinance** – Commissioner Nelly Velasquez **Page 359**
- L. Legally Defective Charter Amendment Vote in 2012** – Mayor Charles W. Burkett **Pages 360-387**
- M. Cone of Silence/Secrecy** – Mayor Charles W. Burkett **Page 388**
- N. License Plate Readers** – Mayor Charles W. Burkett **Page 389**
- O. Cancel Culture in Surfside** - Mayor Charles W. Burkett **Pages 390-396**
- P. Permit Process** - Mayor Charles W. Burkett **Pages 397-408**
- Q. High Water Bill** – Mayor Charles W. Burkett **Pages 409-410**
- R. Increased Commercial Airliner Flights over Surfside** - Mayor Charles W. Burkett **Page 411**
- S. Purchase of Electric Vehicles** - Mayor Charles W. Burkett **Page 412**
- T. One-way Automatic Gate at 96th Street and Bay Drive** - Mayor Charles

- W. Burkett [Page 413](#)
- U. **Draconian Fines for Residents** - Mayor Charles W. Burkett [Pages 414-420](#)
- V. **Surfside's Brand Name, Miami's Uptown Beach Town** – Mayor Charles W. Burkett [Page 421](#)
- W. **Daylight Plane Requirement for New Construction** – Commissioner Charles Kesl [Pages 422-424](#)
- X. **Abandoned Sports Equipment on Streets, Unmarked Unattended** – Commissioner Charles Kesl [Pages 425-426](#)
- Y. **Epinephrine Auto-Injectors (EpiPen) Policy Discussion** - Commissioner Eliana Salzhauer [Pages 427-430](#)
- Z. **Private Security Service** – Mayor Charles W. Burkett [Page 431](#)
- AA. **Champlain South: “Don’t Wait...Accelerate!” Action Plan & Changes Necessary to Prevent Another Catastrophe** – Commissioner Eliana Salzhauer [Pages 432-461](#)
- BB. **Remote Participation by Commissioners** – Commissioner Charles Kesl [Page 462](#)
- CC. **Raising Houses in Surfside to Make our Town More Resilient and Sustainable** – Mayor Charles W. Burkett [Pages 463-506](#)
- DD. **Champlain South Memorial Park at 88th Street End** - - Commissioner Eliana Salzhauer [Pages 507-513](#)
- EE. **Budget Meeting Fiasco** - Commissioner Eliana Salzhauer [Page 514](#)
- FF. **Zoning In Progress Extension** – Tony Recio, Town Attorney [Pages 515-521](#)
- GG. **Ocean Front Grant Study Program** – Commissioner Nelly Velasquez [Pages 522-526](#)
- HH. **Ballot Question for March 15, 2022 Elections** – Commissioner Nelly Velasquez [Page 527](#)
- II. **Art in Public Spaces Committee** – Commissioner Charles Kesl [Pages 528-529](#)

10. Adjournment

Respectfully submitted,



Andrew Hyatt
Town Manager

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

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

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN

CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

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

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