

**Town of Surfside
Town Commission Meeting
September 13, 2011**

7 p.m.

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

NOTE: ITEM # 6 GOOD AND WELFARE WILL BE MOVED TO 7:15PM

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**

2. Quasi-Judicial Hearings (*Set for approximately 7:30 p.m.*)

Please be advised that the following item on the Agenda is 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 Commission member. Commission members must also do the same.

- * A. Resolution for Grand Beach Hotel, Surfside- Lynn M. Dannheisser, Town Attorney Page 1-33**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ("TOWN") APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A 341 ROOM HOTEL AND PARKING GARAGE AND CONDITIONAL USES TO CONSTRUCT TWO ROOFTOP JACUZZI'S AND TWO SWIMMING POOLS ON THE WEST BUILDING ON THE SITE, AND CONDITIONAL USES TO ALLOW OUTDOOR DINING, A SPA WITH TWO JACUZZI'S AND TWO LOBBY LEVEL SWIMMING POOLS, A HOTEL BAR ON THE ROOF LEVEL,

AND A SWIMMING POOL AND TWO JACUZZI'S ON THE ROOF ON THE EAST BUILDING ON THE SITE (ALL AMENITIES ARE A PART OF THE HOTEL) SUBMITTED BY M.B. DEVELOPMENT, LLC., (THE "APPLICANT"), ALL ON THE PROPERTY LOCATED AT 9449 COLLINS AVENUE AND 9418 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Consent Agenda (*Set for approximately 9:30 p.m.*)

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

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

A. Minutes - Town Commission Meeting – August 9, 2011 Page 34-54

B. Budget to Actual Summary as of June 30, 2011 Martin Sherwood, Finance Director Page 55-56

***C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager Page 57-87**

***D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney Page 88-92**

E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 93-95

F. Proclamation in Support of Walk to End Alzheimer's – Roger M. Carlton, Town Manager Page 96

G. Proclamation in Support of "Fallen Officer Tribute Month"- Mayor Daniel Dietch Page 97

**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.*

4. Ordinances

(Set for approximately 10:00 p.m.) (Note: Good and Welfare moved to 7:15 pm.)

A. Second Readings (Ordinances and Public Hearing)

*1. Litter Ordinance- Roger M. Carlton, Town Manager Page 98-106

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 34 "ENVIRONMENT" BY ADDING ARTICLE V "LITTER" AND SPECIFICALLY CREATING SECTIONS 34-78 "DEFINITIONS", SECTION 34-79 "UNFINISHED, VACANT, UNOCCUPIED OR CLOSED STRUCTURES, CONSTRUCTION SITES OR VACANT LOTS; MAINTENANCE PROCEDURES REQUIRED OF OWNERS"; AND SECTION 34-80 "PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; DELETING CHAPTER 2. "ADMINISTRATION" ARTICLE I. SECTION 54-2 ENTITLED "DISTRIBUTION OF HANDBILLS"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This ordinance generally addresses a variety of litter issues in Town but specifically address the uncontrolled feeding of feral cats.]

B. First Readings Ordinances

(Set for approximately 10:15 p.m.) (Note: Good and Welfare moved to 7:15 p.m.)

*1. Required Amendments to FEMA Ordinance- Paul Gioia, Building Official Page 107-121

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 "FLOODS" AND SPECIFICALLY SECTION 42-26 "STATUTORY AUTHORIZATION"; SECTION 42-41 "DEFINITIONS"; SECTION 42-57 "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD"; SECTION 42-77 "DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR"; SECTION 42-92 "SPECIFIC STANDARDS"; SECTION 42-95 "COASTAL HIGH HAZARD AREAS (V-ZONES)"; AND SECTION 42-114 "CONDITIONS FOR VARIANCES" OF THE TOWN OF SURFSIDE CODE OF

**ORDINANCES PROVIDING FOR INCLUSION IN THE CODE;
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES
IN CONFLICT HEREWITH; AND PROVIDING FOR AN
EFFECTIVE DATE**

[This ordinance clarifies certain elements of the FEMA flood ordinance. These clarifications have been requested by FEMA and are required to regain the status which allows our residents to obtain discount for their flood insurance premium.]

5. Resolutions and Proclamations

(Set for approximately 10:30 p.m.) (Note: Depends upon length of Good and Welfare)

- * A. **Award of Lease for Police Vehicles- David Allen, Chief of Police Page 122-125**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A LEASE AGREEMENT WITH THE FINANCIAL INSTITUTION OF SUNTRUST BANK FOR THE LEASE OF PUBLIC SAFETY VEHICLES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE AGREEMENT BY AND BETWEEN THE TOWN AND SUNTRUST BANK; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. **Code Compliance Authority for Police Officers – David Allen, Chief of Police Page 126-130**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTION 90-79 “ABANDONED OR INOPERABLE VEHICLES”; SECTION 90-79 “RESTRICTED AND PROHIBITED PARKING”; SECTION 74-1 “COMMERCIAL VEHICLES IN THE RESIDENTIAL AREAS”; SECTION 54-63 “SIDEWALK OR STREET OBSTRUCTION”; CHAPTER 10 “ANIMALS” INCLUDING BUT NOT LIMITED TO LEASH LAW, FECAL DISPOSAL, DOGS ON THE BEACH, BARKING OR VICIOUS DOGS; SECTION 54-78 “PROHIBITED NOISES”; SECTIONS 34-78 THROUGH 34-80 “LITTER ORDINANCE”; SECTION 14-29 “WORK WITHOUT PERMIT”; PROVIDING FOR AN EFFECTIVE DATE.

**C. Proposed Townwide Software Contract Renewal- Martin Sherwood,
Finance Director Page 131-147**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN ADDENDUM TO RENEW A THREE YEAR CONTRACT WITH SUNGARD NAVILINE TO CONTINUE TO PROVIDE SOFTWARE SERVICES, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ANY AND ALL ACTION NECESSARY TO IMPLEMENT THE CONTRACT IN ACCORDANCE WITH THE TERMS, CONDITIONS AND PURPOSES OF THE CONTRACT AND THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Good and Welfare (*Moved to 7:15 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

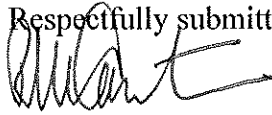
9. Mayor, Commission and Staff Communications (*Set for approximately 10:45 p.m.*)

- * **A. Community Center Pool Party Rentals- Tim Milian, Parks and Recreation
Director Page 148**
- * **B. Discussion Regarding Renewal of Unitedhealth Care or Change in Carrier –
Stan Bershad, Agent of Record (verbal)**
- * **C. Recruitment Process for Town Clerk- Roger M. Carlton, Town Manager Page
149-152**
- * **D. Surplus Equipment- David Allen, Chief of Police Page 153-154**
- E. Discussion of Beach Management Agreement with Miami Dade County- Tim
Milian, Parks and Recreation Director Page 155-170**

* **F. Discussion Regarding Competitive Selection Process for Town Website Management- Roger M. Carlton, Town Manager (verbal)**

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.townofsufsidefl.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.



Town of Surfside Commission Communication

Agenda Item #: 2A

Agenda Date: September 13, 2011

Subject: Grand Beach Hotel, Surfside

From: Roger M. Carlton, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

Table of Contents:

1. Request
2. Site Plan Report
3. Conditional Use
4. Development Impact Committee Report
5. Staff Recommendation
6. Resolution
7. Exhibits: (All exhibits are in the attached separate envelope)
 - a. Traffic Report
 - b. Economic Study
 - c. Surfside in Room Service Directory (mock-up)
 - d. Renderings
 - e. Site Plan Package

REQUEST:

The applicant, MB Development, is proposing a 341 room hotel at 9449 and 9418 Collins Avenue. The proposed development will consist of roof top decks, pools, valet parking, parking garages, and hotel rooms on both sides of Collins Avenue. The project will also consist of outdoor dining and an architecturally lowered rooftop bar on the east side of Collins Avenue. A recent analysis by the Town Manager titled, the *Five Year Financial Forecast*, demonstrates the clear impact on the Town that various development strategies have on property taxes borne by our residents. The proposed hotel is in line with the Commission's direction to implement the *Five Year Financial Forecast* with the goal of reducing the residential tax burden. According to the economic analysis submitted by the applicant, the proposed hotel's annual contribution to the Town's ad valorem taxes will be \$840,000 depending on the valuation established by Miami-Dade County and the millage rate in place at the time. The applicant is also estimating the hotel to generate \$1.1 million annually in resort taxes directly to the Town of Surfside as well as \$37.7

million in additional indirect sales through increased business volumes countywide of which a significant portion will be spent in Surfside businesses.

The Development Review Committee (DIC) met on June 30, 2011 to discuss this application. 28 conditions were discussed and recommended by the DIC to the Planning and Zoning / Design Review Boards, which heard the application on July 28, 2011. Two of the original 28 conditions have been combined. Two new conditions were added by the Planning and Zoning Board and one condition has been added as a result of the traffic study for a total of 30 conditions. The conditions become part of the covenant recorded with this project. One of the initial conditions required a traffic study to be submitted to the Town. The traffic study is attached to this memorandum as well as the economic study.

The traffic study analyzed additional impacts for the surrounding streets. These impacts were less than three percent of the roadway capacity, which indicates no significance on the roadway network. The study utilizes a ten percent trip generation reduction for both the a.m. and p.m. peak hours to account for pedestrian, transit and mini bus services. The study also examined how the valet managed operations on both buildings to determine if queues would back-up on to the adjacent streets. The results show that with three valet runners at full occupancy of the east hotel, there would be no queuing onto Collins Avenue. The west hotel will require one valet runner to prevent queuing onto 94th Street.

On July 28, 2011, the Planning and Zoning / Design Review Boards heard the site plan and conditional use applications. They recommended approval of the applications to the Town Commission on a 5 to 1 vote.

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	9449 and 9418 Collins Avenue
General Location	East and west side of Collins Avenue, between 94 th Street and 95 th Street
Property Size	East Parcel: 1.8407 gross acres West Parcel: 1.3065 gross acres TOTAL: 3.1472 gross acres
Zoning District	East Parcel: H120 West Parcel: H40
Adjacent Zoning Districts	East Building: H120 to the north and south, H40 to the west West Building: MU to the north, H40 to the south, SD-B40 to the west and H120 to the east
Future Land Use	East Parcel: High Density Residential/Tourist West Parcel: Moderate Density Residential/Tourist
Density Permitted	East Parcel: 109 hotel units per acre West Parcel: 108 hotel units per acre
Number of rooms proposed	East Parcel: 269 rooms West Parcel: 72 rooms TOTAL: 341
Number of parking spaces	East Parcel: 206 spaces West Parcel: 178 spaces

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed
Hotel Rooms, each	350 sq ft	420 square feet
Suite, each	525 sq ft	N/A

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H120	120 feet maximum	120 feet
H40	40 feet maximum	40 feet

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H120	20ft	30% of roof area	12 feet	Proposed extensions meet the criteria.
H40	12 ft	10% of roof area	12 feet	

Sec. 90.45(b)

Setbacks	Minimum Required		Proposed
H120	Front (Collins Avenue)	40 ft	40 ft
	Rear (Beach)	30ft	153 ft
	Setback from bulkhead	20 ft	20 ft
	Side (north and south)	10 ft	10 ft
H40	Front (94 th Street)	20 ft	20 ft
	Side (alley)	7ft	10 ft
	Rear (north)	10 ft	10 ft
	Secondary (Collins Ave)	10 ft	10 ft

Sec. 90.47

Yards generally, allowable projections	Required	Proposed
H120 - Projections of balconies features into required yards	Maximum 8 feet for front, secondary and rear and 5 feet for interior side	Proposed does not exceed the maximum.
H40 – Projection of open, unenclosed building entrance porches, platforms, stairs or paved terraces,	Maximum 8 feet and the encroachments shall not provide less than a 24-inch setback to the property line.	Proposed does not exceed the maximum.

Sec. 90.47.8

Cantilevered Canopy	Required	Proposed
Cantilevered canopy will be permitted in the required front yard, subject to the following	Must be completely supported (cantilevered) from the main structure	Supported (cantilevered) from main structure
	Minimum 65% transparent	Canopy is more than 65% transparent
	Maximum frontage of 30 feet in width	30 feet proposed
	Maximum 20 foot extension into front setback	Extends 20 feet into setback
	Shall not extend into any side setback area	Does not extend into side setback area

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	East Parcel: 200 ft West Parcel: 273 ft
Minimum Pervious area	20%	East Parcel: 20% West Parcel: 20%

Sec. 90.50.1(2)

Architecture	Required	Proposed
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	East and west buildings both meet or exceed 10% wall openings
Roof materials are limited as follows:	<ul style="list-style-type: none"> a. Clay Tile; or b. White concrete tile; or c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; d. Architecturally embellished metal if granted approval by the Design Review Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board. 	Roof decks of east and west buildings will be composed of brick pavers and landscaping

Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	East Parcel: 66% West Parcel: 58%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	East Parcel: 120 Feet West Parcel: 40 feet
	c. Minimum setback of 10 feet from the roofline on all sides	10 feet

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H120	For every 100 feet, a minimum 6 foot change in wall plane	After 61 feet there is a 6 foot change in wall plane
H40	For every 75 feet, a minimum 6 foot change in wall plane	After 61 feet 10 inches there is a 6 foot change in wall plane

Sec. 90.61.1

Paving in front and rear yards in H40 Districts	Required	Proposed
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	Approximately 25% paved
Front Yard Landscaping	Minimum 30%	Approximately 75%
Rear Yard Landscaping	Minimum 20%	100%

Sec. 90.67.2

Underground utilities	Required	Proposed
	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground and have developed their landscaping plans accordingly.

Sec. 90.77(c)

	Minimum Required	Proposed
Off-Street Parking	369 Spaces	East Parcel: 204 West Parcel: 180 TOTAL: 384

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Hotel, Greater than 100,000 sq ft	2 spaces	2 spaces

Article VIII Landscape Requirements

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	64%

Sec. 90.91.2

Buffers	
Landscape buffer adjacent to streets and abutting properties	Application meets or exceeds all requirements.

Sec. 90.93

Open Space	
Landscaping along all buildings and structures, shrubs and trees required in open space	Application meets or exceeds all requirements.

CONDITIONAL USE REPORT

CONDITIONAL USE

Section 90-23 of the zoning code provides standards of review for Conditional Uses. Conditional Uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

In addition to the standards set forth in this zoning code for the particular use, all proposed Conditional Uses shall meet each of the following standards. The responses to the criteria are in italics below:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;

The proposed uses, which include swimming pools, Jacuzzis, outdoor dining and a rooftop bar, are consistent with the Comprehensive Plan and the Zoning Code. These uses are customary for a hotel use, which is permitted in both the H40 and H120 zoning districts. The proposed pools will be on the roof decks of both the east and west buildings and on the ground level on the east building, however, a rooftop bar is only permitted on the property located on the east side of Collins Avenue. Setbacks as per code are proposed to limit the visual impact of the pool decks. The setbacks will be around the entire perimeter of the deck. In order to further minimize any impact of the pool on the west building, the Town has limited the hours of operation of the pool from dawn to dusk and prohibited live, amplified music at any time. Recorded music will be allowed from 11 am to dusk at no greater than 75 decibels.

- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;

The swimming pools have limited hours of operation to mitigate any unwanted effects from hotel guests in the pool. Music, other than piped in recorded music has also been prohibited to further protect the public health, safety and general welfare of the surrounding neighborhood. Any recorded music is limited to 75 decibels. The bar on the rooftop of the east building will be above the 11th floor and below the 12th floor elevation. The height will reduce any spillover of noise and the use of the rooftop area is prohibited from dusk to dawn.

- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

The hotel is on both the east and west side of Collins Avenue. Collins Avenue has a range of four story multifamily and hotel uses on the west side of the road. A swimming

pool is compatible in the H40 zoning districts and within the surrounding neighborhood. The east side of Collins Avenue consists of multi-family and hotel projects with a maximum height of 120 feet. This project is consistent with the use and appearance of the existing neighborhood on Collins Avenue.

- (4) Adequate provisions shall be included for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;

The applicant has indicated on the plans that the entrance gate on 94th street will be sufficiently set back from the street to avoid any queuing. In addition, the entrance gate will remain open until at least 10pm each night. The Development Order requires the applicant to have a traffic engineer prepare a traffic study that includes, but is not limited to, queuing of vehicles and the impact of the increased traffic generated by the project on Collins Avenue. The applicant shall provide a detailed study of the relationship/function of the two buildings with each other as it relates to shared parking, pedestrian safety devices needed, the use of the alley, if any, for traffic circulation for the west building and any other operational improvements necessary to mitigate any impacts.

- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and

The applicant is proposing setbacks as described in #1 at the perimeter of both pool decks, to reduce any impacts of the decks, pools and outdoor dining. The proposed rooftop bar will be prohibited from operation between dusk and dawn.

- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

The east building is surrounded by existing uses, therefore the establishment of the Conditional Use for the swimming pools and rooftop bar will not impede the development of permitted uses in surrounding properties. The west building has a parking lot to the north and the buildings and parking lot to the south and southwest respectively, separated by 94th Street, has redevelopment potential in the future. However, the proposed development of a hotel adds value to the district and is not expected to restrict future development.

- (7) Any other condition imposed by the Design Review Board and/or the Development Impact Committee.

DEVELOPMENT IMPACT COMMITTEE REPORT

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on June 30, 2011 to discuss the application for the Surfside Grand Beach Hotel ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Roger M. Carlton, Town Manager
Bill Evans, Public Works Director
Tim Milian, Parks and Recreation Director
Lynn Dannheisser, Town Attorney
Richard D. Cannone, Planning Administrator
James Spinks, Traffic Engineer
Paul Gioia, Building Official
Shelly Eichner, Town Planner

Applicant Attendees: Barbara Pederzoli, Revuelta
Hernando Marin, Revuelta
Randall King – MB Development
Joel Simmons – MB Development
Frederic Marq– MB Development
Liz Hernandez – Akerman Senterfitt
Emmanuel Sebag – MB Development

Citizen Attendees (who signed in):
Max and Darlene Starr
Jed Frankel
Jeff Weiss
Joe Sein
Yair Eliav
Max Dekelbaum
Remy Alloleche
Ness 26 Sephardic Synagogue
Alfred and Ita Shtainer
Michael Levkovitz
Jim Skinner
John Chavlis
Janice Rozensetroch
Ale Ruiz
Commissioner Edward Kopelman
Vice Mayor Joseph Graubart

The following were discussed and, if recommended by the Planning and Zoning to the Town Commission, will become a covenant running with the property as part of the Development Order. The Planning and Zoning Board and the Town Commission may modify any of the conditions and/or request additional conditions to be included in the Development Order.

***NOTE:** The DIC meetings are televised on the Town's Channel # 77 and are well publicized on the Town's website and advertised in the Miami Herald Neighbors edition for the Surfside area.

DEVELOPMENT CONDITIONS

1. Rooftop Pool shall be limited to the following hours of operation: dawn to dusk.
2. Live, amplified music in the outdoor areas shall be prohibited. Recorded music shall be allowed from 11am to dusk at no greater than seventy-five (75) decibels.
3. The pool, pool bar, if any, and related pool deck uses shall be subject to Conditional Use approval and will require annual review and approval by the Town.
4. The Applicant shall have prepared an operational traffic study that includes, but not limited to, a 24-hour valet operational analysis, queuing of vehicles, the relationship/function of the two buildings with each other as it relates to shared parking, pedestrian safety devices needed, the use of the alley, if any, for traffic circulation for the west building and any other operational improvements necessary to mitigate any impacts. Included as part of the parking study, the Applicant shall ensure that a single taxi cab stand on the west side of Collins Avenue is provided, if allowable by FDOT, and one additional taxi cab stand be allowed to be located at an appropriate location within the entrance of the east building. The Scope of Work shall be agreed upon by the Applicant's consultant and the Town's Traffic Engineer. This study shall be completed prior to the final review by the Town Commission.
5. The parking garage gate at the 94th Street entrance (west building) shall remain open between 6 am – 10 pm to avoid any stacking of vehicles on 94th Street or the delay of arriving and departing guest vehicles.
6. The Applicant acknowledges that FDOT will repave Collins Avenue during the time of construction for the project and should it cause any damage to same during hotel construction, the Applicant commits to funding the cost of repairs necessary for the FDOT project to include paving, curb, gutter, and striping, but not to include subsurface improvements.
7. The Applicant shall contribute up to 50% of the costs of undergrounding but not greater than a total of \$150,000 for the undergrounding of utilities within the alley east of Harding Avenue, west of Collins Avenue, north of 94th Street and south of 95th Street. Of the \$150,000, \$125,000 shall be used for the undergrounding of utilities at the project site and \$25,000 shall be used to cover the cost of converting the utilities to underground service for the businesses located along Harding Avenue, between 95th Street and 94th Street. If the \$25,000 becomes unnecessary, then the \$25,000 shall be added to the \$125,000 for undergrounding the utilities. Upon completion of the engineering plans, the Applicant and Town agree to cooperate to have required vault(s) installed. After the undergrounding of the utilities, the Applicant shall be responsible for the drainage and overlay of the alley east of Harding Avenue, west of Collins Avenue, north of 94th Street and south of 95th Street up to the maximum indicated above unless the overlay is required due to an upgrade of water, sewer and/or storm drainage as a result of the project. If due to the upgrading of water, sewer and/or storm drainage as a result of the project, the Applicant shall pay for the overlay. The payments described hereunder shall be due prior to issuance of the Certificate of Occupancy as more particularly discussed in Section C.7. of the accompanying Resolution.

8. The Applicant shall meet all requirements of the Department of Public Works for trash containers prior to the issuance of a building permit. The service roll gate shall be at least fifteen (15) feet high.
9. The applicant shall contribute 35% of the project cost, not to exceed \$200,000, for the funding of the 95th Street Grand Concourse project that include landscape and streetscape improvements from Abbott Avenue to the 95th Street Beach access point or for other beautification projects in the immediate vicinity of the Project as determined by the Town Commission provided that in the event this or such other beautification project as described herein is not initiated within two (2) years from the issuance of the CO for the Project, \$20,000 of these funds shall be used to replace playground equipment at the 96th street park and the balance shall be refunded to the Applicant. The payments described hereunder shall be due prior to issuance of the Certificate of Occupancy as more particularly discussed in Section C.7. of the accompanying Resolution.
10. The Applicant agrees to design the project beginning immediately or sooner upon final approval of the site plan by the Town Commission so that the hotel will be LEED Silver Certifiable. Determination that the building has achieved LEED Silver certification shall be made by LEED at the appropriate time, which may not be prior to issuance of a Certificate of Occupancy. Applicant shall make necessary changes during the course of its construction and prior to final determination by LEED to ensure that LEED Silver Certification is achieved but should the cost for such changes become excessive (defined as a cost which is 0.5% greater than the original permitted value plus any change orders), the Applicant shall not be required to make changes beyond this amount and will be free to apply for its Certificate of Occupancy at the completion of its construction. Notwithstanding the above, Applicant will continue to construct and commission the building otherwise in accordance with its LEED certifiable design. Should the cost become excessive as defined above and applicant opts not to carry out further changes, Applicant will pay any balance remaining out of the defined amount, not already spent on changes during construction or commissioning, required to ensure the building remains LEED Silver certifiable into a Town fund to be used for Town-wide energy conservation programs.
11. The Applicant commits that "Surfside" shall be an element of the naming of the hotel and included in all marketing materials.
12. The Applicant shall fund a contribution of \$25,000 to the City's Way finder initiative six months after the issuance of the building permit to assist the City in accommodating visitors to the Town.
13. The Applicant shall furnish brochures that feature businesses located in the downtown in the hotel rooms and in any room directory or any similar information provided as guest information about the hotel. The Applicant agrees encourage the use of local vendors where feasible. (See Exhibit C –mock up)
14. The Applicant's counsel shall provide a legal opinion that the Application does not violate the terms of Section 4 of the Town Charter, Comprehensive Plan, and Zoning Code or in lieu thereof provide an agreement in a form acceptable to the Town Attorney to defend the Town against any suits, claims or demands arising from this approval.

15. In addition to cost recovery for all other professional fees attributable to the Project, Applicant agrees to include legal fees not to exceed seven thousand and five hundred dollars (\$7500).
16. At one year subsequent to issuance of C.O. the hours of the Sunset bar and lounge will be reviewed by the Town Manager. The Town Manager will determine if there is evidence of a significant number of complaints regarding noise, upon such a determination, the Applicant will agree to reduce the hours of operation of the Sunset bar and lounge.
17. The applicant agrees to secure a Florida Green Lodging Facility designation by the Florida Department of Environmental Protection's (DEP).
18. The Applicant shall contribute ten thousand dollars (\$10,000) per year for the first three (3) years from Fiscal Year 2014-2015 should the Town determine a need for a life guard station between 94th Street and 96th Street.
19. A bond or equivalent amount of cash up to \$25,000 shall be posted to repair or replace, as required, public property damaged during the construction of the hotel. The final determination regarding what property shall be repaired or replaced will be the sole reasonable determination of the Director of Public Works. The amount shall be reasonably determined jointly by the Director of Public Works and the Building Official. The bond or cash equivalent shall be posted prior to the issuance of the building permit.
20. The applicant shall pay for the repaving and any related work (including curb, gutter and striping, but not to include subsurface improvements) along the frontage of the Applicant's property to the north side of 94th Street between Collins Avenue and Harding Avenue. This project shall be completed prior to the issuance of a Certificate of Occupancy. Applicant will be responsible for completing design plans and obtaining any necessary permits from Miami-Dade County and/or other permitting agencies, if necessary. The maximum contribution required by Applicant towards this work shall be \$15,000 and will only be required if the Town carries out the same work of repaving to the remainder of 94th Street adjacent to the Applicant's property. Notwithstanding the above, Applicant shall be responsible to repair any damage caused to the road by its construction, should the contribution not be required.
21. The applicant's civil engineer, in conjunction with the Town's Public Work's Director and consultants shall confirm all code requirements for the water, sewer and storm drainage systems shall be met prior to the issuance of the building permit. Should the conclusion of this analysis require a contribution to the Town in as much as the project has a demonstrable impact on those services, this contribution shall be paid prior to the issuance of the building permit. However, this shall not delay the issuance of a building permit if the Town is unable to provide cost estimates by the time the Applicant's building permit application is deemed complete by the Building Official.
22. The applicant shall fund the cost of two standard design litter receptacles along Collins Avenue and two standard design litter receptacles along 94th acceptable to the Department of Public Works. Cost and the design of the litter receptacles shall be determined by the Department of Public Works before issuance of the final certificate of occupancy.

23. The applicant shall replace any dead or dying plant materials within 30 days of the death or dying condition occurring.
24. The applicant shall pay a contribution of \$15,000 to upgrade the public beach access point at 94th Street and/or the beach walk between 94th and 95th Streets. This amount shall be paid as a condition of the Certificate of Occupancy.
25. The applicant shall fund a contribution of \$25,000 to the City's Wayfinder initiative six months after the issuance of the building permit to assist the City in accommodating visitors to the Town.
26. The applicant shall furnish brochures that feature businesses located in the downtown in the hotel rooms and in any room directory or any similar information provided as guest information about the hotel.
27. The applicant must maintain an interactive website during construction and provide for a complaint/response mechanism from nearby property owners.
28. Applicant shall present evidence of a parking agreement for the provision of off-street parking for construction workers during the period of construction of the approved project.
29. The Applicant agrees to develop a job-training program designed to provide employment opportunities for Surfside residents. The program will be provided to the Town Manager for review approximately three (3) months prior to the issuance of the C.O.
30. During peak hours, there shall be a minimum of three (3) valet runners on the east building and one (1) valet runner on the west building, to be adjusted upward according to occupancy.

STAFF RECOMMENDATION

STAFF RECOMMENDATION

Recommendation: The Planning and Zoning Board heard this resolution at their July 28, 2011 meeting and recommended approval of the site plan and conditional use applications in a 5 to 1 vote to the Town Commission. Staff recommends approval based on acceptance of the Development Conditions.

Budget Impact: An estimated \$840,000 is projected by the proposer to be generated in annual ad valorem taxes and \$1.1 million in annual resort taxes directly to the Town of Surfside. The applicant is also estimating \$37.7 million annually for food, beverages, entertainment and the like, of which Surfside is expected to capture a portion of this revenue.

Growth Impact: The *Five Year Financial Forecast* and the Town's adopted Comprehensive Plan both encourage the new development of hotels on the Collins Avenue. Therefore, the growth is in line with the Town Commission's direction and goals.

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Roger M. Carlton, Town Manager

RESOLUTION

RESOLUTION NO. 11-Z-0_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE TO PERMIT A 341 ROOM HOTEL AND PARKING GARAGE AND CONDITIONAL USES TO CONSTRUCT TWO ROOFTOP JACUZZI’S AND TWO SWIMMING POOLS ON THE WEST BUILDING ON THE SITE, AND CONDITIONAL USES TO ALLOW OUTDOOR DINING, A SPA WITH TWO JACUZZI’S AND TWO LOBBY LEVEL SWIMMING POOLS, A HOTEL BAR ON THE ROOF LEVEL, AND A SWIMMING POOL AND TWO JACUZZI’S ON THE ROOF ON THE EAST BUILDING ON THE SITE (ALL AMENITIES ARE A PART OF THE HOTEL) SUBMITTED BY M.B. DEVELOPMENT, LLC., (THE “APPLICANT”), ALL ON THE PROPERTY LOCATED AT 9449 COLLINS AVENUE AND 9418 COLLINS AVENUE, SUBJECT TO CERTAIN CONDITIONS, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”; AND PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, on May 2, 2011 Applicant submitted an application to the Town of Surfside, Florida (“the Application”) requesting the following:

- A. Pursuant to Section 90-41 et seq., of the Town Zoning Code, site plan approval a hotel on two parcels; the east parcel will include a hotel with 269, rooms, approximately 206 parking spaces, 24-hour valet, roof top deck, pools, Jacuzzis, meeting rooms, a restaurant, and 2 bars; the west parcel will include a four-story hotel with 72 hotel rooms, approximately 178 parking spaces, 24-hour valet service, roof top deck, pool, and Jacuzzis; monument signage proposed for corner of 94th Street and Collins Avenue (Monument and wall signage to be applied for under separate permit to be reviewed by the Design Review Board); hotel pedestrian entrance fronting 94th Street and Collins Avenue; vehicular entrance from Collins Avenue and 94th Street with drop off interior to the parking garage (one-way in/one-way out); and loading entrance from Collins Avenue. The combined number of parking spaces between the east and west parcels shall not be less than 369 as required by the code for the project.
- B. Pursuant to Section 90-23 of the Town Zoning Code, conditional use approval for two rooftop Jacuzzi’s and two swimming pools on the west building on the site, and conditional uses to allow outdoor dining, two Jacuzzi’s and two lobby level swimming pools, a hotel bar on the roof level, and a swimming pool and two Jacuzzi’s on the roof on the east building on the site (all amenities are a part of the hotel) as part of the development of the property at 9449 and 9148 Collins Avenue, Surfside, Florida for a hotel with approximately 341 hotel rooms and related accessory uses.

Plans are on file and may be examined in the Building Department entitled “Grand Beach Hotel

II", (more recently renamed "Grand Beach Hotel Surfside") prepared by Revuelta Architecture International PA, submitted July 8, 2011 consisting of 75 sheets total including "Cover Sheet and Index of Drawings". Prepared by prepared by V.S.N Engineering, Inc., signed and sealed July 11, 2011 consisting of 3 sheets; "Conceptual Signing and Pavement Marking Plan" (C-1), "Conceptual Grading and Drainage Plan" (C-2), and "Conceptual Site Utilities Plan" (C-3).

Architecture Sheets: A-000 "Location Plan and Index of Drawings: A-001 "Data Sheet", A-002 "Context Pictures – East Parcel", A-003 "Context Pictures – West Parcel", A-004 "Overall Site Plan".

East Parcel Pages: A-101 "Site Plan", A-102 "Level 0 Parking", A-103 "Level 1 Lobby", A-104 "Level 2 Conference", A-105 "Level 3 Units", A-106 "Level 4 Units", A-107 "Level 5 Units", A-108 "Level 6 Units", A-109 "Level 7 Units", A-110 "Level 8 Units", A-111 "Level 9 Units", A-112 "Level 10 Units", A-113 "Level 11 Units", A-114 "Level 12 Units", A-115 "Roof Level",

East Parcel Elevation Pages: A-401 "Overall Elevations", A-402 "West Elevation", A-403 "West Elevation", A-404 "East Elevation", A-405 "South Elevation", A-406 "North Elevation", A-501 "Section A-A", A-502 "Section B-B", A-503 "Roof Level Key Plan and Lobby Level Key Plan",

West Parcel Pages: A-101 "Site Plan", A-102 "Level 1 Lobby", A-103 "Level 2 Units", A-104 "Level 3 Units", A-105 "Level 4 Units", A-106 "Roof Level"

West Parcel Elevation Pages: A-401 Overall Elevations", A-402 "East Elevation", A-403 "West Elevation", A-404 "South Elevation", A-501 "Section A-A and Section B-B", A-502 "Sections"

Lighting: Prepared by Revuelta Architecture International and UCI Engineering signed and sealed July 11, 2011: LIG-001 "East Parcel Landscape Fixtures", LIG-002 "East Roof Deck Fixtures", LIG-003 "West Basement/Level Lighting Plan", LIG-005 "West Roof Deck Fixtures"

Signage: Prepared by Revuelta Architecture International and UCI Engineering signed and sealed July 11, 2011: SIG-001 "East Parcel Parking Signage", SIG-002 "East Parcel Lobby Signage", SIG-003 "East Beach Signage", SIG-004 "East Roof Signage", SIG-005 "West Lobby Signage", SIG-006 "West Roof Signage", SIG-007 "East/West Signage Identification", SIG-008 "East/West Signage Identification, continued", SIG-009 "East/West Monument Signage"

Landscape: Prepared by Revuelta Architecture International and Section L Landscape Architecture, signed and sealed July 11, 2011: LO.01 "Tree Survey", L3.00 "Landscape Calculations", L3.01 "Landscape Plan – Trees and Palms", L3.02 "Landscape Plan – Shrubs and Groundcovers", L3.03 "Landscape Plan – West Roof", L3.04 "Landscape Plan – East Roof", L3.05 "East Terraces – Levels 4,7,9, 11", L3.06 "East Terraces – Level 12", L3.07 "West Terraces – Level 2", L4.01 "Landscape Details, FDEP Submittal", L5.01 "Irrigation Plan", L5.02 "Irrigation Plan – East and West Roofs", L6.01 "Irrigation Details, FDEP Submittal", L6.02 "Irrigation Details, FDEP Submittal", L7.01 "Landscape Sections, East Building", L7.02 "Landscape Sections, West Building"

Legal Description: Lots 4 thru 7, Block 1 and Lots 1 thru 6, Block 4 of Altos Del Mar No. 6 as recorded in Plat Book 8, Page 106 of the Public Records of Miami-Dade County Florida and that

portion of land lying east of Lots 4-7 of Block 1; bounded on the North by the Easterly extension of the North line of Lot 7; bounded on the East by the Erosion Control Line, according to the plat thereof, as recorded in Plat Book 105 at Page 62, of the Public Records of Miami-Dade County, Florida; bounded on the South by the Easterly extension of the South line of Lot 4; bounded on the West by the East line of Lots 4, 5, 6 and 7, Block 1.

ADDRESS: East Parcel 9449 Collins Avenue and West Parcel 9418 Collins Avenue

WHEREAS, on June 30, 2011, the Development Impact Committee heard and reviewed this Application and referred this Application for recommendation by the Design Review Board and Planning & Zoning Board, the recommendations of the Development Impact Committee are incorporated in the additional conditions of approval attached here to and incorporated herein under Section IV. Conditions; and

WHEREAS, on July 28, 2011, the Design Review Board and the Planning & Zoning Board heard and reviewed this Application and referred this Application for approval by the Town Commission with the additional conditions of approval attached here to and incorporated herein under Section IV. Conditions; and

WHEREAS, on September 13, 2011, the Town Commission conducted a public hearing on the Application as modified by the Applicant per the conditions of approval; and

WHEREAS, the public hearing of the Town Commission was posted, advertised, and held as required by law, all interested parties concerned in the matter were heard, and due and proper consideration was given to the matter and to the positive recommendation contained in the joint memorandum from the Town Planner; and

WHEREAS, notice was provided to all interested parties regarding the Application; and

WHEREAS, the Town Commission reviewed the Application, the written and oral recommendations of the Town Planners and other consultants who render reports with respect to the Application, including the recommended conditions, and found substantial competent evidence to support a showing by the Applicant that the requests for the approval of the conditional use and for site plan approval are in compliance with the zoning code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, found that said requests should be granted, subject to all of the conditions set forth in this Resolution and the execution of any attendant agreements.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS OR ASSIGNS, AS FOLLOWS:

II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.

- A. All recitals are incorporated into the body of this Resolution as if same were fully set forth herein.
- B. The Commission finds that the site plan is in compliance with the requirements and criteria set forth in sections 90.41 "Regulated Uses" and 90.23 "Conditional Uses" of the zoning code of the Town of Surfside.

III. APPROVALS.

The approvals set forth in this Section III are subject to all of the conditions set forth in this Resolution and the execution of all attendant agreements prior to the issuance of the Building Permit for the Project.

- A. The Applicant's request for approval of the site plan submitted for the Proposed Grand Beach Hotel II (more recently renamed "Grand Beach Hotel Surfside") located at 9449 and 9418 Collins Avenue be, and the same is, hereby granted and said site plan is hereby approved, subject to all of the conditions provided in this Resolution. The failure of performance of any of these conditions shall be deemed a denial of this Application.
- B. The Applicant's request for approval of a conditional use for two rooftop Jacuzzi's and two swimming pools on the west building on the site, and conditional uses to allow outdoor dining, two Jacuzzi's and two lobby level swimming pools, a hotel bar on the roof level, and a swimming pool and two Jacuzzi's on the roof on the east building on the site be, and the same is, hereby granted subject to conditions of approval.

IV. CONDITIONS.

A. Agreed Upon Conditions

1. Rooftop Pool shall be limited to the following hours of operation: dawn to dusk.
2. Live, amplified music in the outdoor areas shall be prohibited. Recorded music shall be allowed from 11am to dusk at no greater than seventy-five (75) decibels.
3. The pool, pool bar, if any, and related pool deck uses shall be subject to Conditional Use approval and will require annual review and approval by the Town.
4. The Applicant shall have prepared an operational traffic study that includes, but not limited to, a 24-hour valet operational analysis, queuing of vehicles, the

relationship/function of the two buildings with each other as it relates to shared parking, pedestrian safety devices needed, the use of the alley, if any, for traffic circulation for the west building and any other operational improvements necessary to mitigate any impacts. Included as part of the parking study, the Applicant shall ensure that a single taxi cab stand on the west side of Collins Avenue is provided, if allowable by FDOT, and one additional taxi cab stand be allowed to be located at an appropriate location within the entrance of the east building. The Scope of Work shall be agreed upon by the Applicant's consultant and the Town's Traffic Engineer. This study shall be completed prior to the final review by the Town Commission.

5. The parking garage gate at the 94th Street entrance (west building) shall remain open between 6 am – 10 pm to avoid any stacking of vehicles on 94th Street or the delay of arriving and departing guest vehicles.
6. The Applicant acknowledges that FDOT will repave Collins Avenue during the time of construction for the project and should it cause any damage to same during hotel construction, the Applicant commits to funding the cost of repairs necessary for the FDOT project to include paving, curb, gutter, and striping, but not to include subsurface improvements.
7. The Applicant shall contribute up to 50% of the costs of undergrounding but not greater than a total of \$150,000 for the undergrounding of utilities within the alley east of Harding Avenue, west of Collins Avenue, north of 94th Street and south of 95th Street. Of the \$150,000, \$125,000 shall be used for the undergrounding of utilities at the project site and \$25,000 shall be used to cover the cost of converting the utilities to underground service for the businesses located along Harding Avenue, between 95th Street and 94th Street. If the \$25,000 becomes unnecessary, then the \$25,000 shall be added to the \$125,000 for undergrounding the utilities. Upon completion of the engineering plans, the Applicant and Town agree to cooperate to have required vault(s) installed. After the undergrounding of the utilities, the Applicant shall be responsible for the drainage and overlay of the alley east of Harding Avenue, west of Collins Avenue, north of 94th Street and south of 95th Street up to the maximum indicated above unless the overlay is required due to an upgrade of water, sewer and/or storm drainage as a result of the project. If due to the upgrading of water, sewer and/or storm drainage as a result of the project, the Applicant shall pay for the overlay. The payments described hereunder shall be due prior to issuance of the Certificate of Occupancy as more particularly discussed in Section C. 7. hereinbelow.
8. The Applicant shall meet all requirements of the Department of Public Works for trash containers prior to the issuance of a building permit. The service roll gate shall be at least fifteen (15) feet high.

9. The applicant shall contribute 35% of the project cost, not to exceed \$200,000, for the funding of the 95th Street Grand Concourse project that include landscape and streetscape improvements from Abbott Avenue to the 95th Street Beach access point or for other beautification projects in the immediate vicinity of the Project as determined by the Town Commission provided that in the event this or such other beautification project as described herein is not initiated within two (2) years from the issuance of the CO for the Project, \$20,000 of these funds shall be used to replace playground equipment at the 96th street park and the balance shall be refunded to the Applicant. The payments described hereunder shall be due prior to issuance of the Certificate of Occupancy as more particularly discussed in Section C. 7. hereinbelow.

10. The Applicant agrees to design the project beginning immediately or sooner upon final approval of the site plan by the Town Commission so that the hotel will be LEED Silver Certifiable. Determination that the building has achieved LEED Silver certification shall be made by LEED at the appropriate time, which may not be prior to issuance of a Certificate of Occupancy. Applicant shall make necessary changes during the course of its construction and prior to final determination by LEED to ensure that LEED Silver Certification is achieved but should the cost for such changes become excessive (defined as a cost which is 0.5% greater than the original permitted value plus any change orders), the Applicant shall not be required to make changes beyond this amount and will be free to apply for its Certificate of Occupancy at the completion of its construction. Notwithstanding the above, Applicant will continue to construct and commission the building otherwise in accordance with its LEED certifiable design. Should the cost become excessive as defined above and applicant opts not to carry out further changes, Applicant will pay any balance remaining out of the defined amount, not already spent on changes during construction or commissioning, required to ensure the building remains LEED Silver certifiable into a Town fund to be used for Town-wide energy conservation programs.

11. The Applicant commits that “Surfside” shall be an element of the naming of the hotel and included in all marketing materials.

12. The Applicant shall fund a contribution of \$25,000 to the City’s Way finder initiative six months after the issuance of the building permit to assist the City in accommodating visitors to the Town.

13. The Applicant shall furnish brochures that feature businesses located in the downtown in the hotel rooms and in any room directory or any similar information provided as guest information about the hotel. The Applicant agrees to encourage the use of local vendors where feasible.

14. The Applicant’s counsel shall provide a legal opinion that the Application does not violate the terms of Section 4 of the Town Charter, Comprehensive Plan, and

Zoning Code or in lieu thereof provide an agreement in a form sufficient and acceptable to the Town Attorney to defend the Town against any suits, claims or demands arising from this approval.

15. In addition to cost recovery for all other professional fees attributable to the Project, Applicant agrees to include legal fees not to exceed seven thousand and five hundred dollars (\$7500).
16. At one year subsequent to issuance of C.O. the hours of the Sunset bar and lounge will be reviewed by the Town Manager. The Town Manager will determine if there is evidence of a significant number of complaints regarding noise, upon such a determination, the Applicant will agree to reduce the hours of operation of the Sunset bar and lounge.
17. The applicant agrees to secure a Florida Green Lodging Facility designation by the Florida Department of Environmental Protection's (DEP).
18. The Applicant shall contribute ten thousand dollars (\$10,000) per year for the three (3) years from Fiscal Year 2014-2015 should the Town determine a need for a life guard station between 94th Street and 96th Street.
19. During peak hours, there shall be a minimum of three (3) valet runners on the east building and one (1) valet runner on the west building, to be adjusted upward according to occupancy.
20. The Applicant shall replace any dead or dying plant materials within 30 days of the death or dying condition occurring.

B. Conditions to be completed before grade or building permits are issued.

1. Applicant shall enter into an agreement, recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors, and assigns of said owner, which requires all developments having any tandem parking spaces to provide twenty-four (24) hour valet parking service.
2. The new sidewalk, curb, and gutter along Collins Avenue must be approved and permitted by FDOT. The new sidewalk and curb and gutter along 94th Street must be approved and permitted by Miami-Dade County.
3. All pedestrian features shall comply with the Americans with Disabilities Act (ADA), including but not limited to detectable warning features at driveway locations and be identified with details of ADA conforming handicapped ramps at the time of engineering permit.

4. All restrictions of vehicle sizes, heights, and signage shall be on the requested signing and pavement-marking plan, which shall be provided.
5. Prior to construction approvals, applicant must meet with the Town's Public Works Department and reach a written agreement allowing landscaping to be placed in the new water main easement on the north side of the proposed hotel.
6. Per the survey for the west building, FEMA base flood elevation is 8.0 NGVD. Per Code Section 42-92 applicant must flood proof building to one foot above the FEMA base flood elevation and be certified flood proofed by a registered professional engineer or architect using a FEMA Flood Proofing Certificate.
7. Proof of an FDOT permit for closing the existing driveways, utility construction, and other work on State Road A1A shall be required prior to any work being performed within the Right-of-way.
8. Proof of vacation of the onsite Bellsouth easement must be provided prior to commencement of construction.
9. Applicant shall have provided copies of approvals from MD-DERM for storm water, sanitary, sewer, and MD Public Health UNIT for water.
10. An irrigation plan for the planters to be placed on the eyebrows of the parking garage shall have been provided and approved by the Town.
11. The site plan shall conform to the survey in the following ways: a) legal description; b) the site boundaries shall conform with the angles and distances reflected on the survey; c) the site plan shall show section, township and range with adjacent property owners on its location sketch.
12. The survey needs an owner affidavit that no changes have occurred since the survey.
13. A bond or equivalent amount of cash up to twenty-five thousand dollars (\$25,000) shall be posted to replace public property damaged during the construction of the hotel. The final determination regarding what property shall be replaced will be the sole reasonable determination of the Director of Public Works. The amount shall be determined jointly by the Director of Public Works and the Building Official. The bond or cash equivalent shall be posted prior to the issuance of the building permit.
14. That upon the submittal of an application for a building permit, the plans submitted shall meet with the approval of the Planning Consultants and shall be consistent with the modified Site Plan approved by the Town Commission. Plans shall include all the required elements of the Site Plan pursuant to the Town's Zoning Code and recommendations and these conditions.

15. That the Property be developed substantially in accordance with the public hearing and the Plans as they may be modified in that hearing.
16. That the Applicant shall submit a Declaration of Restrictive Covenants (the "Declaration") in recordable form acceptable to the Town, prior to issuance of a building permit relating to tandem parking in perpetuity as well as the provision of twenty-four (24) hour valet parking services for owners and their guests which shall be included in such Declaration.
17. That the Applicant comply with all conditions and permit requirements of the Department of Environmental Resource and Management (DERM), the Miami-Dade County Fire Department (MDFD), Water and Sewer Department, Department of Environmental Protection (DEP), Florida Department of Transportation (FDOT).
18. That the Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of sand and debris. The Applicant will comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction fencing. The Applicant will use its efforts to minimize vibration and noise during the construction of the project.
19. That the Applicant has submitted all documents required under this Resolution and all impact fees, and professional fees (cost recovery as set forth in Section 90-11 as billed or as agreed, to wit: fixed fee of \$7500 for legal services) incurred in the review and processing of this Application and permitting as more fully described in Paragraph C.6. hereinbelow.
20. No building permits shall be issued (except for demolition, temporary power, and construction trailers) unless the Applicant has submitted all documents required under this approval and shall have paid all professional and other fees required by the Code of the Town of Surfside (including but not limited to, the connection and development fees in accordance with Section 78-83 of the Code of the Town of Surfside) are paid.
21. Applicant shall present evidence of parking plan per agreement for the provision of off-street parking for construction workers during the period of construction of the approved project.
21. The Applicant's civil engineer, in conjunction with the Town's Public Works Director and consultants shall confirm all code requirements for the water, sewer, and storm drainage systems shall be met prior to the issuance of the building permit. Should the conclusion of this analysis require a contribution to the Town in as much as the project has a demonstrable impact on those services, this contribution shall be paid prior to the issuance of the building permit. However,

this shall not delay the issuance of a building permit if the Town is unable to provide cost estimates by the time the Applicant's building permit application is deemed complete by the Building Official.

22. The Applicant must maintain an interactive website during construction and provide for a complaint/response mechanism from nearby property owners.

C. Conditions to be completed before any Certificate of Occupancy is issued:

1. That the Applicant demonstrates that it is in compliance with all terms and conditions under this approval.
2. All signage shall be submitted, reviewed and approved under a separate application for review by the Design Review Board prior to the issuance of a Final C.O.
3. The Applicant shall fund the cost of two standard design litter receptacles along Collins Avenue and two standard design litter receptacles along 94th Street acceptable to the Department of Public Works. Cost and the design of the litter receptacles shall be determined by the Department of Public Works before issuance of the final C.O.
4. The applicant shall pay a contribution of \$15,000 to upgrade the public beach access point at 94th Street and/or the beach walk between 94th and 95th Streets. This amount shall be paid as a condition of the Certificate of Occupancy.
5. The Applicant agrees to develop a job-training program designed to provide employment opportunities for Surfside residents. The program will be provided to the Town Manager for review approximately three (3) months prior to the issuance of the C.O. The Applicant agrees to the use of local vendors wherever possible.
6. The Town Manager and/or his/her designee, in review of any application prior to the issuance a building permit or thereafter if there are any material amendments to the site plan approval, may refer any such application presented to such engineering, planning, legal, technical, or environmental consultant or professional(s) employed by the Town as the Manager shall deem reasonably necessary to enable him/her to review such application as required by law. Charges made by such consultants or professionals shall be in accord with the charges customarily made for such services in Miami Dade County, and pursuant to an existing contractual agreement by and between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates charges by such consultants or hourly rates of employed professionals and shall be paid within thirty (30) days on submission of Town voucher.

7. The Applicant shall furnish payment and performance bond, cash, or letter of credit issued in a form and by a bank reasonably acceptable to the Town to ensure Applicant's performance of the public improvements required pursuant to site plan approval (including, but not limited to, those improvements described in Paragraphs IV.A. 7. And 9. hereinabove) provided however, if the Town has completed these improvements prior to the issuance of the C.O., the Town shall be paid the sums due in cash immediately upon demand. Any such bond shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty Edition, shall be subject to the approval of the Town, and shall provide that "this bond may not be cancelled or allowed to lapse until 30 days after receipt by the Town, by certified mail, return receipt requested, of written notice from the issuer of the bond of intent to cancel or not to renew". As improvements are made the Town, within its discretion, may reduce or eliminate the bond amount. These rights reserved by the Town with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the Town may have under this Resolution, in law or in equity.
8. That paving within the front setback shall consist of pavers or other decorative materials approved by the Building Official. Under no circumstances shall asphalt concrete or plain concrete be utilized as paving in the front setback.
9. The Applicant shall pay for the repaving and any related work (including curb, gutter and striping, but not to include subsurface improvements) along the frontage of the Applicant's property to the north side of 94th Street between Collins Avenue and Harding Avenue. This project shall be completed prior to the issuance of a Certificate of Occupancy. Applicant will be responsible for completing design plans and obtaining any necessary permits from Miami-Dade County and/or other permitting agencies, if necessary. The maximum contribution required by Applicant towards this work shall be \$15,000 and will only be required if the Town carries out the same work of repaving to the remainder of 94th Street adjacent to the Applicant's property. Notwithstanding the above, Applicant shall be responsible to repair any damage caused to the road by its construction, should the contribution not be required.

D. Other Conditions:

1. That the Applicant shall obtain a Certificate of Occupancy and a Certificate of Use from the Town upon compliance with all terms and conditions. The Certificate of Occupancy and Certificate of Use shall be subject to cancellation upon violation of any of the conditions.

2. That the approved site plan shall remain valid for a period of 24-months from the date of approval. If no building permit is issued within the 24-month time period, the site plan shall be considered null and void and of no force and effect.

3. That the Applicant shall comply with all Town Ordinances applicable to development and permit approvals at the time of application of the site plan and in the event the Applicant does not commence construction within six (6) months from the date the a permit issued, it shall be required to comply with Section 14.55 of the Surfside Code in effect at the time of the passage of this Resolution, as may be amended from time to time, including the posting of a bond to defray the cost of the Town having to perform these tasks, if necessary, and as may be required by the Building Official.

PASSED and ADOPTED on this _____ day of September, 2011.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

John Di Censo
Interim Town Clerk

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



Lynn M. Dannheisser, Town Attorney

STATE OF FLORIDA)
)ss:
COUNTY OF MIAMI- DADE)

I, John Di Censo, Interim Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 11-Z-___ adopted by the Town Commission at its meeting held on the _____ day of _____, 2011.

Issued: _____

John Di Censo
Interim Town Clerk



**Town of Surfside
Town Commission Meeting
Minutes
August 9, 2011
7 p.m.**

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

1. Opening

A. Call to Order: Mayor Daniel Dietch called the meeting to order at 7:03 pm.

B. Roll Call of Members: Town Clerk Debra Eastman called the roll and the following members of the Commission were present upon roll call: Commissioner Michael Karukin, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch. Commissioner Edward Kopelman was absent.

C. Pledge of Allegiance: Police Chief Dave Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Michael Karukin notified the Commission that a member of the Tourist Board resigned. He asked to appoint Ms. Elaine Killeen to that position.

Commissioner Karukin moved to appoint Ms. Elaine Killeen to the Tourist Board. Vice Mayor Graubart seconded the motion, which carried unanimously.

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

Town Clerk Debra Eastman asked to pull Point of Light Item #2 Land acquisition of the Delgado property for Manager Roger Carlton to discuss.

Ms. Eastman also requested to pull Item 3F from the Consent Agenda regarding the FDOT Agreement and add as two resolutions as Item 5G Resolutions.

Vice Mayor Joseph Graubart noted that there are two individuals present at the meeting wishing to speak on the Deco Bikes. He asked to move that item to be heard before the ordinances.

Commissioner Marta Olchyk asked to pull Item #14 from Points of Light regarding bench shelters, Item #17, page 59 regarding the electrical poles. She also pulled the Item on page 61 regarding the tenth mile markers.

Vice Mayor Graubart asked to pull Item 3D, page 76; 3B and 3E, and Point of Light Item #22 on the 9/11 Memorial Ceremony.

Mayor Daniel Dietch asked to pull items on pages 16 and 69.

Roger Carlton, Town Manager asked to pull Item 5A, which is a discussion on the addendum to Ric Man that was not included in the agenda Package. He notified the Commissioners that this information is included in the manila envelopes before them.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the following Community notes:

- New resident parking programs will commence on 08/22
- Budget workshop will take place 09/01 at 4pm
- Surfside, Bal Harbour and Bay Harbor Farmers Market is taking place in Surfside this week
- Endlessly Organic fresh produce club
- Downtown Vision Advisory Committee will meet 08/22 at 7pm
- Community Blood Drive will take place 08/15
- Urban Gardeners Club will meet 08/24
- Fall Parks and Recreation Programs registration is open
- Guest policy for the Community Center is in effect

Vice Mayor Graubart announced the following Tourist Board activity:

- Surfside Spice through the end of September

G. Certificate of Appreciation, Intern Michelle Garcia

Surfside Intern Michelle Garcia was presented with a Certificate of Appreciation for her work in the Town. Duncan Tavares, Tourism, Economic Development and Community Services Director thanked her.

H. Marilyn Stevens, Partnership and Data Services Specialist, U. S. Census Bureau, Duncan Tavares Tourism, Economic Development & Community Services Director

Ms. Barbara Cohen introduced Ms. Marilyn Stevens. Ms. Stevens thanked the Town of Surfside for their census efforts. She noted that the Surfside Team reported to her. Ms. Stevens also mentioned that the population has increased by 17%, there is a high educational attainment and the median age has increased. She also informed that starting last December and every December there will be Housing, Economic and Social profile of Surfside, which is a new program of population characteristics.

Vice Mayor Graubart asked that the information provided by Ms. Stevens be posted on the Town website. Roger Carlton, Town Manager indicated that he will also include an article in the Gazette. Mayor Dietch suggested that a workshop be conducted with the Surfside Business Community to understand census data.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

A. Minutes - Town Commission Meeting – June 14, 2011

Town Commission Budget Workshop – June 23, 2011

Town Commission Meeting – July 12, 2011

B. Budget to Actual Summary as of May 31, 2011 – Martin Sherwood, Finance Director

C. Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager

D. Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney

Vice Mayor Graubart expressed concern over the schedule. He proposed an order setting a schedule that pertains to a suit against the Town. He wants to know if it can be moved up. Lynn Dannheisser, Town Attorney noted that the date indicated is the date by which it will be completed, but added that it could be earlier. She further noted that the parties do tend to wait to the deadline in order to obtain additional information for mediation.

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

Vice Mayor Graubart mentioned that the Community Center project is at the close out stage and noted that there is a long punch list. He noted that with rain the Community Center is being tested in many ways. He asked Bill Evans, Director of Public Works if there is anything the Commission should be made aware of. Bill Evans, Director of Public Works mentioned that the site grading is working fine and that he has not noticed any leaks in building that cannot be repaired as part of the punch list. Mr. Chris Giordano of Calvin Giordano and Associates mentioned that one area is leaking. He noted that West Construction has been testing and caulking the area. Mr. Giordano mentioned that the contractor will not be paid for the work until it is fixed. Vice Mayor Graubart asked about testing with hurricane conditions. He suggested that Public Works use a power washer.

Vice Mayor Graubart expressed disappointment with the snack bar. He mentioned that he has spoken to the Town Manager about this and noted that there is no walk in refrigeration. He further opined that it was not well planned. The Vice Mayor asked the Town Manager, the Town Attorney and Mayor to pursue compensation regarding that. Roger Carlton, Town Manager mentioned that this is high on the punch list to figure out how to correct it. He also noted that one A/C was not a good design because of cooking and lesser need for A/C for the lifeguard office side. Roger Carlton, Town Manager stated that if the adjustments to the A/C are not successful he

will cost out what the correction is. He also mentioned that the Town has a large retainer and will be part of settlement that he will try to bring in September or October. He added that if it is not successful then the matter would have to go to arbitration. Vice Mayor Graubart further opined that the oval building is a terrible layout. He added that the whole building should become the snack bar and not the life guard station.

Commissioner Karukin made a motion to accept all items discussed. Vice Mayor Graubart seconded the motion. All were in favor.

***F. FDOT License Agreement -Update–** Bill Evans, Director of Public Works

Roger Carlton, Town Manager spoke about the crosswalks in front of the Veteran's Park. He noted that currently there is no sidewalk at that location. Roger Carlton, Town Manager explained that the design calls for installing a sidewalk at that location; however, in order to do this, the Town needs to grant an easement to FDOT. He noted that this is not a license agreement. Lynn Dannheisser, Town Attorney informed the Commission that this is part of the supplemental packet. She mentioned that FDOT decided not to go with a license agreement but rather with an easement. She also indicated that there is also a series of four agreements relating to the funding from the CITT funds. Roger Carlton, Town Manager noted that these are standard form agreements done by FDOT and added that they have been reviewed by Lynn Dannheisser, Town Attorney. Roger Carlton, Town Manager also mentioned that the Town needs to stay in the queue of the bidding process for FDOT. He mentioned that he needs to get the documents to them within the next few days and apologized for the late delivery of documents by FDOT.

Lynn Dannheisser, Town Attorney mentioned that the Commission can take this as a composite item with both resolutions. She added that the Commission can approve the resolution with the condition that FDOT do a title search and clear the title.

Commissioner Karukin inquired about the significance of using the term "easement". Lynn Dannheisser, Town Attorney noted that a license agreement is less of an interest than an easement.

Commissioner Karukin made a motion to approve the resolution for the easement and related resolution in Item 5G. Commissioner Olchyk seconded the motion. The motion passed unopposed.

G. Beautification Committee Minutes, July 11, 2011 (draft – not adopted by Committee) – Commissioner Marta Olchyk

Commissioner Karukin made a motion to approve the consent agenda minus the items pulled for discussion. Vice Mayor Graubart seconded the motion, which carried unanimously.

Point of Light #2, Page 54 – Land Acquisition

Roger Carlton, Town Manager began discussion on the Delgado property that is located south of Town Hall. He noted that this property had been tied up in bankruptcy and foreclosure. He further mentioned that the Town currently has the funds to purchase the property. Roger Carlton, Town Manager mentioned that this morning he received a phone call from the Realtor representing the bank. He noted that the Realtor indicated that the bank has a full a clear title and wishes to discuss the sale of this property to the Town before putting the property on the open market. Roger Carlton, Town Manager noted that they are offering the property at \$599,000, which is almost half a million dollars less than the first appraisal and \$100,000 less than the second appraisal and less than the tax roll. Roger Carlton, Town Manager asked the Realtor if they were willing to go lower on the price with a cash deal and close quickly. He added that the agent would seek approval of the lower price from the bank.

Roger Carlton, Town Manager mentioned that Vice Mayor Graubart asked him what it would take for the Town to build a parking lot at that location which could be used to make it easier to get to the Community Center. A graphic was presented that showed yellow lines which would be the new parking lot. Roger Carlton, Town Manager recommends today to authorize the purchase at a price not to exceed \$600,000 and try to get terms similar to the past sale so that the Town can finish the acquisition to round out the Town Hall property at a favorable price. Roger Carlton, Town Manager mentioned that there are two options available in building the parking lot. He noted that a permanent parking lot can be built at a cost of about \$300,000, which is within the current budget. He also added that an interim and less permanent parking lot can also be built to last four or five years until a master plan for the whole Town Hall Complex is complete.

Roger Carlton, Town Manager summarized that his recommendation is for the Commission to authorize the acquisition of the property at a price less than \$600,000 and be able to close in less than 30 days. Vice Mayor Graubart added that he and the Town manager discussed making this parking lot primarily an employee parking lot. He noted that this would free up 40 parking spaces in the Harding lot which would bring in more revenue.

Roger Carlton, Town Manager clarified that the selling price is actually \$699,000, but added that he wants to get it down to \$600,000. NOTE: The manager made this statement on incorrect information provided by the Finance Director. The price is \$599,000.

Commissioner Karukin moved to purchase the Delgado property and that the price not exceed \$699,000. Vice Mayor Graubart seconded the motion.

Commissioner Olchyk mentioned that the price is a steal, but noted that this is not a moment for the Town to keep spending money. She commented that the Town continues adding things to the budget and she feels uncomfortable about it.

Commissioner Olchyk further mentioned that she is nervous to vote for something that is going to be an additional expenditure.

Mayor Dietch inquired if the land acquisition was budgeted for the current year. Roger Carlton, Town Manager stated that \$1 million was budgeted for this parcel. He added that nothing has been expended. Mayor Dietch noted that the Town is not adding anything to the budget, but is rather bringing to closure an item that was set in the budget last year.

Commissioner Olchyk further commented that she does not want to spend just because it is in the budget. She added that the Commission needs to be careful and look at what is happening to surrounding communities. She noted that the Commission has overlooked items that can be cut down. She opined that the Commission should not be in real estate development.

Roger Carlton, Town Manager clarified that the money comes from Parking Fund. He further noted that the Town cannot use money from the Parking Fund to subsidize the general fund to clean beaches or lower taxes. He noted that the money in the fund comes from charges to park. He reiterated that this is Parking Fund money. Roger Carlton, Town Manager commented that there is no real estate speculation going on here and added that the purpose for the acquisition of the property is purely to gain needed parking for the Community Center at a favorable price and to be smart for the future generations and for the next five years. Roger Carlton, Town Manager also noted that there may someday be a plan that comes for this area to move the garbage trucks parking lot and shops to the mainland and opined that it could create a complex and something that could be spectacular here. He added that although there is no plan for that, this is an opportunity that the Commission has to address. Roger Carlton, Town Manager noted that it is reasonable to use Parking Fund money to build more parking.

Vice Mayor Graubart inquired about the balance in the Parking Fund. Finance Director Martin Sherwood noted that the expense is included in the budget and added that there is in excess of \$1 million available. Roger Carlton, Town Manager directed the Commission to page 53, which indicates that as of 5/31/2011 the balance is \$1,678,000. Roger Carlton, Town Manager noted that due to the increase demand and parking pay stations downtown, the Town has been adding significantly each month to this reserve.

Vice Mayor Graubart opined that this is what this fund is for and noted that otherwise he would not vote for it.

Mayor Dietch commented that this is a specific public benefit project being proposed here.

Following discussion, the motion carried 3 to 1 with Commissioner Olchyk dissenting.

Mayor Dietch asked that all Commission members take a look at the budget and come to the budget workshop with specific ideas.

POL Item #14, bike racks

Commission Olchyk expressed frustration about the bus benches and shelters. She stated that she wants Bill Evans, Director of Public Works to explain the status. Commission Olchyk opined that this is a priority. Bill Evans, Director of Public Works explained that the project is being completed in 3 phases. He noted that the town submitted paperwork and they will not be finalized until February and the Surfside is in the last phase, which is Group C. He added that the project is behind schedule. Bill Evans, Director of Public Works further noted that as a result now group C has been pushed back and the project will be let in October and Surfside will probably not see shelter until January 2012.

Vice Mayor Graubart inquired about the bus stop that used to be in front of Community Center area and questioned where it will be this time and if the issue has been discussed. He stressed that this could be a safety concern. Bill Evans, Director of Public Works stated that he will speak with the Town Manager about this. Roger Carlton, Town Manager mentioned that he will make it a Point of Light item and will report the progress each month.

POL #16, pg 59 Electric car charging station

Mayor Dietch mentioned that Sunny Isles is not moving forward, but added that Miami Beach is moving forward. He suggested for Surfside to monitor the activity in Miami Beach for piggybacking opportunity.

POL #17 pg 59, leaning poles -

Commissioner Olchyk inquired about whether there is any time frame for this issue, when will it be done and what the Town can do about it.

Bill Evans, Director of Public Works mentioned that a full inventory was done of all poles in Surfside. He noted that 7 poles are leaning greater than 17 degrees. He added that this information was submitted to FPL and AT&T. Bill Evans, Director of Public Works commented that AT&T will meet with the Town, but no meeting date has been set with FPL. Bill Evans, Director of Public Works indicated that there is not much we can do rather than push the poles' owners. He further noted that he has spoken with the governmental liaison officer regarding this issue.

Commissioner Karukin inquired if the Commissioners can contact the government liaison individually. Roger Carlton, Town Manager indicated that they can.

Roger Carlton, Town Manager mentioned that he will keep this item open as point of light, will keep it focused, and will keep putting pressure on the parties involved.

POL #22, pg 60 – 9/11 Ceremony–

Vice Mayor Graubart requested an update. Chief Allen mentioned that Bal Harbour, Bay Harbor, Indian Creek and Surfside are on board to proceed with a ceremony. He noted that the Miami Dade Fire Department is participating with their ladder truck and fire boat. The Chief also added that the Village Manager from Bay Harbor will be attending as a guest speaker. Vice Mayor Graubart noted that invitations to local elected officials from surrounding towns will be sent out. He added that he would like Priscilla Whitehead, former pastor from Church by the Sea to be invited.

POL #25, – Tenth mile markers on beach –

Commissioner Olchyk inquired about when this item was proposed and when it was approved. She questioned what the rationale is. She also noted that some of the markers have already fallen over from the bucket they are buried in. Roger Carlton, Town Manager indicated that the Points of Lights come from conversations and from the dais. He further noted that this item was brought up in conversation with the Mayor and has been on for two or three months as a Point of Light. Roger Carlton, Town Manager mentioned that the cost is \$275.

Mayor Dietch commented that this item came from residents. Commissioner Olchyk inquired if the Point of Light has to have an expenditure attached. She indicated that she does not remember the amount of \$275 and added that she has had inquiries from residents about the purpose of the markers.

Bill Evans, Director of Public Works mentioned that this item has been discussed previously and that the cost was \$263. Bill Evans, Director of Public Works mentioned that two Commissioner Olchyk mentioned were dug up by someone or something and they have been fixed.

Commissioner Olchyk opined that it does not make sense.

POL #26, Electronic waste collection –

Mayor Dietch mentioned that he wants to look at hazardous waste as well. Bill Evans, Director of Public Works mentioned that Miami Beach is getting a household waste program. He added that the County is ramping back up the program and Surfside will piggyback on it. He mentioned that the County hopes to roll out the program in October. Bill Evans, Director of Public Works noted that the plan is to have one day for people to bring things here for collection. Vice Mayor Graubart suggested inviting the Village Manager from Bal Harbour here and added that it would be a good Surfside- Bal Harbour- Bay Harbor effort.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

NONE

B. First Readings Ordinances

1. **Litter Ordinance – Roger M. Carlton, Town Manager (linked with Item 9H)**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 34 “ENVIRONMENT” BY ADDING ARTICLE V “LITTER” AND SPECIFICALLY CREATING SECTIONS 35-78 “DEFINITIONS”, SECTION 35-79 “UNFINISHED, VACANT, UNOCCUPIED OR CLOSED STRUCTURES, CONSTRUCTION SITES OR VACANT LOTS; MAINTENANCE PROCEDURES REQUIRED OF OWNERS”; AND SECTION 35-80 “PROHIBITIONS ON OWNERS”; AND SECTION 35-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; DELETING CHAPTER 2. “ADMINISTRATION” ARTICLE I. SECTION 54-2 ENTITLED “DISTRIBUTION OF HANDBILLS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. Page 86-93

Town Clerk Debra Eastman read the Ordinance by title.

Vice Mayor Graubart made a motion to approve the ordinance. Commissioner Olchyk seconded the motion.

Commissioner Olchyk inquired about the enforcement procedure of the ordinance. She stated that she is in favor of the ordinance, but stressed that it has to be enforced.

Roger Carlton, Town Manager stated that the Town needs an ordinance in order to enforce. He noted that the enforcement will be done by Police and added that the police will be empowered to write citations for code enforcement.

Mayor Dietch explained that this is taking a responsible approach to people who feed feral cats and added that this is a companion litter ordinance.

Commissioner Olchyk stated that she wants a procedure and have someone actually go and check out who is doing the feeding and not just have an ordinance.

Roger Carlton, Town Manager added that this ordinance announces to cat feeders that they have to be trained and certified to feed the cats and that they must clean up afterwards. He noted that people who do not comply will get warnings and they will get cited and will be enforced by the police, if necessary.

FelicE Caramello stated that he has been a volunteer for cat network for ten years. She also explained how the feral cat population started in Miami Beach. Ms. Caramello added that her organization spays and neuters cats and stated that she is willing to help in training others. Ms. Caramello commented that Sunny Isles distributes badges for the feeders and suggested that Surfside can do same.

Paul Yavis talked about tobacco addicts. He mentioned that the street sweepers are picking up many cigarette butts. He stated that he wants tickets for those throwing down butts.

Commissioner Karukin mentioned that the ordinance grew out of something that was needed for the feral cat program, but noted that he does not like large expansion of government regulations. He opined that the ordinance is Draconian and extremely broad and added that some provisions are too punitive.

Lynn Dannheisser, Town Attorney stated that the Town started with a feral cat program and noted that the successful programs include enforcement mechanism and include a litter ordinance. She mentioned that the Town did not have any litter ordinance in its code. She asked the Commission what sections are objectionable to them and perhaps it can be dealt with another way or deleted. She added that there will be a second reading next month and will talk with Commissioner Karukin in the interim. Commissioner Karukin mentioned that the Town has an ordinance that allows the police to enforce a list of things and this kind of enforcement is not part of that list. Lynn Dannheisser, Town Attorney will look review that ordinance between first and second reading.

Vice Mayor Graubart inquired if Miami Dade County has a litter ordinance. Lynn Dannheisser, Town Attorney indicated that this is not a home rule issue. She added that this ordinance is based on the Miami Beach ordinance.

Vice Mayor Graubart mentioned that he would like to see that political door hangars be permitted. Lynn Dannheisser, Town Attorney noted that they cannot inhibit political speech.

Vice Mayor Graubart spoke about leaf blowing equipment. He stated that he thought there was an ordinance not permitting it. He mentioned that he would like to see the Commission give direction to have one.

Vice Mayor Graubart suggested an ordinance not permitting leaf blowing equipment and asked Bill Evans, Director of Public Works about problems created by blowing trimmings into the sewer system. Bill Evans, Director of Public Works mentioned that they enter storm drains. He added that it is a potential problem because of the Town's NPDES permit.

Roger Carlton, Town Manager asked the Commission to instruct staff tonight to give a report on the leaf blowing situation.

Ms. Barbara McLaughlin stated that she will suggest to Parks and Recreation Committee to set up an adult education program for Surfside to discuss what should be done to feed feral cats.

Commissioner Karukin noted that one detail in the ordinance says he cannot take a bottle or can of soda to beach (Item B, page 90). The Commission discussed that the changes can be made before the second reading.

The ordinance was approved 3 to 1 with Commissioner Karukin casting the dissenting vote.

5. Resolutions and Proclamations

A. Ric Man Agreement Addendum Number One – Bill Evans, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AFTER-THE-FACT ADDENDUM NUMBER ONE TO THE STANDARD FORM AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND RIC-MAN INTERNATIONAL, INC. FOR THE INFRASTRUCTURE REHABILITATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Karukin made a motion to approve the agreement addendum. Commissioner Olchyk seconded the motion.

Commissioner Olchyk inquired about the section addressing the incentive of \$50,000 to finish early.

Roger Carlton, Town Manager gave an overview of the contract and noted that after a review by the Town Attorney she opined that all verbal discussions since contract award should codified into an addendum to the contract and stated that it is a ministerial thing and just clarifies everything that happened to date.

Commissioner Olchyk expressed concern that the Town is going to be awarding \$50,000. as a nearly completion incentive. Roger Carlton, Town Manager clarified that it will be awarded if it is done on time. Commissioner Olchyk inquired about what penalty provisions the Town has. She expressed concern about heavy rain delays and claims from the contractor that the work would have been finished on time if not for the rain delay. Bill Evans, Director of Public Works explained rain days and incentives and noted that they get a rain day if they are unable to work more than 50% of the day. He added that the contractor has to provide the documentation that this was an actual rain day.

Commissioner Olchyk inquired about the \$1,500 per day charge if they finish late. She asked if it will be based on same criteria. Bill Evans, Director of Public Works responded that rain days apply either way. He added that they get an extra day for each rain day. Commissioner Olchyk asked why the figures of \$50,000 and \$1,500. Bill Evans, Director of Public Works stated that the hope is that the project be finished early. Roger Carlton, Town Manager stated that the schedule for the contract to finish early and be awarded the \$50,000 bonus is an aggressive schedule for each of the three neighborhoods.

The motion to approve the addendum carried unanimously.

**B. Interlocal Agreement with Sunny Isles Beach for Street Sweeper – Bill Evans,
Director of Public Works**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AUTHORIZING THE TOWN TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SUNNY ISLES BEACH, FLORIDA TO SWEEP THE TOWN’S STREETS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Bill Evans, Director of Public Works mentioned that Sunny Isles will provide two sweeps a month for \$12,500. He mentioned that this proposal will be taken to the Sunny Isles Commission this month. Roger Carlton, Town Manager stated that it is paid by storm water utility and not by the general fund. Bill Evans, Director of Public Works stressed the importance of having the streets swept.

Vice Mayor Graubart made a motion to approve the agreement. Commissioner Olchyk seconded the motion, which carried unanimously.

C. Interlocal Agreement with Sunny Isle Beach for Expanded Shuttle Bus Service

– Bill Evans, Director of Public Works

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF SUNNY ISLES BEACH, FLORIDA (“SUNNY ISLES BEACH”) TO PROVIDE SHUTTLE BUS TRANSPORTATION SERVICES TO THE RESIDENTS OF THE TOWN AND FOR THE TOWN TO PROVIDE SHUTTLE BUS SERVICE TO THE RESIDENTS OF SUNNY ISLES BEACH WITH THE PICKUPS AND DROPOFFS ON A DESIGNATED LOCATION ON 96TH STREET; PROVIDING FOR AN EFFECTIVE DATE.

Bill Evans, Director of Public Works explained the shuttle bus service and stated that the central pick up /drop off is on 96th St. He noted that their riders and our riders will use each other’s service. He noted that this agreement will expand the service area. Bill Evans, Director of Public Works noted that they are also entering into an agreement with Hallandale. He stated that there is no cost to Surfside and that CITT would like to see this consolidation of bus service.

Mayor Dietch recognized Vice Mayor Imberman who raised this issue four or five years ago.

Mayor Dietch stated that he would like Public education component that includes the bus routes and stops.

Commissioner Olchyk opined that it is a great idea and stated that she wants good public information.

Vice Mayor Graubart expressed the desire for a safe and secure location. He asked Bill Evans, Director of Public Works to consider the heat and the sun and was not in favor of 96th St. as a central location. Bill Evans, Director of Public Works stated that 96th St is in agreement because they turn daily on 96th Street.

Commissioner Olchyk made a motion to approve the agreement. Commissioner Karukin seconded the motion. All were in favor and the motion passed.

D. Memorandum of Understanding with Bal Harbour for the Construction of the Sewer Force Main Pipe – Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), ADOPTING A MEMORANDUM OF UNDERSTANDING (“MOU”) BETWEEN THE TOWN AND BAL HARBOUR VILLAGE, FLORIDA (“BAL HARBOUR”); AUTHORIZING THE TOWN MANAGER TO TAKE ANY

AND ALL STEPS NECESSARY TO EXECUTE THE NECESSARY DOCUMENTS TO CARRY OUT THE INTENT AND PURPOSE OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Roger Carlton, Town Manager explained the purpose of the force main. He noted that the terms are in the memo. He also spoke about the project cost to the Town of Surfside being approximately \$1,500,000.

Roger Carlton, Town Manager stated that Bal Harbour and Surfside will jointly own the line 50/50 in the future and will be responsible for the repair of it as well.

Bal Harbour Town Manager Mr. Alfred Treppeda stated that the two municipalities can save taxpayer dollars by doing projects like this cooperatively and urged passage.

Commissioner Karukin made a motion to approve the resolution. Commissioner Olchyk seconded the motion.

Commissioner Olchyk inquired about any additional charges associated with this. Roger Carlton, Town Manager stated that the additional charges will be things that you find out in the field. Roger Carlton, Town Manager explained change orders. He stated that he wants the authority to do change orders and will get the project done and will come back to the Commission. He added that he authorized Bill Evans, Director of Public Works to hire an engineer-type to be in the field all the time for both projects. Commissioner Olchyk inquired about the cost of an engineer. Roger Carlton, Town Manager responded that this will be a contract employee and will be paid \$60,000.

Commissioner Olchyk asked if change orders will be approved by Roger Carlton, Town Manager and then brought back to the Commission. Roger Carlton, Town Manager stated that with this authority he will get the project done on time. He estimated that it is a 90 day project and will get final close out. Commissioner Olchyk expressed concern about the Engineer and that the Commission just found out. She asked if he will spend 10 times the \$5,000 and later let the Commission know. Roger Carlton, Town Manager stated that if this should happen the item would be brought back to the Commission right away and he would not wait until the end of the project. He added that the prime directive is to get done quickly.

Commissioner Olchyk asked why Roger Carlton, Town Manager did not bring the engineer to the attention of Commission. Roger Carlton, Town Manager responded that he decided to do this between the last Commission meeting and this one. He added that Bill Evans, Director of Public Works is being spread very, very thin.

Mayor Dietch opined that it is an investment. Vice Mayor Graubart asked what portion of \$60,000 is being allocated to the Collins Ave portion of the project and if the cost is being shared with Bal Harbour. Bill Evans, Director of Public Works responded that 60% of the time will be spent on the front end of the project at first, but as it winds down he will spend more time on the other project. Vice Mayor Graubart stated that he wants Roger Carlton, Town Manager to negotiate with Bal Harbour Town Manager for that portion. He also asked about the flow meter on force main.

The motion to approve the resolution carried unanimously.

~~*E. Agreement with (not for profit corporation) to use Town-owned Land for a Community Garden – Roger M. Carlton, Town Manager – Page 107
[To be delivered under separate cover] – See item 9I~~

F. Mutual Aid Agreement with Medley Police Department – Police 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 MUTUAL AID AGREEMENT FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE WITH THE TOWN OF MEDLEY, FLORIDA POLICE DEPARTMENT.

Roger Carlton, Town Manager explained that all towns in Miami Dade County have mutual aid agreements with each other. He noted that they are important in terms of storms and special events.

Commissioner Karukin made a motion to approve the resolution. Commissioner Olchyk seconded the motion, which carried unanimously. Commissioner Kopelman and Vice Mayor Graubart were absent.

~~3F. G. FDOT License Agreement -Update– Bill Evans, Director of Public Works~~

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EASEMENT GRANTING AND GIVING TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION A PERPETUAL EASEMENT DESCRIBED IN EXHIBIT “A” FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SIDEWALK; PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING FOUR (4) AGREEMENTS ATTACHED AS

COMPOSITE EXHIBIT “A” MEMORIALIZING EXPENDITURE OF FUNDS FROM CITT FUNDS FOR INSTALLATION OF SIDEWALKS, CROSSWALKS AND VALVE ADJUSTMENTS AS REQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING FOR AN EFFECTIVE DATE.

See Item 3F for approval.

6. Good and Welfare

Peter Neville stated that he is happy with the way the Town is proceeding with the Community Center and getting all the pipes fixed, etc. He also expressed that the Garden Club is an excellent idea.

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. Surfside Spice Culinary Event June 26, 2011 Video- Roger M. Carlton, Town Manager

Mayor Dietch mentioned that he wants the information to be put on the website and on channel 77. Mr. Tavares introduced the people responsible for organizing the event and who also produced the video. The video was shown.

Both Mayor Dietch and Vice Mayor Graubart thanked them for their work.

B. Community Center Guest Policy – Tim Milian, Parks and Recreation Director

Roger Carlton, Town Manager spoke about the previous discussion regarding guests. He stated that the policy went out for review to the community and proceeded to explain the policy- up to 5 guests at \$5 each, except for children of 4 months to 1 year. Mr. Tim Milian reported that in 17 days, there have been 435 guests for \$2,175, averaging 23 guests per day. He opined that the policy has been overwhelmingly positive.

Roger Carlton, Town Manager asked the Commission for approval of the policy and fees.

Commissioner Karukin made a motion to approve the Community Center Guest Policy. Commissioner Olchyk seconded the motion, which carried with all in favor.

Commissioner Olchyk spoke highly of the cleanliness of the Community Center and of the enforcement of no food around the pool.

C. Solid Waste Charges on Property Tax Bill Fiscal Year 2012-2013 – Roger M. Carlton, Town Manager

Roger Carlton, Town Manager mentioned that he is presenting this as an option. He then explained the collection process. He added that the cost to the town is \$16,000 per year. Roger Carlton, Town Manager noted that the administration recommends this and cautioned that there is a long lead time. He asked for a motion from the Commission to authorize to go forward. He added that the agreement would come back to the Commission.

Commissioner Karukin made a motion to approve. Commissioner Olchyk seconded the motion.

Commissioner Karukin asked about the cost of \$16,000. Roger Carlton, Town Manager noted that it will eliminate the need for an additional employee that could cost \$40,000 per year. Mayor Dietch noted that there is also a collection issue in the Town.

All were in favor and the motion passed.

D. Summer Studies Report – Roger M. Carlton, Town Manager

Roger Carlton, Town Manager spoke about the summer studies and mentioned that he will get all items to the Commission at least a week before the workshop.

Roger Carlton, Town Manager reported on two items. He spoke about establishing a new department for code enforcement and planning. He stated that he is not going to recommend the new department, but will go forward with retaining a code enforcement person. Roger Carlton, Town Manager noted that there is a citizen's group that is now involved in the recruiting process and they are recommending that Lynn Dannheisser, Town Attorney and Roger Carlton, Town Manager interview five to make a final decision. He mentioned that this person will report to the Town Manager.

Second, Roger Carlton, Town Manager mentioned that the budget included the beginning of process to move to one arm bandits for garbage collection. He indicated that he will wait on this. He mentioned that it would add \$35,000 to the budget.

Commissioner Olchyk asked Roger Carlton, Town Manager to reconsider hiring the Code Enforcement position right away. Roger Carlton, Town Manager responded that the Town needs to make this move to have code enforcement program.

Vice Mayor Graubart inquired if Bay Harbor and Bal Harbour have full time code enforcement officers. Roger Carlton, Town Manager mentioned that this will be part of the study.

Commissioner Olchyk asked if this will be after the fact. Roger Carlton, Town Manager mentioned that the Town has a person in this position today and the funding for this is

part of the budget. He also noted that the Town has nearly 40 employees less than they had a few years ago and continue doing more and more work while adding surplus to the budget. Roger Carlton, Town Manager stated that you can see a positive difference in the Town. Mayor Dietch agreed that the administration is putting the shine back in Surfside. Commissioner Olchyk also agreed. NOTE: The Town Manager wishes to correct the estimated 40 employee reduction. The actual number is closer to 19 fulltime employees.

Vice Mayor Graubart stated that he would like to know how many employees the Town had in 1999.

**E. Water, Sewer, Stormwater/Collins Force Main Report on Community Meeting
And Discussions with Miami Beach - Roger M. Carlton, Town Manager**

Bill Evans, Director of Public Works reported that the work begins on Monday. He stated that the First phase will be on the South end of Town and also includes work on Harding and Collins. He noted that the emphasis will be on Collins and Harding and to neighborhoods to the South. Bill Evans, Director of Public Works explained the staging areas and noted that he approved much of materials needed. He spoke about the right of entry form for each single family property and noted that if they want to have meters and sewer work taken care of they must sign the form and get back to the Town. Bill Evans, Director of Public Works noted that the information will go out in water bill.

Mayor Dietch stated that he wants the information on the website. Bill Evans, Director of Public Works also mentioned that he will put information that Town will translate to Spanish if necessary.

Roger Carlton, Town Manager stated that the Town needs cooperation from the citizens. He stated that they must get the forms signed and will be working with each home for an individual solution to getting the pipes through their property in the least intrusive way. He added that they will balance the least intrusive way with the cost.

Commissioner Olchyk asked about police presence. Chief Allen stated that once they pipes start to be pulled at night, there will be an officer present as needed.

F. 9501 Collins Avenue, LLC Right of First Refusal (Discussion Item) – Roger M. Carlton, Town Manager and Lynn Dannheisser, Town Attorney

Roger Carlton, Town Manager spoke about the history of the previous negotiation regarding the 50 foot lot on 9501 Collins. He noted that the Town has ten days for first right of refusal to buy the property if a valid offer is received. He mentioned that there is an offer for \$4.5 million dollars. Roger Carlton, Town Manager mentioned that Vice Mayor Graubart asked that we make contact with building to the north. He noted that the administration recommends passing on this option.

Commissioner Olchyk moves to pass on the first right of refusal. Commissioner Karukin seconded the motion, which carried unanimously.

G. Deco Bike Rental Station – Duncan Tavares, Tourism, Economic Development and Community Services Director
This item discussed prior to ordinances.

Vice Mayor Graubart suggested bringing the bikes to the Town. He stated that he understands it is successful in Miami Beach, but they are not bringing in as much money as they hoped. He asked for an explanation from Colby Reese from Deco Bikes.

Mr. Reese explained that it is a part of the public transportation program that is fun, healthy, and green.

Mr. Reese also explained the station set up of 16 bikes, docking spaces, stocked with 10 or 11 bikes. He mentioned that there are different methods by which people can check if bikes are available. He stated that he would work with the Town Manager and Public Works to pick location for highest and best use.

Mayor Dietch asked how many stations Mr. Reese would recommend. He suggested the Town Hall and Community Center area. Mayor Dietch stated that he is supportive of the concept.

Commissioner Karukin stated that the membership estimates appear to be optimistic, but noted that he is not sure about the amount of revenue sharing that will occur. He also commented that riding on Collins and Harding is dangerous. Vice Mayor Graubart stated that most bikers use a hardpack from Haulover to 63rd St.

Roger Carlton, Town Manager noted that, if the Town gets into the program, it is not to make money, but rather for health, ecological values and the like. He added that the projections are aggressive and asked for direction from the Commission to continue in the discussion.

Vice Mayor Graubart mentioned that he would not like to see advertising unless they are for Surfside businesses.

Mayor Dietch stated that the first priority is not to give parking spaces. Vice Mayor Graubart added to pursue Publix with the Town Manager.

Roger Carlton, Town Manager mentioned that the Commission has given administration direction to continue in negotiation and have as prime directive not to use any public parking spaces. There was also discussion about limiting advertising to local businesses. Mayor Dietch asked that he return to the Commission and let them know if this cannot be done.

All were in favor.

H. Feral Cats – Roger M. Carlton, Town Manager

Roger Carlton, Town Manager spoke about the training of feral cat feeders, issuing badges, etc. He stated that he will bring back program if so desired.

Commissioner Olchyk made a motion to accept the feral cat program. Commissioner Karukin seconded the motion. All in favor of moving forward.

I. Community Garden/Garden Club Agreement – Update Points of Light (POL)

Number 8 – Roger M. Carlton, Town Manager and Duncan Tavares, Tourism, Economic Development and Community Services Director

Mr. Tavares reported that they are moving forward with the Garden Club. He stated that a Garden Club has been formed. He noted that he included a draft agreement for discussion. Mr. Tavares mentioned that he will bring final agreement to the next meeting. Mayor Dietch thanked Mr. Tavares for his efforts.

Roger Carlton, Town Manager mentioned that he will make a Point of Light and will move forward.

Vice Mayor Graubart mentioned that he met with neighbors and received no negative feedback. He asked if the Commission should let the agreement sunset if he sees it go down to few residents. He stated that he wants the Town Manager to have criteria to determine if the program is successful. Roger Carlton, Town Manager asked that there be a requirement to report quarterly to see how successful the program is.

Mayor Dietch mentioned that he is not sure how the number of club members matters. He noted that people can subscribe to plots and can put some objective criteria what a measure of success will be. Mayor Dietch asked that this be added to the agenda for discussion at the next Garden Club meeting.

Roger Carlton, Town Manager thanked Town Clerk Debra Eastman for the work she has done. Roger Carlton, Town Manager stated that Chief DiCenso will be the interim clerk until a new Town Clerk is hired. Ms. Eastman thanked her fellow co-workers. She stated that Surfside has very hard working and dedicated employees. The Mayor and the Town Commission presented a plaque to Town Clerk Debra Eastman who will be leaving as of August 16, 2011.

10. Adjournment

The meeting adjourned at 10:46 p.m.

Accepted this ____ day of _____, 2011

Daniel Dietch, Mayor

Attest:

John Di Censo
Interim Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2010/2011
As of JUNE 30, 2011

75% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 2

Agenda Date: September 13, 2011

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
GENERAL FUND				
REVENUE	\$7,398,111	\$9,177,401	81%	A
EXPENDITURES	\$5,816,372	\$9,177,401	63%	
Net Change in Fund Balance	\$1,581,739			
Add: Sale of surplus real property	\$188,000			A
Fund Bal.-Beg. of FY(audited assigned+unassigned)	\$2,867,867			
Fund Balance-June 30, 2011	<u>\$4,637,606</u>			
RESORT TAX				
REVENUE	\$107,396	\$143,010	75%	B
USE OF RESTRICTED FUND BALANCE		\$19,800	75%	
EXPENDITURES	\$119,721	\$162,810	74%	
Net Change in Fund Balance	-\$12,325			
Fund Balance-Beg. of Fiscal Year (audited)	\$179,035			
Fund Balance-June 30, 2011	<u>\$166,710</u>			
POLICE FORFEITURE/CONFISCATION				
REVENUE	\$54,243	\$34,694	156%	C
USE OF RESTRICTED FUND BALANCE		\$20,000	75%	
EXPENDITURES	\$33,795	\$54,694	62%	
Net Change in Fund Balance	20,448			
Fund Balance-Beg. of Fiscal Year (audited)	\$71,825			
Fund Balance-June 30, 2011	<u>\$92,273</u>			
TRANSPORTATION SURTAX				
REVENUE	\$120,114	\$156,415	77%	D
USE OF RESTRICTED FUND BALANCE		\$80,285	75%	
EXPENDITURES	\$74,824	\$236,700	32%	
Net Change in Fund Balance	45,290			
Fund Balance-Beg. of Fiscal Year (audited)	\$416,500			
Fund Balance-June 30, 2011	<u>\$461,789</u>			
CAPITAL PROJECTS				
REVENUE	\$105,575	\$279,287	38%	E
USE OF COMMITTED FUND BALANCE		\$4,326,800	75%	
EXPENDITURES	\$4,253,455	\$4,606,087	92%	
Net Change in Fund Balance	(4,147,880)			
Fund Bal.-Beg. of FY(audited committed+assigned)	\$4,888,357			
Fund Balance-June 30, 2011	<u>\$740,478</u>			

NOTES:

- A.** Timing Difference - FY 2011 ad valorem property tax revenues are remitted to the Town primarily from mid-November to March. Surplus real property sold/payment received June 2011
- B.** Timing Difference - Includes only the Oct-May resort taxes. June resort taxes are collected in July. However, the 4% bed tax collections are higher than anticipated
- C.** Forfeiture revenue fluctuates widely-the Town received a \$15,036 and a \$39,091 payment during the months of January and March, respectively. Higher than anticipated budgeted revenues was increased in June with the mid-year budget resolution
- D.** Timing Difference - Includes only the Oct-May CITT revenues. June is not received until late September 2011. However, the CITT collections are higher than anticipated
- E.** Timing Difference - An ARRA grant reimbursement of \$131,000 is expected to be fully collected before August 31st.

ENTERPRISE FUNDS

ACTUAL

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

WATER & SEWER

REVENUE	\$2,308,787	\$2,820,753	82%	
USE OF NET ASSETS/LOAN PROCEEDS		\$2,123,085	75%	
EXPENDITURES	\$1,399,124	\$4,943,838	28%	F
Change in Net Assets*	\$909,663			
Unrestricted Net Assets-Oct 1 (audited)	\$440,000			
Unrestricted Net Assets-June 30, 2011	<u>\$1,349,663</u>			

MUNICIPAL PARKING

REVENUE	\$480,532	\$305,600	157%	
USE OF NET ASSETS		\$2,179,836	75%	
EXPENDITURES	\$801,313	\$2,485,436	32%	F
Change in Net Assets*	(\$320,781)			
Unrestricted Net Assets-Oct 1 (audited)	\$2,043,034			
Unrestricted Net Assets-June 30, 2011	<u>\$1,722,253</u>			

SOLID WASTE

REVENUE	\$1,003,792	\$1,291,343	78%	G
EXPENDITURES	\$822,554	\$1,291,343	64%	
Change in Net Assets*	\$181,238			
Unrestricted Net Assets-Oct 1 (audited)	\$77,491			
Unrestricted Net Assets-June 30, 2011	<u>\$258,729</u>			

STORMWATER

REVENUE	\$376,753	\$487,000	77%	
USE OF NET ASSETS/LOAN PROCEEDS		\$412,363	75%	
EXPENDITURES	\$147,404	\$899,363	16%	F
Change in Net Assets*	\$229,349			
Unrestricted Net Assets-Oct 1 (audited)	\$40,626			
Unrestricted Net Assets-June 30, 2011	<u>\$269,975</u>			

NOTES: (con't)

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

F. Underage due to commencement date of Infrastructure/Capital Outlay projects (\$2.1 mill for water/sewer, \$412K for stormwater, \$2.1 mill for parking)

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


 Finance Support Svcs Dept Head


 Town Manager



Town of Surfside
Town Commission Meeting
September 13, 2011 - 7:00 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL 33154

POINTS OF LIGHT
After Action Items

1. Downtown Vision project

Current Status: The Downtown Vision Advisory Committee (DVAC) met for the tenth time on August 22, 2011. Juan Calderon, consultant made a presentation regarding the wayfarer sign program, parking counts for the various lots and some preliminary "tag lines" to help in branding and marketing. The "alley upgrade" was deferred due to the lateness of the meeting. There was also a presentation regarding establishing a Business Improvement District for improved services and marketing downtown with costs borne by the owners and tenants. The concept was supported by all those in attendance. The committee also reviewed guidelines for awnings which will be presented to the Planning and Zoning/Design Review Board in September 2011.

2. Land Acquisition

Current Status: BankUnited came back after four months of reviewing our proposal with an offer of \$600,000 to purchase both parcels. We negotiated the price to \$540,000 which was accepted. The bank will also pay all back taxes, assessments and utility bills. The closing was held on August 31, 2011 and we now own the property. It should be noted that the price paid was slightly less than half of the original appraisal. The cost was paid from parking funds. We will now move forward to design an interim parking facility on the site as discussed by the Town Commission during the August 9, 2011 meeting.

3. Water, Sewer and Storm Drainage project

Current Status: The project began on August 15, 2011 and is progressing on schedule. More than 400 permission slips to install the water tie-in have been received and we continue to address questions. The Collins Avenue sewer force main project is nearly 80 percent complete in Surfside and work has begun in Miami Beach. Three public meetings have been held for both projects. The number of complaints received have been minimal given the extent of the work underway.

4. Photo/Film Permit Program

Current Status: The Town Commission approved the Film and Photo Ordinance on second reading during the June 14, 2011 Town Commission meeting. Guidelines and an amended application form were set for use by the appropriate Town departments in early July. Outreach to the film/photo shoot industry through local and state film offices has occurred. The advisory group will be established after the summer vacation season is over. A meeting with the advisory group regarding the new ordinance, guidelines and permitting forms will occur in late September or early October. Item completed.

5. Circulator Bus: Town Manager Roger Carlton will review the potential linking of the Surfside circulator bus with other communities to allow residents transportation to the Sunny Isles library and possible other destinations: Mayor Daniel Dietch

Current Status: After a number of meetings with Bay Harbor Islands, Bal Harbour and Sunny Isles Beach, it has been determined that the greatest opportunity for enhancement is to link with Sunny Isles Beach to allow our riders to use Sunny Isles Beach's route which goes to the mainland with stops at Aventura Mall, Mt. Sinai Medical Center North, Costco and the Aventura Publix shopping center. The details of this and an Interlocal Agreement which defines how their riders will be allowed to use our route to Mt. Sinai Hospital and how our riders will be allowed to use their route was approved by the Town Commission on the August 9, 2011 agenda.

6. Community Garden: Mayor Daniel Dietch

Current Status: The Surfside Urban Gardeners Club non-profit organization has been formed to manage the Community Garden and, therefore, met the requirement set by the Town Commission at their meeting on July 12, 2011 for this initiative to continue. Under the leadership of Melissa Moonves, President, the Club has reviewed the draft agreement between the Town and the Club at their August 24, 2011 meeting. This draft agreement was presented to the Town Commission at their August 9, 2011 meeting. The membership will incorporate guidelines, garden rules and performance evaluators into their by-laws. A full report and the agreement will be on the October 11, 2011 Town Commission meeting agenda for approval. Construction of the Garden is set to begin mid-September 2011.

7. Farmers Market: Mayor Daniel Dietch

Current Status: - The Surf-Bal-Bay Farmers Market began on Kane Concourse in Bay Harbor Islands on Sunday June 12, 2011 from 9 am – 3 pm. The market rotates between Bay Harbor Islands and Surfside every week.

The Surf-Bal-Bay Farmers Market is a more successful venture when occurring in Bay Harbor Islands than when it occurs in Surfside. Presently the following is conducted by staff to notify Surfside residents of the weekly market and there is a similar effort in Bay Harbor Islands:

- 1) Every Surfside week the item is moved up on the Town's website stating that the market is in Surfside that Sunday.
- 2) Flyers with the month's schedule are hand delivered to all condo buildings every month and posted on the Publix bulletin board.
- 3) Every month the event is advertised in the Surfside Gazette which goes to every residence (it is also listed in the Calendar section of the Gazette).
- 4) A sign is posted outside of the Community Center every Sunday. There's also a flyer inside the Community Center at the desk where residents sign in.
- 5) The flyer is on Channel 77.

Based on the weak performance in Surfside, the market will be discontinued in Surfside and will continue in Bay Harbor. Item completed.

8. Feral Cat and Dog Feces Concerns: Mayor Daniel Dietch

Current Status: The Town Commission approved on July 19, 2011 a conceptual program to require feral cat feeders to be trained and certified and to expand the Trap Neuter Release program. A related Litter Ordinance was also approved on first reading. Second reading of the Litter Ordinance will be held on the September 13, 2011 Town Commission agenda with amendments suggested by Commissioner Karukin. Implementation will begin after the second reading if approved.

9. Tourist Resort Tax Auditor program

Current Status: The RFP for Resort Tax Auditors was issued on August 12, 2011. The submission deadline was September 6, 2011. On August 19, 2011 a Non-Mandatory Pre-Submission Meeting was held at Town Hall with four firms in attendance. The roll out of the new Resort Tax Ordinance requirements in conjunction with the Certificate of Use and Business Tax Receipt annual renewals has been taken to a new level. Julia Magnani has been retained on a part time basis to meet with the businesses in their establishments to minimize the time the owners need to spend in Town Hall. This effort has been very well received.

10. Document imaging and scanner software: This project was funded in the FY 10/11 Budget

Current Status: The contract for this equipment was awarded during the June 14, 2011 Town Commission meeting. The document scanner has arrived but we are still waiting on the server and software which should arrive and be installed in early September 2011. Once the remaining equipment arrives the software will be installed and the training will commence.

11. Bike Racks/Bus Benches/Shelters: Mayor Daniel Dietch

Current Status: Town Manager Roger Carlton and Parks and Recreation Director Tim Milian have met to discuss the development of a comprehensive bicycle program for Surfside. Four bike racks will be installed. One rack is located at the Community Center and one at the 95th Street parking lot. Two others will be installed at locations to be determined. The schedule for installing the shelters, which is a Miami Dade County responsibility, is January 2012. Staff is working with County officials to accelerate this timeline.

12. Clean up/update/enhance Town Website content: Commissioner Michael Karukin

Current Status: The RFP was approved with amendments on the June 14, 2011 Town Commission agenda and the RFP has been advertised. The proposal opening was held August 22, 2011. Four proposals were received. Based on the complexity of the proposals, award is anticipated for the October 11, 2011 Town Commission meeting.

13. FPL and AT&T to review leaning poles: Vice Mayor Joe Graubart

Current Status: A meeting was held with FPL in May 2011. Their policy is that a pole may lean up to 17 degrees unless it is in danger of falling. Apparently, the aesthetics are not the issue. A report regarding undergrounding all utilities in Surfside appeared on the April 12, 2011 Town Commission

agenda and was deferred until the May 10, 2011 meeting due to the long agenda. The outcome of the meeting with FPL executives is that the contract award for the water/sewer/storm drainage project approved during the June 14, 2011 Town Commission meeting included provisions to install conduit at intersections so that in the event an undergrounding project is approved in the future, conduit will be ready to avoid having to break the pavement. Regarding the short term issue, staff has completed imaging every pole leaning excessively in Surfside during July. Seven poles were found that leaned more than 17 degrees. Staff will continue to try to persuade FPL and AT&T to correct the excessively leaning poles.

14. Citizen's Academy and Residential Satisfaction Survey: This program is similar to the Police Academy in that Surfside residents are given the opportunity to learn the roles and responsibilities of each department in an interactive and informal setting over a series of evening sessions.

Current Status: The Town Manager has met with Dr. Howard Frank, Director of the FIU Metropolitan Center. The Center has made two proposals. The first is to implement a resident satisfaction survey (Att. A). The second is to provide the training or the Citizen's Academy (Att. B). If the Town Commission is supportive of either of these proposals, Staff will provide a more detailed proposal(s) and presentation during the October 11, 2011 Town Commission meeting.

**15. Building Relationships between the Condo Residents and Single Family Homes:
Commissioner Ted Kopelman**

Current Status: The Tourist Bureau Director will work with Commission Kopelman to create programs and activities in the new Community Center that will bring the Town's two distinct communities together. Ideas for such programs are also being investigated by the Parks & Recreation Committee. When a program is ready, it will be brought to the Town Commission for review. A meeting with the condominium board presidents and property managers has been scheduled September 14, 2011 to discuss a range of topics including how to foster better communication between the single family and condominium residents in order to facilitate more community interaction.

16. Senior Assistance Program

Current Status: The Police Department has contact information for the Seniors in Surfside Program that checks on their welfare and offer services from Miami-Dade County. The June Gazette advertised that there is a group of residents who will help seniors with chores or hurricane preparation. The contact information will be provided to Julia Magnani and Richard Iacobacci after the volunteers have completed an application and background check with the Human Resources Director. The Town Attorney has created a release of liability form for the volunteers and the homeowners. The Finance Director has determined that the volunteer activity/program is covered under the Town's insurance policy. However, there are expenses to adhere to a volunteer program (i.e. criminal background checks, \$40 per report and personal reference checks). Additionally, project task supervision is recommended but cannot always be performed by a Town employee since the volunteer's activity will not be on Town property. This is an important program for our senior citizens who need assistance and we will continue the effort. Set for implementation Fall 2011.

17. Feasibility of Surfside sharing Bal Harbour's street sweeper: Mayor Daniel Dietch

Current Status: The first cost estimate submitted by Bal Harbour was too high and negotiations to lower the price were unsuccessful. Public Works Director Bill Evans has negotiated a more reasonable price with Sunny Isles Beach and an Interlocal Agreement was presented to the Town Commission in August. The cost will be \$12,000 annually for twice monthly service. Service is anticipated to begin in September 2011.

18. Ceremony and Plaque Commemorating the Ten Year Anniversary of 9/11: Vice Mayor Joe Graubart

Current Status: The Police Department will coordinate this special event at the Community Center. Bal Harbour, Bay Harbor Islands, and Indian Creek Village will participate in the event. The Town Manager of Bay Harbor Islands (retired NYPD Commander on scene on 9-11-01) will be the guest speaker. There will be a multi-agency police honor guard and bagpiper to present the colors. The Miami-Dade Fire Rescue Department will have a ladder truck to display the American flag in front of the Community Center. The four police departments will also display their police vehicles. Mayor Dietch and Lisa Petrillo will be emcees for the event. Flyers, invitations, and programs have been created and distributed. The event will be held on September 11, 2011 at 5:00 p.m.

19. Bike Rental Station: Vice Mayor Joe Graubart

Current Status: The Town is investigating the feasibility of working with Deco Bike (www.decobike.com) to install bike rental station(s) like those installed on Miami Beach. Per the direction from the Town Commission, Staff will meet with Deco Bikes on September 7, 2011 regarding possible bike rental station placement. Staff is mindful that the Town Commission does not want to utilize existing parking spaces for station locations and that advertising should be limited to Surfside businesses. Staff will return to the Town Commission with proposed locations and a tentative agreement with Deco Bikes for review during the October 11, 2011 Town Commission meeting.

20. eReaders, Wi-Fi and Broadcasting Capabilities for the Community Center: Commissioner Ted Kopelman

Current Status: Based on a request from Commissioner Ted Kopelman, the Town will incorporate eReaders into the addition room of the Community Center. Furniture has been installed and patrons will be able to check out Kindle type devices. Outreach to the business community to sponsor e-readers has started with the help of Parks & Recreation Committee member Barbara McLaughlin. Staff is working with the Miami Dade Public Library system to determine their e-reader procedures applicable to Surfside.

The IT Department is working with the Parks & Recreation Director on the installation of Wi-Fi in the new Community Center. With the assistance of residents Barbara McLaughlin and Adam Markow, the Town will approach Commissioner Sally Heyman for possible financial assistance in the procurement of e-readers and is researching possible grant opportunities utilizing the eCivis Grants software.

21. e-Waste Collection: Mayor Daniel Dietch

Current Status: Miami Dade County will not provide the service. Florida e-Waste Recycling has been contacted and they have agreed to provide a community pick up at Town Hall at no cost to the Town starting October 2011. Notification will be provided in the Gazette and on the Town website.

22. Resident Parking Program/Commercial Parking Program

Current Status: The Town Commission approved the amendments to the Resident Parking Program Ordinance during the June 14, 2011 meeting. The changes will be effective October 1, 2011. New procedures have been developed for the Resident Parking Program. Residents will be required to provide proof of residency and bring their vehicle registration. A new software program has been installed that will allow staff to better manage and track the issued permits. The number of permits will be limited to three (3) per address and there will be a \$10.00 fee plus tax per permit. The hang tag permits will be replaced with a static cling decal that will be affixed to the lower portion of the driver's side windshield by the resident. The license plate number of the registered vehicle will be written on the decal with a permanent marker. Notices were mailed in the August 2011 water and sewer billings reminding residents to obtain their new permits. As of August 26, 2011, over 100 permits have been issued.

23. Short Term Rentals Ordinance

Current Status: The implementation of the Ordinance including a public information program will occur over the summer and will be in full effect October 1, 2011 in conjunction with business license renewals and certificates of occupancy. The matter was discussed at the August 25, 2011 Planning and Zoning Board meeting regarding a total ban in the single family neighborhood. The Planning and Zoning Board motion to initiate a total ban failed on a tie 2/2 vote. By way of information, no existing single family homes applied under the grandfather provision of the ordinance by the deadline.

24. New Crime Prevention Initiatives: Mayor Daniel Dietch

Current Status: The following crime prevention initiatives were approved by the Town Commission at the May and June Commission meetings: Implementation has begun.

- Citizens Patrol – trained residents who will work directly with the Police Department to be the eyes and ears of the community and report suspicious activity. The training program has been developed. Recruitment and training will begin in the Fall 2011.
- Crime Watch – Eye on Surfside neighborhood watch signs have been installed in the single family residential area. Twenty signs were installed by Town crews. Item completed.
- Bike with the Chief – residents join the Chief and other police officers on a recurring bicycle ride through the residential area to get to know their police department and identify crime problems and quality of life issues. The bike rides have been on July 7, August 4, and September 6, 2011. Item completed.
- Crime Prevention Expo – a fair at the 96th Street Park to demonstrate to our residents the latest crime prevention techniques. The date for the expo is October 2, 2011, 1 pm – 5 pm. The location has been changed to the 94th Street and Harding Avenue parking lot.
- Crime prevention through environmental design – landscaping, lighting, and physical barriers at the entrances to residential areas enhances safety and deters criminal activity. The entrance features to

major streets will be designed by the same firm that is designing the “Way farer” signs and the alleys east and west of Harding Avenue.

A new program, “Survival Mindset” is scheduled for September 20, 2011 from 6 pm to 9pm in the Commission Chambers. The Eye on Surfside Crime Prevention meetings are held each month in the training room. The 10th Citizens Police Academy is scheduled for September 8 to November 13, 2011.

25. Beach Concessions

Current Status: As the only service and maintenance provider for the beach in Miami-Dade County, the Miami Dade County Parks and Recreation Department is considering obtaining a lease from the State of Florida for the beach in Surfside and Bal Harbour similar to Sunny Isles Beach. The conditions of the lease will include a requirement for a management plan. This management plan will identify the services the County will provide to the beach, the manner and frequency it will be maintained, and rules or standards for upland properties regarding their storage and deployment of chairs, umbrellas, and cabanas on the beach.

The governing body for all activity taking place on the beach within Surfside and Bal Harbour is the State of Florida DEP. John Ripple, Beach Operations and Maintenance Supervisor for the Miami Dade County Parks and Recreation Department, met with the Bal Harbour Village Manager who has expressed interest in seeing the County obtain this lease and in concert with the Village, develop a meaningful and deliverable beach management and maintenance plan. A similar meeting with John Ripple, the Town Manager and Tim Milian was held August 25, 2011. It would be our intent to establish a mutually agreed to Surfside management plan with Miami Dade County Parks and Recreation Department should the lease with FDEP be secured. Developing procedures acceptable to the beach side property owners, the Town Commission and the staff will be a long process. There is a related report on this effort on the September 13, 2011 Town Commission agenda and staff will be seeking input from all stakeholders. Staff recommends that the Town Commission appoint a member to assist in these negotiations.

26. U.S. Census

Current Status: Based on the presentation made by U.S. Census official Marilyn Stephens during the August 16, 2011 Town Commission meeting and a subsequent letter from the University of Florida Shimberg Center, establishing a population of 5780 for Surfside, Staff has accepted the final population count. At the suggestion of Mayor Dietch, Duncan Tavares will schedule informational sessions on the census data to help the downtown merchants market their products and services in October 2011. Many thanks to Barbara Cohen for guiding the project. Item completed.

27. Bus Stop in Front of Community Center: Vice Mayor Joe Graubart

Current Status: Staff is working with FDOT and the Miami Dade Transit Agency to reinstate the bus stop. We will keep the Town Commission informed as this process matures.

28. Report on Red Light Camera Price Negotiation

Current Status: A meeting with representatives of American Traffic Solutions was held on August 23, 2011 and we are awaiting final approval for an agreement that may reduce the monthly fee by \$2500 beginning January 1, 2012. In addition, the Town will receive a credit of \$10,000 for the months of September through December 2011. Cumulatively this will be a \$40,000 savings during FY 11/12. Thanks to David Allen and John DiCenso for this negotiation and the wisdom of the Town Attorney's office to have a most favored nation clause which requires the Town to receive the lowest price available in any similar municipal agreement.

29. Leaf Blower Ordinance: Vice Mayor Joe Graubart

Current Status: Pursuant to the discussion during the August 16, 2011 Town Commission meeting first reading of the Litter Ordinance, Staff is reviewing the pros and cons of a leaf blower regulating ordinance. A report will be made later in Fall 2011 regarding this initiative.

30. Single Family Residential Solid Waste and Recycling Bills on FY 12/13 TRIM Notice and Property Tax Bills

Current Status: The Finance Director has researched and obtained the FY 12/13 non ad-valorem requirements as well as the tentative deadlines. A lengthy telephone conversation ensued with the Town Manager, Finance Director and the Miami-Dade County Deputy Property Appraiser. Prior to the actual establishment of a solid waste and recycling rate for 2012/13, the Town must adhere to Florida Statutes 197.363, 197.3631 and 197.3632 which in part require:

- a. Town must publish weekly, for four (4) consecutive weeks, its intent to use the uniform method of collecting such assessment.
- b. The Resolution shall state the need and shall include a legal description of the boundaries of the Town.
- c. The Resolution must be adopted by Town Commission at a public hearing prior to January 1, 2012 electing to use the uniform method of collecting such assessment.
- d. Town will need to enter into a written agreement with the Property Appraiser and Tax Collector providing reimbursement of necessary administrative costs incurred (approx 1%).

This item will remain as a Point of Light until completion of the requirements. See attached City of Miami advertisement (Att.C) as an example.

The following items have been completed. These items have been deleted from the August 2011 Points of Light report.

4. Community Center Concession Stand

Current Status: The agreement with David Jacobson, Import International LLC dba Surf Café, was approved retroactively on the June 14, 2011 Town Commission agenda. Mr. Jacobson has worked very hard to provide a quality product at a reasonable price. The breakfast offering has been

discontinued due to lack of demand, however, the evening business exceeds expectations as many families are having “dinner out” at the Community Center while enjoying the two pools. This will be the last report on the concession until the Parks and Recreation Committee makes special event recommendations for review by the Town Commission. Item completed.

5. Red light cameras: Police Chief David Allen and Assistant Chief John DiCenso manage the implementation of Red Light Cameras program

Current Status:

Red Light Camera Safety Program

Citations issued through July 25, 2011 – 5,364 (215 more violations to be reviewed)

Revenue from inception to July 25, 2011 – \$201,061

Cost for lease of cameras and cost of mailing of certified letters from February 1 to July 25, 2011 – \$125,628

Net income for Town as of July 25, 2011 - \$75,433

Revenue budgeted in FY 10/11 - \$231,000

Revenue projected in FY 10/11 – \$324,025

Projected net income for FY 10/11 - \$93,025

88th Street and Harding Avenue – 1,304

88th Street and Collins Avenue – 490

90th Street and Collins Avenue – 503

93rd Street and Collins Avenue – 2,297

96th Street and Collins Avenue – 770

There were 148 citations set for court on August 2, 2011. 103 were found guilty, 20 were dismissed (predominately right turn on red or certified the owner was not driving); 25 were continued or not shows (licenses suspended).

Recurring cost - \$23, 750 per month (\$4750 per camera x five cameras). In addition, the Town averages approximately \$1500 per month in postage fees for mailing certified letters to violators. It should be noted that the agreement contains a “Most Favored Nation” clause which could result in reduced costs if the vendor enters into an agreement with another local government in Florida for more favorable fees than the Town currently has. We believe that has occurred with the City of Miami and will enter negotiations with American Traffic Systems to ensure we are getting the best price in Miami Dade County.

Termination options - If the state statute is amended so as to prohibit the operation of the red light cameras; or if the court declares the cameras are invalid; or the vendor has infringed upon a third party’s patent, trademark, or trade secret; or the vendor commits a material breach of any of the provisions of the contract; or vendor’s non-payment of revenues. The Town signed a three (3) year agreement that began in February 2011 when the first Notice of Violation was issued.

Traffic Crash Analysis

2011: Four crashes (January to July)

1. 88th Street and Collins Avenue (careless driving) rear end
2. 96th Street and Collins Avenue (improper change of lanes)
3. 96th Street and Collins Avenue (careless driving)
4. 88th Street and Harding Avenue (red light)

2010: 6 accidents

1. 96th Street and Collins Avenue- (careless driving)
2. 96th Street and Collins Avenue (careless driving)
3. 96th Street and Collins Avenue (careless driving) hit & run
4. 96th Street and Collins Avenue (careless driving)
5. 88th Street and Harding Avenue (red light)
6. 88th Street and Harding Avenue (red light)

2009: 6 accidents

1. 88th Street and Harding Avenue (careless driving) rear end
2. 90th Street and Collins Avenue (hit & run) not cited
3. 90th Street and Collins Avenue (improper left turn)
4. 88th Street and Harding Avenue (red light)
5. 88th Street and Harding Avenue (red light)
6. 88th Street and Harding Avenue (red light)

This will be the last monthly report to appear on the agenda and reports will be quarterly in the future per the July 12, 2011 direction from the Town Commission. Staff will monitor the impact on ticket issuance resultant from the force main construction program on Collins Avenue and report to the Town Commission if necessary. Item completed.

10. Fresh Produce Buyers Club: Mayor Daniel Dietch

Current Status: The club Endlessly Organic, a Surfside resident owned company, will distribute the bi-weekly produce to local subscribers from the breezeway of the new Community Center starting the first week of July. In exchange for the use of the space, Endlessly Organic will work with area farmers to provide seeds and mentoring to the Garden Club/Community Garden if that effort becomes a reality. Eventually programming at the Community Center will include healthy food cooking demonstrations provided by Endlessly Organic. Distributions were successfully conducted from the Community Center on July 12 and 26, 2011 with no inconvenience to the Center's patrons, operation or staff. Item completed.

16. Electric Car Charging Stations

Current Status: Sunny Isles Beach has chosen not to move forward with their RFP, therefore we will not pursue this initiative. Item completed.

25. Tenth Mile Markers on the Beach Walk Hard Pack: Mayor Daniel Dietch

Current Status: Tenth mile markers have been installed along the beach walk at the cost of approximately \$275. Item completed.

27. FPL Electric and Cable Underground Conversion of Existing Overhead Service Lines

Current Status: In a recent meeting with FPL officials, it was determined that they would accept our contractor for the water/sewer/storm drainage project installing conduit that would be placed at intersections in the single family neighborhood to allow future undergrounding. FPL will provide the conduit. The \$69,000 cost of the study required by FPL will be included in the contract award for the water/sewer/storm drainage project which was approved during the June 14, 2011 Town Commission meeting agenda. This item will be incorporated in a monthly Water/Sewer/Storm Drainage report which will appear on each Town Commission agenda until the project is completed.

31. Urinating on the beach/ sea grapes

Current Status: The Police Department has not received any complaints of this nature. The police officers and lifeguards have been advised of this concern and will monitor. If observed, enforcement actions will be taken. Item completed.

32. Kite Surfers/beach safety concerns

Current Status: Recommendations from the Police Department and the Parks and Recreation Department were made to the Town Manager. The Police Department met June 21, 2011 with three representatives of the kite surfers (two are Surfside residents). There are eight in the group. We discussed the safety concern and they understand and wish to cooperate. The kite surfing season is over for them for the summer months. We suggested a designated area away from the beachgoers when the season returns. Other cities have these areas and the kite surfers police themselves. The area recommended is behind the undeveloped area of Surf Club where there are few beachgoers. It would be 100 yards wide and outside the buoy line. The Police Department will meet with the group and develop specific guidelines.

The Jet ski business is operated from the Howard Johnson Hotel, 8701 Collins Avenue. The two jet skis are properly registered and insured. The hotel has a certificate of use for water sports through the City of Miami Beach. The manager for the jet ski concession was requested to operate the jet skis south of 88th Street. Item completed.

RESIDENT SATISFACTION SURVEY (RSS)

Proposal

Prepared for:

Town of Surfside

August 24, 2011



**Metropolitan
Center**

150 S.E. 2nd Avenue, Suite 500
Miami, FL 33131
305.349.1251
metropolitan.fiu.edu

Digital Literacy Survey (2010): The Florida International University Metropolitan Center proposes to conduct surveys with residents and businesses in Miami-Dade and Monroe counties to identify computer usage and literacy levels, and gauge key issues influencing their digital literacy.

311 and Web Awareness Survey (2009): The Metropolitan Center conducted a telephone survey of Miami-Dade County residents to assess awareness and use of the County's 311 Answer Center and Website. The survey conducted in English, Spanish and Creole aims to measure satisfaction with the information provided by the 311 Answer Center and the County's website.

2008 Election Polls: The Metropolitan Center conducted a telephone survey of Florida registered voters as well as registered voters in the following Miami-Dade Commission Districts 18, 21 and 25. The survey was conducted in English, Spanish and Creole and gauged residents voting intention, issues of most concern and their choice in the presidential election as well as numerous demographic factors.

Culture Shock Miami Audience Analysis (2008): The Metropolitan Center carried out a series of surveys and focus groups of high school and university students in Miami-Dade County. The survey and focus groups were designed to measure the factors influencing students' willingness to partake in the Culture Shock discount ticket program. In addition, focus groups were conducted for parents and teachers to gauge the factors that would encourage their children's and student's participation in the program.

City of Hialeah Resident Satisfaction Survey (2008): The Metropolitan Center conducted surveys with residents of Hialeah, Miami and Miami Beach on issues of local government performance and service delivery. The comparative survey aimed to provide benchmarks for the City of Hialeah on residents' assessment of different city services and areas in need of improvement.

2007 Florida Businesses Hurricane Mitigation Poll: The Metropolitan Center is conducting a survey of Florida businesses to gauge their level of preparedness, prior hurricane experience and the effect of hurricanes on their business operations. The Metropolitan Center designed an instrument for online survey administration and responses are still being collected.

Resident Perspectives on Local Government Services and Operations (August 2007): The Metropolitan Center conducted a survey of 800 residents of the cities of Hialeah, Miami and Miami Beach. The data provided an assessment for public perceptions of service availability and quality, as well as resident attitudes towards projects undertaken by their respective governments.

Florida Residents Hurricane Mitigation Poll (annual since 2006): Annually, the Metropolitan Center surveys 800 Florida residents in order to 1) assess their level of preparedness for hurricanes, 2) identify reasons for inadequate response, if any, and 3) determine awareness with mitigation incentives provided by the State and the insurance industry.

Public Opinion: Police and County Services (February 2008): The FIU Metropolitan Center conducted a telephone poll of Miami-Dade County registered voters residing in Commission Districts 9, 10, 11, and 12 to gauge their level of satisfaction with police and other County services. The poll identified important issues for voters in these districts, especially their perception of crime in their neighborhood and throughout the County.

Public Opinion: Florida's Upcoming Legislative Issues (January 2008): The FIU Metropolitan Center conducted a telephone poll of Miami-Dade County registered voters to identify issues of importance to them in the 2008 State Legislative session. The poll also gauged voter satisfaction, awareness, and understanding of the state legislative process, and assessed voter satisfaction with their State Legislators.

STAFF EXPERIENCE

The data collection, analysis and reporting of the Resident Satisfaction Survey will be supervised and implemented by the following Metropolitan Center staff members:

Maria Ilcheva, Ph.D–Principal Investigator

Dr. Ilcheva is a Senior Research Associate at the FIU/MC with expertise in behavioral research including public opinion polls, focus groups and interviews. Ms. Ilcheva has managed multiple projects related to public opinion including the collection of data in a South Florida Digital Literacy survey for the South Florida Workforce Investment Board, the 311 & Web Survey for Miami-Dade County and the annual hurricane preparedness poll. Previously, Ms. Ilcheva managed a survey project for Miami-Dade Cultural Affairs Department concerning their Culture Shock program, and Comprehensive Needs Assessment for the Miami-Dade Community Action Agency which included low-income resident surveys. She has managed the data collection and analysis of hurricane mitigation surveys since 2007, and conducted focus groups of Florida residents on hurricane preparedness and mitigation in 2008. She was also the principal investigator of a Customer Satisfaction Initiatives project for the Miami-Dade Parks and Recreation Department which included surveys with current and potential Auditorium visitors, employees and producer/artists. Ms. Ilcheva's previous involvement also includes housing and economic studies including an assessment of the business environment in the Miami Downtown area for the Downtown Development Authority, a Monroe County study on affordable housing, and a study of the economic environment in City of Hialeah. She has also participated in the research and analysis of projects on youth services assessment, health services, and hurricane preparedness.

- ◆ Final report which will reflect comments suggested by the client within two weeks of receipt of comments.
 - A section will include a one page executive summary.
 - A section outlining overall survey results including frequency distribution analysis,
 - A section outlining survey results including cross tabulations by variables of interest.
 - An appendix containing all survey responses in SPSS format

Final report will be submitted in electronic format (e-mail), compact disc, and 2 bound color hard copies.

PROJECT PLANNING

Task	Activities Overview	Time Line
Task 1: Project planning	Includes, but not limited to, meetings with key staff and/or designated personnel, establishing start date of project, determining key contact persons as well as establishment of survey goals for the purpose of questionnaire development.	2 business days
Task 2: Survey Design	Survey instrument design and revisions. Includes initial draft from the Metropolitan Center, review by the client and subsequent revisions, if necessary.	5 business days
Task 3: Survey Implementation	Collection of surveys Data entry	15-20 business days
Task 4: Preliminary Analysis/Reporting	Includes, but not limited to draft report write-up, formatting and editing activities.	10 business days
Task 5: Final Report	Includes revisions of draft report, analysis of additional data, if required, as well as reproduction of required hard and electronic copies. Final presentations will be made to client and at public meetings organized by client.	10 business days
Total:		42-47 business days (approx. 2 months)

PROJECT COST

The project costs is \$13,500 including staff compensation, data purchase (most current resident phone list or voter list), dedicated phone lines, printing and reproduction costs of reports, as well as university administrative costs at 26%.

Dawn Hunziker

From: Howard Frank [howardf@fiu.edu]
Sent: Wednesday, August 24, 2011 4:04 PM
To: Roger Carlton
Cc: Maria Ilcheva; Kerland Janette Jacques
Subject: Scope of Services on Citizen Satisfaction Survey + Sample Instrument
Attachments: RSS draft8-24.doc; Surfside RSS Scope 8-24.doc

Roger:

Greetings and best wishes; I hope all is well.

Please find attached a scope of services and sample instrument related to the citizen survey. We can tailor the instrument to your "specs."

We will get a proposal to you regarding the Citizen's Academy shortly.

All the best, and call to discuss at your convenience.

Howard

CITIZEN
SURVEY

Dr. Howard A. Frank
Professor of Public Administration & Director,
FIU Metropolitan Center
Florida International University
1101 Brickell Avenue, South 200
Miami, FL 33131
(P)305-779-7870
(F)305-779-7880

Good afternoon/evening. My name is _____ and I am calling from Florida International University. We are conducting a resident survey to determine what residents think of different services provided by your local government. May I ask you a few questions?

1. Overall, how would you rate the quality of life within the Town of Surfside?

- Excellent Fair Don't know/unsure
 Good Poor

I will read a number of issues. Please assess the importance of each of these issues for your town by saying if it is very important (VI), somewhat important (SI), or not important (NI).

Characteristics	Very Important	Somewhat Important	Not Important
2. Economic growth and development			
3. Traffic congestion			
4. Traffic violations (e.g. speeding, running red lights)			
5. Crime and public safety			
6. Road improvement projects			
7. Beautification/Landscaping			
8. Parks and recreation programming			
9. Education and community service programming			
10. Resident access to town services			
11. Property taxes			
12. Poverty and homelessness			
13. Trash and recycling			

14. What should be the top priority of elected officials and senior staff in Surfside?

15. How would you rate the overall value of local services for the tax dollars that you pay? Would you say

- Excellent Good Fair Poor No Opinion

Now I'll read a list of Town characteristics, services or programs. Please rate each as excellent, good, fair or poor.

Characteristics	Exc.	Good	Fair	Poor	DK
16. Cleanliness of streets in your neighborhood					
17. Cleanliness of streets in business/commercial areas					
18. Cleanliness of canals/waterways					
19. Storm drainage (to avoid flooding)					
20. Condition of sidewalks (that is, few or no cracks)					
21. Condition of roads in the town					
22. Adequacy of street lighting in your neighborhood (sufficient, functioning lights)					
23. The appearance and maintenance of the Town's public buildings					
24. Recreation programs					

Characteristics	Exc.	Good	Fair	Poor	DK
25.The appearance of playgrounds					
26.The maintenance of parks (for example, cleanliness, landscape maintenance)					
27.Landscape maintenance in rights of way and public areas					
28.Garbage/Trash collection					
29.The job the Town is doing to address homelessness					
30.The job the Town is doing for public safety					

31. How would you rate your Town's police services?

- Excellent Good Fair Poor No Opinion

32. How would you rate the parks in your Town?

- Excellent Good Fair Poor No Opinion

33. How would you rate the garbage and trash pick-up in the Town?

- Excellent Good Fair Poor No Opinion

As I read the next four statements, please tell me if you strongly agree, agree, neither agree nor disagree, disagree or strongly disagree with each.

Statements	SA	A	Neither	D	SD	DK
34. It is easy to get to someone in the Town who could help me						
35. The Town employees are courteous and professional						
36. The Town employees have the proper training and knowledge						
37. Resident requests for information or service are addressed in a timely manner						
38. Overall, I know I will have a good experience contacting the Town						

39. To what extent do you agree or disagree that your local government is open and interested in hearing the concerns or issues of residents? Would you say...

- Strongly agree Neither agree nor disagree Disagree
 Agree Strongly disagree

40. What is your principal source for news and information about Surfside

- Newspaper Neighbors Other _____
 Town website Family _____
 Television Town newsletter

41. How would you rate the performance of your town in keeping residents informed on town events and public projects?

- Excellent Good Fair Poor No Opinion

42. Overall, how would you rate your town services?

- Excellent Fair No Opinion
 Good Poor

Please reply yes, no, or unsure to the following statements.

Statements	Yes	No	Unsure
43. I see myself living in Surfside three years from now.			
44. I would recommend Surfside as a place to live and work.			

45. Please tell me how you would identify yourself

- Latino\Hispanic – Non Cuban African-American
 Cuban Other [SPECIFY] _____
 Anglo

46. What is the highest grade of school you have completed?

- Less than high school College graduate
 High school or GED Graduate degree
 Some college Professional degree (JD, MD)

47. Please identify your age group

- 18-24 45-54 75 or older
 25-34 55-64 Refused
 35-44 65-74

48. For how long have you been a resident of Surfside?

- Less than 1 year 3-5 years Over 10 years
 1-3 years 5-10 years

49. Gender (do not ask – mark respondent gender)

- Male Female

50. Survey Language (do not ask – mark respondent language)

- English Spanish Other

Comments:



Metropolita.
Center

Citizens' Academy

A decorative graphic consisting of four vertical lines of varying heights on the left side and one horizontal line extending across the page from the left side, intersecting the vertical lines.

Prepared for:
Town of Surfside

Project Team:
The Metropolitan Center
Florida International University

y

ABOUT THE FIU METROPOLITAN CENTER

Established in 1997, the Florida International University Metropolitan Center is an urban think-tank and applied research center committed to providing reliable, accurate and timely information to local decision makers as they seek to forge solutions to urban problems. Located in Downtown Miami, the Metropolitan Center frequently partners with government agencies, private firms, and non-profit organizations to build avenues for positive growth. The center raises professionalism and competence in government through a variety of training modules. Workshops and seminars are tailored to meet clients' specific needs and have included such topics as human resources management, performance measurement, public financial management, strategic planning, and organizational design and development.

TRAINING DIVISION MISSION STATEMENT

The mission of the Metropolitan Center at Florida International University (FIU) is to promote good governance practices through training programs, technical assistance and applied research to state and local governments.

**ABOUT THE FIU METROPOLITAN CENTER
TRAINING DIVISION**

The Metropolitan Center at FIU is a member of a consortium of universities and community colleges throughout the State of Florida that provides training, technical assistance, and applied research to state and local governments. Created by the state legislature in 1981, the FIU Metropolitan Center has played a role in policy research and improving management capacity within government, non-profit and community-based organizations. The Metropolitan Center (the Center) has produced critical studies for county and municipal governments regarding diverse topical policy issues such as incorporation, economic development and transportation. The Center's staff includes many outstanding trainers, and prominent community, university and government leaders.

SCOPE OF SERVICES

This training contract is being offered based upon the needs and requirements for delivery given to the Town of Surfside by the Metropolitan Center. The training will be held at facilities provided by the Town of Surfside. The Center will assign a facilitator or trainer with the background to teach the required subject matter for each session and will provide all the materials for the session.

Each training session shall have no more than twenty-five people attending to assure class interaction and class discussion. In scheduling, the training can be cancelled by either party with up to forty-eight hours notice and be rescheduled at no cost to either party. The only exception to this is in case of a natural disaster.

At the end of the training session, an evaluation sheet will be given to each student and collected for the purposes of evaluating the course, trainer, materials and facilities. The results will be tabulated and returned to the Town of Surfside.

This academy provides citizens with the opportunity to learn about the Town of Surfside' government and how its leaders impact the community. The academy is designed to be a two-hour program to be held once a week for eight weeks. The Metropolitan Center would provide course material for the Academy and make available an opening and closing presenter.

Citizen's Academy

"Knowledge of the Town, Charter, Boundary Charts, History, etc."

(7 sessions at 2 hours each)

What is a Citizens Academy?

The Academy is a learning forum intended to provide participants with insight on how city government works; promote open lines of communication between citizens and city staff; provide information on how citizens can easily utilize the services offered by city government; and provide a realistic and a clearer understanding of city government.

What is the purpose of the Academy?

The academy is designed to increase understanding between our citizens and the Town of Surfside services through education. Our intent is to acquaint citizens with an increased understanding of the tasks at the Town of Surfside which is dealt daily.

Who teaches the Academy sessions?

An FIU moderator for the first seven nights that will help give the perspective of national, state and local trends in the topics being discussed. The City will

provide an expert from the field to bring relevant information about Homestead to the program. This program is designed to be interactive and informative.

What subjects are included?

Week One - What is City Government: A university representative (Dr. Howard Frank) will discuss the differences in governmental authority between federal, state, county, and city. It will also go into the type of government the Town of Surfside has and differences in local models.

Week Two - The Manager - Council form of Government (Dr. Howard Frank). This module should involve the City Manager and at least one Councilperson to discuss their roles in the process.

Week Three - How Does the City Run?: The University will provide a moderator (Dr. Edward Murray). In this module an Assistant City Manager and the Budget Director should participate to explain the process of budgeting and what services are provided.

Week Four - Community Safety: A university moderator to be announced and the directors of the departments of Water and Power. Explain what these services are, why this City is unique in having them and why it is important to have them.

Week Five - Fire and Police Safety: A university moderator to be announced and the Police Chief or Department Spokesperson.

Week Six - Code Enforcement: A university moderator to be announced and the director of the code enforcement agency.

Week Seven -Engaging City Hall - Customer Services: A university moderator to be announced. Review what was accomplished and graduation.

When and where are the academy lessons?

The program is designed to be a two-hour (6:30 - 8:30pm) program held once a week for seven weeks at City Hall.

How are participants selected?

Our hope is that the Citizens Academy will reflect the broadest range of people within the community. We will include men and women, young and old, and representatives of all ethnic, cultural and civic groups.

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This proposal encompasses the logistics and cost to facilitate the "Citizens' Academy" for the Town of Surfside.

The program is anticipated to be an eight-week program with the Metropolitan Center participating the first seven weeks of the program. The eighth week will be a tour arranged by the Town of Surfside.

The Center will provide a three-ring spiral notebook for each participant in the program and materials covering several of the topics. The Town of Surfside will provide information that is specific to the City, charter, boundary charts, history, etc. and relevant for each class topic. The Center will provide a moderator for the first seven nights that will help give the perspective of national, state and local trends in the topics being discussed. Some of the moderators from the Center will include Dr. Howard Frank, Dr. Edward Murray, Dr. Maria Ilcheva and Gay Lynn Williamson-Grigas. The City will provide an expert from the field to bring relevant information about Homestead to the program. This program is designed to be interactive and informative.

At the end of each training session, evaluations will be given to the students and collected by a member of the Center's staff. These evaluations will then be tabulated into a class evaluation form and submitted with the attendance sheet to the Town of Surfside.

The training program is specifically designed to meet the needs of Town of Surfside. Town of Surfside has the right to record and use the training program for employee orientation purposes. FIU/MC reserves the right to develop curriculum based upon the program developed for Town of Surfside and to market to other organizations. The Town of Surfside cannot market the training program to other organizations to compete against FIU/MC in this market. All training materials are property of the Metropolitan Center at Florida International University, protected by copyrights laws and are not to be reproduced for the organizations purposes.

KEY STAFF & BACKGROUND

Dr. Howard Frank is the Director of the Metropolitan Center and Professor of Public Administration at Florida International University. He has served in a number of administrative capacities at FIU since joining the faculty in 1988 including service as Director of FIU's Institute of Government. His Ph.D. is in Public Administration from the Florida State University.

Professor Frank has authored numerous research pieces related to performance measurement. He has also provided training in this area and conducted performance assessments for South Florida Workforce, the Miami-Dade Public Schools and the former Department of Health and Rehabilitative services in Tallahassee.

Professor Frank is currently the *Managing Editor of the Journal of Public Budgeting, Accounting, & Financial Management* and has also assessed Miami-Dade County's implementation of the Active-Strategy performance and budgeting system, also deployed in Miami Beach and Orange County.

Ned Murray, Ph.D., AICP. Dr. Murray is the Associate Director of the Metropolitan Center at Florida International University in Miami. Dr. Murray is a leading expert on economic and housing market issues in South Florida. He has authored many of the landmark affordable housing needs studies including the leading studies for Miami-Dade, Palm Beach, Broward and Monroe Counties. He was also the Principal Investigator on the Broward County Housing Linkage Fee Nexus Study and Rental Housing Study for Palm Beach and Martin Counties. Dr. Murray has recently completed and presented Housing Market Update and Municipal Scorecard studies for Palm Beach and Broward Counties and the South Florida Workforce Housing Needs Assessment. Dr. Murray developed the "Municipal Scorecard for Affordable Housing Delivery©" model which was used to evaluate affordable housing performance in Palm Beach and Broward Counties.

Dr. Murray also has over twenty years of professional urban planning experience, including 12 years as a former Director of Planning and Development in Massachusetts. He holds a Ph.D. in Urban and Regional Planning from the University of Massachusetts at Amherst. Dr. Murray has authored and presented numerous papers on economic development, affordable housing and urban planning, including articles published in *Economic Development Quarterly (EDQ)*, the *Economic Development Journal*, the *Journal*

of Public Affairs Education and the Council for Urban Economic Development's Commentary.

Dr. Maria Ilcheva is an experienced researcher and analyst specializing in the administration of surveys, polls and interviews, quality assurance, data analysis and reporting. She has participated in the research and analysis of studies on economic development, housing and homelessness, youth services assessment, health services, and hurricane preparedness. Her ongoing projects include the study on hurricane preparedness in Florida and the annual survey of top women executives in Florida. Dr. Ilcheva is also leading quality assurance projects, including the Miami International Airport vendor secret shops, secret shops of County departments for the Government Information Center and 311 Call Center evaluations. Ms. Ilcheva has completed her dissertation on ethnic politics.

Robert Meyers – Mr. Meyers has served as Executive Director for the Miami-Dade Commission on Ethics and Public Trust since June 1998. As Executive Director, he has spoken before several hundred groups, making presentations to business, government, professional and community-based organizations. Mr. Meyers has participated on many ethics panels and seminars organized by governments, chambers of commerce, bar associations and universities. He appears on local television and radio programs relating to government and ethics, and is frequently published in local newspapers.

Prior to his appointment as the Executive Director, Mr. Meyers taught law, government and ethics at two major universities. He has published articles on ethics in several prominent journals, including an article in an environmental law treatise on ethics and land use decisions.

He practiced law for two years in Florida, concentrating on administrative law and labor and employment law. He holds a Juris Doctor earned at the University of Miami, a Master's degree in Public Administration, which he received from Florida International University, and a Bachelor's degree from the University of Florida.

Gay Lynn Williamson-Grigas is one of the Trainers who will conduct the session. Gay Lynn is an enthusiastic and energetic corporate trainer who provides workshops on topics ranging from leadership and supervisory skills to communications and customer service. She is also a psychotherapist with a Masters degree in Psychology and is a member of the American Psychological Association since 1992. A commercially published author of three books, her most recent *Twelve Powers in You* is published by Health Communications, Inc.

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BUDGET

The total cost to the Town of Surfside will be \$5,000.00 for the seven weeks of participation from the Metropolitan Center. That amount will cover the stipends to the speakers, the notebooks and the materials to be provided for each section.

We are very excited about this venture and look forward to working with you on this program.

The proposed amount is based on facilitating this program onsite at the Town of Surfside.

If this contract is acceptable, please have the appropriate person sign for the Town of Surfside.

Roger M. Carlton
Town Manager
Town of Surfside

Jeanette K. Jacques
Jeanette K. Jacques
Training Coordinator
Metropolitan Center, FIU

TIMELINE

The schedule of programs will be later discussed upon agreement.

PROJECT CONTACT

Roger Carlton
Town Manager
Town of Surfside
Municipal Building
9293 Harding Avenue
Surfside, FL 33154
Officer: (305) 993-1052
Fax: (305) 993-5097
Email: rcarlton@townofsurfsidefl.gov

Jeanette K. Jacques
Training Coordinator
Metropolitan Center
Florida International University
1101 Brickell Avenue, Suite S-200
Miami, Fl 33131
Office: (305) 779-7874
Fax: (305) 779-7880
Email: jacquesk@fiu.edu

Code of Conduct

- Beepers and Cell phones must be turned off while in class.
- Any personal issues should be handled outside of the classroom.
- The facilitator(s) or trainer(s) is in charge of the classroom. Any problems should be communicated to him/her.
- The facilitator has the right to ask you to leave the classroom with legitimate reasons, which shall be given at time of expulsion.
- The Institute reserves the right to dismiss any student from the training session who does not comply with the student code of conduct.

PAST EXPERIENCE

- Ann Storck Center
- Camillus House of South Florida
- Centro Campesino
- City of Coral Gables
- City of Coral Springs
- Town of Surfside
- City of Hialeah
- City of Homestead
- City of Key West
- City of Lauderdale
- City of Miami
- City of Miami Police Department
- City of Miramar
- City of Opa-Locka
- Town of Surfside
- City of Pembroke Pines
- City of South Miami
- City of Sweetwater
- City of Tamarac
- Greater Miami Convention and Visitors Bureau
- Miami-Dade County Housing Agency
- Miami-Dade County Transit
- Miami-Dade County Water & Sewer
- Juvenile Assessment Center
- Local Initiatives Support Corporation
- The Village of Key Biscayne
- The Village of Miami Shores
- The Village of Pinecrest
- Town of Cutler Bay
- Town of Palmetto Bay

Conferences -

Women's Executive Retreat
Florida Personnel Public Association (FPPA)
National Forum for Black Public Administration
Civil Rights Conference
Florida Women in Government
Dewey Knight for Public Services Conference
Martin Luther King, Jr. Breakfast

CITY OF MIAMI NOTICE OF PUBLIC HEARING

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SPECIAL ASSESSMENTS

Notice is given that the City Commission of the City of Miami will conduct a public hearing to consider imposing Solid Waste special assessments for the provision of Solid Waste services within the City of Miami for the Fiscal Year commencing October 1, 2011 and ending September 30, 2012.

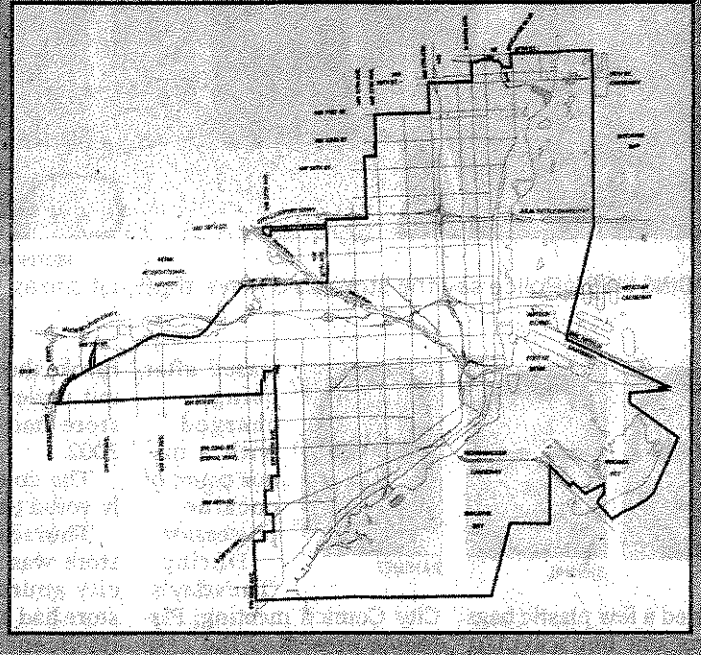
The hearing will be held at 5:05 p.m. on September 15, 2011, in the City Commission Chambers of City Hall, 3500 Pan American Drive, Miami, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commissioners with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk at (305) 250-5361 at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The total estimated Solid Waste Assessed Costs to be assessed and collected for the Fiscal Year commencing October 1, 2011, is \$26,334,000. The following table reflects the proposed Solid Waste assessment schedule:

RESIDENTIAL PROPERTY USE CATEGORIES	RATE PER EACH DWELLING UNIT
Single Family	\$380.00

Copies of the Solid Waste Assessment Ordinance, Initial Assessment Resolution and the preliminary assessment roll are available for inspection at the Office of the City Clerk of Miami, Florida, 3500 Pan American Drive, Miami, Florida.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City



Commission action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

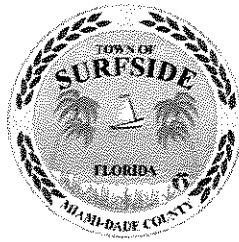
The assessments will be collected on the same bill as ad valorem taxes. Failure to pay the assessment will result in either the commencement of foreclosure proceedings or cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the City of Miami at (305) 416-1570, Monday through Friday between 8:30 a.m. and 4:30 p.m.



PRISCILLA A. THOMPSON, CMC
CITY CLERK
CITY OF MIAMI, FLORIDA

(#15417)



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

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney

CC: Roger M. Carlton, Town Manager

DATE: September 13, 2011

SUBJECT: Town Attorney Monthly Update for September, 2011

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

1. **Beach House Resolution – Quasi-judicial Hearing**
2. Litter Ordinance
3. FEMA Ordinance
4. Police Code Enforcement Resolution
5. Tentative Tax Millage Resolution
6. Tentative Adoption of 2011-2012 Budget Resolution
7. Police Vehicle Lease Resolution
8. SunGard IT Contract Renewal Resolution

The Town Attorney has attended and/or rendered advice for the following meetings:

Commission Meeting - August 9, 2011

Planning & Zoning Meeting - August 25, 2011

Budget Workshop – September 1, 2011

Prepare for September 13, 2011 Quasi-judicial Hearing on Beach House Resolution

Prepare for September 13, 2011 Budget Hearing

Prepare for September 13, 2011 Commission Meeting

Roughly five (5) meetings and numerous telephone conferences internally and with applicants for Beach House quasi judicial hearing- attendance at numerous personal and telephonic meetings with

planner, manager, applicants, counsel for applicants and numerous emails and telephone conferences with counsel for objectors.

Numerous pre- negotiation meetings and attendance at formal negotiation for potential settlement of Young Israel litigation; follow up meetings with manager and outside counsel for formulation of draft settlement outline. Assist outside counsel in the drafting of the proposed settlement agreement. Schedule attorney-client session for input from Town Commission. Advice and counsel re mediation requirements by the Court.

Planning Board sitting with Design Review Board – August 25, 2011

- A. Lecore's single family addition
- B. 9569-9571 Harding Avenue Storefront Improvements
- C. 9415-9421 Harding Avenue Storefront Improvements

Planning & Zoning Discussion Items

- A. Action Items from June 30, 2011 meeting
- B. Update on Municode Codification
- C. Short Term Rentals

Town Manager and Town Clerk Issues

Attend interviews, and participate in assessment and selection for new Director of Code Enforcement by Town Manager.

Research Planning & Zoning Board Member Vacancies and counsel re advertisements re same.

Research for preparation of Intergovernmental Cooperation Agreement between Miami-Dade County regarding non-advalorem special assessment for the cost of providing recycling and solid waste collection services.

Analyze liability and indemnification issues re: Water-Sewer single family residences installment.

Finalize Deco Bike Agreement.

Police Code Enforcement revisions.

Prepare for and render advice re 9501 Collins Avenue execution of Waiver of Right of First Refusal and various conferences with counsel for owners.

Continuing review and advice on Public Records requests.

Review and Analysis of Miami Dade Resolution R-637-11 regarding amnesty provisions for homeowners building code compliance.

Closing for 9256 - 92XX Collins Avenue Property purchase (Delgado property); work with outside counsel, review and revise closing documents.

Review memo re: Community Center project claims and disputes.

Review lease-purchase on police vehicles and attendant legal issues.

Continue research on whether current zoning code (including specifically questioned provisions) violates in any manner Section 4, Article I of the Charter as applied to the Beach House property.

Review, analysis, and amendment to Agreement to Defend for Beach House.

Review and plan for upcoming DVAC issues.

Research re availability of library books on Kindle.

Retrieve "leaf blower" language in the event there is a decision to include same in our litter ordinance.

Numerous meetings with and provision of assistance to personnel related to Budget Hearing and Commission meeting in absence of Town Clerk.

Building Department/Code Enforcement:

Review and analysis of documents for final review for FEMA Compliance.
Review files and provide advice re code enforcement matters going to special master.

Parks and Recreation:

Analysis and review of insurance issues for Surf Café.
Answer legal questions pertaining to logo.

Human Resources Department:

The Town Attorney has worked with the Town Manager and Human Resource Director on several issues including hiring of new Director of Code Enforcement.
Coordinate with two employees for court appearance re: subpoena.
Draft and review proposed changes to severance agreement for employee for H.R.
Coordinate and assist Human Resources on FOP contract issues.

Finance Department:

Answer and research legal questions for 2011/2012 Budget Hearings.
Discussion of SunGard software equipment.
Research re process for placement of garbage fees for collection on Miami-Dade County tax bill.
Preparation of documents for September 1, 2011 Budget Workshop.
Local Business Tax Receipt issues and statutory research.

Police Department:

Ongoing FOP contract issues; confer with outside labor counsel.
Continuing Court challenges to constitutionality of Red Light Camera Citation.
Meet with Red Light Camera vendor re “most favored nations” clause.

Public Works:

Continue to assist and advise Public Works Director on all procurement, water sewer and other capital improvement projects/community center matters, shuttle bus, street sweeper, and other interlocal agreements.
Work with FDOT on revisions to easement agreements for water/sewer projects and legal issues associated therewith.

Tourist Bureau:

Follow-up and research agreement and waiver for Community Garden; prepare same
Follow-up Downtown Vision Committee meeting
On-going Tourist Tax Auditor issues

Litigation:

John Davis v. Town of Surfside Case No. 07-17286 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case has been consolidated as to discovery with a previous case filed by a former sergeant in the Town's police department. The Court denied the Motion to Consolidate both cases for trial. There are continuing public records request issues and strategy for session with outside counsel. The trial in this case has been continued until October 24, 2011.

Young Israel of Bal Harbour, Inc. v. Town of Surfside Civil Action No. 1:10-cv-24392 in the United States District Court for the Southern District of Florida. On December 10, 2010, Young Israel served a complaint alleging the Town Zoning Code imposes a substantial burden on Young Israel in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA). This matter is primarily being defended by The Florida League of Cities which has approved counsel to assist in the defense of this case. The Town's lawyers filed a Motion to Strike and Motion to Dismiss. Plaintiff, Young Israel filed a Memorandum in Opposition to Defendant's Motion to Strike and a Memorandum in Opposition to Motion to Dismiss. The Town reviewed and revised in consultation with outside counsel Replies to Plaintiff's opposition memos. The Court denied the Motion to Strike and Motion to Dismiss. The Town's Counsel prepared and filed the Answer to the Complaint on July 18, 2011 and has prepared drafts of proposed Interrogatories and Request to Produce. All counsel filed a Joint Scheduling Report and the Court set trial for the July 16, 2012 trial calendar. Settlement negotiations are on-going, and an Executive Session is scheduled for September 15, 2011.

American Enterprise Bank v Bishop Partners, LLC, Surfside, et.al Case No. 11-07139 CA 04 filed in Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The case involves a mortgage foreclosure action against Defendants who owned property in Surfside. It appears that Surfside has been named as a defendant due to an unsatisfied lien on a Surfside property due to a code violation relating to a failure to pull a building permit. Plaintiff has filed Motions for Default against four of the defendants for failure to answer the complaint which will be heard on October 13, 2011. We are exploring resolution to this matter.

Hapuarachchi v Surfside Miami -Dade Case No. (F98-450). This is a police forfeiture matter dating back to 1998. Mrs. Hapuarachchi filed for a re-hearing of the Court's order denying her motion for return of property. The Court refused to re-hear the motion unless she pays the fee to reopen the underlying case before the Court will consider her most recent Motion. While we thought this matter was concluded, Mrs. Hapuarachchi filed a motion for re-hearing on return of funds and the Court set a hearing before Judge Dresnick for August 3, 2011. Judge Rodriguez heard the matter because Judge Dresnick was on vacation, but Judge Rodriguez was unwilling to "re-hear" an Order entered by Judge Genden (who had previously ruled on the motion). Judge Rodriguez suggested the motion be reset after Judge Dresnick's return in early September. The Court reviewed and denied the Motion for Re-hearing. Mrs. Hapuarachchi is represented by counsel who has made a settlement demand which has been rejected. Will this case never end?

Florida League of City Cases:

We monitor, coordinate witnesses and assist with requests for discovery with League counsel on cases that are covered by the FMIT. In addition to Young Israel (see above), we assist counsel with the following FMIT cases:

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

This action commenced in 2001 against the Town, former Town Manager, Rodriguez and former Police Chief, Boemler. Blum, a former police officer alleges breach of contract, violation of policeman's bill of rights and fraud in the inducement. We await the Court's ruling on Co-Defendant, Boemler's motion to dismiss for failure to prosecute and motion for sanctions. Counsel also attended an updated deposition of Plaintiff Blum who currently lives in Vermont and is a law enforcement specialist with Homeland Security Administration. He continues to request that his FDLE police certificate file be cleared of "resigned or retired while being investigated for violating agency policy," and requests Surfside issue him a retired law enforcement officer identification card. FMLA counsel and the Town Attorney's office have been in frequent contact to discuss this matter and as of this date, no settlement has been reached. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible.

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

Dina Agin filed a complaint seeking damages for injuries allegedly arising from a trip and fall accident due to a defective condition on the property/premises/sidewalk near the corner of 96th Street and Bay Drive in the Town of Surfside. We have assisted League counsel with discovery and document requests and on-going case development issues. Bal Harbour Village has been dismissed as a party. Trial has been re-set for the 3 week period commencing October 17, 2011. Plaintiff's attorney moved the court for a continuance to 2012 because Mrs. Agin is a snow bird and Plaintiff's counsel wishes to conduct further discovery. Surfside argued that the Town is prepared, there has been more than enough discovery conducted by FDOT and the Plaintiff, and the trial should not be delayed to 2012 on a 2007 case. Depositions of the Finance Director, Public Works Director and Building Clerk were taken. The case has been re-set for trial on October 17, 2011. The Town Attorney continues to assist Florida League of Cities counsel with on-going discovery requests and trial preparation.

Special Matters:

Work with outside counsel and secure opinion on Beach House Hotel density and other zoning inquiries from hotels and other concerned citizens relative to 2004 charter restriction.

Land use research relative to imposition of conditions on site plan approvals.

Fair Campaign Practices research and memo to Mayor.

Update of Ethics law memorandum for Town Attorney Handbook.

Continued monitoring and cataloging of new case law and legislation.



TOWN OF SURFSIDE

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

Page 1
Town of Surfside
Projects Progress Report

3E

TOWN OF SURFSIDE PROJECTS PROGRESS REPORT CALVIN, GIORDANO & ASSOCIATES. INC. September, 2011

Daniel Dietch
Mayor

Joe Graubart
Vice Mayor

Marta Olchyk
Commissioner

Michael Karukin
Commissioner

Edward Kopelman
Commissioner

Roger M. Carlton
Town Manager

1. **Community Center** – The Contractor is now 95% complete with all punch list items and will be requesting a follow up walk through of all punch list items this month. The air line (to control activity pool equipment) has been repaired. The window leak has been resealed, but continues to leak. The Contractor is now utilizing a specialty water proofing contractor to resolve the leak. The deadline for all potential change orders and claim has passed. The Town issued responses to these claims (majority being denial) and will continue to work until all parties agree on the final close out change order and documentation. Staff will present a close out memorandum at the October Commission Meeting.
2. **Planning and Community Development** – The Planning Department recommended approval to the Town Commission on a site plan application for The Grand Beach Surfside Hotel at 9449 and 9418 Collins Avenue. This site plan and accompanying conditional use application has been scheduled for the September Town Commission meeting. Planning Staff also prepared a PowerPoint presentation on design elements for awnings within the downtown area per the direction of the Downtown Vision Advisory Committee (DVAC). Staff presented an awning ordinance to DVAC in August which will be reviewed by the Planning and Zoning Board in September. Planning staff continues to answer general zoning calls and e-mails from the public and to review building permits for conformance with the zoning code.
3. **3 Website, Information Technology, TV Broadcasts** - IT staff received the laptop order for the Police Department on June 21, 2011 and has begun deploying the laptops. IT is currently troubleshooting VPN connectivity issues for the mobile police units with both Verizon and Dell. Dell and Verizon have been given an ultimatum of resolving the connectivity issues between their systems by August 29, 2011. If they do not resolve these issues, the laptops will be returned and another vendor will be selected. The website RFP was submitted by 10:30AM on the August 22, 2011 deadline and the Town is now reviewing the four proposals received. A recommendation on the website RFP proposals will be made by Town Staff during the October Town Commission Meeting. IT is working on a cost estimate for the purchase and installation of audio video equipment to allow video recording and broadcasting at the Community Center.

- 4. Public Utilities / Engineering** –The Infrastructure Rehabilitation Project Notice to Proceed was issued on August 8, 2011. Physical construction commenced on August 15, 2011 in the southern sector (Phase I) of the City. The project involves water main / water service replacements, lining of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including new drainage pump stations. As well, construction will be occurring within the Harding and Collins Avenue corridors for the next four months preceding the anticipated FDOT resurfacing project(s). The public information project website continues to be updated frequently during this process. The website is receiving approximately 25 hits daily and inquiries are being responded to within 72 hours.

Bal Harbour Village has commenced with the construction / installation of a parallel force main being constructed within the Collins Avenue corridor through the Town. This work is anticipated to be completed within Surfside in approximately 30 days and will continue into Miami Beach with anticipated completion before Thanksgiving. Three public meetings have been held.

Stormwater System

The construction includes the installation of a backbone system along Bay Drive that will interconnect existing stormwater culverts / piping and direct the run-off to two pump stations. Also, a third pump station will be constructed on the southern end of Carlyle Avenue.

Permits – All permits obtained except contractor FDEP well permit (contractor permits have been applied for and are in process, anticipated issuance is 60 days-not currently impacting construction schedule).

Sanitary Sewer Collection System

Sewer lateral replacement and television inspection of the gravity sewer mains has commenced in the southern sector (Phase I) of the Town, and work within the Harding and Collins Avenue corridors is anticipated to commence after the Contractor receives permit(s) from FDOT. The Improvements being completed on the Sanitary Sewer System are required per a consent decree with Miami-Dade County.

CGA continues working with the Village of Bal Harbour and their consultant (Craig A.Smith) to ensure Surfside's new force main lines are properly tied into the proposed force main being constructed within Collins Avenue.

Water Distribution System

Water service installations are being constructed in the southern sector (Phase I) of the Town.

Grant status - Miami-Dade (GOB) Building Better Community Bonds \$829,000 – In place

Stormwater Master Maintenance

CGA staff assisted the Town with the response to the Florida Department of Environmental Protection comment letter on the July 2011 submittal of the Year 8 Annual Report Form. The

Town staff has recommended the street sweeping program, with Sunny Isles Beach doing the street sweeping every two weeks, as per National Pollution Discharge Elimination System permit requirements. This item was approved during the August Town Commission Meeting.

Funding Summary –

Funding Status:

<u>Grant</u>		<u>Status</u>	<u>Probability</u>
FDEP Grant	\$873,500	In place	100%
FDEP Grant	\$125,000	In place	100%
FDEP Grant	\$100,000	In place	100%

\$1,098,500 Total In Place Funding

FDEP State Revolving Fund Loan	\$2,771,000	In process*	50%
FEMA/PDM Grant	\$2,949,550	In process*	10%

\$5,720,550 Total In Process Funding

*Anticipated determination on the in process funding sources is scheduled for February 2012.

5. **Neighborhood Improvements** – The Town Commission determined to hold on the additive alternate projects until the water/sewer/storm drainage project was one year underway to determine if any of the remaining contingency account funding would be available.

Proclamation

Whereas, Alzheimer's disease has a major impact on the physical, financial and emotional lives of a great many of the citizens of the Town of Surfside; and

Whereas, 200,000 persons with Alzheimer's disease reside in the Southeast Florida Chapter service area from Fort Pierce to the Keys, which includes the Town of Surfside; and

Whereas, Alzheimer's is the sixth leading cause of death in the United States; and

Whereas, As many as 5.3 million Americans are now living with Alzheimer's disease and every 71 seconds another is diagnosed, causing untold misery and hardship to the victims and their families, loved ones and caregivers; and

Whereas, The Alzheimer's Association is the largest private, nonprofit funder of Alzheimer's disease research in the U.S. and is moving closer to accurate diagnostic tools, meaningful treatments and a cure; and

Whereas, The Alzheimer's Association is here today, encouraging the citizens of the Town of Surfside to help the Town of Surfside win the Miami-Dade Alzheimer's City Challenge by participating in Alzheimer's Association 2011 Miami-Dade Walk to End Alzheimer's on Saturday, October 29, 2011, at Merrick Park, across from Coral Gables City Hall by starting a team, joining a team, being an individual walker, volunteering or donating at www.memorywalks.com; and

Whereas, It is appropriate that a day be set aside to encourage our residents to ACT now to end Alzheimer's, OPEN their minds to learn the facts about Alzheimer's, VOICE their support and MOVE the Alzheimer's Association's cause forward; and

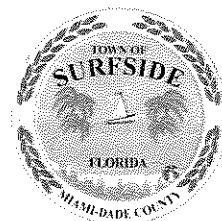
Whereas, The Mayor and the members of the City Commission of the Town of Surfside wishes to show their support for the goals of Alzheimer's Association

Now, Therefore, I, Daniel Dietch, Mayor of the Town of Surfside, Florida on behalf of the Town Commission, hereby proclaim Saturday, October 29, 2011 as, "Alzheimer's Association 2011 Miami-Dade Walk to End Alzheimer's Day 2011 in the Town of Surfside."

In witness thereof I have hereunto set my hand this 13th day of September, 2011



*Daniel Dietch, Mayor
Town of Surfside, Florida*



Proclamation

Whereas, This year has been one of the deadliest years for Florida's law enforcement officers; and

Whereas, Too many brave men and women have died protecting and serving our community; and

Whereas, Sadly after their funerals their sacrifices tend to be forgotten; and

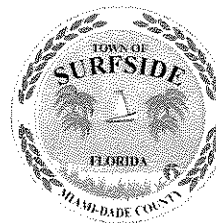
Whereas, In honor of these heroes who gave their lives in the line of duty while serving the residents of Miami-Dade County, September has been declared "Fallen Officer Tribute Month"; and


Whereas, The month-long tribute will serve as a reminder to all that law enforcement officers are committed to the calling, that they are willing to lay down their lives at any given moment; and

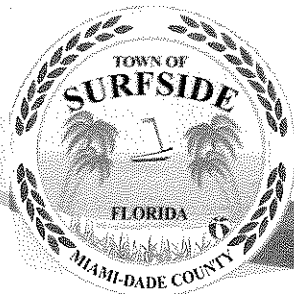
Whereas, The Mayor and the members of the Town Commission of the Town of Surfside wish to show their support for the "Fallen Officer Tribute Month"

Now, Therefore, I, Daniel Dietch, Mayor of the Town of Surfside, Florida on behalf of the Town Commission, hereby proclaim September as, "Fallen Officer Tribute Month" in the Town of Surfside."

In witness thereof I have hereunto set my hand this 13th day of September, 2011




 Daniel Dietch, Mayor
 Town of Surfside, Florida



TOWN OF SURFSIDE

9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154
 (305) 861-4863 • FAX: (305) 861-1302
 WWW.TOWNOFSURFSIDEFL.GOV

TO: Elected Officials
 FROM: Roger M. Carlton, Town Manager
 DATE: September 13, 2011
 RE: Litter Ordinance

The feral cat feeding problem has led to a discussion of a balanced program to manage this issue in a manner which is acceptable to the community. One element of the program requires a vehicle to control the litter produced from feeders who do not remove the containers used to deliver the food. This problem is particularly acute along the hard pack beach path and in certain areas of the single family neighborhood.

The Town Attorney's advice is to make the non-removal of the feeding containers a violation under a comprehensive litter ordinance. The ordinance is presented for first reading on the August 9, 2011 Town Commission agenda accomplishes the following:

1. Defines litter to include handbills, tobacco products deposited on public property, chewing gum, yard clippings and debris not placed in proper containers on the public rights of way and cat feeding containers.
2. Establishes a progressive system of civil fines issued through the code enforcement process. The fines are appealable to special masters.
3. Establishes a system to avoid the fines through the volunteering to pick up litter as a community service.
4. Allows the Town to withhold the issuance of a business license for repeated violations of the handbill provision.

Subsequent to first reading Commissioner Karukin requested two amendments which have been incorporated. These include:

1. Glass containers are prohibited on the beach. Metal containers are allowed.
2. In lieu of a fine, the special master may accept voluntary community service removing litter in the Town equivalent to one hour of community service for each imposed fine. If the community service is not completed within three months of an adjudication of guilt, the fine shall be reinstated.

While it may seem a large scale expansion of government regulation coming from the finite issue of cat feeding, the reality is that Surfside's evolution as a desirable beach area on weekends and the number of new restaurants opening downtown (some of which advertise with handbills and door hang tags) requires a regulatory framework. The amount of litter in our downtown area and parking lots appearing over the weekends has become a concern.

ORDINANCE NO. 11- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 34 “ENVIRONMENT” BY ADDING ARTICLE V “LITTER” AND SPECIFICALLY CREATING SECTIONS 34-78 “DEFINITIONS”, SECTION 34-79 “UNFINISHED, VACANT, UNOCCUPIED OR CLOSED STRUCTURES, CONSTRUCTION SITES OR VACANT LOTS; MAINTENANCE PROCEDURES REQUIRED OF OWNERS”; AND SECTION 34-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; DELETING CHAPTER 2. “ADMINISTRATION” ARTICLE I. SECTION 54-2 ENTITLED “DISTRIBUTION OF HANDBILLS”; 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”) declares that it is in the interest of the public health, safety, and welfare to reduce pollutants on the land and those that enter into the air and waters of the Town; and

WHEREAS, the Town wishes to address a variety of litter issues in a single section of the code, including but not limited to such issues as the uncontrolled feeding of feral cats, the uncontrolled distribution of handbills, the uncontrolled discharge of yard maintenance debris into the Town’s storm drains and sewers which diminishes the effective functioning of the Town’s sewer system and pollutes and damages the Town’s waterways and ecosystems; and

WHEREAS, the spreading of debris, dust, fecal matter, pesticides, fungi, chemicals, fertilizers, and dirt onto adjoining properties and public rights-of-way causes litter, erodes and degrades soils, and is a health hazard; and

Ordinance No. _____

WHEREAS, The Town Commission has conducted a first reading on August 9th and a second duly noticed public hearing on these regulations as required by law on September 13, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Chapter 34. ENVIRONMENT

Article V. Litter.

Sec. 34-78. Definitions.

Benefactor means the owner of the business advertised in the commercial handbill whose agent, employee, contractor, promoter, or other representative did or caused the throwing, discarding, placing or depositing.

Business means any commercial or industrial activity, entity, or event in or for which any goods or services are made, sold or offered for sale or other consideration, pecuniary or otherwise.

Handbill means any handbill, flyer, paper, document, dodger, circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice or other written, printed or painted matter or object that conveys any information, except that "handbill" shall not include a newspaper or its contents.

Commercial handbill means any handbill that conveys any information about any goods or service provided by a business.

Litter means any animal food, paper, handbill, commercial handbill, garbage, bottle caps, chewing gum, tobacco products, including, but not limited to, used and unused cigarettes, cigars, pipe or chewing tobacco, or other waste, including, but not limited to, tree, plant, and grass cuttings, leaves, or other yard maintenance debris, that has been placed or deposited on a public sidewalk, street, road, avenue, beach, swale, median, building, fence, wall, boardwalk, beachwalk, baywalk, cutwalk, park, or in a gutter, drain, or sewer, or on any other public property, right-of-way or place, or on any object located on public property, or on the kneewall, window ledge or sill of any public or private building, or on a motor

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vehicle, or on any other type of private real or personal property other than in containers used for the collection of solid waste by the Town or approved collection firms. Handbills and commercial handbills attached to a trash receptacle, but not within the trash receptacle in the usual manner, shall also be considered litter.

One day means a 24-hour period from noon to noon.

Person, benefactor, or owner include, within their respective meanings, either an individual or an entity.

Sec. 34-79. Unfinished, vacant, unoccupied or closed structures, construction sites or vacant lots; maintenance procedures required of owners.

- a. All owners of unfinished, vacant, unoccupied, closed or unfinished structures or buildings, construction sites or any other vacant lots shall comply with rules and regulations relating to such structures or buildings, construction sites or vacant lots as promulgated by the building official and in accordance with Sections 34-66 through 34-70 relating to lot clearing. These rules and regulations shall specify those actions and time limits within which owners shall beautify, secure and/or patrol their structures or buildings.
- b. Noncompliance with this section shall be punishable in a manner as provided in section 1-8. Noncompliance with this section may result in the Town's taking such action as it deems appropriate under the circumstances, and a lien shall be imposed against the structure or building for recovery of all costs involved.
- c. If the owners or occupants of such lands within the Town shall fail to comply with the requirements of this section, the Town Manager shall cause such work to be done and keep an account of the cost thereof, whereupon such cost shall be a charge and lien against the property so cleaned. Such existing liens or liens imposed hereafter shall be treated as special assessment liens against the subject real property, and until fully paid and discharged, shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved; the maximum rate of interest allowable by law shall accrue to such delinquent accounts. Such liens shall be enforced by any of the methods provided in F.S. ch. 86; or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions applicable to practice, pleading and procedure for the foreclosure of mortgages on real estate set forth in state statutes, or may be foreclosed per F.S. ch. 173, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. The owner and/or operator shall pay all costs of collection, including reasonable attorney fees, incurred in the collection of fees, service charges, penalties and liens imposed by virtue of this article.

Sec. 34-80. Prohibitions on litter; civil fines for violations; enforcement; appeals; liens.

- a. It shall be unlawful for any person or benefactor to throw, discard, place or deposit, or cause to be thrown, discarded, placed, or deposited, litter in any manner or amount whatsoever in or on any public highway, sidewalk, road, street, alley, thoroughfare,

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beach, park, baywalk, beachwalk, cutwalk, or any other public place, except in containers or areas lawfully provided therefor. It shall be unlawful for any person to throw, discard, place or deposit any garbage, cans, bottles or containers in or on any freshwater lakes, rivers, streams, canals, or tidal or coastal waters within the Town. In addition, it shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount whatsoever on any private real or personal property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations.

- b. It shall be unlawful for any person to carry onto any beach within the Town a glass container.
- c. The following civil fines shall be imposed for violations of this section except as provided in subsections (f) below:
 - 1. First offense: \$50.00 fine.
 - 2. Second offense: \$100.00 fine.
 - 3. Third or subsequent offense: \$250.00 fine.

In lieu of a fine, the special master may accept voluntary community service removing litter in the Town equivalent to one hour of community service for each-imposed fine. If the community service is not completed within three months of an adjudication of guilt, the fine shall be reinstated.

- d. If a violation of this section resulted from the throwing, discarding, placing or depositing, or causing to be thrown, discarded, placed, or deposited commercial handbills as litter, then the following civil fines shall be imposed. The special master shall not have discretion to alter these prescribed penalties except as to the per handbill fine of \$50.00 provided in subsection (c)(1).
 - 1. If the offense is the first offense, \$100.00 fine;
 - 2. If the offense is the second offense within the preceding 12 months, \$250.00 fine;
 - 3. If the offense is the third or subsequent offense within the preceding 12 months, \$500.00 fine plus \$50.00 per handbill.
 - 4. Notwithstanding subsections (c) (1)-(3), no person or benefactor shall receive more than one offense within any one-day period.
- e. At any prosecution for violation of this section when the litter involved is a commercial handbill, if ten or more commercial handbills advertising the same business are found in plain view as litter under circumstances that make it more likely than not that the commercial handbills were placed there, or caused to be placed there, by an agent, employee, contractor, promoter, or other representative of the business advertised on the face of the commercial handbills, the special master shall apply a rebuttable presumption that the business advertised on the face of the handbills threw, discarded, placed or deposited the commercial handbills as litter.
- f. If a person is found littering with commercial handbills, the code compliance officer is authorized to seize, for use as evidence in the prosecution of the violator before the special master, all commercial handbills in the possession of the violator.

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- g. The Town may cause the removal, at the violator's expense, of all litter distributed or placed in violation of this section.
- h. Enforcement by code compliance officers; notice of violation. If a code compliance officer finds a violation of this article, such code compliance officer shall issue a notice of violation to the violator as provided in Chapter 15. The notice shall inform the violator of the nature of the violation, amount of fine for which the violator may be liable, instructions and due date for paying the fine, notice that the violation may be appealed by requesting an administrative hearing within 20 days after service of the notice of violation, and that failure to do so shall constitute an admission of the violations and waiver of the right to a hearing.
- i. Rights of violators; payment of fine; right to appeal; failure to pay civil fine or to appeal.
 - 1. A violator who has been served with a notice of violation shall elect either to:
 - i. Pay the civil fine in the manner indicated on the notice; or
 - ii. Request an administrative hearing before a special master appointed by the Town Commission upon recommendation of the Town Manager to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation.
 - 2. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 15-12 and 15-15 of the Town Code.
 - 3. If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the code compliance officer. Failure of the named violator to appeal the decision of the code compliance officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.
 - 4. Any party aggrieved by the decision of the special master may appeal the decision in accordance with law.
- j. Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.
 - 1. The Town may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
 - 2. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the Town may foreclose or otherwise execute upon the lien.
- k. Nothing in this article shall limit or restrict any condition or limitation imposed by the planning and zoning board.
- l. Injunctive relief. As an additional means of enforcement, the Town may seek injunctive

Ordinance No. _____

relief and/or follow procedures to revoke a business tax receipt and/or certificate of use as set forth in chapters 14, 18 and 70 of the Town Code when there are more than three offenses by the same violator within a calendar year.

The Code is also amended by deleting the following:

Article I. General

~~Sec. 54-2. Distribution of handbills.~~

~~No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, nor hand out or distribute any commercial handbill on any sidewalk, street or other public place within the Town.~~

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 9th day of August, 2011.

PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Ordinance No. _____

Attest:

Town Clerk

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



Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

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

Ordinance No. _____



Commission Communication

Agenda #: 4B1

Date: September 13, 2011

Subject: Required Amendments to FEMA Ordinance

Background: In 2007 FEMA reviewed all Building Department records to determine if there were violations of FEMA regulations. FEMA found 64 properties Townwide that were in violation of the 50% rule. The 50 % rule is "Substantial Improvement" which means that you cannot improve the value of your building more than 50% without meeting FEMA requirements including flood elevations. For example, if your building, less the value of the land is \$120,000, the improvements cannot exceed \$60,000. In an attempt to meet the requirements many homeowners phased the construction over many months and took out multiple permits. When FEMA reviewed our computer records they added up the phased construction and found the violations. As a result of their findings, FEMA put the Town on probation thereby losing the annual discount, which averages approximately \$150 - \$200 per single family household or nearly \$200,000 annually assuming everyone buys flood insurance. Paul Gioia our current Building Official has been in the process of resolving this issue since he was hired.

The first criteria is that no work can be done to any of the 64 homes for five (5) years since the last construction, except for emergencies. This "no work" policy has been in place for four years. In addition the Town must:

- 1) Solve the substantial improvement that were committed to 64 homes
- 2) Create Public Relations handouts. (Copy attached)
- 3) Create a comprehensive Flood Plain checklist and require submission for all Building Plan submittals. (Copy attached).
- 4) Amend the Flood Plain Ordinance to reflect FEMA required inclusions. (Presented to Town Commission on this agenda for first reading).

Items 1-3 have been completed, sent to the FEMA office in Tallahassee, and received positive reviews.

Item 4 was sent August 26, 2011 to FEMA and they acknowledged receiving it and are reviewing it. The main provision of the amended ordinance includes clarifying some wording and defining new construction as substantial improvement to avoid confusion.

Budget Impact: None

Analysis: Adoption of the proposed amendments to the Flood Plain Ordinance will complete the last requirements to remove Surfside from the discount prohibition imposed by FEMA due to actions of previous Town of Surfside leadership.

Staff Impact: N/A

Recommendation: Adopt the Ordinance amendment on first reading to codify existing practices which have been in place since 2007. Should FEMA officials require any minor adjustments, the corrections will be specified at second reading scheduled for October 11, 2011.



Paul Gioia
Chief Building Official



Roger M. Carlton
Town Manager



TOWN of SURFSIDE
Building Department

Living In a Flood Hazard Area

LOCAL FLOOD HAZARD - The Town of Surfside is being diligent in enforcing the FEMA/NFIP rules and regulations that govern flood prevention activities. Residents have lost the discount on their flood insurance premiums because FEMA made the determination that Town had been lax in enforcing FEMA's rules in the past. The goal is now to abide by the federal rules to ensure that residents will once again be able to obtain the premium discount. The following information is provided to suggest actions which residents living in a flood hazard area may take to minimize potential flood damage.

FLOOD WARNING SYSTEM - Any substantial flood experienced by Surfside residents will likely come from a hurricane or tropical storm. Since Surfside is on a barrier island, any storm surge is likely to flood coastal, as well as interior properties. Because of this, you should heed all hurricane and tropical storm warnings. These warnings will be broadcast through local television and radio stations, such as WFOR-Channel 4, WTVJ-Channel 6, WSVN-Channel 7, and WPLG-Channel 10, or on radio on WQAM-AM 560 or WIOD-AM 610.

FLOOD SAFETY / PROPERTY PROTECTION - If an evacuation is ordered, you should proceed to rapidly evacuate to a point of safety, such as a County shelter or other prearranged site. Remember that pets are not allowed in public shelters, so special arrangements should be made for them. People with special needs, who are disabled, or under a doctor's care, can and are encouraged to register in advance, for special assistance with the Miami-Dade County Office of Emergency Management by calling the general information number (305) 468-5400 or by dialing 311 to request an application for the Emergency Evacuation Program. Before you evacuate, there are a number of flood safety precautions to follow. Know appropriate escape routes, turn off your electricity and gas, and close all your windows, doors, and shutters. If you have time, you can move valuables and furniture to elevated areas that are less prone to water damage. Prepare emergency supplies of food, water, medicines, and other personal essentials to have readily available upon evacuation.

FLOOD INSURANCE - In preparation for the hurricane season, you should check that your flood insurance coverage is in effect. Remember that flood damage is not covered by homeowners' normal insurance. For most people, their home and its contents represent their greatest investment. Protect your property by obtaining flood insurance if you have not already done so. Flood insurance through the National Flood Insurance Program is available and information can be obtained by contacting any licensed property or casualty broker. Also remember that there is normally a 30 day waiting period for the flood insurance to take effect, so do not wait until there is a storm warning to talk to your insurance agent.

DRAINAGE MAINTENANCE- Another way that the Town of Surfside minimizes flood damage is by maintaining its storm drainage system. Please be reminded that it is illegal to dispose of debris or yard cuttings into the storm drainage system. The storm drainage system on A1A and 96th Street, installed by the State of Florida, helps to minimize flood damage. Effective maintenance by our Public Works Department, combined with the State of Florida storm drainage system, should minimize potential flood damage.

LOCAL FLOOD HAZARD MAP / PERMIT REQUIREMENTS - Flood damage may be minimized by new buildings and additions adhering to the current Base Flood Elevations (BFE). In most cases in Surfside, it is 8.0 feet NGVD. However, it is advisable to obtain a written flood map determination from the Town's Building Official showing the Base Flood Elevation required for your proposed construction, according to the exact location. Should you require completed elevation certificates, make sure your Surveyor utilizes the latest edition of the Elevation Certificate Form. All construction, including reconstruction, rehabilitation, additions, alterations, and general repair work, must obtain a Municipal Building Permit, provide an Elevation Certificate, and fill out the Flood Damage Prevention Worksheet. Residents are encouraged to contact the Building and Zoning Department to eliminate confusion as to pertinent codes and regulations to facilitate your permit process.

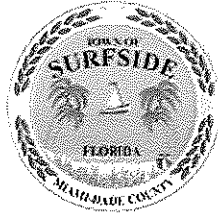
SUBSTANTIAL IMPROVEMENT REQUIREMENTS - The "Substantial Improvement" Rule applies to all work done to an existing structure, including additions, since September 1972. If the total dollar value of this work equals or exceeds 50% of the market value of your structure (not including the value of the land), within a five-year period, then your entire structure will be required to be raised to or above the base flood elevation. If the structure is a commercial building, it will be required to be flood-proofed. The Federal Government requires the Town of Surfside to have an ordinance enforcing this Rule through the Building and Zoning Department. Failure by the Town of Surfside to effectively enforce the Substantial Improvement Rule may result in the virtual unavailability of flood insurance for the Town.

Further information on all of these subjects is available at the Town of Surfside Building and Zoning Department, located at 9293 Harding Avenue, Surfside, Florida (305-861-4863).

Prepared by: Your Building Department

Good	Problem FEMA	Justification
Files	Files	Comment
9061 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
8911 Abbott Ave		Accumulative Construction did not exceed 50% over the past five years
8866 Hawthorne Ave		Accumulative Construction did not exceed 50% over the past five years
1028 88 St		Accumulative Construction did not exceed 50% over the past five years
716 88 St		Accumulative Construction did not exceed 50% over the past five years
9032 Byron Ave		Accumulative Construction did not exceed 50% over the past five years
9580 Byron Ave		Accumulative Construction did not exceed 50% over the past five years
9007 Dickens Ave		Accumulative Construction did not exceed 50% over the past five years
9349 Byron Ave		Accumulative Construction did not exceed 50% over the past five years
824 88 St		Accumulative Construction did not exceed 50% over the past five years
1036 88 St		Accumulative Construction did not exceed 50% over the past five years
1020 88 St		Accumulative Construction did not exceed 50% over the past five years
600 92 St		Accumulative Construction did not exceed 50% over the past five years
8909 Irving Ave		Accumulative Construction did not exceed 50% over the past five years
9181 Froude Ave		Accumulative Construction did not exceed 50% over the past five years
9013 Dickens Ave		Accumulative Construction did not exceed 50% over the past five years
615 Surfside Blvd		Accumulative Construction did not exceed 50% over the past five years
1440 Biscaya Dr		Accumulative Construction did not exceed 50% over the past five years
1108 88 St		Accumulative Construction did not exceed 50% over the past five years
9289 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
8867 Dickens Ave		Accumulative Construction did not exceed 50% over the past five years
8834 Dickens Ave		Accumulative Construction did not exceed 50% over the past five years
9309 Dickens Ave		Accumulative Construction did not exceed 50% over the past five years
1356 Biscaya Dr		Accumulative Construction did not exceed 50% over the past five years
8901 Byron Ave		Accumulative Construction did not exceed 50% over the past five years
1100 88 St		Accumulative Construction did not exceed 50% over the past five years
9041 Carlyle Ave		Accumulative Construction did not exceed 50% over the past five years
9224 Carlyle Ave		Accumulative Construction did not exceed 50% over the past five years
9388 Abbott Ave		Accumulative Construction did not exceed 50% over the past five years
9456 Carlyle Ave		Accumulative Construction did not exceed 50% over the past five years
9324 Harding Ave		Accumulative Construction did not exceed 50% over the past five years
9240 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
9208 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
9180 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
9140 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
9249 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
8859 Carlyle Ave		Accumulative Construction did not exceed 50% over the past five years

9253 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
9273 Emerson Ave		Accumulative Construction did not exceed 50% over the past five years
9008 Carlyle Ave		Accumulative Construction did not exceed 50% over the past five years
8819 Froude Ave		Accumulative Construction did not exceed 50% over the past five years
1236 Biscaya Dr		Accumulative Construction did not exceed 50% over the past five years
1257 Biscaya Dr		Accumulative Construction did not exceed 50% over the past five years
9065 Byron Ave		Accumulative Construction did not exceed 50% over the past five years
9224 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9236 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9324 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9344 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
8925 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
8998 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9073 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
8919 Byron Ave		Accumulative Construction did not exceed 50% over the past five years
8858 Hawthorne Ave		Accumulative Construction did not exceed 50% over the past five years
9364 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9541 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9065 Dickens Ave		Accumulative Construction did not exceed 50% over the past five years
9380 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9452 Carlyle Ave		Accumulative Construction did not exceed 50% over the past five years
9117 Dickens Ave		Accumulative Construction did not exceed 50% over the past five years
9156 Byron Ave		Accumulative Construction did not exceed 50% over the past five years
8859 Garland Ave		Accumulative Construction did not exceed 50% over the past five years
9517 Carlyle Ave		Accumulative Construction did not exceed 50% over the past five years
9016 Bay Dr		Accumulative Construction did not exceed 50% over the past five years
9049 Byron Ave		Accumulative Construction did not exceed 50% over the past five years



**TOWN of SUFLSIDE
Building Department**

Checklist For Flood Damage Control Review

This checklist must be attached to all Permit Applications for all New Construction and Improvements, Renovations, Modifications, Remodels, and/or Additions to all Residential and Commercial Properties.

Project Name: _____

Project Address: _____

Permit Number: _____

REQUIRED DOCUMENTS

Must Be Submitted At Time of Permit Application

Building Elevation

1. Flood Zone Determination and FEMA Flood Elevation Certificate must be submitted with Plans.
2. Remodel of post-FIRM uninhabited space into habitable space below the BFE is prohibited. The remodeling project will be required to have the finished floor (if other than storage space) elevated to or above the BFE. Commercial structures may be floodproofed one (1) foot above the BFE; design/details to be signed/sealed by a design professional.
3. Finished Floor Elevation is at the BFE for all new construction and substantial improvements.
4. The elevation of the top of the lowest floor is shown.
5. The elevation of the top of the slab in the attached garage is shown.
6. Flood resistant materials are identified and used for all areas below the BFE.

7. Lowest adjacent finished and natural grade is shown.
8. Highest adjacent finished and natural grade is shown.
9. Total area of all permanent openings (flood vents) identified and within one (1) foot above adjacent grade are shown, and minimum of two (2) openings on separate walls shown unless otherwise designed by a design professional.
10. Lowest elevation of machinery and/or equipment servicing the building (for example, A.C. pad) identified as being at or above BFE. GFI must be used for electrical or mechanical equipment below the BFE.

Substantial Improvement

1. If the value of improvement is equal to or exceeds 50% of the value of the structure, then the entire structure is to be elevated to or above the BFE.
2. Does the value of improvements within the preceding 5-year period equal or exceed 50% or greater of the value of the structure? If so, the entire structure is to be elevated.

Flood-proofing Certification

1. Commercial structures with a finished floor below the BFE to be engineered to be flood-proofed one (1) foot greater than the BFE.
2. Flood protection to be clearly identified on the plans, and flood-proofing certificate is required with the plans submitted for approval.
3. Flood-proofing operation procedures are required and are to be submitted with the plans to be reviewed.

Accessory Structures

1. Structure is for storage only, is not climate-controlled, and is not intended for any type of habitation.
2. Flood resistant materials are used for areas below the base flood elevation.
3. Structure is anchored to resist flotation and lateral movement.
4. Permanent openings (flood vents) are designed and will be installed.

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 “FLOODS”AND SPECIFICALLY SECTION 42-26 “STATUTORY AUTHORIZATION”; SECTION 42-41 “DEFINITIONS”; SECTION 42-57 “BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD”; SECTION 42-77 “DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR”; SECTION 42-92 “SPECIFIC STANDARDS”; SECTION 42-95 “COASTAL HIGH HAZARD AREAS (V-ZONES)”; AND SECTION 42-114 “CONDITIONS FOR VARIANCES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) from time to time at the request of the State Floodplain Management Office must amend its FEMA Ordinance (Chapter 42 “Floods”); and

WHEREAS, the Commission has now been asked to modify floodplain management regulations to continue to comply with state guidelines and recommendations addressing the specific needs of the this unique community and as may best suit the needs of the community;

WHEREAS, the Town Commission held its first public hearing on September 13, 2011 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on October 11, 2011.

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

Ordinance No. _____

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

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

ARTICLE II. FLOOD DAMAGE PREVENTION*

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

Sec. 42-26. Statutory authorization.

The Legislature of the State of Florida has authorized and delegated in Chapter 125 [counties] and 166 [municipalities] Florida Statutes, the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Commission of Town of Surfside does hereby adopt the following floodplain management regulations.

DIVISION 2. DEFINITIONS

Sec. 42-41. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Existing construction means, for the purposes of floodplain management, structures for which "the start of construction" commenced before September 29, 1972, the date of the initial flood plain management regulations ~~insurance rate map (FIRM). Existing construction, means for the purposes of determining rates structures for which the "start of construction" commenced before the effective date of the first FIRM or before January 1, 1975, for FIRMs effective before that date.~~ This term may also be referred to as "existing structures".

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 29, 1972.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Ordinance No. _____

New Construction means, for floodplain management purposes, any structure for which the "start of construction" commenced on or after September 29, 1972, the effective date of the initial floodplain management ~~regulations code, ordinance, or standard~~ based upon specific technical base flood elevation data that establishes the area of special flood hazard ~~—include only one date.~~ The term also includes any subsequent improvements to such structures. ~~For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of an initial FIRM or after December 31, 1974, whichever is later—include only one date, and includes any subsequent improvements to such structures.~~

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 29, 1972.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a five year consecutive period, in which the cumulative costs of such improvements equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. All substantially improved residential structures shall have the lowest floor elevated to or above the base flood elevation, and all horizontal expansions shall likewise have the lowest floor of the expansion elevated to or above the base flood elevation. This term does not, however, include any repair or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

DIVISION 3. GENERAL PROVISIONS

Sec. 42-57. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for ~~the Town of Surfside (Community Number 120659)~~ Miami-Dade County, dated, September 11, 2009, with the accompanying maps and other supporting data, ~~(FIRM maps dated September 11, 2009, Map Numbers 12086C0144L, 12086C0163L, 12086C0307L, and 12086C0326L),~~ and any revisions thereto, are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Maps are on file at 9293 Harding Avenue, Town of Surfside, FL 33154.

DIVISION 4. ADMINISTRATION

Ordinance No. _____

Sec. 42-77. Duties and responsibilities of the floodplain administrator.

Duties of the administrator shall include, but are not be limited to:

(4) Notify adjacent communities, the ~~department of community affairs, Florida~~ Division of Emergency Management State Floodplain Management Office, the South Florida Water Management District, the Federal Emergency Management Agency and other federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

(13) Notify FEMA within six months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and floodplain management requirements will be based on current data.

DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 42-92. Specific standards.

In all A-zones where base flood elevation data have been provided (zones AE, AI-30, and AH), as set forth in division 3, section 42-57, the following provisions shall apply:

(1) *Residential construction.* All new construction of any residential building (including manufactured home) ~~that meets the criteria of substantial improvement as may be amended from time to time by FEMA~~ shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of division 5, subsection 42-92(3).

(2) *Nonresidential construction.* All new construction of any commercial, industrial, or nonresidential building (including manufactured home) ~~s that meets the criteria of substantial improvement as may be amended from time to time by FEMA~~ shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the floodplain administrator.

Ordinance No. _____

~~(6) For all structures located seaward of the coastal construction control line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to the regulatory flood elevation established by the Florida Department of Environmental Protection or by FEMA in accordance with division 3, section 42-57, whichever is higher. All non-elevation design requirements of division 5, section 42-95 shall apply.~~

Sec. 42-95. Coastal high hazard areas (V-zones).

Located within areas of special flood hazard established in division 3, section 42-57 are coastal high hazard areas, designated as zones V1-30, VE, or V (with BFE). The following provisions shall apply for all development activities:

(11) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection or to no lower than one foot above the base flood elevation, whichever is the higher. All non-elevation design requirements division 5, subsection 42-95(2) through (11) shall apply.

DIVISION 6. VARIANCE PROCEDURES

Sec. 42-112. Duties of variance and appeals board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain management administrator in the enforcement or administration of this article. Any person aggrieved by the decision of the board may appeal such decision to the circuit court.

Sec. 42-114. Conditions for variances.

(4) The floodplain administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances ~~in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida Division of Emergency Management State Floodplain Management Office, department of community affairs, NFIP Coordinating Office.~~

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

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

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

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

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

PASSED and ADOPTED on second reading this ____ day of _____, 2011.


Daniel Dietch, Mayor

Attest:

John Di Censo
Interim Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Ordinance No. _____


Lynn M. Dannheisser, Town Attorney

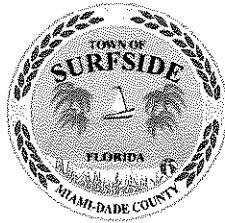
On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

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

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: September 13, 2011

Subject: Police Vehicle Lease/Purchase Financing

Background: During the June 14, 2011 meeting the Town Commission approved the purchase of ten (10) police vehicles to be funded through the Police Department budget. Subsequently, Town staff issued RFP #2011-0824 requesting bids from qualified financial institutions to provide lease/purchase financing to the Town for a term of four (4) years. In addition to the RFP, Town staff sent an invitation via e-mail to twenty six (26) financial institutions that bid on the water/sewer/storm drainage financing to participate in the bid process for the vehicles.

Seven (7) bids were received and opened on August 24, 2011. The following is a list of respondents and their proposed lease rate:

SunTrust Bank – 1.584%
Sovereign/Santander Bank – 1.89%
Branch Banking & Trust – 1.90%
Pinnacle Public Finance – 1.99%
Acme Auto Leasing, LLC – 2.3%
Midwest Leasing Inc. – 2.38%
Mears Motor Leasing – 3.47%

The Administration recommends that the Town Commission award the vehicle lease/purchase financing to SunTrust Bank as their interest rate was the lowest.

Budget Impact: Eight semi-annual payments of \$38,849.48 totaling \$310,795.84 including interest funded through the Police Department budget. The amount budgeted in the proposed FY11/12 budget is \$98,800 resulting in a savings of \$21,101 predominantly due to the low interest rate and the vehicles costing slightly less than projected. The amount financed includes an extended bumper to bumper warranty for five years or 75,000 miles whichever comes first.

Analysis: The competitively bid interest rate for the lease/purchase of the vehicles will allow the Police Department to spread payments for the ten vehicles over a four year period thereby creating additional savings from much lower maintenance costs and better fuel mileage. The average number of miles on the vehicles to be surplus is 103,000 and they have been in the fleet for between seven and thirteen years.

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission award the vehicle lease/purchase financing to SunTrust Bank.

David Allen
Chief of Police

Roger M. Carlton
Town Manager

RESOLUTION NO. 11-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A LEASE AGREEMENT WITH THE FINANCIAL INSTITUTION OF SUNTRUST BANK FOR THE LEASE OF PUBLIC SAFETY VEHICLES; AUTHORIZING THE TOWN MANAGER TO ENTER INTO THE AGREEMENT BY AND BETWEEN THE TOWN AND SUNTRUST BANK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town advertised on August 12, 2011 requesting bids from qualified financial institutions to provide Public Safety vehicle lease financing to the Town for a term of four (4) years; and

WHEREAS, on August 24, 2011 the Town received 7 apparent responsive and responsible bids for the lease agreement for Public Safety vehicles from Sovereign/Santander Bank, Branch Banking & Trust, Pinnacle Public Finance, Acme Auto Leasing, LLC., Midwest Leasing, Inc., Mears Motor Leasing, and SunTrust Bank, and those bids were publicly opened and read; and

WHEREAS, after reviewing all proposals submitted to the Town and the recommendation of the Selection Committee, the Town Manager and Staff recommends the selection of SunTrust Bank; and

WHEREAS, the Town Commission finds SunTrust Bank to be the lowest, most responsible, responsive bidder and finds its bid to be in the best interest of the Town; and

WHEREAS, the Town Commission finds it in the best interest of the Town to approve the lease agreement of the Public Safety vehicles for the terms provided for in "Exhibit A".

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

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

Section 2. Approval. The Town Commission approves the contract between the Town of Surfside and SunTrust Bank as the financial institution for the lease agreement for Public Safety vehicles.

Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are hereby authorized to take all steps necessary to complete the execution of this agreement.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion by Commissioner _____, Second by Commissioner _____.

PASSED AND ADOPTED this _____ day of _____, 2011

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

John Di Censo
Interim Town Clerk

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



Eyan M. Dannheisser, Town Attorney



Town of Surfside Commission Communication

Agenda Item #: 5B

Agenda Date: September 13, 2011

Subject: Code Compliance Authority for Police Officers

Background: Florida State Statute 162.21 authorizes law enforcement officers to be designated as code enforcement officers. Surfside Town Code Section 15-2 authorizes the Town Manager to appoint code enforcement officers for the Town who may include law enforcement officers.

Analysis: The Surfside Police Department receives calls and responds to quality of life issues daily during the daytime and evening hours. Many of these complaints are not criminal but are code violations. Currently the police officers issue warnings, document the incident, and forward the report to the Code Enforcement Officer for follow up. The Town has one Code Enforcement Director who works days Monday through Friday and is on call weekends. In some cases since the Code Enforcement Director did not witness the violation there are legal concerns regarding follow up. All Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official on certain specific code violations that address quality of life issues. The violations are Section 90-79 Abandoned or Inoperable Vehicles, Section 90-79 Parking on Grass or Unpaved or Unapproved Surfaces, Section 74-1 Commercial Vehicle Prohibited in the Residential Area, Section 54-63 Sidewalk or Street Obstruction, Section 10-28 Leash Law, Section 10-32 Fecal Disposal, Section 10-33 Dogs on the Beach, Section 10-36 Barking or Vicious Dogs, Section 54-78 Prohibited Noises, Section 34-28 Illegal Deposit of Debris, and Section 54-2 Handbill Distribution. This proposed change adds Section 34-78 through 34-80 Litter Control and Section 14-29 Work Without a Permit

regulations to the list. Code compliance authority for Police Officers will allow the Town to promptly address quality of life complaints from its residents. The resolution will sunset in February 2012 when a review will be presented to the Town Commission regarding continuation of the program.

Budget Impact: This is a cost saving measure in that accomplishing this work 24/7 would require at least one more Code Enforcement Officer.

Staff Impact: None

Recommendation: Town Staff recommends that the Town Commission approve a resolution authorizing the Town Manager to appoint Surfside Police Officers with two additional Town Code Enforcement duties. This will alleviate concerns regarding our ability to enforce thirteen code enforcement violations when the Code Enforcement Director is not on duty. It also provides a much greater service level to our citizens without any additional expense.



David Allen, Chief of Police



Roger M. Carlton, Town Manager

RESOLUTION NO. 11- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO APPOINT CODE ENFORCEMENT OFFICERS FOR THE TOWN WHO MAY INCLUDE LAW ENFORCEMENT OFFICERS TO ADDRESS CODE VIOLATIONS FOR SECTION 90-79 "ABANDONED OR INOPERABLE VEHICLES"; SECTION 90-79 "RESTRICTED AND PROHIBITED PARKING"; SECTION 74-1 "COMMERCIAL VEHICLES IN THE RESIDENTIAL AREAS"; SECTION 54-63 "SIDEWALK OR STREET OBSTRUCTION"; CHAPTER 10 "ANIMALS" INCLUDING BUT NOT LIMITED TO LEASH LAW, FECAL DISPOSAL, DOGS ON THE BEACH, BARKING OR VICIOUS DOGS; SECTION 54-78 "PROHIBITED NOISES"; SECTIONS 34-78 THROUGH 34-80 "LITTER ORDINANCE"; SECTION 14-29 "WORK WITHOUT PERMIT"; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute Section 162.21 provides that law enforcement officers may be designated by the municipality as a "Code Enforcement Officer;" and

WHEREAS, Section 15-2 of the Code of the Town of Surfside authorizes the Town Manager to appoint Code Enforcement Officers for the Town who may include law enforcement officers; and

WHEREAS, code violations may occur during the evening hours or weekends and the Town Code Enforcement Officer works daily Monday through Friday; and

WHEREAS, code compliance authority for Police Officers will allow 24 hour, seven day a week coverage for the Town; and

WHEREAS, over the past few weeks, all Surfside Police Officers have been trained in code compliance enforcement by the Town Building Official on the following specific code violations which address quality of life issues:

Section 90-79 Restricted and Prohibited Parking;

Section 74-1 Commercial Vehicles in the Residential Area;

Section 54-63 Sidewalk or Street Obstruction;

Chapter 10 "Animals" including but not limited to Leash Laws, Fecal Disposal, Dogs on the Beach, Barking or Vicious Dogs;
Section 54-78 Prohibited Noises;
Section 34-28 Illegal Deposit of Debris;
Section 34-78 through 34-80 Litter Ordinance
Section 14-29 Work Without Permit.

WHEREAS, Town Staff recommends that the Town Commission approve a Resolution authorizing the Town Manager to appoint Surfside Police Officers with Town Code Enforcement authority for the above-stated specific code violations; and

WHEREAS, Code Compliance authority for Police Officers will allow the Town to promptly address quality of life complaints from its residents and provide a greater service level to the residents without any additional expense and alleviate concerns regarding enforcement of the above-stated code enforcement violations when the Code Enforcement Officer is not on duty; and

WHEREAS, this Resolution will sunset in February 2012 when a review will be presented to the Town Commission regarding continuation of the program.

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

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

Section 2. **Authorization.** The Town Commission hereby authorizes the Town Manager to appoint all Surfside Police Officers trained in code enforcement as Code Enforcement Officers to address the above-stated code violations sections only.

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

PASSED AND ADOPTED this _____ day of _____, 2011

FINAL VOTE ON ADOPTION

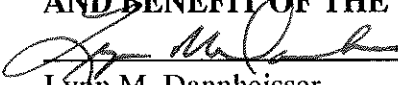
Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joseph Graubart _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Town Clerk

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



Lynn M. Dannheisser
Town Attorney



Commission Communication

Date: September 13, 2011

Subject: Proposed SunGard Financial Management Software Contract Renewal.

Background: The Town is currently utilizing and has used SunGard software for over twenty years. The last major version upgrade to SunGard, known as NaviLine ASP (for application service provider), 5.0 software occurred successfully during FY 2007/08. Subsequently, the Town has migrated to NaviLine ASP version 8.0 and the three year service contract has expired. The Town is operating on a month-to-month contract basis.

Analysis: The SunGard NaviLine ASP model:

1. Is hosted off-site which provides the Town with disaster recovery and business continuity in the event of an emergency;
2. Institutes a full daily backup routine for all our software applications without the need to purchase any new backup hardware.
3. Prevents the Town from having to purchase, maintain or provide security for separate file server network hardware
4. Prevents the Town from incurring professional third party Information Technology (IT) contractor services.
5. Provides updates without the need to have staff program the modifications.

Town staff has received on-site training and continues to receive a significant amount of on-going training via tech support or web-based (webinar) training. Accordingly, staff is extremely familiar as well as comfortable with the software. Additionally, it meets all the Town's current needs and has capabilities for expansion including the forthcoming wireless Badger water/sewer meter reading as part of our Water/Sewer/Stormwater drainage project. Finally, the Finance Support Services Department has implemented a sufficient amount of general computer controls enabling our external auditors to perform a financial audit

Therefore, pursuant to the above factors, and in accordance with Section 3-13 of the Town's purchasing Ordinance No. 06-1467, SunGard NaviLine ASP is considered a sole source provider of services exempted from competitive bidding requirements. Accordingly, the Town Manager "shall conduct negotiations, as appropriate, as to price, delivery, and terms".\

Budget Impact: SunGard is currently offering an incentive to execute a three year contract renewal, effective October 1, 2011 as follows:

Mos. 1-12 will be \$3,930 per month or \$47,160 per year **(5% discount from current rates)**

Mos. 13-24 will be \$3,930 per month or \$47,160 per year **(same/no increase)**

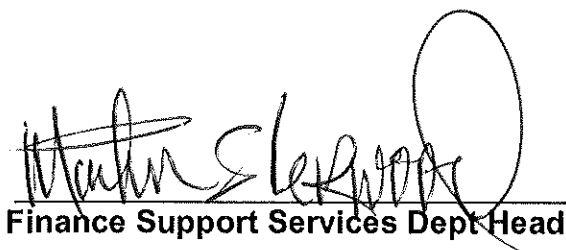
Mos. 25-36 will be \$4,048 per month or \$48,576 per year **(a 3% increase)**

First, the FY 11/12 proposed budget provided for \$49,848 in all Funds, Therefore the savings will be \$2,688. SunGard is also offering to provide additional on-site training to newly hired and existing staff at no charge. The only cost to the Town would be for expenses for the SunGard Professional trainer to remain in Surfside for up to one week. The overall three year savings will be \$6,648.

Second, the FY 11/12 Proposed Budget has provided \$100,000 for a Town-wide Software replacement project within the Capital Projects Fund that, based on preliminary estimates received from other municipalities, could eventually cost in excess of \$500,000. This expenditure could be deferred to the future and funding redirected to a comprehensive IT study necessary in the near-term or to other Capital needs Townwide. .

Staff Impact: This will increase productivity with in-house staff. All records will be kept backed-up and off-site. Town staff will have the use and training of the latest SunGard NaviLine software version.

Recommendation: It is recommended that the Surfside Town Commission approve the SunGard NaviLine 8.0 –ASP contract extension for a period of three years (see attachment A).


Finance Support Services Dept Head


Town Manager

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN ADDENDUM TO RENEW A THREE (3) YEAR CONTRACT WITH SUNGARD NAVILINE TO CONTINUE TO PROVIDE SOFTWARE SERVICES, AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE ANY AND ALL ACTION NECESSARY TO IMPLEMENT THE CONTRACT IN ACCORDANCE WITH THE TERMS, CONDITIONS AND PURPOSES OF THE CONTRACT AND THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida wishes to enter into an Addendum to renew a three (3) year contract with SunGard NaviLine 8.0-ASP to continue to provide software services for the Town; and

WHEREAS, the Town Commission believes it is in the best interest of the Town to renew the contract with SunGard.

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 Addendum to the SunGard NaviLine 8.0-ASP Contract: The Town Commission hereby authorizes the Town to enter into the Addendum attached hereto as Attachment "A" between the Town of Surfside and SunGard NaviLine 8.0-ASP.

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 contract in accordance with the terms, conditions and purposes of this Resolution.

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

PASSED AND ADOPTED this ____ day of _____, 2011.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


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

Daniel Dietch, Mayor

ATTEST:

Town Clerk

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



Lynn M. Dannheisser
Town Attorney

Resolution No. _____

APPLICATION SERVICES PROVIDER AGREEMENT

This Application Services Provided Agreement ("Agreement") is made between SunGard Public Sector Inc., ("SunGard Public Sector") a Florida corporation with a business address at 1000 Business Center Drive, Lake Mary, FL 32746 and Town of Surfside, 9293 Harding Avenue, Surfside, FL, 33154 ("Customer") as of the Execution Date.

Customer desires to engage SunGard Public Sector to provide Customer with access to and use of certain SunGard Public Sector-provided Software on an application services SunGard Public Sector basis. Accordingly, the parties agree as follows:

1. Defined Terms.

"Application(s)" means the software system(s) to which Customer has requested access and paid therefor, listed on Appendix A Schedule A - Order Form, including, but not limited to, all computer programs and related documentation, and any modifications thereto.

"Application Services" means the services and Software utilization to be provided to Customer by SunGard Public Sector under this Agreement, as described in Appendix B.

"Application Services Term" means the period identified in Section 9 of this agreement as "Term and Termination," and during which Customer will have the right to access the Software.

"Appendix" means each schedule that is attached to this Agreement that is marked as an "Appendix." Appendices are lettered sequentially, beginning with "Appendix A" and continuing thereafter.

"Concurrent Sessions" means any person accessing SunGard Public Sector's hosted environment.

"Customer Employees" means: (i) Customer's employees with a need to know; and (ii) third party consultants engaged by Customer who have a need to know, who have been pre-approved by SunGard Public Sector, and who, prior to obtaining access to the Software, have executed a SunGard Public Sector-approved non-disclosure agreement.

"Commencement Date" is defined in Appendix A, and is the date on which the Term commences and the date upon which Customer will begin to pay Application Services fees to SunGard Public Sector.

"Confidential Information" means non-public information of a party to this Agreement. Confidential Information of SunGard Public Sector includes the Software and algorithms, methods, techniques and processes revealed by the Software. Confidential Information does not include information that: (i) is or becomes known to the public without fault or breach of the Receiving Party; (ii) the Disclosing Party regularly discloses to third parties without restriction on disclosure; or (iii) the Receiving Party obtains from a third party without restriction on disclosure and without breach of a non-disclosure obligation.

"Disclosing Party" means the party providing its Confidential Information to the Receiving Party.

"Documented Defect" means a material deviation between the General Release Module and its documentation, for which Documented Defect SunGard Public Sector has confirmed that Customer has given SunGard Public Sector enough information for SunGard Public Sector to replicate the deviation on a computer configuration which is both comparable to the Hardware and is under SunGard Public Sector's control.

"Execution Date" means the latest date shown on the signature page of this Agreement.

"General Release" means the general release version of a Module as updated by Upgrades, but without any other modification whatsoever.

"IP Rights" means all patents, patent rights, patent applications, copyrights, copyright registrations, trade secrets, trademarks and service marks and Confidential Information.

"Maintenance" means SunGard Public Sector's efforts to provide Customer with avoidance procedures for or corrections of Documented Defects.

"Module" means any one of the computer software programs that is identified in Appendix A as a "Module," including all code and related specifications, documentation, technical information and all IP Rights for such Module.

"New Releases" means new editions of a General Release Module.

"Object Code" means computer programs assembled, compiled, or converted to magnetic or electronic binary form on software media, which are readable and usable by computer equipment.

"Software" means the Modules listed in Appendix A Schedule A – Order Form.

"Schedule A - Order Form" means an attachment to this Agreement, which is a supplement to this Agreement for all purposes. Unless otherwise stated in any Schedule A – Order Form, all terms and conditions stated in this Agreement shall remain in effect.

"Receiving Party" means the party receiving Confidential Information of the Disclosing Party.

"Upgrades" means, collectively, Maintenance, Additional Functionality and New Releases.

2. Application Services, Generally. During the Application Services Term, SunGard Public Sector will provide Customer with the Application Services generally described in Appendix B, on the terms and conditions of this Agreement. Customer shall have certain performance responsibilities under this Agreement, as outlined in Appendix B. Application Services include the grant by SunGard Public Sector to Customer of a non-exclusive, non-transferable license to access and use the Software in Object Code form within the United States of America for Customer's own, non-commercial computing operations (subject to any Concurrent User limitations provided for in Appendix A), while such Object Code resides in and is executed from a SunGard Public Sector datacenter. Any rights not expressly granted in this Agreement are expressly reserved.

(a) Documentation. Customer can make a reasonable number of copies of the documentation for each Module for its use in accordance with the terms of this Agreement.

(b) Restrictions on Use of the Software. Customer is prohibited from causing or permitting the reverse engineering, disassembly or decompilation of the Software. Customer is prohibited from using the Software to provide service bureau data processing services or to otherwise provide data processing services to third parties. Customer will not allow the Software to be used by, or disclose all or any part of the Software to, any person except Customer Employees. Without limiting the foregoing, Customer is permitted to allow use of the input and/or output sensory displays of or from the Software by third parties on a strict "need to know" basis, and such use will not be deemed a non-permitted disclosure of the Software.

This Agreement is expressly made subject to any United States government and other applicable laws, regulations, orders or other restrictions regarding export from the United States or another country, and import into any country, of computer hardware, software, technical data or other items, or derivatives of such hardware, software, technical data or other items. Customer will not allow the Software, in whole or in part, to be exported outside of the United States of America, in any manner or by any means. Customer is prohibited from removing or altering any of the IP Rights notice(s) embedded in or that SunGard Public Sector otherwise provides with the Software. Customer must reproduce the unaltered IP Rights notice(s) in any full or partial copies that Customer makes of the Software.

(c) Application Software Maintenance and Support Services. Maintenance is available during the SunGard Public Sector hours outlined in Appendix B.

3. **Access Services and Start-Up Assistance.** SunGard Public Sector agrees to provide access to the Applications (hereafter referred to as "Access") requested by Customer on Appendix A Schedule A - Order Form (or any supplemental or replacement Schedule A-Order Form(s)) for the number of terminals indicated so long as Customer is current in its payment obligations hereunder. Customer agrees to pay the fees for Access ("Access Fees") as provided on Schedule A - Order Form. Customer agrees that Customer's Access to the Applications shall be for Customer's sole use and not for any third party.

(a) **Hours of Operation.** SunGard Public Sector shall publish its hours of operation in Appendix B and shall keep Customer apprised of any changes thereto.

(b) **Improvements and Changes.** SunGard Public Sector will install upgrades, new software releases and enhancements, error corrections, upgrades to third party operating system software, and upgrades to hardware, as necessary, for the Host Computer Systems.

(c) **Start-Up Assistance.** SunGard Public Sector will provide Start-Up Assistance to Customer and Customer agrees to pay to SunGard Public Sector the Start-Up Fees as provided on Appendix A Schedule A - Order Form. SunGard Public Sector's most current information with regard to Start-Up Assistance is published on Appendix B Standards Sheet. Customer agrees to reimburse SunGard Public Sector for actual, reasonable travel and living expenses incurred by or on behalf of SunGard Public Sector and its personnel in furnishing the Start-Up Assistance. Any such travel and living expenses shall be billed by SunGard Public Sector to Customer on a monthly basis and governed by the SunGard Public Sector Travel Policy.

(d) **Optional Conversion Services.** At Customer's option, SunGard Public Sector will provide Conversion services. If Customer elects Conversion services, Customer shall provide data to SunGard Public Sector in a compatible format acceptable to SunGard Public Sector, and on media specified by SunGard Public Sector.

4. **Fees, Payment and Taxes.**

(a) **Payment.**

(i) **Application Services Fees.** During the Application Services Term, Customer will pay SunGard Public Sector the Application Services fees specified in Appendix A, or as otherwise provided for in Appendix A. No more frequently than once per year, SunGard Public Sector shall have the right to adjust the Monthly Access Fees. For the Term of this Agreement only, any increase in monthly Application Services fees shall be limited to no more than 5% compared to the preceding year's fees. Time is of the essence with regard to Customer's payment obligations pursuant to this Agreement.

(ii) **Travel and Living Expenses.** Except as otherwise provided in Appendix A, Customer will reimburse SunGard Public Sector for actual and reasonable, out-of-pocket travel and living expenses that SunGard Public Sector incurs in providing Customer with services under this Agreement. Such travel and living expenses will be invoiced on a monthly basis in arrears and will be due within thirty (30) days from the date of invoice.

(iii) **Late Charge.** SunGard Public Sector will have the right to charge a late fee to the extent that any payment is received later than thirty (30) days from the date of invoice. Late fees will be calculated based on a per annum rate equal to the lesser of: (i) the prime lending rate established from time to time by Citizens Bank, Philadelphia, Pennsylvania Bank, plus three percent (3%); and (ii) the highest rate permitted by applicable law, and will be payable to SunGard Public Sector on demand.

(b) **Taxes.** Customer is responsible for paying all taxes (except for taxes based on SunGard Public Sector's net income or capital stock) relating to this Agreement, the application services, the Software, and any other services provided or payments made under this Agreement. Applicable tax amounts (if any) are NOT included in the fees set forth in this Agreement. If Customer is exempt from the payment of any such taxes, Customer must provide SunGard Public Sector with a valid tax exemption certificate; otherwise, absent proof of Customer's direct payment of such tax amounts to the applicable taxing authority, SunGard Public Sector will invoice Customer for and Customer will pay to SunGard Public Sector all such tax amounts.

(c) Customer shall pay for any data communications telephone services. If Customer requires special telephone line configurations due to unique equipment or data requirements, SunGard Public Sector reserves the right to charge for analysis and design of such special configurations.

(d) Suspension of Service. If in any instance, Customer fails to pay to SunGard Public Sector within thirty (30) days after SunGard Public Sector makes written demand therefor, and payment of the amount in question is not the subject of a *bona fide* dispute, then, in addition to preserving its rights to collect payment of the past-due amount and all accompanying late fees, and all other rights and remedies that SunGard Public Sector may have at law or in equity, SunGard Public Sector may, in its sole discretion and without further notice to Customer, suspend or reduce its performance of the Application Services.

5. Confidential Information. Except as otherwise permitted under this Agreement, the Receiving Party will not knowingly disclose to any third party, or make any use of the Disclosing Party's Confidential Information. The Receiving Party will use at least the same standard of care to maintain the confidentiality of the Disclosing Party's Confidential Information that it uses to maintain the confidentiality of its own Confidential Information of equal importance. Except in connection with the Software and any software provided with the Software, the non-disclosure and non-use obligations of this Agreement will remain in full force with respect to each item of Confidential Information for a period of ten (10) years after Receiving Party's receipt of that item. However, Customer's obligations to maintain the Software as confidential will survive in perpetuity.

6. Credit Toward In-house Licensing. As used in this Paragraph 6, "In-house Licensing" means procuring through SunGard Public Sector's standard license agreement, the right for Customer to run a copy of the Applications that are owned by SunGard Public Sector for Customer's use only, on hardware owned or leased by Customer at a facility which is owned or controlled by Customer. In the event Customer desires to run the Applications owned by SunGard Public Sector in-house (and has not previously procured a license for such in-house use), SunGard Public Sector will discount Customer's in-house licensing fees for the Applications owned by SunGard Public Sector by an amount equal to one percent (1%) of the licensing fees for each month Customer uses Access services, up to a maximum discount of sixty percent (60%). In order to qualify for said credit, Customer must not be in breach hereof, must have provided termination notice pursuant to the terms of this Agreement, must enter into SunGard Public Sector's standard license agreement, and must have paid all fees required to be paid to SunGard Public Sector. Maintenance and support services for the Applications that are owned by SunGard Public Sector will be available to Customer (and are recommended by SunGard Public Sector) under the terms of SunGard Public Sector's standard maintenance agreement.

7. Existing Products. For products listed in Appendix A as "Existing Products (Currently Licensed)" (Licensed Programs) of which Customer has licensed under a previous agreement, Customer shall retain the right to run a copy of the Licensed Program(s) on hardware owned or leased by Customer at a facility which is owned or controlled by Customer. Customer acknowledges that should they run a copy of the Licensed Program(s), maintenance services for said Licensed Program(s) will not be provided under this Agreement. Should Customer desire to receive maintenance services they will be required to enter into a separate software maintenance agreement with SunGard Public Sector.

8. Intellectual Property Indemnity by SunGard Public Sector. SunGard Public Sector will defend, indemnify and hold Customer harmless from and against any loss, cost and expense that Customer incurs because of a claim that use of a General Release Module infringes any United States copyright of others. SunGard Public Sector's obligations under this indemnification are expressly conditioned on the following: (i) Customer must promptly notify SunGard Public Sector of any such claim; (ii) Customer must in writing grant SunGard Public Sector sole control of the defense of any such claim and of all negotiations for its settlement or compromise (if Customer chooses to represent its own interests in any such action, Customer may do so at its own expense, but such representation must not prejudice SunGard Public Sector's right to control the defense of the claim and negotiate its settlement or compromise); (iii) Customer must cooperate with SunGard Public Sector to facilitate the settlement or defense of the claim. If any Module is, or in SunGard Public Sector's opinion is likely to become, the subject of a United States copyright infringement claim, then SunGard Public Sector, at its sole option and expense, will either: (A) obtain for Customer the right to continue using the Module under the terms of this Agreement; (B) replace the Module with products that are substantially equivalent in function, or modify the Module so that it becomes non-infringing and substantially equivalent in function; or (C) refund to Customer the annual

Application Services fee payable by Customer in the year that such claim or threatened claim arises. **THE FOREGOING IS SUNGARD PUBLIC SECTOR'S EXCLUSIVE OBLIGATION WITH RESPECT TO INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS.**

9. Term and Termination.

(a) Right of Termination. A party has the right to terminate this Agreement if the other party breaches a material provision of this Agreement. Either party has the right to terminate this Agreement at any time while an event or condition giving rise to the right of termination exists. To terminate this Agreement, the party seeking termination must give the other party notice that describes the event or condition of termination in reasonable detail. From the date of its receipt of that notice, the other party will have thirty (30) days to cure the breach to the reasonable satisfaction of the party desiring termination. If the event or condition giving rise to the right of termination is not cured within that period, this Agreement will automatically be deemed terminated at the end of that period. However, notice to SunGard Public Sector of a suspected Documented Defect will not constitute a notice of termination of this Agreement.

(b) Effect of Expiration of Application Services Term or Termination of Agreement. Upon the expiration of the Application Services Term, or upon any earlier termination of this Agreement by either party, Customer's right to receive the Application Services and to use the Software as otherwise provided for in this Agreement terminates. Any use of the Software after the Application Services Term or after the termination of this Agreement is a violation of this Agreement, and further, may subject the user to additional claims under applicable law, including without limitation claims for violation of SunGard Public Sector's copyright interest in and to the Software.

(c) Deconversion Assistance. If after any termination or expiration of this Agreement Customer converts to a different vendor's applications, SunGard Public Sector will provide, upon payment of SunGard Public Sector's then-current standard deconversion fee, reasonable assistance and documentation for such deconversion in order to assist Customer in removing its information and placing said information in SunGard Public Sector's standard format for input to the other vendor's applications. In the event Customer requests a non-standard deconversion, SunGard Public Sector shall be entitled to receive compensation for consultation, software and documentation provided to assist in the deconversion on a time and materials basis at the standard prevailing rate then charged by SunGard Public Sector for such services.

(d) Survival of Obligations. All obligations relating to non-use and non-disclosure of Confidential Information and indemnity will survive termination of this Agreement.

(e) Termination Without Prejudice to Other Rights and Remedies. Termination of this Agreement will be without prejudice to the terminating party's other rights and remedies pursuant to this Agreement.

10. Notices. All notices and other communications required or permitted under this Agreement must be in writing and will be deemed given when: Delivered personally; sent by United States registered or certified mail, return receipt requested; transmitted by facsimile confirmed by United States first class mail; or sent by overnight courier. Notices must be sent to a party at its address shown on the first page of this Agreement, or to such other place as the party may subsequently designate for its receipt of notices.
11. Force Majeure. Neither party will be liable to the other for any failure or delay in performance under this Agreement due to circumstances beyond its reasonable control, including Acts of God, acts of war, accident, labor disruption, acts, omissions and defaults of third parties and official, governmental and judicial action not the fault of the party failing or delaying in performance.
12. Assignment. Neither party may assign any of its rights or obligations under this Agreement, and any attempt at such assignment will be void without the prior written consent of the other party. For purposes of this Agreement, "assignment" will include use of the Software for benefit of any third party to a merger, acquisition and/or other consolidation by, with or of Customer, including any new or surviving entity that results from such merger, acquisition and/or other consolidation. However, the following will not be considered "assignments" for purposes of this Agreement: SunGard Public Sector's assignment of this Agreement or of any SunGard Public Sector rights under this Agreement to SunGard Public Sector's successor by merger or consolidation or to any person or entity that acquires all or substantially all of its capital stock or assets; and SunGard Public Sector's assignment of this Agreement to any person or entity to which SunGard Public Sector transfers any of its rights in the Software.

13. **No Waiver.** A party's failure to enforce its rights with respect to any single or continuing breach of this Agreement will not act as a waiver of the right of that party to later enforce any such rights or to enforce any other or any subsequent breach.
14. **Choice of Law; Severability.** This Agreement will be governed by and construed under the laws of the State of Florida, without reference to the choice of laws provisions thereof. If any provision of this Agreement is illegal or unenforceable, it will be deemed stricken from the Agreement and the remaining provisions of the Agreement will remain in full force and effect.
15. **LIMITATIONS OF LIABILITY; DISCLAIMER OF WARRANTIES**

(a) **LIMITED LIABILITY OF SUNGARD PUBLIC SECTOR.** SUNGARD PUBLIC SECTOR'S LIABILITY IN CONNECTION WITH THE APPLICATION SERVICES, THE SOFTWARE, ANY CONSULTING SERVICES, OR ANY OTHER MATTER RELATING TO THIS AGREEMENT WILL NOT EXCEED THE APPLICATION SERVICES FEES THAT CUSTOMER ACTUALLY PAID TO SUNGARD PUBLIC SECTOR IN THE IMMEDIATELY PRECEDING TWELVE (12) MONTH PERIOD.

(b) **EXCLUSION OF DAMAGES.** REGARDLESS WHETHER ANY REMEDY SET FORTH HEREIN FAILS OF ITS ESSENTIAL PURPOSE OR OTHERWISE, IN NO EVENT WILL SUNGARD PUBLIC SECTOR BE LIABLE TO CUSTOMER FOR ANY SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, WHETHER BASED ON BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), PRODUCT LIABILITY, OR OTHERWISE, AND WHETHER OR NOT SUNGARD PUBLIC SECTOR HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

(c) **DISCLAIMER OF WARRANTIES.** EXCEPT AS EXPRESSLY PROVIDED FOR IN THIS AGREEMENT, SUNGARD PUBLIC SECTOR MAKES NO WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, WITH REGARD TO THE APPLICATION SERVICES AND/OR THE SOFTWARE, IN WHOLE OR IN PART. SUNGARD PUBLIC SECTOR EXPLICITLY DISCLAIMS ALL WARRANTIES OF MERCHANTABILITY AND OF FITNESS FOR A PARTICULAR PURPOSE.


(d) **BASIS OF THE BARGAIN.** CUSTOMER ACKNOWLEDGES THAT SUNGARD PUBLIC SECTOR HAS SET ITS FEES AND ENTERED INTO THIS AGREEMENT IN RELIANCE UPON THE LIMITATIONS OF LIABILITY AND THE DISCLAIMERS OF WARRANTIES AND DAMAGES SET FORTH IN THIS AGREEMENT, AND THAT THE SAME FORM AN ESSENTIAL BASIS OF THE BARGAIN BETWEEN THE PARTIES.

16. **Entire Agreement.** This Agreement contains the entire understanding of the parties with respect to its subject matter, and supersedes and extinguishes all prior oral and written communications between the parties about its subject matter. Any purchase order or similar document which may be issued by Customer in connection with this Agreement does not modify this Agreement. No modification of this Agreement will be effective unless it is in writing, is signed by each party, and expressly provides that it amends this Agreement. The individual executing this Agreement on behalf of its party represents and warrants that he/she has full authority to bind such party to all terms, conditions and obligations of this Agreement.

Town of Surfside, FL

SunGard Public Sector

BY: _____

BY:  _____

PRINTED NAME: _____

PRINTED NAME: Christian Coleman
VP and Controller, SunGard Public Sector Inc

PRINTED TITLE: _____

PRINTED TITLE: _____

DATE SIGNED: _____

DATE SIGNED: September 2, 2011

APPENDIX A

Schedule A - Order Form

Customer Name: Town of Surfside, FL

Agreement Number: SURF-111036-1

	Yes	No
Initial Order Form	X	
Replacement Order Form		X

1. **Commencement Date:** Begins October 1, 2011 and expires thirty-six (36) months from the date the initial Monthly Access Fee is due under this Schedule A – Order Form.

2. **Application Groups: Start-Up Fees and Monthly Access Fees**

	Applications and/or Services	Monthly Access Fee
Renewal Service	ASP Renewal - 080481-1	\$ 3,930
Existing Products (Currently Licensed)	GMBA with Extended Reporting, Asset Management, Cash Receipts, Payroll/Personnel, Land Management, Building Permits, Occupational Licenses, Code Enforcement, Customer Information Systems, Document Management Systems	Included in Monthly Access Fee
Retrofit Maintenance	14 Objects	Included in Monthly Access Fee
Services	HELP Card, Disaster Recovery Plan for SunGard Public Sector applications	Included in Monthly Access Fee
Training	Five (5) days of Utilities training <i>(EX, BP, DL Modified)</i>	
Concurrent Sessions - Monthly Access Fee		
5	ASP Shared Environment	Included in Monthly Access Fee
Total Proposed System:		\$ 3,930

APPLICABLE TAXES ARE NOT INCLUDED IN THIS SCHEDULE, AND, IF APPLICABLE, WILL BE ADDED TO THE AMOUNT IN THE PAYMENT INVOICE(S) BEING SENT SEPARATELY TO THE CUSTOMER.

*Start-Up Fee is based on use of SunGard Public Sector's Standard ASP Implementation Methodology.

**Number of Concurrent Sessions listed above used in the calculation for the Monthly Access Fees.

Changes to the number of Concurrent Sessions may impact the Monthly Access Fee.

***Training is provided per above, however, Customer is responsible for trainers travel and living expenses.

3. **Payment Terms:**

Start-Up Fee: Due upon execution of this Order Form.

Monthly Access Fee: The initial Monthly Access Fee will be due October 1, 2011. Subsequent Monthly Access Fees will be due on the first of the month thereafter. Monthly Access Fees will be invoiced in advance on a monthly basis for a term of thirty-six (36) months at the rates listed below.

Months 1 – 12 \$ 3,930.00 per month or \$47,160.00 per year;
 Months 13 – 24 \$ 3,930.00 per month or \$47,160.00 per year;
 Months 25 – 36 \$ 4,048.00 per month or \$48,576.00 per year;

Following the initial term, Services will be provided on a year-to-year basis provided the Customer exercises the option and pays the then current Monthly Access Fee.

Travel and Living Expenses: Travel and living expenses are in addition to the prices quoted above and will be invoiced as incurred and shall be governed by the SunGard Public Sector Corporate Travel and Expense Reimbursement Policy. Travel and living expenses actually incurred in prior months for which SunGard Public Sector is seeking reimbursement, shall also be invoiced monthly.

Note:

¹ Following the execution of this Schedule A-Order Form, any new Modification Retrofits provided by SunGard Public Sector will be added to the next annual renewal period, pursuant to Section 4 below.

² Monthly Access Fees listed above are for the Applications and Services listed in this Schedule A-Order Form only.

4. **Modification Retrofits.** For each non-standard Application in library HTEMOD that was written by SunGard Public Sector or any Application that has had custom modifications performed by SunGard Public Sector at the Customer's request, SunGard Public Sector will perform all necessary programming to ensure that the program is compatible with each new software release, version, or program temporary fix made available by SunGard Public Sector. Fees for Modification Retrofits to be maintained are determined on an annual basis. This determination is based upon the number of modified objects prior to the beginning of each annualized ASP Term multiplied by the then current rate charged per object.
5. **Hardware.** Customer is responsible for providing the DMS server. The DMS server is owned by Customer and shall reside at Customer's site for ease of management. The VPN Concentrator Option includes a router, which will be provided by SunGard Public Sector to Customer. The router is, and shall remain, the property of SunGard Public Sector.
6. **Third Party Software and Hardware.** Unless otherwise provided for herein, warranty, modification retrofit and maintenance offerings by SunGard Public Sector for its Licensed Program(s) do not apply to any third party hardware or third party software supplied under this Supplement. SunGard Public Sector does not make any warranties nor provide any source code for any non-SunGard Public Sector products unless otherwise provided herein. The return and refund policy of each individual third party hardware or third party software supplier shall prevail unless otherwise provided herein.

APPENDIX B
Standards Sheet

NavILine:

ASP ISeries Standards Sheet

1. Terminology

Term	Definition
Host Computer System	All hardware and software hosted by SunGard Public Sector Inc. on behalf of the customer. This includes the IBM System i, Wintel servers and preferred 3 rd party software.
ISP	Internet Service Provider
System Administrator	The individual designated by SunGard Public Sector Inc. who is responsible for the operation of the Host Computer Systems
WinTel	Windows operating system using an Intel processor

2. System Availability

The scheduled hours of availability for the Host Computer Systems are 24 hours per day Monday –Saturday. The system is reserved for maintenance on Sundays from 12 a.m. – 5 p.m., customer local time. There are special considerations for software updates and emergency situations; please reference Sections 4.3 and 4.4 (Maintenance and Upgrades) for details.

3. System Backups

3.1. Daily System Backups

Daily data backups will begin at 12 a.m. (Customer local time) Monday through Friday. These backups consist of all SunGard Public Sector Inc. customer data. Retention of the backups will be as follows: daily backups - 1 month, weekly backups - 1 month, monthly backups - 1 year, yearly backups - 3 years. The system will be available during the daily backup.

3.2. Weekly System Backups

Weekly system backups will begin at 12 a.m. (Customer local time) on a day appropriate to the week being backed up. At this time a full system backup will be performed. These backups consist of all SunGard Public Sector Inc. customer data, program files, source files, and other necessary Customer data. In addition the IBM System i, Operating System, Security, and Data will also be backed up via a Restricted State backup. During this time access to the IBM System i and its applications will not be available.

System backups will be rotated to a secure, off-site storage facility on a daily basis. We utilize Iron Mountain.

3.3. Night Processing

Specified processor-intensive jobs, as determined by SunGard Public Sector Inc., may be required to be run during the night processing time frame of 8 p.m. to 11:59 p.m. to ensure that acceptable system performance standards are met. Examples of these jobs include such things as Utility Bill generation and Tax Notice generation. This is also to make sure the processes are finished before nightly backups occur.

3.4. Restores

Individual Customer restores will be performed on an as needed basis taking into consideration both Customer and Host Computer Systems functionality, availability, and necessity.

4. System Administration

SunGard Public Sector Inc. will provide for system administration of the Host Computer Systems (including the host IBM System i and associated host site hardware and communications infrastructure), including but not limited to:

4.1. System Monitoring

The Host Computer Systems will be monitored on a 24-hour basis through the use of automated monitoring software and/or hardware as selected by SunGard Public Sector Inc. System operations to be monitored include:

- Subsystems - to ensure they are active, operational, and without pending errors messages.
- Job queues - to ensure they are active, operational, and attached to the correct subsystems.
- Critical system messages - Monitoring for hardware errors, system functionality errors, operating system errors, system integrity errors, etc
- System and Network Information - Samples of system and network information to be monitored include:
 - DASD (Disk storage)
 - Total utilization
 - RAID protection
 - Drive failures
 - Disk drive error rates
 - CPU Utilization
 - Total number of jobs in the system
 - Interactive response time
 - Communication line availability
 - Internet Connectivity from the Host Computer Systems to the Internet
 - Memory pool faults
 - Security violation attempts
 - System service starts and ends
 - Backup completion
 - UPS monitoring
 - Other pertinent system information as determined by SunGard Public Sector Inc.

4.2. System Maintenance

SunGard Public Sector Inc. will provide all necessary Host Computer Systems and network maintenance as deemed appropriate and necessary by the System Administrator and/or associated staff. Appropriate and necessary maintenance shall be determined through the use of standard IBM System i and network monitoring and performance analysis tools.

4.3. Software Maintenance and Upgrades

Software maintenance and upgrades will be performed outside of each customer's standard business hours whenever possible.

Emergency situations will be handled on a case-by-case basis in such a manner as to provide the least possible disruption to overall system operations and availability without negatively affecting system stability and integrity.

All parties will have advanced notice of such upgrades and any emergency updates will have the customer's primary contact's approval before being done.

4.3.1. IBM

IBM licensed program fixes and upgrades, including cumulative PTF's (Program Temporary Fix), shall be applied to the host IBM System i as required to maintain operating functionality and currency. These PTF's will be temporarily applied until their effectiveness is determined. Non-emergency IBM PTF applications will be performed outside of normal business hours.

4.3.2. Wintel

Wintel server service packs, patches and updates shall be applied as necessary to ensure integrity of the system(s), system data and associated operating environment. Patches deemed critical in nature by SunGard Public Sector Inc. of system/software vendors shall be applied as soon as possible to prevent system corruption, penetration, degradation etc.

4.3.3. SunGard Public Sector Inc. Applications

Upgrades and updates to SunGard Public Sector Inc. applications on both the IBM System i and Wintel platforms will be performed on scheduled dates during the year.

4.4. Hardware Maintenance and Upgrades

Hardware maintenance and upgrades will be performed outside of each customer's standard business hours whenever possible.

Emergency situations will be handled on a case-by-case basis in such a manner as to cause the least possible disruption to overall system operations and availability without negatively affecting system stability and integrity.

The primary Customer contact will be notified, when possible, via the on file e-mail address, prior to hardware upgrades being performed.

4.5. System Security (Logical)

System security values will be set to provide for system integrity and data security as deemed appropriate by SunGard Public Sector Inc. This will include such items as password length and makeup, change intervals, system security level, etc.

User profiles, with all object authority, will be limited to the standard system security profile and the System Administrator profile. Sign-on information for these two profiles will be secured with the Director of SunGard Public Sector Inc. or his/her designee and the System Administrator.

Customer user profiles will only have access to appropriate Customer data.

Security auditing will be enacted to provide for the ability to audit security violations, changes, etc., with periodic system security reviews conducted by SunGard Public Sector Inc.

Host site security will include implementation of an industry standard firewall, secure sockets layer, virtual private networks, IP address translation, and/or a combination thereof.

4.6. Non-Preferred Third Party Software

SunGard Public Sector Inc. has partnered with a number of third party vendors for purposes such as time & attendance, form printing, mapping, etc. For any non-preferred third party vendors, SunGard Public Sector Inc. will be responsible for the following:

- o Initial loading of software
- o Periodic upgrades/service packs
- o Technical support for related IBM System i issues

Exclusions: SunGard Public Sector Inc. does not support the user interface for non-preferred third party software. Troubleshooting will be performed by the customer and third party.

5. Hardware Requirements

The following are minimum hardware requirements to enable Customer to access the host site IBM System i. These requirements do not take into account any local area network configuration or requirements, which are the responsibility of Customer.

5.1. Personal Computers

Each personal computer that will access the ASP environment should achieve the following minimum hardware requirements for access:

- o Pentium 4 or greater processor
- o 2 GB storage
- o 1 GB RAM (increasing RAM will help increase system performance)
- o Properly configured network interface card
- o Microsoft Windows 2000 Pro (SP4 or higher) or XP Professional Edition with all SP's installed
- o Microsoft Internet Explorer 6.0 or higher
- o Sun Java 1.6

- o Screen resolution 1024 x 768 or better
- o Monitor, mouse and keyboard
- o IBM System i Access for Windows v5r4 (This version can be provided to you by SunGard PS) with the latest available Service Pack.

SunGard Public Sector Inc. will not support any hardware that does not meet the minimum requirements

5.2. Printers

Type	Supported
Local (PC attached)	<p>Must be IBM certified.</p> <p>Microsoft Certified Printers: https://winqual.microsoft.com/HCL/ProductList.aspx?m=x&g=d&cid=900&f=86d</p> <p>IBM Certified Printers: http://www-912.ibm.com/s_dir/slkbase.NSF/0888cc5d18fc6ca58625680b005dc690/b44a2cf4ba778d83862568260053649f?OpenDocument</p>
Network	<p>Most printers with an available Ethernet connection and that are part of the approved IBM Certified Printer list can be used in the ASP environment. ***NOTE*** All-in-One Printer/Fax/Copier machines are not recommended.</p>
All others	<p>Other printers will be evaluated on a case-by-case basis for compatibility with the ASP environment.</p>

There are 2 options to deal with printing in the ASP environment:

Option 1: Utilize local print sessions that are configured and run via IBM System i Access for Windows. They can print to any networked, shared or locally attached printer that the Windows machine they are run on can see.

These sessions are easy to setup, however these sessions must be signed in and running for printing to work.

Some clients run all print sessions on a dedicated machine for ease of management. However, any non-shared locally attached printer, including Cash Receipts printers, must be run directly on the machine to which the printers are attached.

Option 2: Print directly via TCP/IP. In this setup the client will provide a unique static Public IP Address for each printer they want to print in this manner.

These are generally high traffic printers that customers do not want to be run on a print session. Also, any IPDS printing **MUST** be setup as an IP printer.

Option 2.1: Print directly via TCP/IP, but utilizing just one unique static Public IP Address. Each configured printer will use the same IP address, but a different port to print to. The clients firewall will then utilize port forwarding to direct the traffic to the correct printer.

Most clients utilize a combination of these methods. It is a customer's internal decision based on available Public IP addresses, current infrastructure and other needs. We can work with any of these methods.

5.3. Recommended Customer Connectivity

Internet bandwidth is determined by the customer. It is based on Saturation level: a combination of connection speed, number of users on the system, size of files being accessed over the internet, etc. SunGard Public Sector Inc. strongly requires the following minimum setup:

- o Minimum 1.5 MB internet connection (T1 or other telecom provided service is preferred over cable or DSL) Responsiveness is directly affected by connectivity selected.
- o For clients who require site to site VPN, we require that the client have a Cisco

branded VPN enabled device on their site.

- o Recommended redundant internet connection in case the primary connection goes down.
- o Dial up and wireless connections are not supported.

5.4. Recommended Customer Hardware

An industry standard firewall used to protect the customer's internal network is required for connectivity into the ASP network.

6. Performance Analysis of Customer's Current SunGard Public Sector Inc. Environment

A Customer's current environment will be reviewed prior to the ASP transition. Ideally Customers will transition to ASP on the latest version of SunGard Public Sector Inc. code. If a Customer is not on the latest version of SunGard Public Sector Inc. code, the current environment will be reviewed to determine if it can handle an upgrade before transitioning to ASP.

Items reviewed include: Current System I OS version, available disk space, current processing power, and current SunGard Public Sector Inc. version.

7. Host Site Performance

Performance monitoring and tuning will be performed as necessary to maintain an average in network interactive response time of 2.0 seconds or less when measured over a 1-hour period during normal business hours. "In network" is defined as any point between which the data packet enters the SunGard Public Sector Inc. environment and subsequently departs the SunGard Public Sector Inc. environment. Any point of communications outside of the SunGard Public Sector Inc. protected network environment, including DMZ, shall be deemed as "out of network."

IBM System I, Wintel server and associated network infrastructure performance monitoring will be conducted on a regular basis. Monitoring shall be done during (no less than) four randomly selected one-hour periods within each calendar month. A summary of the performance statistics shall be made available for Customer review upon Customer request, including available predictive performance data where available.

SunGard Public Sector Inc. is not responsible for internet connectivity and/or performance outside the internal SunGard Public Sector Inc. host site infrastructure.

8. Standard Application Support

SunGard Public Sector Inc. provides standard Application Support 24 hours a day, 365 days per year.

The toll-free support line is 1-800-695-6915 and the email address is asptechsupt@sungardps.com.

9. System Hardware Support

Host site technical hardware and host operating system support shall be provided 24 hours a day, 365 days per year. This includes support for technical issues related to Host Computer Systems access, hardware operations, and Host Computer Systems functionality.

SunGard Public Sector Inc. is not responsible for Customer hardware, non-SunGard Public Sector Inc. related software, internet access, and/or connectivity issues. SunGard Public Sector Inc. will provide guidance to Customer in obtaining technical support for on-site hardware and connectivity issues.



Town of Surfside Commission Communication

Agenda Item #: 9A

Agenda Date: September 13, 2011

Subject: Community Center Pool Party Rentals

Background: Since the opening of the Community Center on June 19, 2011 there has been a steady stream of requests from residents regarding when the facility would be available to rent for party functions. The Parks and Recreation Committee decided, at their July 18, 2011 meeting, to postpone a decision on this topic until after it was determined that the facility could handle a non-resident guest program without any adverse effects on usage or capacity. With the successful implementation of the aforementioned guest program the Parks and Recreation Committee has now formulated a recommendation for what the permanent party rental policy should entail.

Analysis: After deliberation at their August 15, 2011 meeting the Parks and Recreation Committee decided on the recommended policies for party rentals as follows: rentals shall take place in two 2 hour blocks, seven days a week, between the hours of 10:30 and 12:30 pm or 2:30 pm and 4:30 pm. There will be a two-tier cost-structure system for rentals: for \$200.00 residents will receive up to five tables and thirty chairs in addition to two tents, while for a smaller fee of \$150.00 parties will receive the same five tables and thirty chairs, minus the two tents. Parties will be located on either the north or south side of the path bisecting the landscaped area immediately outside of the east gate of the pool deck. Renters will be allowed a maximum of thirty (30) guests total in their party; this includes family and friends, adults and children, as well as residents and non-residents. In addition, each party must pay for a minimum of fifteen patrons. Rental of facility space and equipment will be regulated by the Parks and Recreation Department; catering prep, set-up and breakdown will be the responsibility of the Surf Café. The Surf Café will provide renters with a pre-determined menu and price structure from which to choose. Only residents will be allowed to reserve space for parties at this time, however, non-residents will be allowed in as a part of any party. The Parks and Recreation Department will draft a rental agreement contract for residents to fill out when reserving facility space.

Budget Impact: The estimated budget impact from the revenue generated through the proposed party rental policy would be approximately \$7500 over the course of a single year.

Staff Impact: Parks and Recreation staff will handle the completion of rental forms. All other tasks including setup and breakdown are to be completed by the Surf Café.

Recommendation: Based on the successful implementation of the facility's guest policy the Parks and Recreation Committee recommended at the August 15, 2011 Parks and Recreation meeting, to suggest that the Town Commission approve the recommended party rental policy, to go into effect September 14, 2011.

Department Head

Town Manager



MEMORANDUM

TO: Mayor and Members of the Town Commission

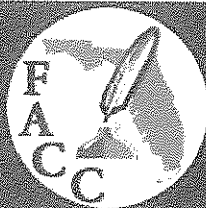
FROM: Roger M. Carlton, Town Manager

SUBJECT: Recruitment Process for Town Clerk

DATE: September 13, 2011

We are in the recruitment process for a Town Clerk. Initial advertisement was done with the Florida Association of City Clerks, Florida League of Cities Ken Small (Ken's C-M's), Florida League of Cities Datagram, Town's website, Publix Town Board, and by word of mouth. This process has produced a thin list of candidates. We advertised with the Miami Herald Sunday (August 28) and Business Monday (Aug 29) and with Careerbuilder.com.

If this process is unsuccessful, we should retain an executive search firm specializing in government recruitment. This cost will be approximately \$20,000. Given the critical nature of the position and the limited number of candidates who meet the desirable qualifications, we need to move forward as soon as possible. If the Herald advertisement proves successful, we will not need to implement the executive search process.



Florida Association of City Clerks

Promoting and developing the educational and professional status of Florida City Clerks



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Job Opportunities

Post a city clerk job for free by sending a *weblink for the job opening* to **Lori McWilliams, MMC, Village Clerk, Village of Tequesta.**

To apply for one of the listed job openings, please contact the listing municipality. Jobs will only be posted for 60 days.

Current postings:

- Surfside - Town Clerk - Posted 08-03-11 ([Job Description](#))
- Palm Beach Gardens - Municipal Services Coordinator - Posted 08-02-11 ([Job Description](#))
- West Palm Beach - Deputy City Clerk - Posted 07-22-11 ([Job Description](#))
- Arcadia - City Recorder - Posted 07-06-11 ([Job Description](#))
- Eustis - City Clerk - Posted 06-27-11 ([Job Description](#))

Click on ***** Clerks in Transit ***** if you are in between jobs

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C-M's



FLORIDA LEAGUE OF CITIES, INC.

Ken Small

Department of Financial Services

P.O.Box 1757, Tallahassee, FL 32302-1757

850.222.9684 • KSmall@flcities.com • www.flcities.com

Ken's C-M's are brought to you by the "Florida League of Cities."

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August 3, 2011

TOWN CLERK
Town of Surfside

Town of Surfside (pop. 5744) is located on a South Florida East Coast barrier island, bordered on the south by Miami Beach and the north by Bal Harbour Village. The Town of Surfside is seeking a qualified individual to fill the position of Town Clerk. Under the administrative direction of the Town Manager, responsible for general records management, ordinance and resolution maintenance, election

management, risk management, serves as clerk of the Town Commission and is responsible for directing publication, filing and safekeeping of all Commission proceedings.

Duties include and may not be limited to: recording and certification of all ordinances and resolutions, serving as custodian of official Town documents and records, coordinates agenda, documents and provision of liaisons including scheduling of Commission meetings and public notices, responds to all public information requests, prepares department's annual budget, coordinates Advisory Boards and Committees.

Knowledge, skills and abilities: knowledge of municipal codes, intergovernmental relations, election laws and procedures as well as state regulations for public records management, retention and disposition, contract management, strong leadership, customer service and communications skills. The preferred candidate must possess or attain (desirable) within a reasonable time, certified municipal clerk credentials, supplemented by five years of related experience. Salary range: DOQ/E. Excellent benefits. Position open until filled.

Submit resume, salary history and cover letter to: Town of Surfside, Human Resources Department 9293 Harding Avenue Surfside, FL 33154. Phone: (305) 861-4863. You may e-mail your resume to yslate-mccloud@townofsurfsidefl.gov or fax to (305)861-1302.

The Town of Surfside is an Equal Opportunity / Drug Free Workplace Employer. Veterans' preference will be awarded under applicable Florida Law. All resumes are subject to Florida Public Records Laws.



DATAGRAM

a publication of the Florida League of Cities, Inc.

Vol. 38, No. 20

August 15, 2011

• P.O. Box 1757 • Tallahassee, FL 32302-1757 • www.flcities.com • (850) 222-9684 • 1-(800) 342-8112 •

PLEASE COPY AND DISTRIBUTE TO ALL APPLICABLE PEOPLE:

Mayor _____ All Council Members _____ Manager _____ Clerk _____ Attorney _____ Finance Director _____

Positions Open

An abbreviated version of positions open ads sent to the League is listed below. A full version of the most recent ads is available at <http://www.floridaleagueofcities.com/datagram.aspx>. Those needing a faxed copy should contact Mandy Stark (mstark@flcities.com) at the League office. All positions advertised in the *Datagram* must be division-head level or above. Positions Open is a free service and membership benefit for Florida League of Cities members. For nonmembers, there is a charge of \$50.00 per ad, per issue.

Zoning Official – Charlotte County. (pop. 150,000+) Salary range: \$62,649 - \$94,036.

Director of Financial Services – City of Coral Springs. (pop. 121,096) Salary range: \$97,000 - \$146,000 per year. Closing date: August 31, 2011.

Finance Director – Town of Dundee. (pop. 3,700) Salary: DOQ. Open until filled.

City Attorney – City of Hallandale Beach. (pop. approx. 40,000) Salary: Negotiable/depending on qualifications. Closing date: August 31, 2011.

Assistant Public Works Director – City of Miami Beach. (pop. 90,000) Salary: \$3,788.27 - \$6,118.42 bi-weekly (DOQ).

City Manager – City of Miami Springs. (pop. 13,809) Salary: \$100,000 – Open DOQ. Closing date: 4:00 p.m., September 30, 2011.

Human Resources Director – Putnam County Board of County Commissioners. (pop. 74,000). Salary range: \$53,363-\$68,032. Open until filled.

Town Clerk – Town of Surfside. (pop. 5,744) Salary range: DOQ/E. Open until filled.

(See the August 1, 2011, issue of the Datagram for full copy of the ads below.)

Director of Finance – Islamorada, Village Of Islands. (pop. 6,119)

Assistant Finance Director – City of Port St Lucie. (pop. 164,603) Salary: \$90,000 - 103,500 DOQ. Closing date: Open until filled.

City Treasurer/Clerk – City of Tallahassee. (pop. 181,376)

Human Resources Director – City of Temple Terrace. (pop. 24,500) Salary: \$65,000 - \$95,000 DOQ.

(See the June 30, 2011, issue of the Datagram for full copy of the ads below.)

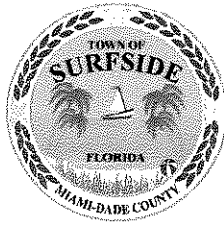
Assistant Public Works Director for Operations – City of Coral Gables. (pop. 46,780) Salary: \$76,398.40 - \$104,894.40 DOQ. Open until filled.

City Clerk – City of Eustis. (pop. 18,961) Salary: \$48,490 - \$73,962. Open until filled.

City Manager – City of Port Richey. (pop. 3,167) Salary: DOQ. Open until filled.

Financial Services Manager – City of Tallahassee. (pop. 181,376)

City Manager – City of Wauchula. (pop. 5,001) Salary: \$48,000 - \$71,000 DOQ. Open until filled.



**Town of Surfside
Commission Communication**

Agenda Item # 9D

Agenda Date: September 13, 2011

Subject: Surplus Equipment

Background: At the March 8, 2011 meeting the Town Commission approved Resolution # 11-2015 authorizing the use of forfeiture funds for the laptop computer program. The program involves a three year lease agreement for twenty six (26) lap top computers that the Town will own at the end of the agreement. The new computers will replace the twenty six (26) laptop computers leased in 2008 under a similar agreement and also funded through the forfeiture account. These older computers are being replaced and are now surplus equipment. Staff is requesting authorization to donate these lap top computers minus the hard-drive to the Ruth K. Broad Elementary School.

At the June 14, 2011 commission meeting the Town Commission approved the leasing of ten (10) police vehicles to replace aging vehicles in the fleet (See Attachment). The Police Department is requesting authorization to dispose of nine (9) older vehicles from its fleet that will be replaced by the new vehicles. The older vehicles will be disposed of via public auction. The tenth vehicle that was to be dead-lined is being converted for use by the parking enforcement officers. The vehicles to be replaced include:

<u>Year</u>	<u>Make</u>	<u>Mileage</u>	<u>VIN # Abbreviated</u>
1998	Ford	75,217	1068
1999	Ford	114,320	7400
2000	Ford	113,909	0305
2001	Ford	119,506	3021
2002	Ford	87,335	7631
2002	Ford	89,996	7632
2003	Ford	106,577	7648
2004	Ford	114,638	1586
2004	Ford	113,841	1587

Budget Impact: Minimum revenue from the sale of vehicles at auction due to their age, mechanical condition and mileage.

Analysis: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve the donation of the lap top computers to Ruth K. Broad Elementary school and the disposal via public auction of the police vehicles.

David Allen
Chief of Police

Roger M. Carlton
Town Manager

VEHICLE NUMBER	YEAR	MAKE	MODEL	MILEAGE AS OF May-2011	YEAR ONE REPLACE- MENT	YEAR TWO REPLACE- MENT	YEAR THREE REPLACE- MENT	YEAR FOUR REPLACE- MENT	PROJECTED MILEAGE 2012 (+15K)	PROJECTED MILEAGE 2013 (+30K)	PROJECTED MILEAGE 2014 (+45K)
82	1998	FORD	CROWN VICTORIA	75,217	2011						
392	1999	FORD	CROWN VICTORIA	114,320	2011						
201	2000	FORD	CROWN VICTORIA	113,908	2011						
312	2001	FORD	CROWN VICTORIA	117,017	2011						
211	2001	FORD	CROWN VICTORIA	83,063	2011						
322	2002	FORD	CROWN VICTORIA	87,335	2011						
321	2002	FORD	CROWN VICTORIA	89,996	2011						
331	2003	FORD	CROWN VICTORIA	108,577	2011						
341	2004	FORD	CROWN VICTORIA	111,921	2011						
342	2004	FORD	CROWN VICTORIA	110,263	2011						
353	2005	FORD	CROWN VICTORIA	56,059	2012				110,059		
356	2005	FORD	EXPEDITION	76,504	2012				91,504		
251	2005	CHRYSLER	SEBRING	103,000	2012				124,000		
252	2005	FORD	TAURUS	98,000	2012				105,000		
251	2005	CHRYSLER	SEBRING	75,744	2012				90,744		
255	2005	DODGE	CHARGER	81,601			2013		96,601	111,601	
360	2006	FORD	CROWN VICTORIA	54,033			2013		69,033	84,033	
361	2006	FORD	CROWN VICTORIA	96,517			2013		71,517	86,517	
271	2007	FORD	500	74,881			2013		89,881	104,881	
376	2007	FORD	CROWN VICTORIA	45,050			2013		60,050	75,050	
377	2007	FORD	CROWN VICTORIA								
378	2007	FORD	CROWN VICTORIA								
385	2008	SHREVE	IMPALA	35,507							
386	2008	FORD	CROWN VICTORIA	65,204							
387	2008	FORD	CROWN VICTORIA	36,536							



**Town of Surfside
Commission Communication**

Agenda Item # 9E

Agenda Date: September 13, 2011

Subject: Discussion of Beach Management Agreement Negotiation Process with Miami-Dade County

Background: In April 2011 Miami-Dade County's Beach Operations and Maintenance Division contacted the Florida Department of Environmental Protection (FDEP) in reference to whether or not there existed a lease agreement between the FDEP and both the Town of Surfside and the Village of Bal Harbour, regarding beach maintenance. The FDEP informed the Beach Operations and Maintenance Division that there was no agreement in place, and on August 24, 2011 the Miami-Dade County Operations and Maintenance Division Supervisor, John Ripple, met with the Town Manager and the Director of Parks and Recreation of the Town of Surfside in order to discuss the negotiation of a beach management agreement between Surfside and Miami-Dade County.

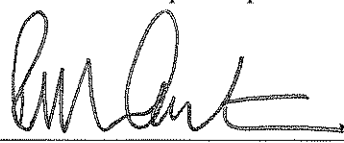
Analysis: An agreement between Miami-Dade County and the Town of Surfside regarding beach maintenance and restoration will allow for clarity in regards to what tasks are the responsibility of the County as opposed to the Town, and will allow the County and Town more institutional control over the manner in which they handle and contract out their respective beach activity and maintenance responsibilities. This agreement will also help facilitate beach restoration projects whenever necessary, and will give Miami-Dade County control over beach activities and maintenance in lieu of the FDEP. Staff will use the FDEP approved agreement of the City of Sunny Isles (Att. A), in place since February 2005, as a guideline when creating the agreement. The Village of Bal Harbour is also in the process of creating a contract with Miami-Dade County, using the City of Sunny Isles Beach contract as a guideline as well.

Budget Impact: N/A

Staff Impact: Staff will meet with Miami-Dade County Beach Operations and Maintenance Department officials to formulate a mutually beneficial beach management plan. We will also work with the condo association presidents and other business along the beach to ensure full discussion of all concerns.

Recommendation: The Town Commission authorize meetings to take place between representatives of Surfside and Miami-Dade County Beach Operations and Maintenance Division in order to begin the process of drafting an agreement. We will also appreciate your early input for development of the agreement and appointment of a member of the Town Commission to participate in this process.


Department Head


Town Manager



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

February 4, 2005

Ms. Barbara Falsey, Chief
Division of Planning and Research
Miami-Dade County Park & Recreation Dept.
275 NW 2nd Street
Miami, Florida 33128

**Re: Management Plan, Sunny Isles Beach
Lease # 3685**

Dear Ms. Falsey:

The Office of Environmental Services, acting as agent for the Board of Trustees of the Internal Improvement Trust Fund, approved the management plan for the Sunny Isles Beach on February 4, 2005. Pursuant to Section 253.034, Florida Statutes, and Chapter 18-2, Florida Administrative Code this plan's ten-year update will be due no later than February 4, 2015.

Approval of this land management plan does not waive the authority or jurisdiction of any governmental entity that may have an interest in this project.

Sincerely,

A handwritten signature in black ink that reads "Paula L. Allen". The signature is written in a cursive style.

Paula L. Allen
Office of Environmental Services
Division of State Lands
Department of Environmental Protection

PLA/kgs

"More Protection, Less Process"

Printed on recycled paper.



SUNNY ISLES BEACH MANAGEMENT PLAN

Miami-Dade County
Park and Recreation Department
275 N.W. 2nd Street
Miami, FL 33128



SUNNY ISLES BEACH MANAGEMENT PLAN

December 6, 2004

SUBMITTED TO:

Division of State Lands
Office of Environmental Services

PREPARED BY:

Miami-Dade County
Park and Recreation Department
Planning and Research Division

Management Plan for Natural & Non-natural Resource Properties

This management plan form is intended for all Board of Trustees leases and subleases that are less than 160 acres in size. It is intended to address the requirements of Chapter 253.034 and 259.032, Florida Statutes, and 18-2.021, Florida Administrative Code.

Board of Trustees of the Internal Improvement Trust Fund
Lease # 3685

Land Management Plan Executive Summary

Sunny Isles Beach is a 2.5-mile length of beach, extending from the northern boundary of Haulover Beach to NE 194th St. in north Miami-Dade County, located in the City of Sunny Isles Beach, which incorporated in June, 1997. Prior to initial beach renourishment in 1988, Sunny Isles Beach had eroded significantly. The poor condition of the beach resulted in the loss of recreational benefits, the economic decline of the area, and a shoreline that made private property vulnerable to storm damage.

Since the completion of the beach renourishment project in 1988, Sunny Isles Beach has been one of the most popular beaches for recreation in north Miami-Dade County. The unique curvature of the coastline along Sunny Isles Beach generates unusually high sea tides, creating a surf higher than average for Miami-Dade County waters. As such, Sunny Isles Beach is one of the few beaches in the county that can cater to the sport of surfing. In addition, three water sport concessions operate along the beach shoreline, including water skiing, jet skiing, parasailing, and sailing.

The renourishment of the beach also created a habitat for one of Florida's endangered species, the Sea Turtle. The presence of a Sea Turtle habitat truly distinguishes Sunny Isles Beach from other beaches in the county. In 1980, Metropolitan Dade County (now Miami-Dade County) Park and Recreation Department initiated its first Sea Turtle Program along the 2.5-mile stretch of beach in conjunction with the Florida Department of Environmental Protection. Prior to the program, successful Sea Turtle nesting was virtually non-existent on County beaches. The additional sand from the renourishment project created an adequate nesting habitat for the Sea Turtle. Since then, three different species of the endangered Sea Turtle Loggerhead, Green, and Leatherback all live, breed, and nest on Sunny Isles Beach.

Metropolitan Dade County (now Miami-Dade County) designated the Park and Recreation Department as the lead managing agency. As such, the Park and Recreation Department is responsible for the conservation and protection of the natural resources and for providing compatible resource-based public outdoor recreation. In doing so, the Park and Recreation Department coordinates and oversees all activities on the leased premises, initiates appropriate management programs, prepares and periodically revises the Management Plan, and provides for the management of the leased premises on a daily basis.

A. GENERAL INFORMATION

1. Common name of the property

Sunny Isles Beach

2. Location

East of Collins Avenue and north of Haulover Beach, in Sunny Isles Beach, Florida, 33160.

3. Legal Description

Sunny Isles Beach is a 90.9-acre coastal property that extends approximately 2.5 miles along the Atlantic Ocean from NE 158th Street (where it borders Haulover Beach on the north) to NE 194th Street (where it borders the community of Golden Beach and its beach on the south). More specifically, Sunny Isles Beach is located east of the easterly property line of properties lying east of Collins Avenue to the mean high water line of the Atlantic Ocean, in Sunny Isles Beach, Florida, 33160, in Section 11, Township 52 South, Range 42 East.

4. How was the land acquired? (For instance, quit claim, appropriation, budget grant, donation, etc.)

In 1986, the United States Army Corps of Engineers and Dade County (now Miami-Dade County) entered into a local cooperative agreement for the renourishment of Sunny Isles Beach. Essentially a 2.5-mile long erosion control project, this agreement called for pumping in beach fill (approximately 120 feet wide) landward of the erosion control line. In return for federal participation and funding of the project, the agreement obligated Dade County to provide such "local items of cooperation" as non-federal funding, permits, parking, and access to the beachfront. Upon completion of the beach renourishment project in 1988, the State of Florida Internal Improvement Trust Fund retained fee simple title to the property from the mean high water level to the erosion control line. The State then entered into a 50-year lease agreement in 1989 with Metropolitan Dade County (now Miami-Dade County) for the maintenance and management of the renourished beach.

5. Attach a map showing the location and boundaries of the property plus any structures or improvements to the property.

Location Map - Attachment "A"

Aerial Boundary Map - Attachment "B"

6. Are there any significant State, local, or federal land or water resources within 10-miles of the property? YES NO

If YES, please list them:

- The mean high water line of the Atlantic Ocean (containing State Sovereign Submerged Lands) forms the eastward boundary of Sunny Isles Beach.
- The Biscayne Bay Aquatic Preserve is approximately 5 miles SSE of Sunny Isles Beach.
- The Florida Intercoastal Waterway is approximately 5 miles SSE of Sunny Isles Beach.
- The Oleta River State Park is approximately .5 mile from the southern portion of Sunny Isles Beach.
- The John U. Lloyd State Park is located 7 miles north of Sunny Isles Beach, in Broward County.

7. Are there any agency-specific statute requirements or legislative/executive directives that constrain the use of the property? (These restrictions can frequently be found in the lease or lease agreement)

YES NO

If YES, please list them:

"LESSEE shall manage the leased premises for the conservation and protection of natural resources and resource based outdoor recreation which is compatible with the conservation and protection of these public lands and for other associated uses necessary for accomplishment of this purpose as designated in paragraph 5 of this Lease and in the Management Plan."

"LESSEE shall coordinate and oversee all activities on the leased premises; initiate appropriate management programs to meet the intent of the goals and objectives stated herein; and coordinate preparation and periodic revision of the Management Plan pursuant to paragraph 10."

"LESSEE shall provide for implementation of the provisions of the approved Management Plan and shall provide for the management of the leased premises on a day-to-day basis."

"LESSEE shall, through its agents and employees, prevent the unauthorized use of the leased premises or any use thereof not in conformity with this Lease."

"No physical alteration of the property shall occur until such time as the Management Plan is approved pursuant to paragraph 10.

The placement of any and all structures on the property must be in accordance with section 161.201, Florida Statutes.

Attachment: Lease Agreement "C"

8. The degree of title held by the Board of Trustees, including any reservations or encumbrances such as leases.

Upon completion of a beach renourishment project in 1988, the State of Florida Internal Improvement Trust Fund retained fee simple title to Sunny Isles Beach, from the mean high water level to the erosion control line.

There are no reservations, encumbrances, or sublease contracts for the property.

9. State the extent of public involvement and local government participation in developing the plan, including a summary of comments and concerns expressed. (Properties less than 160 acres do not require an advisory group, as referenced in Chapter 259.032, F.S.)

There are several ways in which the Miami-Dade County Park and Recreation Department encourages community response during the planning process. Public workshops are held, in which citizens are presented new park concepts, and are given a chance to ask questions and make comments. Community input is solicited at meetings with opinion surveys that ask residents to identify their favorite amenities, characteristics, and designs for the proposed park. Prior to each meeting, residents within a one-mile radius are notified by U.S. mail. Meetings and workshops are also advertised in local newspapers.

B. NATURAL AND CULTURAL RESOURCES

1. Please see attached Florida Natural Areas Inventory (FNAI) report (Attachment "D") and Division of Historical Resources report (Attachment "E").
2. Briefly describe the soil types, using USDA nomenclature when available.

There is one soil type present at the site, beach sand (soil type 39). For maintenance purposes, new beach sand is added every few years. The last addition of new sand at Sunny Isles Beach was approximately two years ago.

C. USAGE OF THE PROPERTY

1. Describe the history of the property, and any unauthorized uses, if known.

In 1986, the United States Army Corps of Engineers and Dade County (now Miami-Dade County) entered into a local cooperative agreement for the renourishment of Sunny Isles Beach. Essentially a 2.5-mile long erosion control project, this agreement called for pumping in beach fill (approximately 120 feet wide) landward of the erosion control line. In return for federal participation and funding of the project, the agreement obligated Dade County to provide such "local items of cooperation" as non-federal funding, permits, parking, and access to the beachfront. Prior to initial beach renourishment in 1988, Sunny Isles Beach had eroded significantly. The poor condition of the beach resulted in the loss of recreational benefits, the economic decline of the area, and a shoreline that made private property vulnerable to storm damage. Upon completion of the beach renourishment project in 1988, the State of Florida Internal Improvement Trust Fund retained fee simple title to the property from the mean high water level to the erosion control line. The State then entered into a 50-year lease agreement in 1989 with Metropolitan Dade County (now Miami-Dade County) for the maintenance and management of the beach.

2. The purpose for which the property was acquired and the statutory authority for such uses.

Sunny Isles Beach was acquired by the Miami-Dade County Park and Recreation Department in order to protect natural resources and to provide a sustainable environment for public outdoor recreation.

3. Projected uses (Attach a map that depicts any planned development of the property, or additions to existing structures. This information can be included on the map from #4 above.)

Presently, there is no planned development for the property. The only existing structures at the beach are three lifeguard stands and ninety portable garbage cans that are emptied daily by maintenance personnel. There are no plans to add to existing structures at Sunny Isles Beach.

4. The designated single or multiple use of the property as defined in Chapter 253.034, F.S.

Single Multiple

5. Have alternative or multiple uses of this property been considered? (For example, recreation, silviculture, etc.)

YES NO

If YES, please list them and explain why they were not adopted.

6. a) Are there any parcels of land within or adjacent to the property that should be purchased because they are essential to its management?

YES NO

- b) Should the property, or any portion of it, be deemed surplus?

YES NO

~~If YES to "a" or "b," provide a brief statement and attach a map that clearly defines the specific parcels.~~

D. MANAGEMENT ACTIVITIES

1. Describe any assistance in the management of the property that you receive from other state or local agencies.

Miami-Dade County does not receive funds or assistance from the State of Florida for the maintenance of this property. The County does the maintenance of the Sea Turtle Nesting and Relocation Program. The Miami-Dade County Park and Recreation Department received funding for the Sea Turtle Nesting and Relocation Program through the Caribbean

Conservation Corporation. One grant was for \$9,500, and was used to buy computer equipment to support the educational component of the Sea Turtle Nesting and Relocation Program. A second grant was also for \$9,500, and was used to produce an educational booklet to support the Sea Turtle Nesting and Relocation Program.

2. List all important management needs and problems for the property. Explain how you plan to address these needs. For management problems, describe proposed solutions, including potential mitigation project sites. (attach additional pages as necessary)

- 1) Maintenance and management of Sunny Isles Beach;
- 2) Limitation and control of land and water related activities;
- 3) Provision for security against property degradation and unauthorized uses; and
- 4) Providing for public access.

Management activities are necessary at Sunny Isles Beach in order to balance conservation, protection, and enhancement of natural resources with compatible public access and outdoor recreation. The maintenance program at Sunny Isles Beach strives to maintain a sand slope capable of providing adequate storm protection for the upland area that typically involves:

- 1) Five days per week of tilling in place of detrital matter: The rack line is bladed daily, with the seaweed being turned over at the tide line.
- 2) Five days per week of contouring and grading for erosion control: The blade operator daily handles small cliffs and contouring. The beach and rack line are cleaned daily, and litter is removed along with jetsam and flotsam that has washed ashore.
- 3) Daily garbage and waterline pick-up of trash and litter: There are 90 trashcans dumped daily by a load-n-pack. There is an occasional need for the cleanup or disposal of dead animals and abandoned vessels that wash ashore.
- 4) Quarterly sifting of sand for rock, glass, and other undesirable materials: The last sifting at Sunny Isles Beach was completed August 11-17, 2004.

The cost to maintain Sunny Isles Beach on a daily basis for 1 year from the 2003/2004 Operating Budget is \$368,050. The Capital Budget cost for replacing maintenance equipment used at Sunny Isles Beach in a 1-year

period is \$33,900. This amount is based on a seven-year average, and includes the replacement of trashcans (which cost \$130 a piece to replace every three years). There are currently 4 full-time and 1 part-time staff members at Sunny Isles Beach. The maintenance program at Sunny Isles Beach also involves the maintenance of boat exclusion buoys, and the supervision of concession vehicles, trailers, pushcarts, stands, signs and furnishings to insure that they are clean and well maintained at all times. Occasionally, additional maintenance requests are needed for assistance with commercial film shoots, or for the cleanup of abandoned vessels and animal life that wash ashore. All gas, oil, lubricants, and combustibles used by maintenance personnel are stored west of the erosion control line. Fueling of all maintenance machinery is done west of the erosion control line.

The Park and Recreation Department also controls land and water-related activities and protects against property degradation and unauthorized activities at Sunny Isles Beach. Currently, the Park and Recreation Department oversees three vendors of personal watercraft (Turnberry, Trump, and Newport Pier), and they are assigned to specific geographic sections of the beach (See Sunny Isles Beach Vendor Locations Map, Attachment "F"). Each vendor pays \$18,000 yearly to the County for use of the beach. All water crafts and water recreational rentals are restricted to "permissible areas of use," which is designated as the area 200 feet east of the shoreline, and an additional 100 feet from the nearest swimmer in marked channels.

Police patrol of Sunny Isles Beach is provided by the Miami-Dade County Police Department. Motorized vehicles for the general public are prohibited access to the beach. Permitted vendor operator vehicles are allowed on the beachfront only for supplying the operation, and must be immediately removed from the beachfront when done. Signs and flags used for advertising are not permitted east of the erosion control line.

The final element involved in the management of Sunny Isles Beach is providing public access to the beach. There are five public access points from State Road A1A (Collins Avenue) to Sunny Isles Beach:

- (1) 16200 N.E. Collins Avenue
- (2) 16300 N.E. Collins Avenue
- (3) 17141 N.E. Collins Avenue
- (4) 17901 N.E. Collins Avenue
- (5) 18801 N.E. Collins Avenue

3. Are there any adjacent land uses that conflict with the planned use of the property? YES NO

If YES, describe below and identify the approximate location of these activities on an attached map.

Condominiums border Sunny Isles Beach along its entire west border, with yards, pools, shelters, and other structures extending near the edge of the erosion control line.

Aerial Boundary Map - Attachment "B"

4. Are there any fragile, nonrenewable natural or cultural resources on the property? YES NO

If YES, describe your agency's plans to locate, identify, protect, preserve, or otherwise use these resources.

There are no natural beach dune habitats along the 2.5 miles of restored beach shoreline at Sunny Isles Beach. There are no known outstanding native landscapes at Sunny Isles Beach. There are also no known or identified features of archaeological or historical significance on this property. However, Sunny Isles Beach is adjacent to a significant region of scrub habitat in the northwest corner of Haulover Beach Park that contains rare species (see Florida Natural Areas Inventory report, Attachment "D").

Sea Turtle nests are present at Sunny Isles Beach. In 1982, the Miami-Dade County Park and Recreation Department instituted the Sea Turtle Nesting and Release Program, to encourage the nesting of the loggerhead, green, and leatherback turtles. These three species of sea turtle had not reproduced successfully on the beach for decades. Under the close supervision of the Miami-Dade County Parks' Beach Operations staff, which runs the program, the nesting rate has gone from 0 nest sites in 1979 to 363 in 2003. Once sea turtle nests have been identified and determined if they should be left in their natural state (in situ), the eggs are carefully relocated to a safe hatchery system, as close to their natural habitat as possible. When they mature to hatching stage, the baby turtles are released during nighttime hours. There they can traverse their way to welcoming ocean waters, without the interference of artificial light, or preying humans and animals. Since 1980, more than 504,754 endangered sea turtles have been hatched and released through the Miami-Dade Parks Sea Turtle Nesting and Relocation Program. In 2004, approximately 166

sea turtle nests with 20,117 eggs have been found, and 16,423 live sea turtle hatchlings have been released in Miami-Dade County parks.

5. Are the planned uses of the property expected to impact the renewable and non-renewable resources of the property?

YES _____ NO X

If YES, what specific actions will be taken to protect, enhance, and conserve these resources and to mitigate damage caused by such uses?

6. How does your agency plan to provide for the following (Note any drainage problems, development that might cause erosion, and sources of possible water pollution, including any hazardous or petroleum products which are to be stored on site. Describe how these problems will be prevented. If no problems are anticipated, briefly explain why.):

a) Conservation of soil and water resources

Conservation of soil and water resources in beach recreation areas can be a challenge. Due to heavy soil erosion, there is no native soil left at Sunny Isles Beach. Every few years, new beach sand is pumped in from the ocean, and the beach is refilled and re-contoured. The sand currently at Sunny Isles Beach was put in place approximately two years ago. In order to maintain the sand at Sunny Isles Beach properly, the Miami-Dade County Park and Recreation Department conducts five days weekly tilling in place of detrital matter, and daily garbage and waterline pick-up for trash and litter. Pollution of the Atlantic Ocean is controlled as much as possible.

b) Control and prevention of soil erosion

Control and prevention of soil erosion is a continual problem for all beach areas. Strong ocean breezes, ocean waves, and heavy pedestrian traffic all contribute to the problem. At Sunny Isles Beach, the beach sand is contoured and graded five days a week to help control soil erosion. The Miami-Dade County Park and Recreation Department insures the integrity and safety of the sand for beach users by periodically sifting it to remove rock, glass, and other undesirable or hazardous materials.

7. Please note your agreement with the following statement:

THE MANAGING AGENCY FOR THE PROPERTY DESIGNATED IN THIS MANAGEMENT PLAN WILL CONSULT WITH THE DIVISION

OF HISTORICAL RESOURCES BEFORE TAKING ACTIONS THAT MAY ADVERSELY AFFECT ARCHAEOLOGICAL OR HISTORICAL RESOURCES. THIS MANAGEMENT PLAN COMPLIES WITH THE "STATE LANDS MANAGEMENT PLAN," ADOPTED BY THE BOARD OF TRUSTEES ON MARCH 17, 1981, AND THE PLAN REPRESENTS BALANCED PUBLIC UTILIZATION.

AGREE DISAGREE _____

8. Does the local government agree that this plan complies with their Local Government Comprehensive Plan? (Provide as a numbered attachment a letter from the local government, or at a minimum, a copy of the letter that your agency sent to them requesting this information.)
YES NO _____ NO RESPONSE FROM LOCAL GOVERNMENT _____

Attachment: Letter of Compliance from local government "G"

9. Attach a priority schedule for conducting management activities, based on the purposes for which the lands were acquired.

The cost to maintain Sunny Isles Beach on a daily basis for 1 year from the 2003/2004 Operating Budget is \$368,050.

10. Attach a cost estimate for conducting priority management activities, to include recommendations for cost-effective methods of accomplishing those activities.

Management priorities for Sunny Isles Beach include maintaining the load-n-pack, tractor, bulldozers, and garbage cans. The Capital Budget cost for replacing maintenance equipment used at Sunny Isles Beach in a 1-year period is \$33,900. This amount is based on a seven-year average, and includes the replacement of trashcans (which cost \$130 a piece to replace every three years).

11. Attach a cost estimate for conducting other management activities, which would enhance the natural resource value or public recreation value for which the lands were acquired. The cost estimate shall include recommendations for cost-effective methods of accomplishing those activities.

The beach will remain undeveloped. No additional management activities are being conducted at present, so there is no related cost estimate.

TRAFFIC REPORT

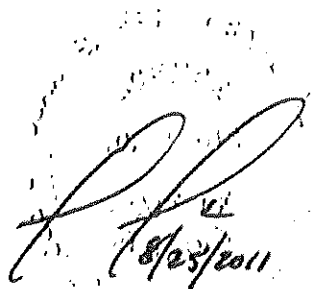
AGENDA ITEM 2A
EXHIBIT A

Grand Beach Hotel Traffic Study

Prepared by:

David Plummer & Associates, Inc.
1750 Ponce de Leon Boulevard
Coral Gables, Florida 33134

August 2011
DPA Project #11161



A handwritten signature in black ink, appearing to be 'D. Plummer', is written over a faint circular stamp. Below the signature, the date '8/23/2011' is handwritten.

EXECUTIVE SUMMARY

The Grand Beach Hotel - Surfside will consist of two separate hotel properties located on the east and west side of Collins Avenue just north of 94th Street in Surfside, Florida. The east parcel will consist of 269 rooms and will provide 206 parking spaces on-site. The west parcel will consist of 72 rooms and will provide 178 parking spaces on-site. Access to the east parcel will be through a circular driveway on Collins Avenue providing right-in and right-out movements. Access to the west parcel will be through a full access driveway located on 94th Street.

A traffic analysis was performed for the AM and PM peak hour traffic conditions to determine the percentage of project trip impact as compared to the capacity threshold for the study roadways. A roadway significance analysis was performed for both the AM and PM peak hour traffic conditions to determine the percentage of project trip impact as compared to the capacity threshold for the study roadway. The Level of Service threshold was obtained from the Town of Surfside Comprehensive Plan (January 2010; see Attachment C). The Town of Surfside guidelines establish a three percent (3%) significance threshold to determine whether or not a proposed development is significant on a roadway segment. **The analysis shows that traffic generated by the proposed development will be below the threshold established by the Town.** In addition, a link analysis was conducted for 94th and 95th Street with the project limits. The results of the analysis show that both roadways will operate within the Level of Service standard (LOS D) established by the Town of Surfside. **Therefore, traffic impacts associated with the proposed development can be considered *de minimis*.**

The potential queue at the drop-off area of the valet operations (for both hotels) during the PM peak hour (worst case scenario) was also calculated. **The results of the analysis show that with three valet attendants processing cars at the east hotel and one at the west hotel during the PM peak hour, there will be no queue at either drop-off area.**

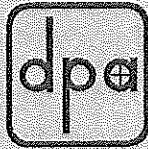
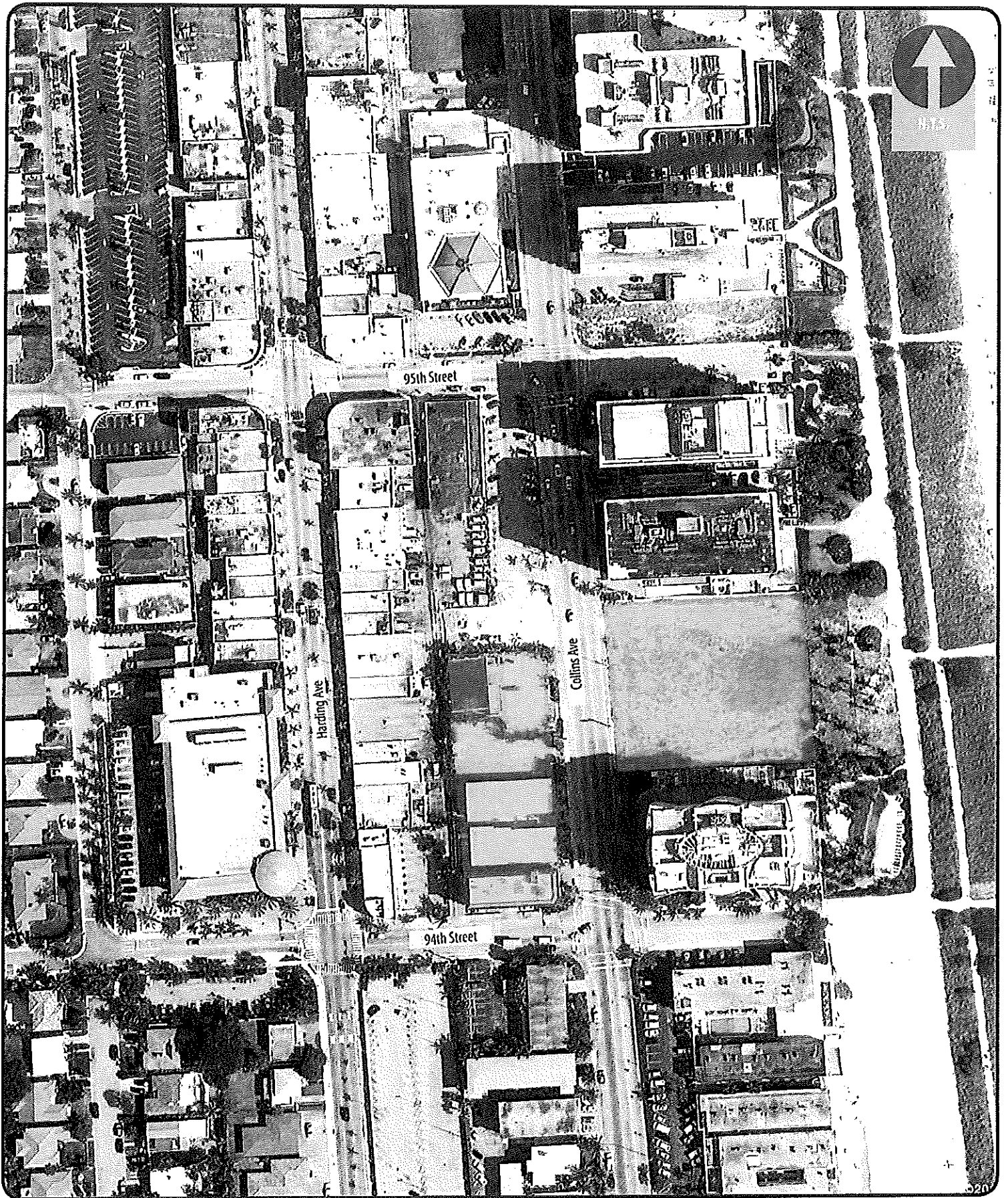
INTRODUCTION

The Grand Beach Hotel will consist of two separate hotel properties located on the east and west side of Collins Avenue just north of 94th Street in Surfside, Florida (see Exhibit 1). The east parcel will consist of 269 rooms and will provide 206 parking spaces on-site. The west parcel will consist of 72 rooms and will provide 178 parking spaces on-site. The proposed site plan is included in Attachment A. Access to the east parcel will be through a circular driveway on Collins Avenue providing right-in and right-out movements. Ingress and egress to the west parcel will be through a full access driveway located on 94th Street.

The purpose of this work is to compare the trips generated by the proposed project against the maximum service volume of Collins and Harding Avenues to determine the project percent consumption of the roadway capacity. This work also includes a link analysis for 94th and 95th Streets and queuing analysis at the drop-off (valet area) area of both hotels.

TRAFFIC ANALYSIS

A trip generation analysis was conducted to determine the trips generated by the project site. The trip generation analysis was based on rates and/or equations from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition (published in 2008). This manual provides trip generation data by specific land uses that have been collected throughout the United States and Canada. The trip generation calculations were performed for typical weekday AM and PM peak hours of the adjacent street traffic. Exhibit 2 provides the trip generation summary. Trip generation worksheets are included in Attachment B.



PROJECT TITLE: Grand Beach Hotel
EXHIBIT TITLE: Location Map

Exhibit
1
Page 3

Exhibit 2

Project Trip Generation Summary

ITE Land Use Designation ¹	Size/Units	24-Hour Two-way Volume	Weekday			Weekday		
			AM Peak Hour Vehicle			PM Peak Hour Vehicle		
			In	Out	Total	In	Out	Total
Hotel (East Side) Land Use 310	269 Rooms	2,198	91	59	150	83	75	158
Pedestrians/Transit/ Shuttle Service	10%	-220	-9	-6	-15	-8	-8	-16
Total Trips		1,978	82	53	135	75	67	142
Hotel (West Side) Land Use 310	72 Rooms	588	24	16	40	22	20	42
Pedestrians/Transit/ Shuttle Service	10%	-60	-2	-2	-4	-2	-2	-4
Total Trips		528	22	14	36	20	18	38

¹ Based on ITE Trip Generation manual, Eighth Edition (published in 2008).

Source: David Plummer & Associates

The major roadways within the project limits include Collins Avenue and Harding Avenue. Collins Avenue is a major principal arterial which runs parallel to Harding Avenue. The three lane facility serves only northbound traffic. Harding Avenue is a major principal arterial which runs parallel to Collins Avenue. The three lane facility serves only southbound traffic. Both roadways are within a ½-mile of mass transit. In addition, 94th Street and 95th Street are major local roads running perpendicular and providing access between Collins Avenue and Harding Avenue.

The proposed hotel is located within the Town’s Central Business District (CBD). Therefore, pedestrian activity is expected between the hotel and destinations (retail, restaurants and services). The project site is also in area served by seven (7) bus routes from Miami-Dade Transit. The routes travel through the Town, most of which run along Collins Avenue. The following are the route numbers and service areas:

Route G - NW 27 Avenue/163 Street, Bunche Park, Opa-locka, Bal Harbour, Collins Avenue, City of Miami Beach, Lincoln Road, Convention Center Drive

Route H - North Miami Beach, Skylake Mall, The Mall at 163rd Street, Sunny Isles Boulevard, Bal Harbour, Bal Harbour Shops, City of Miami Beach, Collins Avenue, Lincoln Road Mall, South Beach, Rebecca Towers

Route K - Omni Bus Terminal, Downtown (Miami) Bus Terminal, Federal Building, MacArthur Causeway, South Beach, Washington Avenue, City of Miami Beach, Haulover Marina, Winston Towers, Hallandale Beach Boulevard (Broward County), Diplomat Mall (Broward County)

Route R - City of Miami Beach, Alton Road, Mount Sinai Hospital, Miami Heart Institute, Collins Avenue, Hawthorne Avenue, 96 Street/Harding Avenue

Route S - Downtown (Miami) Bus Terminal, Main Library, Historical Museum, Miami Art Museum, Government Center Metrorail Station, Omni Bus Terminal, MacArthur Causeway, City of Miami Beach, South Beach, Lincoln Road, Collins Avenue, 192 Street Causeway, Aventura, Aventura Mall

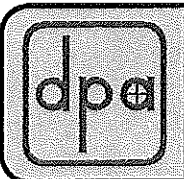
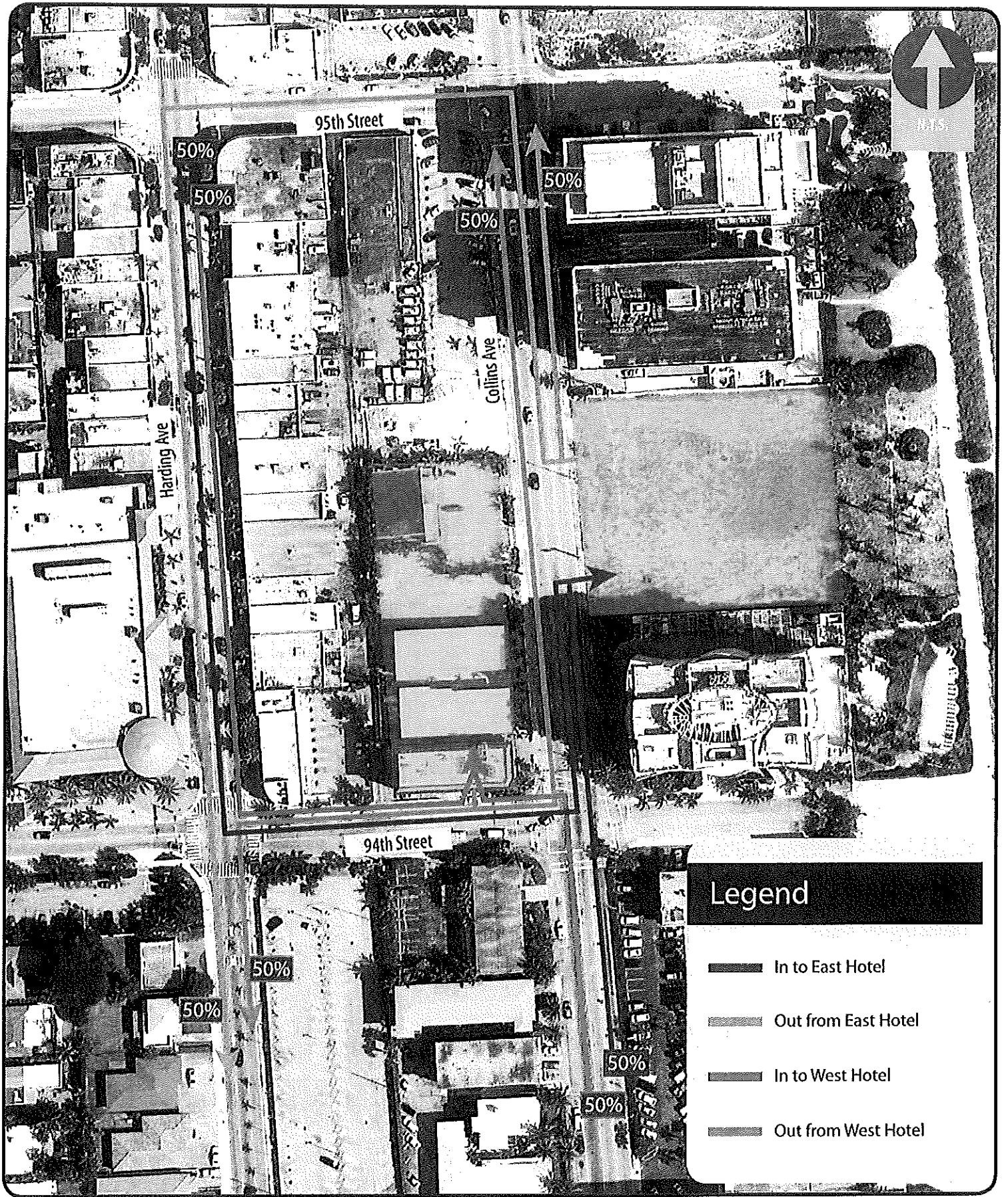
Route 120 Beach - Downtown (Miami) Bus Terminal, Main Library, Historical Museum, Miami Art Museum, Government Center Metrorail

Route MAX - Miami-Dade College Wolfson Campus, Omni Bus Terminal, Julia Tuttle Causeway, City of Miami Beach, Collins Avenue, Surfside, Bal Harbour, Haulover Park Marina

Additionally, the Town has its own bus system which complements the Miami-Dade County Transit system. The Town's mini-buses circulate between the business district and residential areas. Therefore, a 10% deduction was taken from the trip generation to account for the pedestrian, transit and mini bus services available to hotel patrons

Project traffic was distributed to the adjacent roadway network. For estimating trip distribution for the project traffic, consideration was given to conditions such as the roadway network accessed by the project traffic, roadways available to travel in the desired direction, and attractiveness of traveling on a specific roadway. Fifty percent of the traffic was assigned to/from the north direction and 50% to/from the south direction. Exhibit 3 shows the trip distribution. The project trips consumption was measured at the following six locations adjacent to the project site:

- Collins Avenue north of 94 Street
- Collins Avenue south of 94 Street
- Collins Avenue south of 95 Street
- Harding Avenue north of 94 Street
- Harding Avenue south of 94 Street
- Harding Avenue south of 95 Street



PROJECT TITLE: Grand Beach Hotel
 EXHIBIT TITLE: Trip Distribution

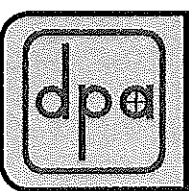
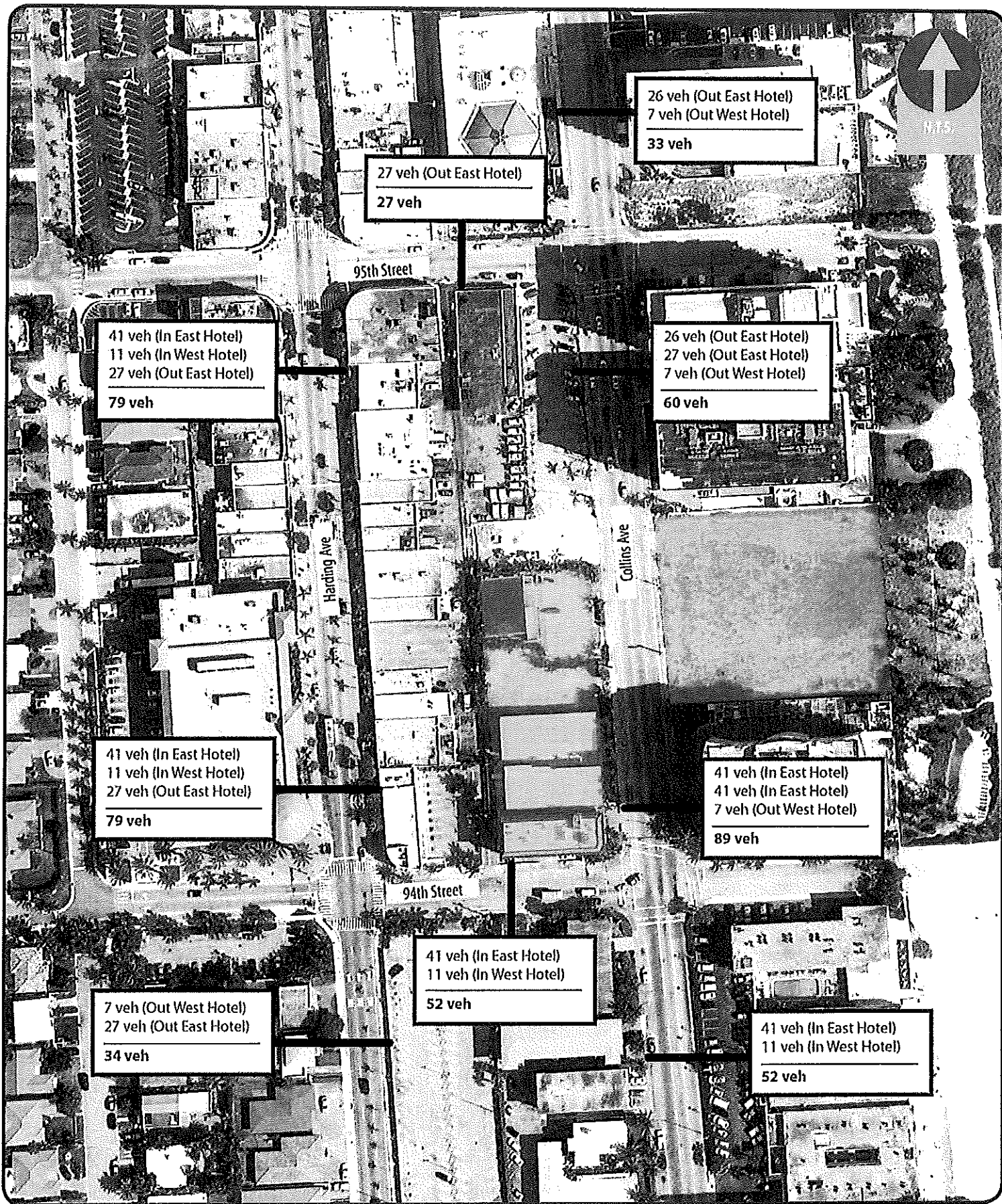
Exhibits 4A and 4B show the project trip distribution at the six locations mentioned above for the AM and PM Peak Hours, respectively. A roadway significance analysis was performed for both the AM and PM peak hour traffic conditions to determine the percentage of project trip impact as compared to the capacity threshold for the study roadway. The Level of Service threshold was obtained from the Town of Surfside Comprehensive Plan (January 2010; see Attachment C). The Town of Surfside guidelines establish a three percent significance threshold to determine whether or not a proposed development is significant on a roadway segment. The results of the significance analysis are summarized in Exhibit 5.

Exhibit 5
AM and PM Peak Hour Significance Analysis

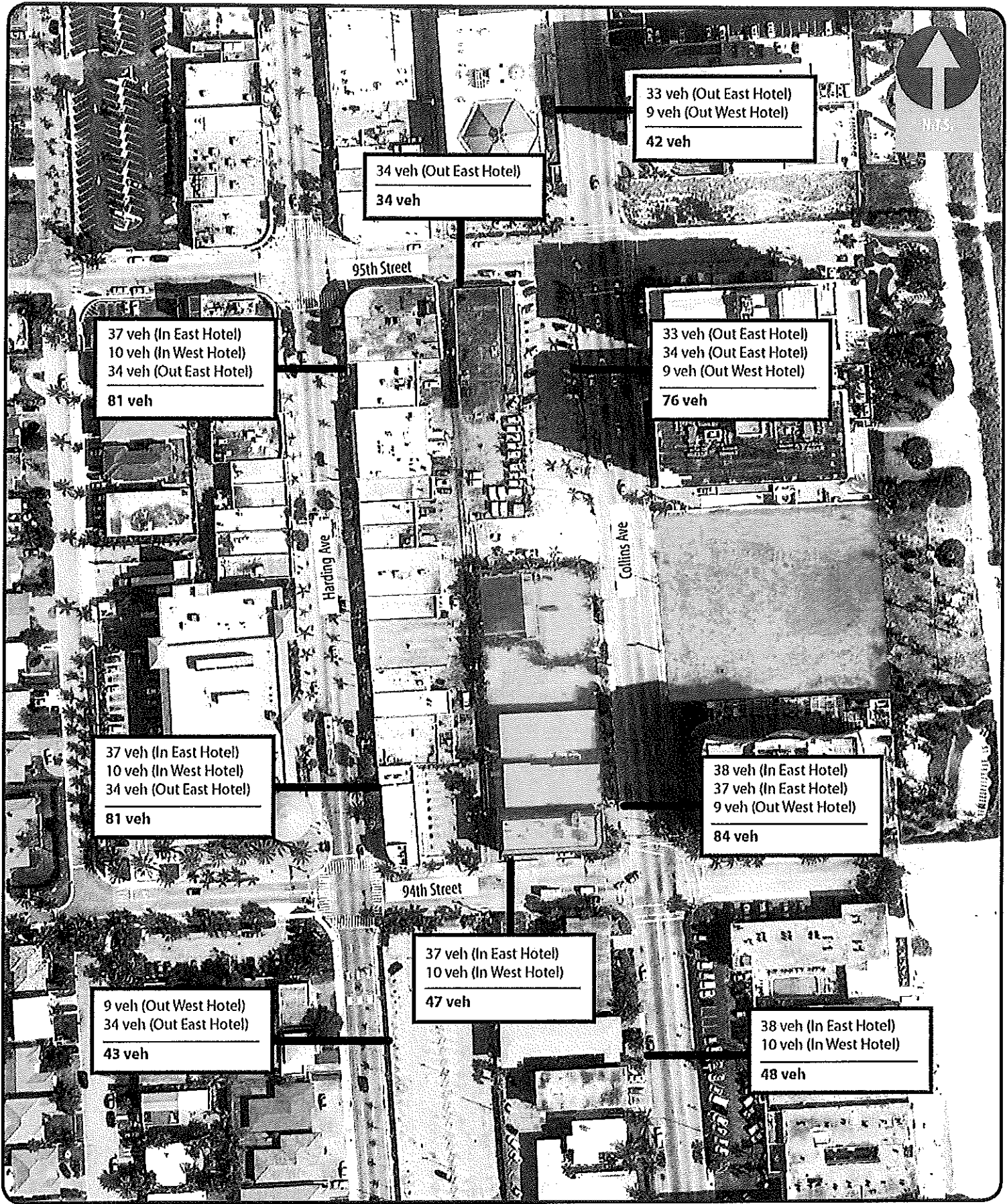
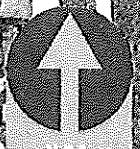
Roadway	Segment	Number of Lanes	Adopted Level of Service ¹	Adopted LOS Capacity ¹	AM Peak Hour			PM Peak Hour		
					Total Project Trips	Project Significance	Project Traffic Significance (> 3%)?	Total Project Trips	Project Significance	Project Traffic Significance (> 3%)?
Collins Avenue	South of 94 Street	3 -One way	E+20%	2,988	52	1.74%	NO	48	1.61%	NO
Collins Avenue	North of 94 Street (S. Project Driveway)	3 -One way	E+20%	2,988	89	2.98%	NO	84	2.81%	NO
Collins Avenue	South of 95 Street (N. Project Driveway)	3 -One way	E+20%	2,988	60	2.01%	NO	76	2.54%	NO
Collins Avenue	North of 95 Street	3 -One way	E+20%	2,988	33	1.10%	NO	42	1.41%	NO
Harding Avenue	South of 94 Street	3 -One way	E+20%	2,988	34	1.14%	NO	43	1.44%	NO
Harding Avenue	North of 94 Street	3 -One way	E+20%	2,988	79	2.64%	NO	81	2.71%	NO
Harding Avenue	South of 95 Street	3 -One way	E+20%	2,988	79	2.64%	NO	81	2.71%	NO

Source: David Plummer & Associates

¹ Adopted Level of Service and Service Volumes are based on the Town of Surfside Comprehensive Plan (January 2010)



PROJECT TITLE: Grand Beach Hotel
 EXHIBIT TITLE: Project Trips AM



33 veh (Out East Hotel)
9 veh (Out West Hotel)
42 veh

34 veh (Out East Hotel)
34 veh

37 veh (In East Hotel)
10 veh (In West Hotel)
34 veh (Out East Hotel)
81 veh

33 veh (Out East Hotel)
34 veh (Out East Hotel)
9 veh (Out West Hotel)
76 veh

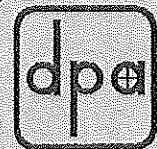
37 veh (In East Hotel)
10 veh (In West Hotel)
34 veh (Out East Hotel)
81 veh

38 veh (In East Hotel)
37 veh (In East Hotel)
9 veh (Out West Hotel)
84 veh

9 veh (Out West Hotel)
34 veh (Out East Hotel)
43 veh

37 veh (In East Hotel)
10 veh (In West Hotel)
47 veh

38 veh (In East Hotel)
10 veh (In West Hotel)
48 veh



PROJECT TITLE: Grand Beach Hotel
EXHIBIT TITLE: Project Trips PM

Exhibit
4b
Page 9

The significance analysis shows that the proposed development will not have an impact on either Collins or Harding Avenues. Therefore, traffic impacts associated with the proposed development can be considered *de minimis*.

The town requested that roadway segment (link) analysis be performed on the local roads within the study area. The analysis was performed for AM and PM peak hour conditions for project build-out (2012). Twenty-four hour traffic machine counts were collected at 94th and 95th Streets. Additionally, the latest weekly volume adjustment factors were obtained from FDOT to adjust the raw traffic counts. A summary of the traffic counts is included in Attachment D. A background growth rate was obtained from historical counts published by the Florida Department of Transportation (FDOT) for traffic count station 0132, NE 96th Street (SR 922) 400' west of Harding Avenue, and included in Attachment D. Although other historical counts along Collins Avenue and Harding Avenue show a decrease of traffic in the area in the last 5 years, and the counts at station 0132 have fluctuated in recent years, a conservative 1% annual growth rate was used for this analysis. The link analysis is provided in Exhibit 6.

Exhibit 6

AM and PM Peak Hour Local Roadways Segment Analysis

Roadway	Segment	Number of Lanes	Functional Classification	Adopted Level of Service ¹	Adopted LOS Capacity ²	Existing Volume	Volume w/ Background	Project Volume	Total	Meets LOS Std
AM Peak Hour										
94 Street	Collins Av to Harding Av	2 LU	Major Local Road	D	1,330	188	190	52	242	Yes
95 Street	Collins Av to Harding Av	2 LU	Major Local Road	D	1,330	227	229	27	256	Yes
PM Peak Hour										
94 Street	Collins Av to Harding Av	2 LU	Major Local Road	D	1,330	212	214	47	261	Yes
95 Street	Collins Av to Harding Av	2 LU	Major Local Road	D	1,330	267	270	34	304	Yes

Source: David Plummer & Associates

¹ Adopted Level of Service are based on the Town of Surfside Comprehensive Plan (January 2010)

² Based on the 2009 FDOT Quality/Level of Service Handbook

QUEUING ANALYSIS

The potential queue at the drop-off area of the valet operations (for both hotels) was calculated based on the peak hour traffic published by the Institute of Transportation Engineers (ITE) trip generation rates and/or equations for the proposed development plan. As calculated in Exhibit 2, Exhibit 6 provides the total project trip generation for the east and west hotel during the weekday PM peak hour conditions (worst case scenario). It should be noted that the proposed hotel will have limited meeting and function space. Therefore, the queuing analysis based on the trip generation for a standard hotel, can be considered a conservative approach.

Exhibit 6

Project Trip Generation

Grand Beach Hotel	Weekday		
	PM Peak Hour		
	In	Out	Total
East Hotel	75	67	142
West Hotel	20	18	38

Source: David Plummer & Associates

For the queuing analysis, a peak hour factor of 0.92 was used to determine the hourly volume that occurs during the peak 15 minutes of the peak hour [$142 / (0.92)(4) = 39$]. To determine the processing rate for valet operations, data was collected at the valet drop-off area of the existing Grand Beach Hotel located at 4835 Collins Avenue. This hotel is owned and operated by the same developer of the Grand Beach Hotel – Surfside. Data and observations at this hotel were collected on Saturday, August 20, 2011 during the hotel peak check-out time (11:00 AM to 1:00 PM) and during the hotel peak check-in time (3:00 PM to 5:00 PM). Based on the data collected, a processing time for the valet operation was determined. The processing rate was calculated to be 60 seconds per vehicle. The processing time for valet operations is defined as the average time it will take

to process a vehicle from the time it arrives at the valet drop-off until it leaves the drop-off area. The data and processing time calculation is included in Attachment E.

The valet operation at Grand Beach Hotel – Miami Beach is staffed based on occupancy and expected daily movements. Occupancy is defined by rooms nights booked divided by total room inventory. A movement can be defined as a “check-in” or arrival, a “check-out” or departure, or any other event that may result in a spike of guest traffic for the valet operation. Large groups in house can slightly alter the staffing plan; however the chart below is a general guideline of how the hotel staffs this department.

<i>Rooms Sold</i>	<i>Max. Overnight Cars Parked</i>	<i>AM Runners</i>	<i>PM Runners</i>	<i>Overnight Runners</i>	<i>Valet Supervisor</i>	<i>One Day Staff</i>
0-150	70	2	2	1	2	7
151-250	118	3	3	2	2	10
251-330	155	4	4	2	2	12
331-430	200	5	5	3	2	15

Field observations revealed that 49 vehicles were processed by the valet operator during the morning period and 64 vehicles during the afternoon. During the morning observations, a queue of one (1) vehicle was observed only 6 times and a queue of two (2) vehicles only once. During the afternoon observations, a queue of one (1) vehicle was observed only twice. The observed queue never interrupted the valet operations and did not disrupt the traffic patterns.

For the queuing calculation at the proposed hotels, it was assumed that 3 valet attendants will be available (to process vehicles) during the peak hour at the east hotel and 1 valet attendant at the west hotel. This will result in 45 vehicles being accommodated in 15 minutes at the east hotel and 15 vehicles at the west hotel. The calculations are summarized in Exhibit 7.

Exhibit 7

Stacking and Queuing at East Hotel Valet Operations

Peak Volume In and Out (vehicles)	Total PM Peak 15 minutes (vehicles)	Process Rate at Valet Operations (veh/min)	Vehicles Processed during Peak 15 minutes (before start of queue)	Length of Queue (vehicles)	Storage Length Available
142	$142 / (.92)(4) = 39$	1	3 valet attendants x 15 min x 1 veh/min = 45 veh	$39 - 45 = 0$ veh No Queue	300 ft
38	$38 / (.92)(4) = 10$	1	1 valet attendants x 15 min x 1 veh/min = 15 veh	$10 - 15 = 0$ veh No Queue	100 ft

Source: David Plummer and Associates

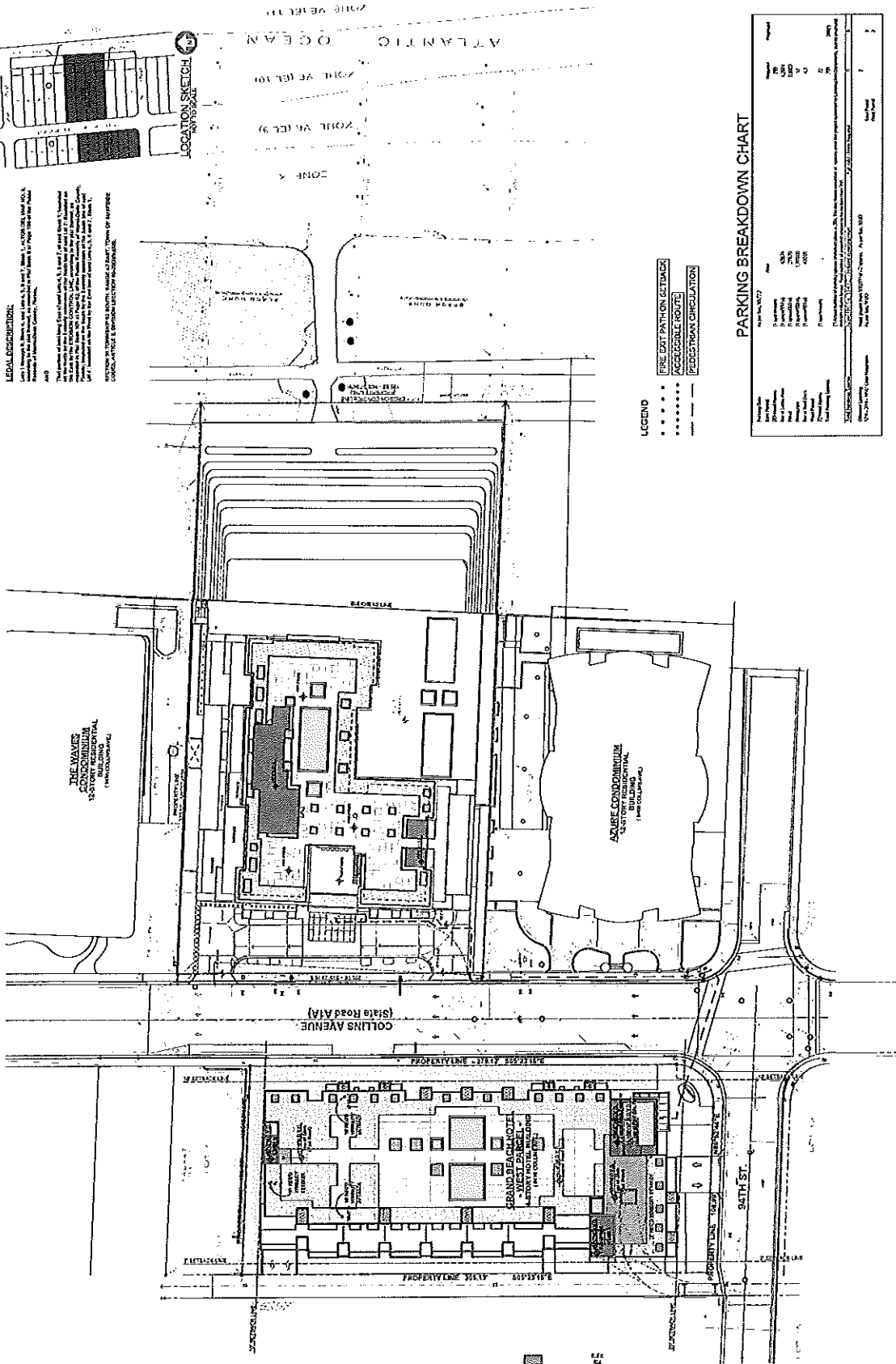
The results of the analysis show that with the recommended number of valet attendants processing cars at each hotel, there will be no queue at either drop-off area. In addition, at the east hotel drop-off area there is approximately 300 ft of available storage (2 lanes) that can accommodate approximately 14 vehicles in queue. The west hotel provides approximately 100 ft of available storage that can accommodate approximately 4 vehicles in queue (inside the parking garage).

Attachment A

Site Plan

GRAND BEACH HOTEL II

1515 COLLINS AVENUE, SUITE 100
MIAMI BEACH, FL 33139

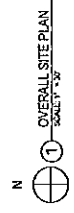


LEGAL DESCRIPTION:
 The property is located in the City of Miami Beach, Florida, within the boundaries of the Grand Beach Hotel II, as shown on the site plan. The property is bounded by Collins Avenue to the north, 8th Street to the east, 9th Street to the south, and the Atlantic Ocean to the west. The property is subject to the Grand Beach Hotel II, as shown on the site plan. The property is located in the City of Miami Beach, Florida, within the boundaries of the Grand Beach Hotel II, as shown on the site plan. The property is bounded by Collins Avenue to the north, 8th Street to the east, 9th Street to the south, and the Atlantic Ocean to the west. The property is subject to the Grand Beach Hotel II, as shown on the site plan.

- LEGEND**
- FIRE EXIT PATION SETBACK
 - ACCESSIBLE ROUTE
 - PEDESTRIAN CIRCULATION

PARKING BREAKDOWN CHART

Category	Count	Notes
Total	100	
Surface	80	
Garage	20	
Handicap	5	
Motorcycle	2	
Other	3	



OVERALL SITE PLAN
 SCALE: 1/8" = 1'-0"

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Attachment B

Trip Generation Worksheets

Summary of Multi-Use Trip Generation
 Average Weekday Driveway Volumes
 July 18, 2011

Land Use	Size	24 Hour Two-Way Volume	AM Pk Hour Enter	AM Pk Hour Exit	PM Pk Hour Enter	PM Pk Hour Exit
Hotel	269 Rooms	2198	91	59	83	75
Hotel	72 Rooms	588	24	16	22	20
Total Driveway Volume		2786	115	75	105	95
Total Peak Hour Pass-By Trips			0	0	0	0
Total Peak Hour Vol. Added to Adjacent Streets			115	75	105	95

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

Summary of Multi-Use Trip Generation
 Saturday and Sunday Driveway Volumes
 July 18, 2011

Land Use	Size	Saturday			Sunday		
		24 Hr 2-Way Vol.	Peak Hour Enter	Hour Exit	24 Hr 2-Way Vol.	Peak Hour Enter	Hour Exit
Hotel	269 Rooms	2203	108	86	1601	70	81
Hotel	72 Rooms	590	29	23	428	19	22
Total Driveway Volume		2793	137	109	2029	89	103
Total Peak Hour Pass-By Trips			0	0			
Total Pk Hr Vol Added to Adjacent Streets			137	109			

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

Attachment C

Town of Surfside Comprehensive Plan

(January 2010)

SR A1A/Harding Avenue

SR A1A/Harding Avenue is a major principal arterial which runs parallel to Collins Avenue. The three-lane facility serves only southbound traffic.

SR 922/96th Street

SR 922/96th Street is a minor principal arterial and runs east-west. SR-922/96th Street connects Surfside with Bay Harbor Islands and Bal Harbour.

Primary Local Roads

The collectors are 88th Street, Bay Drive, Dickens Avenue, and Byron Avenue south of 88th Street. The major local roads are 91st Street/ Surfside Boulevard, Abbott Avenue, 95th Street, 94th Street, and 93rd Street. 91st Street/Surfside Boulevard is the only gateway to Indian Creek. A two-lane bridge on the south connects Biscaya Island to the rest of the Town.

Existing Roadway Level of Service

The following table shows the existing level of service for the state arterial roadways in Surfside.

Table 2-1 Roadway Existing Level of Service

Roadway Name	Location		Classification	Adopted Level of Service	Lanes	Adopted LOS E+20 Capacity	Pk Hr Pk Dir Volumes 2007	Existing Level of Service 2007
	From	To						
SR-922/96th Street	Harding Ave	West of Harding Ave	State Minor Arterial	E+20	2 lanes in each direction	1,992	1,261	D
SR-A1A/Collins Avenue	87th Avenue	SR-922/96th Street	State Major Arterial	E+20	3 lanes-one way	2,988	2,256	D
SR-A1A/Harding Avenue	88th Avenue	SR-922/96th Street	State Major Arterial	E+20	3 lanes-one way	2,988	1,797	D

Note:

- 1) The peak hour peak direction volume are directly taken from the *FDOT Traffic Information DVD 2007*.
- 2) The adopted level of service standard thresholds are based on the *FDOT Generalized Table 4-7 for Peak Hour Directional Volumes*.

Future Level of Service

As shown in Table 2-2, the state roadways within Surfside shall maintain their levels of service through 2030.

Table 2-2 Future (2030) Peak Hour Peak Direction Level of Service Analysis

Roadway Name	Location		Classification	Adopted Level of Service	Lanes	Adopted LOS E+20 Capacity	2030 Daily Volumes	K	D	Pk Hr Pk Dir Volumes 2030	Future Level of Service 2030
	From	To									
SR-922/96th Street	Harding Ave	West of Harding Ave	State Minor Arterial	E+20	2 lanes in each direction	1,992	34,454	0.095	0.5500	1,800	D
SR-A1A/Collins Avenue	87th Avenue	SR-922/96th Street	State Major Arterial	E+20	3 lanes-one way	2,988	27,292	0.095	-	2,593	D
SR-A1A/Harding Avenue	88th Avenue	SR-922/96th Street	State Major Arterial	E+20	3 lanes-one way	2,988	27,006	0.095	-	2,566	D

Note:

- 1) The bi-directional volumes are directly taken from the *Miami Dade County MPO 2030 Long Range Transportation Plan (LRTP)*.
- 2) The adopted level of service standards are based on the *FDOT Generalized Table 4-7 for Peak Hour Directional Volumes*.
- 3) The peak hour factor (K) and directional factor (D) are directly taken from the *FDOT Quality/Level of Service Handbook*.

Attachment D

Historical Counts

24-HOUR COUNTS

Project Name: Grand Beach Hotel
 Location: 95th Street between Collins Av & Harding Av
 Observer: Traffic Survey Specialists, Inc.

Project No.: 11161
 Count Date: 8/19/2011
 Day of Week: Friday

BEGIN TIME	EASTBOUND					TOTAL	BEGIN TIME	WESTBOUND					TOTAL	TWO-WAY TOTAL
	1st 1/4	2nd 1/4	3rd 1/4	4th 1/4	TOTAL			1st 1/4	2nd 1/4	3rd 1/4	4th 1/4	TOTAL		
12:00 AM	7	5	3	4	19	12:00 AM	6	5	5	7	23	42		
01:00 AM	2	1	4	0	7	01:00 AM	2	1	0	2	5	12		
02:00 AM	0	0	1	0	1	02:00 AM	0	1	0	0	1	2		
03:00 AM	0	1	1	1	3	03:00 AM	0	0	0	0	0	3		
04:00 AM	0	1	1	1	3	04:00 AM	0	0	0	1	1	4		
05:00 AM	0	1	1	0	2	05:00 AM	0	1	1	2	4	6		
06:00 AM	3	4	5	4	16	06:00 AM	2	6	2	9	19	35		
07:00 AM	6	7	14	25	52	07:00 AM	5	4	6	4	19	71		
08:00 AM	16	17	26	29	88	08:00 AM	16	14	18	15	63	151		
09:00 AM	30	25	24	34	113	09:00 AM	31	17	33	22	103	216		
10:00 AM	32	28	34	33	127	10:00 AM	18	24	10	23	75	202		
11:00 AM	27	32	28	31	118	11:00 AM	20	22	24	37	103	221		
12:00 PM	44	40	36	33	153	12:00 PM	29	18	24	27	98	251		
01:00 PM	27	37	23	40	127	01:00 PM	19	28	31	31	109	236		
02:00 PM	34	31	36	27	128	02:00 PM	25	3	0	10	38	166		
03:00 PM	32	29	30	35	126	03:00 PM	20	28	30	27	105	231		
04:00 PM	34	28	36	54	152	04:00 PM	15	27	26	27	95	247		
05:00 PM	31	31	29	25	116	05:00 PM	22	27	27	21	97	213		
06:00 PM	28	28	27	22	105	06:00 PM	16	23	17	17	73	178		
07:00 PM	20	20	11	16	67	07:00 PM	18	16	13	16	63	130		
08:00 PM	16	13	19	7	55	08:00 PM	16	8	22	15	61	116		
09:00 PM	13	14	13	16	56	09:00 PM	11	9	14	7	41	97		
10:00 PM	6	8	8	9	31	10:00 PM	9	9	4	4	26	57		
11:00 PM	5	8	9	2	24	11:00 PM	8	6	8	3	25	49		
24-HOUR TOTAL					1,689	24-HOUR TOTAL					1,247	2,936		

DAILY TRAFFIC COUNT SUMMARY

Note: 2010 FDOT Seasonal Weekly Volume Factor : 1.05

AM Peak Hour:	Time: <u>09:00 AM</u>	Volume: <u>227</u>
	K-factor: <u>7.4%</u>	PHF: <u>0.89</u>
	D-factor: <u>52.3%</u>	
PM Peak Hour:	Time: <u>04:30 PM</u>	Volume: <u>267</u>
	K-factor: <u>8.7%</u>	PHF: <u>0.78</u>
	D-factor: <u>59.8%</u>	

24-HOUR COUNTS

Project Name: Grand Beach Hotel
 Location: 94th Street between Collins Av & Harding Av
 Observer: Traffic Survey Specialists, Inc.

Project No.: 11161
 Count Date: 8/19/2011
 Day of Week: Friday

BEGIN TIME	EASTBOUND					TOTAL
	1st 1/4	2nd 1/4	3rd 1/4	4th 1/4		
12:00 AM	3	6	5	3		17
01:00 AM	3	4	2	0		9
02:00 AM	1	1	0	1		3
03:00 AM	0	0	1	0		1
04:00 AM	0	0	2	0		2
05:00 AM	1	0	0	2		3
06:00 AM	2	1	3	1		7
07:00 AM	9	4	3	3		19
08:00 AM	13	13	10	10		46
09:00 AM	15	14	24	19		72
10:00 AM	14	24	12	16		66
11:00 AM	13	16	20	25		74
12:00 PM	19	24	23	20		86
01:00 PM	34	12	25	18		89
02:00 PM	20	19	16	25		80
03:00 PM	17	16	21	29		83
04:00 PM	19	31	31	21		102
05:00 PM	22	21	19	28		90
06:00 PM	16	16	14	16		62
07:00 PM	13	9	9	12		43
08:00 PM	12	9	12	10		43
09:00 PM	12	5	7	9		33
10:00 PM	8	8	9	7		32
11:00 PM	7	4	1	5		17
	24-HOUR TOTAL					1,079

BEGIN TIME	WESTBOUND					TOTAL
	1st 1/4	2nd 1/4	3rd 1/4	4th 1/4		
12:00 AM	6	5	4	4		19
01:00 AM	2	2	3	1		8
02:00 AM	0	1	0	4		5
03:00 AM	1	1	0	0		2
04:00 AM	0	0	1	2		3
05:00 AM	1	2	1	3		7
06:00 AM	3	5	5	3		16
07:00 AM	13	10	6	16		45
08:00 AM	19	21	17	20		77
09:00 AM	22	33	28	24		107
10:00 AM	13	19	20	26		78
11:00 AM	14	21	27	28		90
12:00 PM	24	26	20	18		88
01:00 PM	23	15	27	25		90
02:00 PM	23	15	21	25		84
03:00 PM	29	17	25	34		105
04:00 PM	20	21	17	17		75
05:00 PM	22	24	24	17		87
06:00 PM	18	22	24	19		83
07:00 PM	12	18	19	11		60
08:00 PM	19	14	16	14		63
09:00 PM	12	8	6	4		30
10:00 PM	11	11	4	4		30
11:00 PM	4	2	4	5		15
	24-HOUR TOTAL					1,267

TWO-WAY TOTAL		
36		
17		
8		
3		
5		
10		
23		
64		
123		
179		
144		
164		
174		
179		
164		
188		
177		
177		
145		
103		
106		
63		
62		
32		
	24-HOUR TOTAL	2,346

DAILY TRAFFIC COUNT SUMMARY

Note: 2010 FDOT Seasonal Weekly Volume Factor : 1.05

AM Peak Hour: Time: 09:00 AM
 K-factor: 7.6%
 D-factor: 59.8%

PM Peak Hour: Time: 03:45 PM
 K-factor: 8.6%
 D-factor: 54.5%

Volume: 188
 PHF: 0.86

Volume: 212
 PHF: 0.80

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2010 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 0525 - SR A1A/COLLINS AV/ONE-WAY PAIR NB, 100' N 87 ST

YEAR	AADT	DIRECTION 1	DIRECTION 2	K FACTOR	D FACTOR	T FACTOR
2010	22500 C	N 22500	0	8.98	99.99	8.80
2009	22500 C	N 22500	0	8.99	99.99	8.40
2008	24500 C	N 24500	0	9.09	99.99	5.30
2007	26000 C	N 26000	0	8.01	99.99	4.90
2006	24000 C	N 24000	0	7.97	99.99	2.20
2005	25000 C	N 25000	S	8.80	99.90	5.50
2004	24000 C	N 24000	S	9.00	99.90	8.20
2003	26500 C	N 26500	S	8.80	99.90	4.90
2002	26000 C	N 26000	S	9.80	99.90	2.60
2001	27000 C	N 27000	S	8.20	99.90	3.00
2000	27500 C	N 27500	S	8.20	99.90	3.50
1999	34000 C	N 34000	S	9.10	99.90	3.20
1998	25000 C	N 25000	S	9.30	99.90	2.50
1997	23000 C	N 23000	S	9.10	99.90	2.70
1996	21000 C	N 21000	S	8.50	99.90	4.10
1995	21500 C	N	S	7.90	62.60	3.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; X = UNKNOWN

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2010 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 0132 - SR 922/NE 96 ST. 400' W OF HARDING AVENUE

YEAR	AADT	DIRECTION 1	DIRECTION 2	K FACTOR	D FACTOR	T FACTOR
2010	25500 C	E 14000	W 11500	8.98	54.08	4.20
2009	28500 C	E 15500	W 13000	8.99	53.24	7.20
2008	28000 C	E 15000	W 13000	9.09	55.75	7.90
2007	24000 F	E 13000	W 11000	8.01	54.34	7.20
2006	24000 C	E 13000	W 11000	7.97	54.22	7.20
2005	26000 C	E 14000	W 12000	8.80	53.80	7.80
2004	26500 C	E 13000	W 13500	9.00	53.30	7.80
2003	25000 C	E 12500	W 12500	8.80	53.40	3.20
2002	24500 C	E 12000	W 12500	9.80	52.30	2.80
2001	23500 F	E 11500	W 12000	8.20	53.50	5.40
2000	23500 C	E 11500	W 12000	8.20	53.10	2.20
1999	23500 C	E 11000	W 12500	9.10	52.70	1.20
1998	23000 C	E 11000	W 12000	7.20	52.70	2.70
1997	25000 C	E 12500	W 12500	9.10	64.50	4.10
1996	21500 C	E 11500	W 10000	8.50	53.10	15.30
1995	21000 C	E 11000	W 10000	7.90	62.60	8.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; X = UNKNOWN

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2010 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 0520 - SR A1A/HARDING AV/ONE-WAY PAIR SB, 100' N 87 ST

YEAR	AADT	DIRECTION 1	DIRECTION 2	K FACTOR	D FACTOR	T FACTOR
2010	24000 C	S 24000	0	8.98	99.99	8.80
2009	23000 C	S 23000	0	8.99	99.99	8.40
2008	24000 C	S 24000	0	9.09	99.99	5.30
2007	24000 C	S 24000	0	8.01	99.99	4.90
2006	24000 C	S 24000	0	7.97	99.99	2.20
2005	27000 C	S 27000	0	8.80	99.90	5.50
2004	27500 C	S 27500	0	9.00	99.90	8.20
2003	26000 C	S 26000	0	8.80	99.90	4.90
2002	27500 C	S 27500	0	9.80	99.90	2.60
2001	28500 C	S 28500	0	8.20	99.90	3.00
2000	27000 C	S 27000	0	8.20	99.90	3.50
1999	26000 C	S 26000	0	9.10	99.90	3.20
1998	25500 C	S 25500	0	8.20	99.90	2.50
1997	24000 C	S 24000	0	9.10	99.90	2.70
1996	22000 C	S 22000	0	8.50	99.90	4.10
1995	22000 C	S		7.90	62.60	3.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; X = UNKNOWN

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2010 HISTORICAL AADT REPORT

COUNTY: 87 - MIAMI-DADE

SITE: 0540 - SR A1A/COLLINS AV, 200' S END BRIDG/NCL BAL HARB

YEAR	AADT	DIRECTION 1	DIRECTION 2	K FACTOR	D FACTOR	T FACTOR
2010	44000 C	N 22000	S 22000	8.98	54.08	6.10
2009	46500 C	N 23000	S 23500	8.99	53.24	3.90
2008	49500 C	N 24500	S 25000	9.09	55.75	3.90
2007	50500 C	N 25000	S 25500	8.01	54.34	3.90
2006	48500 C	N 23500	S 25000	7.97	54.22	2.90
2005	47500 C	N 23000	S 24500	8.80	53.80	7.50
2004	47500 C	N 23000	S 24500	9.00	53.30	7.50
2003	42500 C	N 21000	S 21500	8.80	53.40	4.50
2002	43000 C	N 21500	S 21500	9.80	52.30	2.70
2001	45000 F	N 25000	S 20000	8.20	53.50	6.00
2000	45000 C	N 25000	S 20000	8.20	53.10	4.00
1999	44000 C	N 24500	S 19500	9.10	52.70	3.90
1998	44500 C	N 22000	S 22500	9.30	52.70	2.70
1997	31400 C	N 8900	S 22500	9.10	64.50	3.40
1996	41500 C	N 21500	S 20000	8.50	53.10	5.60
1995	36000 F	N 19000	S 17000	7.90	62.60	3.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; X = UNKNOWN

Attachment E

Processing Time Data and Calculations

Grand Beach Hotel

Date: August 20, 2011
 Observer: JC Pedrera

Vehicle	In	Out	Type	Arrival Time	Processing Time	Vehicles on Queue	Notes
1	X		Car	3:02 PM	0:01:09	0	Check In
2		X	Car	3:03 PM	0:01:08	0	
3		X	Car	3:04 PM	0:01:40	0	
4		X	Car	3:04 PM	0:00:28	0	
5	X		Car	3:05 PM	0:01:38	1	Check In
6	X		Car	3:05 PM	0:01:57	0	Check In
7	X		Taxi	3:08 PM	0:02:26	0	Check In
8		X	Car	3:12 PM	0:01:26	0	Check Out
9		X	Car	3:13 PM	0:01:48	0	Check Out
10	X		Taxi	3:15 PM	0:00:13	0	
11	X		Taxi	3:18 PM	0:05:20	0	Check In
12		X	Car	3:20 PM	0:00:34	0	
13	X		Taxi	3:21 PM	0:00:41	0	
14	X		Car	3:23 PM	0:00:36	0	
15		X	Car	3:25 PM	0:01:40	0	Check In
16	X		Car	3:30 PM	0:00:37	0	
17	X		Car	3:32 PM	0:00:42	0	
18	X		Car	3:34 PM	0:01:41	0	Check In
19	X		Car	3:34 PM	0:01:18	0	Check In
20	X		Taxi	3:37 PM	0:00:26	0	
21		X	Car	3:39 PM	0:00:38	0	
22		X	Taxi	3:42 PM	0:00:18	0	
23		X	Car	3:47 PM	0:01:24	0	
24	X		Van	3:44 PM	0:00:48	0	
25		X	Taxi	3:45 PM	0:00:29	0	
26	X		Car	3:45 PM	0:00:18	0	
27	X		Car	3:46 PM	0:00:26	0	
28	X		Taxi	3:47 PM	0:00:18	0	
29	X		Car	3:48 PM	0:00:50	0	
30		X	Taxi	3:50 PM	0:00:44	0	Check Out
31		X	Car	3:54 PM	0:00:52	0	
32	X		Car	4:00 PM	0:01:10	0	
33	X		Taxi	4:01 PM	0:00:18	0	
34		X	Car	4:02 PM	0:00:23	0	
35		X	Taxi	4:04 PM	0:01:25	0	Check Out
36	X		Car	4:05 PM	0:01:43	0	Check In
37	X		Car	4:08 PM	0:00:33	0	
38	X		Taxi	4:29 PM	0:01:37	0	Check In
39		X	Car	4:12 PM	0:02:06	0	
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41	X		Car	4:15 PM	0:00:22	0	
42	X		Car	4:16 PM	0:02:10	1	
43	X		Car	4:16 PM	0:02:25	0	Check In
44	X		Taxi	4:18 PM	0:00:48	0	
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46	X		Car	4:21 PM	0:00:38	0	
47	X		Car	4:22 PM	0:00:35	0	
48	X		Taxi	4:24 PM	0:00:42	0	Check In
49		X	Taxi	4:25 PM	0:00:26	0	
50	X		Taxi	4:26 PM	0:00:34	0	
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52	X		Car	4:27 PM	0:00:22	0	
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54	X		Car	3:32 PM	0:00:40	0	
55	X		Taxi	4:39 PM	0:00:22	0	
56	X		Car	4:42 PM	0:01:06	0	
57	X		Car	4:47 PM	0:00:39	0	
58	X		Car	4:48 PM	0:01:25	0	
59	X		Taxi	4:50 PM	0:02:12	0	Check In
60		X	Taxi	4:52 PM	0:01:15	0	
61	X		Car	4:53 PM	0:00:32	0	
62		X	Car	4:54 PM	0:00:28	0	
63	X		Car	4:55 PM	0:02:50	0	Check In
64	X		Car	4:55 PM	0:01:48	0	Check In
65							
66							

Total Processing Time: 1:08:36
 Average Processing Time: 0:01:04

Grand Beach Hotel

Date:
Observer:

August 20, 2011
JC Pedrera

Vehicle	In	Out	Type	Arrival Time	Processing Time	Vehicles on Queue	Notes
1		X	Car	11:08 AM	0:00:55	0	
2		X	Car	11:09 AM	0:00:25	0	
3	X		Taxi	11:10 AM	0:01:53	0	Check In
4		X	Car	11:16 AM	0:01:29	0	Check Out
5		X	Car	11:17 AM	0:00:32	1	
6		X	Taxi	11:18 AM	0:00:45	0	
7		X	Car	11:20 AM	0:00:43	0	
8		X	Car	11:21 AM	0:02:06	0	
9	X		Taxi	11:22 AM	0:01:00	1	Check Out
10		X	Car	11:22 AM	0:00:22	0	
11		X	Taxi	11:27 AM	0:02:04	0	Check Out
12	X		Taxi	11:27 AM	0:00:28	1	
13		X	Car	11:28 AM	0:00:33	2	
14		X	Car	11:28 AM	0:00:30	0	
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17		X	Taxi	11:33 AM	0:00:33	0	
18		X	Car	11:34 AM	0:00:27	0	Check Out
19		X	Taxi	11:35 AM	0:01:08	1	Check Out
20		X	Car	11:35 AM	0:01:16	0	Check Out
21	X		Car	11:40 AM	0:00:56	0	Check In
22		X	Car	11:47 AM	0:01:27	0	
23		X	Car	11:48 AM	0:00:52	0	Check Out
24		X	Taxi	11:57 AM	0:00:41	0	Check Out
25	X		Car	11:58 AM	0:00:32	0	
26	X		Taxi	12:00 PM	0:01:04	0	Check In
27		X	Taxi	12:03 PM	0:00:29	0	
28		X	Car	12:07 PM	0:01:50	0	Check Out
29		X	Taxi	12:08 PM	0:01:10	0	
30		X	Car	12:11 PM	0:01:17	0	
31	X		Car	12:12 PM	0:01:13	0	Check In
32	X		Car	12:15 PM	0:00:38	0	
33		X	Taxi	12:21 PM	0:01:12	0	Check Out
34		X	Car	12:22 PM	0:01:38	0	Check Out
35	X		Car	12:23 PM	0:01:22	1	Check In
36		X	Car	12:24 PM	0:00:28	0	
37	X		Taxi	12:30 PM	0:01:04	0	
38	X		Car	12:31 PM	0:01:17	0	Check In
39	X		Taxi	12:34 PM	0:00:22	0	
40		X	Car	12:38 PM	0:01:31	0	Check Out
41		X	Taxi	12:45 PM	0:01:29	0	Check Out
42		X	Car	12:45 PM	0:00:53	0	
43		X	Car	12:47 PM	0:00:22	0	
44	X		Car	12:48 PM	0:01:10	0	Check In
45		X	Taxi	12:50 PM	0:01:24	0	Check Out
46		X	Car	12:53 PM	0:00:22	0	
47		X	Car	12:54 PM	0:00:27	0	
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50							
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Total Processing Time: 0:46:45
Average Processing Time: 0:00:57

AGENDA ITEM 2A
EXHIBIT B

ECONOMIC STUDY

Miami Economic Associates, Inc.

August 15, 2011

Mr. Joel Simmonds
Grand Hotel Surfside, LLC
Miami Beach, Florida

**Re: Benefits Analysis – Grand Beach Hotel Surfside
Surfside, Florida**

Dear Mr. Simmonds:

Miami Economic Associates, Inc. (MEAI) has performed an analysis to estimate the fiscal and economic benefits that would accrue to the Town of Surfside, Florida, from the development of the proposed Grand Beach Hotel Surfside. The proposed hotel will be primarily located at 9449 Collins Avenue, a parcel of land on the east side of the roadway with beach frontage. However a portion of 341 total proposed units, generally larger suite-type units, will be located on the west side of Collins Avenue on parcels that extend from the corner of 94th Street north to approximately mid-block.

Executive Summary

The paragraphs that follow provide the key findings of our analysis. All monetary amounts are expressed in 2011 Constant Dollars.

- The Town of Surfside is expected to receive \$840,000 annually in ad valorem taxes, a more than 9-fold increase over the amount currently generated by the parcels on which it will be constructed.
- The proposed hotel is estimated to generate more than \$1.1 million annually in resort tax revenues for the Town of Surfside, or more than 2.8 times the amount the Town expects to collect from that source in the current fiscal year according to a review of the 2011-2012 budgets for the both its General and Tourist Resort Funds.
- Guests at the proposed hotel are estimated to spend approximately \$37.7 million annually for food and beverage, entertainment, shopping and transportation, a portion of which will potentially be captured by businesses operating within the Town of Surfside.

- o Guest expenditures will have an overall countywide economic impact annually approximating \$107.4 million when the multiplier effect is considered.¹

The remainder of this letter, which is organized as shown below, provides the full results of our analysis.

Section	Page
Project Description	2
Fiscal Benefits	3
Economic Benefits	5
Bases of Estimates	5
Conclusion	9

Project Description

As discussed above, the proposed Grand Beach Hotel Surfside, will be developed on parcels of land on both sides of the 9400 block of Collins Avenue in the Town of Surfside, Florida. It will be comprised of 341 lodging units, the preponderance of which will be on the beach front parcel on the east side of Collins Avenue. Larger suite-type units will be constructed on the parcels on the west side of the street. Facilities within the proposed hotel will include a restaurant, lobby and terrace bars, limited meeting and function space, a gym and a sundries shop. The requisite parking will also be provided.

Based on current construction cost data, it is estimated that the proposed Grand Beach Hotel Surfside will cost approximately \$50.0 million to build in terms of "hard" construction and an additional \$3.0 million would bill spent on furniture, fixtures and equipment (FF&E). "Soft" costs, including but not limited to professional fees, building permit and impact fees, pre-opening expenses, project overhead, financing expenses, are expected to approximate \$15.0 million. Accordingly, the proposed hotel will cost \$68.0 million to develop, exclusive of land cost and developer fees.

When completed, the proposed Grand Beach Hotel Surfside is expected to achieve a stabilized rate of occupancy of 75 percent and an average daily rate of \$250 per night in 2011 Constant Dollars, thereby generating \$23.3 million a year in room sales. It is also expected to generate \$10.0 million per year in food and beverage revenues and \$1.0 million per year in parking revenues. At that level of performance and assuming a relatively conservative capitalization rate in the range of 8 to 9 percent, the property would have a market value approximating \$200.0 million in 2011 Constant Dollars.

¹ The term "multiplier effect" refers to the fact that when money is spent in a particular business establishment it will be re-spent by that business or its employees. Overall economic impact reflects the number of times the money is spent within the economic community where the business is located, in this instance Miami-Dade County, before it exits the community.

Fiscal Benefits

The fiscal benefits that the proposed Grand Beach Hotel Surfside will produce for the Town of Surfside in the form of fees and taxes will be both non-recurring during the development period and recurring, i.e. annual in nature. MEAI's estimates of the revenues that will accrue to the Town of Surfside are summarized in Table 1 below. It will be noted that some benefits cannot be quantified now; accordingly, in those instances, we have indicated that the revenues collected by the Town would be "increased" above the level they would be if the proposed hotel were not developed. All monetary figures are expressed in 2011 Constant Dollars.

Table 1
Estimate of Revenue Generation
Town of Surfside
Grand Beach Hotel Surfside
(2011 Constant Dollars)

Jurisdiction	Non-recurring	Recurring *
Town of Surfside		
Development Fees	\$244,281	
Building Permit Fees	\$667,830	
Off-site Improvements	\$430,000	
Water & Sewer Connection Fees	Increased	
Ad Valorem Taxes		\$ 840,450
Occupational License Fees		\$ 1,876
Resort Taxes		
4% Resort Tax		\$ 932,000
2% Resort Tax		\$ 200,000 ²
Water & Sewer Charges		Increased
Stormwater Utility Fees		Increased
Franchise Fees & Utility Taxes		Increased
Rebate of State-mandated Sales Taxes		Increased

The development of the proposed Grand Beach Hotel Surfside will also generate benefits for other jurisdictions of government that benefit the lives of Town residents including Miami-Dade County and the Miami-Dade County School District, as shown in Table 2 below.

² Amount solely based on the estimated food and beverage revenues recorded within the Grand Beach Hotel Surfside. Additional 2 percent resort tax revenues may be generated by the food and beverage expenditures of hotel guests in establishments elsewhere within the Town of Surfside.

Table 2
Estimate of Revenue Generation
Miami-Dade County and Miami-Dade County Public Schools
Grand Beach Hotel Surfside
(2011 Constant Dollars)

Miami-Dade County		
Road Impact Fees	\$ 1,351,593	
Ad valorem taxes		
General Fund		\$ 814,125
Debt Service Fund		\$ 66,750
Fire Fund		\$ 386,295
Fire Debt Service Fund		\$ 3,000
Library Fund		\$ 42,600
Children's Trust		\$ 75,000
Occupational License Fees		\$ 1,053
Local Option Sales Taxes		\$ 568,700
Rebate of State-mandated Sales Taxes		Increased
Miami-Dade County Public Schools		
Ad valorem taxes		
Operating Fund		\$ 1,179,600
Debt Service Fund		\$ 57,750

When reviewing the preceding tables, the following points should be noted:

- o The property on which the proposed Grand Beach Hotel Surfside will be constructed will generate less than \$88,000 in ad valorem real estate taxes for the Town of Surfside in Fiscal Year 2010 - 2011. The proposed hotel is projected to annually pay ad valorem taxes to the Town in the amount of \$840,450, or more than 9 times the current amount.

It will also produce more than a 9-fold increase in the amount of ad valorem taxes generated for the various funds of Miami-Dade County and the Miami-Dade County Public School District while placing no additional service requirements on the latter.

- o The proposed hotel will generate \$932,000 annually in 4 percent resort tax revenues and \$200,000 annually in 2 percent resort taxes on food and beverage revenues within the hotel, or a total of \$1,132,000. Additional 2 percent resort tax revenues will be generated by the food and beverage expenditures of hotel guests in establishments elsewhere within the Town of Surfside. To place this figure in prospective, the Town's 2011 - 2012 budget estimates that the total resort tax revenues paid into the Town's General Fund and Tourist Resort Fund in combination in the current fiscal year will be less than \$390,000.

- It is estimated that the proposed hotel and its guests will generate more than \$4.0 million annually in state-mandated sales taxes. Approximately 9 percent of that amount will be rebated to Miami-Dade County and then shared between the County and the municipalities within the County, including the Town of Surfside, in accordance with a formula that is periodically modified.
- The manner in which all of the estimated benefits shown in the tables above were quantified is described in the materials commencing on page 5 labeled "Bases of Benefits Estimates."
- The estimated fiscal benefits are based on a number of assumptions relating to the prospective performance of the proposed hotel, tax rates, etc. that are subject to change over time. Accordingly, the benefits generated by the project when it is actually developed may vary from the estimates provided herein.

Economic Benefits

The paragraphs that follow summarize the economic benefits that development of the Grand Beach Hotel Surfside will generate for the Town of Surfside.

- Guests staying at the proposed Grand Surfside Hotel will spend \$71.6 million annually for their lodging, food and beverage, entertainment, transportation inclusive of rental cars, and shopping during their stay in South Florida. Substantial portions of these expenditures are likely to occur within the Town of Surfside, thereby providing local establishments with significantly enhanced business opportunities that can ensure their sustainability for years to come. Their expenditure will have an overall countywide economic impact approximating \$107.4 million when a 1.5 multiplier is applied.
- The proposed hotel is expected to employ approximately 260 people, including potential residents of the Town of Surfside, who will earn approximately \$8.0 million annually. The workforce of the hotel may also spend money in business establishments within the Town on their workdays. Finally, it should be noted that the developer of the proposed hotel intends to collaborate with Town officials to assure that residents of the Surfside are aware of job opportunities at the project.

Bases of Benefits Estimates

The paragraphs that follow provide the bases for the estimates of fiscal and economic benefits presented above. All monetary values are expressed in 2011 Constant Dollars.

- The proposed Grand Beach Hotel Surfside will be located on property on both sides of the 9400 block of Collins Avenue within the jurisdictions of the Town of Surfside, Miami-Dade County and the Miami-Dade County Public School District.
- The portion of the site located on the eastern side of Collins Avenue is currently vacant. A portion of the site on the west side of Collins Avenue is also currently

vacant. The remainder of the property on the west side of Collins Avenue is developed with a 20-unit hotel and two small residential buildings with a total of 16 units, which will be demolished.

- The proposed hotel will contain 341 lodging units. Facilities within the proposed hotel will include a restaurant, lobby and terrace bar, limited meeting and function space, a gym and a sundries shop. The requisite parking will also be provided.
- The proposed hotel will be comprised of 389,000 square feet of structural space, inclusive of the square footage of the structured parking. It will cost approximately \$50.0 million to construct in terms of hard construction cost. An additional \$3.0 million will be spent on FF&E.
- The proposed hotel is expected to achieve a stabilized level of occupancy of 75 percent and an average daily rate of \$250, resulting in room sales revenues approximating \$23.3 million per year. The hotel is also expected to generate \$10.0 million per year in food and beverage revenues and \$1.0 million per year in parking revenues.
- The Constitution of the State of Florida mandates that real property be assessed at 100 percent of market value, which is projected to be \$200.0 million for the proposed hotel based on its prospective stabilized level of performance and assuming a relatively conservative capitalization rate in the 8 to 9 percent range. As a practical matter, the assessed value of property generally approximates 75 percent of market value. Accordingly, the assessed as well as the taxable value of the proposed hotel will be \$150.0 million.
- It is estimated that the guests at the proposed hotel will spend an average of \$400 per occupied room night for food and beverage, entertainment, shopping, rental car and other transportation, parking, etc. resulting in total annual expenditures approximating \$37.3 million, a portion of which will be spent in the hotel itself. A portion of the remainder will potentially occur within the Town of Surfside, thereby providing enhanced opportunities for local businesses that can ensure their future sustainability for years to come. It is further estimated that 90 percent of these expenditures will be subject to sales taxes.

Non-recurring Public Revenues

- The Town of Surfside will charge a Development Fee of \$761 per unit. This analysis assumed that credit will be given for the 20 hotel rooms that already exist on the site of the proposed hotel so that the fee would only be applied to the 321 net new lodging units which construction of the proposed Grand Beach Hotel Surfside will provide. Accordingly, a total of \$244,281 in Development Fees will be paid.
- The Town of Surfside calculates building permit fees based on the cost of construction. The fee for the first \$1,250,000 in cost will \$28,830. The fee for the next \$1,750,000 in costs will be \$28,000. Fees in the amount of \$611,000 will be paid on

the remaining \$47,000,000 million in costs. Accordingly, fees totaling \$667,830 will be paid.

- o The Town of Surfside will charge water and sewer connection fees for the 321 net new units that construction of the proposed hotel will create. The amount paid will be dependent on the number and size of the meter(s) through which service will be provided, which is not currently known.
- o Miami-Dade County will require that road impact fees be paid for the 321 net new lodging units which construction of the proposed Grand Beach Hotel II will create. Based on the current fee schedule that charges \$4,210.57 per unit on new hotel units located in the eastern portion of Miami-Dade County, the project would need to pay \$1,351,593. However, the County is in the process of implementing a rate increase that will be phased in over a 5 year period. The exact amount paid will be dependent of when during the five year period the fees are actually paid.

Recurring Public Revenues

- o The table below shows the millage rates adopted in 2010 - 2011 in the governmental entities that can levy ad valorem taxes on the proposed Grand Beach Hotel Surfside as well as the revenues that would be generated for each assuming the proposed project's estimated taxable value of \$150.0 million.

Entity	Rate/\$1000 Taxable Value	Taxes
Town of Surfside		
General Fund	5.6030	\$ 840,450
Miami-Dade County		
General Fund	5.4275	\$ 814,125
Debt Service Fund	0.4450	\$ 66,750
Fire Fund	2.5753	\$ 386,295
Fire Debt Service Fund	0.0200	\$ 3,000
Library Fund	0.2840	\$ 42,600
Children's Trust	0.5000	\$ 75,000
Miami-Dade County Public Schools		
Operating Fund	7.8640	\$ 1,179,600
Debt Service Fund	0.3850	\$ 57,750

Source: Miami-Dade County Property Appraiser; Miami Economic Associates, Inc.

- o Both the Town of Surfside and Miami-Dade County will collect occupational license fees annually from the proposed hotel. The Town will charge \$5.50 per unit, or a total of \$1,876. The County will charge \$60 for the first 10 units and \$3 for each additional unit, or a total \$1,053.

- The Town of Surfside will levy a 4 percent resort tax on room sales revenues achieved at the proposed hotel. Based on estimated annual revenues of \$23.3 million, \$932,000 will be collected each year.
- The Town of Surfside will levy a 2 percent resort tax on the retail sale of all items of food, beverages and alcoholic beverages, other than beer and malt beverages, sold for consumption on the premises of any place of business within the Town required by law to be licensed by the State Division Hotel and Restaurants or by the State Division of Alcoholic Beverages and Tobacco, provided that the sale amount is greater than \$0.50. Since it is not possible to estimate the portion of food and beverage sales made to guests of the proposed hotel that will occur within Town limits or the proportion of alcoholic beverage sales that will relate to beer and malt beverages, it is not possible to fully estimate the 2 percent resort tax revenues at this time. However, the \$10.0 million in food and beverage revenues in the proposed hotel itself will generate \$200,000.
- The Town of Surfside will charge for water and sewer services based on usage. Since the amount charged will be dependent on engineering parameters relating to the number and size of the meter(s) through which these services are provided, they cannot be calculated at this time.
- The Town of Surfside will charge stormwater utility fees in accordance with a formula that entails engineering parameters that are not currently known; hence the amount of fees that will be collected on annual basis cannot be estimated at this time.
- The Town of Surfside collects utility taxes and franchise fees from the providers of utility and telecommunication services within its jurisdiction. The amount collected depends on usage, which cannot be estimated at this time.
- Miami-Dade County will charge a 1 percent sales tax on the proposed hotel's annual room sales revenues and the taxable portion of its guests expenditures, collecting approximately \$568,700 annually to finance in equal proportion transit and indigent health care.
- The State of Florida requires that a 6 percent sales tax be charged on room sales revenues in hotel. Based on estimated room sales of \$30.0 million annually, the hotel will pay \$1.98 million each year. An additional \$2.59 million will be paid on the taxable portion of the \$48.0 million in daily expenditures of the proposed hotel's guests for food and beverage, entertainment, rental cars and other transportation, shopping, etc. State-mandated sales taxes collected each year as a result of the hotels development will total \$4.57 million. Of this amount, a portion approximating 9 percent will be rebated to Miami-Dade County and then divided between the County and the various cities within it. Since, the proportion rebated by the State to the County and the distribution ratios are subject at change, the amount that the Town of Surfside can expect to receive on an annual basis can not be accurately estimated at this time.

Mr. Joel Simmonds
August 15, 2011
Page 9

Closing

MEAI's analysis shows that construction of the proposed Grand Surfside Hotel will provide the Town of Surfside with significant fiscal and economic benefits.

Sincerely,
Miami Economic Associates, Inc.



Andrew Dolkart
President

Miami Economic Associates, Inc.

Miami Economic Associates, Inc. (MEAI) was formed in 1995 to provide real estate consulting services to both private and public sector clients. MEAI's business plan is based on the following principles:

- Geographic focus on Florida, the Caribbean and Latin America;
- Provision of quality client service through the personalized involvement of senior professionals; and
- Establishment of strategic alliances with co-professionals in planning, architecture and engineering, appraisal and macro-economics to assure a multi-disciplinary approach to problem solving, where appropriate; and

MEAI is capable of providing a wide range of services to its clients with respect to all uses of real estate including for-sale and rental housing, planned unit development, hotels and destination resorts as well as office, retail and industrial uses. Services provided by the firm include:

- Market research;
- Financial feasibility analysis;
- Development programming;
- Economic/fiscal impact analysis;
- Economic development strategy formulation;
- Acquisition due diligence;
- Economic valuation analysis;
- Preparation of financing packages;
- Financial structuring analysis;
- Zoning advocacy;
- Litigation support, including expert witness testimony.

Adherence to MEAI's business plan as well as its operational management is the responsibility of Mr. Andrew Dolkart, the Firm's President. Mr. Dolkart has been providing real estate and economic development consulting services to clients in Florida, the Caribbean and Latin America for a period of over 35 years. Prior to establishing MEAI, he served as the Director of Real Estate Consulting Services for the Miami offices of three national firms including GA/Partners (merged with Arthur Andersen LLP), Laventhol & Horwath and Kenneth Leventhal & Company (merged with Ernst & Young LLP).

With respect to private sector clients, Mr. Dolkart has:

- Performed market research and financial feasibility analyses for projects throughout the State of Florida involving all uses of real estate including residential, resort, office, retail, industrial, hotel and residential development.
- Assisted clients, based on market and financial analyses performed, in formulating development programs for planned unit and mixed use developments that optimize performance/value.
- Valued the portfolios of a number of community-scale developers including Gulfstream Land & Development Corp., Markborough Communities, Cenvill and Westinghouse Communities.
- Advised clients regarding issues of marketability, financial feasibility and operations for resort projects in Puerto Rico, Mexico, Barbados, Brazil, Tobago and the U.S. Virgin islands, among other international destinations.
- Proposed financial restructuring plans that enabled clients to reduce leverage and/or improve responsiveness to emerging opportunities.
- Evaluated the feasibility of financial reorganization plans submitted to the Court in bankruptcy proceedings.
- Created an Argentinean version of the Multiple Listing Systems used by U.S. realtors.
- Been accepted by federal and state courts for the purpose of offering expert witness testimony.
- Assisted clients in the presentation of comprehensive plan amendments and zoning applications in terms of the underlying market and demographic factors to which they are responding.
- Prepared fiscal and economic portions of the Application for Development Approval for several South Florida Developments of Regional Impact.

Mr. Dolkart's public sector assignments have entailed the following:

- Due diligence services with respect to three Resolution Trust Corporation (RTC) asset and loan bulk sale/securitization portfolios totaling over \$2 billion in value.
-

- Market and financial feasibility analyses with respect to redevelopment plans in the cities of Miami, Miami Beach, Plantation, Pompano Beach and Dania, among others.
- Formulation of the policies and procedures utilized by Metropolitan Dade County for the establishment of tax increment redevelopment districts under the provisions of Florida Statute 163.
- Economic and fiscal impact analysis demonstrating the impact of Miami Beach's historic Art Deco district on the City's economy.
- Market, financial feasibility and deal structuring analyses with respect to public/private joint development initiatives relating to airport terminal and cargo facilities in Trinidad and Jamaica and an airport hotel at Simon Bolivar Airport in Caracas, Venezuela.
- Service as Financial Advisor to the City of Miami Parking System regarding a developer selection process.
- Preparation of economic development strategies relating to the tourism, international trade and marine industries of Puerto Rico and Dade and Volusia Counties, Florida, respectively.

MEAI is dedicated to providing its clients with the highest level of professionalism both technically and in terms of commitment to client service.

ANDREW DOLKART

Miami Economic Associates, Inc.

Position: President

Summary of Experience:

Mr. Dolkart has provided real estate consulting services to developers, investors and governmental entities for over 35 years. His many consulting assignments have involved all major uses of real estate including residential, office, retail, industrial and hotel and resort development. His professional activities have been primarily focused on real estate projects in Florida, the Caribbean, Mexico, Central and South America.

Throughout his consulting career, Mr. Dolkart has performed a large number of assignments involving market and financial feasibility analysis for residential projects, including large-scale planned communities and destination resorts. Additionally, he served as the Director of Commercial Development for Gulfstream Land & Development Corp., at one time one of Florida's most prominent community developers.

Mr. Dolkart is considered one of the leading experts in the State of Florida with respect to the economics of community redevelopment and tax increment financing. He has performed market and financial feasibility analyses for community redevelopment authorities in Miami, Miami Beach, Pompano Beach, Plantation and Dania. In 1987, Mr. Dolkart was retained by the Metropolitan Dade County Office of Community and Economic Development to formulate policies and procedures for the establishment of community redevelopment districts within Dade County.

In recent years, Mr. Dolkart is undertaken a number of engagements relating the evaluation of the fiscal and economic impacts of proposed projects including determinations of their ability to underwrite costs associated with infrastructure development.

Education:

1963 – 1967 Harvard College - Bachelor of Arts, Cum Laude

1967 - 1969 Harvard Business School - Masters of Business Administration

Previous Positions:

- 1991 – 1995 Kenneth Leventhal & Company - Director, Real Estate Advisory Services
Florida/Caribbean
- 1988 – 1990 Laventhol & Horwath - Director, Real Estate Advisory Services
Florida/Caribbean
- 1986 – 1988 GA/Partners - Vice President in Charge Florida Office
- 1983 – 1986 Gulfstream Land & Development Corp. - Director, Commercial
Development
- 1980 – 1983 Laventhol & Horwath - Director, Real Estate Advisory Services
Florida/Caribbean
- 1976 - 1980 Jandy, Inc. - Owner/President
- 1972 – 1976 Gladstone Associates - Senior Associate
- 1969 – 1972 U. S. Navy - Commissioned Officer, Office of Legislative Affairs

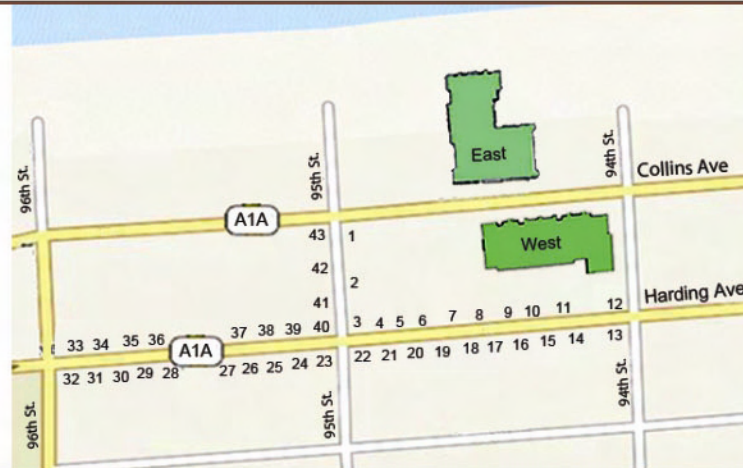
Affiliations:

Urban Land Institute
Miami-Dade County Enhanced Affordable Housing Work Group, Co-chair
Miami-Dade County Linkage Fee Task Force
Metro - Dade School Overcrowding Task Force
Metro - Dade Revenue Sharing Task Force
Miami-Dade School Site Planning and Construction Committee, Former Member
Phillips Exeter Academy, Former Member of the Alumni/ae Board
Ransom Everglades School, Former Trustee
Habitat for Miami of Greater Miami, Advisory Board Member

AGENDA ITEM 2A
EXHIBIT C

**SURFSIDE IN ROOM SERVICE
DIRECTORY (MOCK-UP)**

SURFSIDE DIRECTORY (MOCK UP)



GRAND BEACH HOTEL
SURFSIDE
AFFORDABLE LUXURY

GRAND BEACH HOTEL

SURFSIDE

AFFORDABLE LUXURY

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SURFSIDE SERVICES

GRAND BEACH HOTEL
SURFSIDE
AFFORDABLE LUXURY

SERVICES

GRAND BEACH HOTEL

SURFSIDE

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96th Street Park, Pavilion and Playground

9572 Bay Drive
Tel: 305-993-1371

Community Center

9301 Collins Avenue
Tel: 305-866-3635

Miami Dade Fire Rescue: Call 911

Surfside Police Department

9293 Harding Avenue
Tel: 305-861-4862

Recreation Department

9301 Collins Avenue
Tel: 305-866-3635

Surfside Business Association

P.O. BOX 54-6026
Surfside, FL 33154
www.surfsidebiz.com
surfsidebiz@aol.com

Tennis Courts

9293 Harding Avenue
Tel: 305-866-5176
icanplaytennis@bellsouth.net

Tourist Bureau

9301 Collins Avenue
Tel: 305-864-0722
www.visitsurfsidefl.com

Town Commission

Mayor Daniel Dietch
Vice Mayor Graubart
Commissioner Marta Olchyk
Commissioner Michael Karukin
Commissioner Edward Kopelman
Tel: 305-861-4863

Town Hall

9293 Harding Avenue
Tel: 305-861-4863
www.townofsurfsidefl.gov

U.S. Post Office

250 95th Street
Tel: 305-867-9637

BANKS AND FINANCIAL

ATTORNEYS, MORTGAGES AND INSURANCE MANAGEMENT


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AFFORDABLE LUXURY

GRAND BEACH HOTEL

SURFSIDE

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AMTRUST BANK[®]

A Division of New York Community Bank, Member FDIC 

Amtrust Bank

9592 Harding Avenue
Tel: 305-861-1077

 **BankUnited**
It's a local thing.[™]

Bank United

9537 Harding Avenue
Tel: 305-864-3064

CHASE 

Chase

9556 Harding Avenue
Tel: 305-864-8607


citi

Citibank

9525 Harding Avenue
Tel: 305-993-3704

HSBC 
The world's local bank

HSBC Bank

9501 Harding Avenue
Tel: 305-864-9700

 **PREMIER**
AMERICAN BANK, N.A.

Premier American Bank

9526 Harding Avenue
Tel: 305-663-6500

**WELLS
FARGO**

Wells Fargo

9401 Harding Avenue
Tel: 305-795-2860

GRAND BEACH HOTEL
SURFSIDE
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HOUSE OF WORSHIP

GRAND BEACH HOTEL

SURFSIDE

AFFORDABLE LUXURY



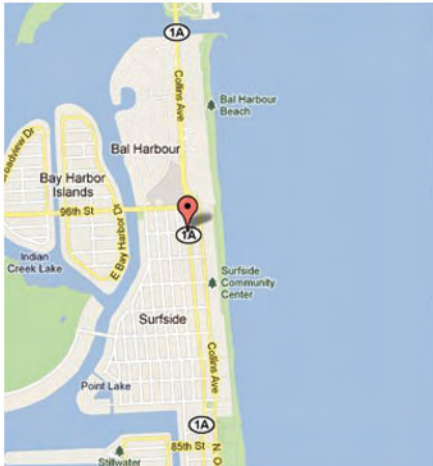
Aleph Institute

9540 Collins Avenue

Tel: 305-864-5553

www.aleph-institute.org

The Aleph Institute is a national, not-for-profit, charitable institution providing social services to the community. The Institute provides aid to families in crisis, address religious, educational, and humanitarian needs of individuals in the military and institutions, and implement solutions to issues relating to the criminal justice system. We provide services to all, regardless of religious beliefs, affiliations, or backgrounds.



Sephardic Community Torah Center

310 95th Street, 2nd Floor

Tel: 786-301-2618

Headed by Rabbi Yosef Oziel, the Sephardic Community Torah Center focuses on Orthodox Shephardic practices for Hebrew, English, Spanish, and French speaking congregants.



The Shul

9540 Collins Avenue

Tel: 305-868-1411

www.theshul.org

Referred to as the "Community House of God," The Shul serves as a spiritual guidepost and service center for the community to express their spiritual needs and gain inspiration while connecting to God. Open to all, The Shul serves as a meeting place for social, religious, educational, and family events. Under the leadership of Rabbi Sholom D. Lipskar, The Shul practices the belief that the Torah must be experienced in the context of a modern world.

SHOPS AND SOUVENIRS

ELECTRONICS, AUDIO/VIDEO SYSTEMS, GIFT SHOPS,
JEWELERS, MEN'S AND WOMEN'S WEAR, SHOES, AND
ACCESSORIES

GRAND BEACH HOTEL
SURFSIDE
AFFORDABLE LUXURY

GRAND BEACH HOTEL

SURFSIDE

AFFORDABLE LUXURY



Ayne Designer Jewelry

9531 Harding Avenue
Tel: 305-868-3332
www.ayne-jewelers.com
nefertitijoyas@yahoo.com

Ayne Designer Jewelry is a second generation jewelry boutique that has been serving the Surfside community for over thirty years. Our experienced and talented staff will assist you in selecting one of our exquisite and unique pieces that will be treasured for years to come.



Gray and Sons

9595 Harding Avenue
Tel: 305-865-0999
www.grayandsons.com
info@grayandsons.com

Gray and Sons are dedicated to offering only the highest quality merchandise and service at an affordable and discounted price. We offer meticulously restored Certified Preowned watches as well as unique estate jewelry pieces. Gray and Sons also provide modern jewelry and high end Swiss watches at an affordable price. Our Swiss trained watchmakers are experts at restoring watches to their mint condition.



Vittorium

9435 Harding Avenue
Tel: 305-861-8530

Vittorium offers high end Swiss-made luxury watches for men that are elegant in design and wonderfully balanced in size and weight making them ideal for both sport and fashion. We work as a team to supply our clients with the best available technology, the most advanced workmanship, and all of the horological advances from our best sources in Swiss watch making.

GRAND BEACH HOTEL
SURFSIDE
AFFORDABLE LUXURY

RESTAURANTS

GRAND BEACH HOTEL

SURFSIDE

AFFORDABLE LUXURY



Adriana Restaurant

9477 Harding Avenue

Tel: 305-867-1220

www.adrianarestaurant.com

aromarestaurant@bellsouth.net

Wildly successful in Lima, Peru, Adriana Restaurant has brought its Peruvian-fusion style cuisine to Surfside. Featuring a great selection of seafood, meat, risotto, pasta, and more, Adriana Restaurant offers a casual dinner setting great for the entire family.



Asa 2

9489 Harding Avenue

Tel: 305-866-6400

www.asa2miami.com

Asa 2 is a carnivore's kingdom offering great food and a festive family friendly environment. Vacio steak, a traditional Argentine cut is grilled to perfection, and an 18 ounce porterhouse is served for the not-so-faint of heart. Mixed grill selections include short ribs, sweetbreads, chicken, and savory blood sausage. Asa 2 also offers irresistible pasta dishes that appeal to the entire family.



****B & H Pizza**

(Kosher Ingredients/Cholov Yisroel)

233 95th Street

Tel: 786-245-5557

www.bhpizza.com

B & H Pizza provides Pay Yisrael, Kemach Yoshan, Cholov Yisrael products, and all flour is sifted on site. Open for breakfast, lunch, and dinner, B & H Pizza offers a large menu including a wide variety of pizzas as well as items such as calzones, falafels, lasagna, and sushi. B & H Pizza is the perfect place to order for home, schools, offices, camps, temples, and for any party or gathering.

GRAND BEACH HOTEL

SURFSIDE

AFFORDABLE LUXURY



Cafe Vert D

9490 Harding Avenue
Tel: 305-867-3151
claudelabi@att.com

Cafe Vert D is a Dairy and Parve Kosher French pastry shop that serves breakfast and lunch.



Chow Down Grill

9517 Harding Avenue
Tel: 305-397-8494
www.chowdowngrill.com
chowdowngrill@gmail.com

Chow Down Grill is based on simple concepts; be courteous, always respectful, and offer good food at great value. The menu is inspired by Chef Joshua Marcus' childhood love affair with New York City's Chinatown with daily specials including whole fish, and green tea smoked duck. A precise list of American micro beers and an inexpensive no frills wine list round out what is sure to be a memorable dining experience.



Cine Citta Grill

9472 Harding Avenue
Tel: 305-865-8383

Cine Citta Grill is a unique kosher restaurant, offering an innovative selection of traditional and modern Italian cuisine.



Flanigan's Seafood Bar and Grill

9516 Harding Avenue
Tel: 305-867-0099
www.flanigans.net
carla@flanigans.net

Flanigan's is a family restaurant featuring famous Baby Back Ribs, and specializing in fresh and homemade menu items at an affordable price. Known for our fresh fish including dolphin and tuna, Flanigan's offers several preparation options to ensure that our food is to your satisfaction. We also offer several specials and the best happy hour in town.

AGENDA ITEM 2A
EXHIBIT D

RENDERINGS



Grand Beach Hotel Surfside

GrandBeachHotelSurfside.com



Grand Beach Hotel Surfside

GrandBeachHotelSurfside.com



Grand Beach Hotel Surfside

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Grand Beach Hotel Surfside

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Grand Beach Hotel Surfside

GrandBeachHotelSurfside.com





AGENDA ITEM 2A
EXHIBIT E

SITE PLAN PACKAGE

AVAILABLE AT TOWN CLERK'S OFFICE

UPON REQUEST