



**Town of Surfside
Regular Town Commission Meeting
AGENDA**

**Tuesday, July 9, 2024
7:00 PM**

Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda is set for 8:15 p.m.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once this capacity has been reached, people will be asked to watch the meeting from the first floor.

1. **Opening**
 - 1A. **Call to Order**
 - 1B. **Roll Call of Members**
 - 1C. **Pledge of Allegiance**
 - 1D. **Mayor and Commission Remarks** - Mayor Charles W. Burkett
 - 1E. **Agenda and Order of Business** Additions, deletions and linkages
 - 1F. **Community Notes** - Mayor Charles W. Burkett
 - 1G. **Appointment of Boards and Committee Members** - Sandra N. McCready, MMC,
Town Clerk
 - 1H. **Presentation - Undergrounding Project Update** - Marisol Vargas, Interim Town
Manager
2. **Quasi-Judicial Hearings**
3. **Consent Agenda**

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.

- 3A. **Approval of Minutes** - Sandra N. McCready, MMC., Town Clerk
[June 18, 2024 Town Commission Budget Workshop Meeting Minutes](#)
[June 18, 2024 Regular Town Commission Meeting Minutes](#)
[June 20, 2024 Town Commission Memorial Design Workshop Meeting Minutes](#)
- 3B. **Board and Committee Meeting Minutes** - Sandra N. McCready, MMC., Town
Clerk
[May 10, 2024 Downtown Vision Advisory Committee Meeting Minutes](#)
[May 30, 2024 Planning and Zoning Board Meeting Minutes](#)
- 3C. **Resolution Authorizing the Town Manager to Execute a Memorandum of Understanding for a Grant Awarded by AARP in the amount of \$18,000.** -
Mark Blumstein, Interim Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ACCEPTING A GRANT AWARD AGREEMENT WITH THE AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP)

COMMUNITY CHALLENGE, FOR PURCHASE OF FOUR (4) ADA COMPLIANT BEACH ACCESS MATS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution AARP Grant.docx](#)

[Exhibit "A" MOU](#)

- 3D. Amending the Surfside Youth Advisory Council Charter** - Mark Blumstein, Interim Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE SURFSIDE YOUTH COUNCIL MEMBERSHIP; AMENDING THE COUNCIL'S CHARTER AND ORGANIZATIONAL STRUCTURE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution - Youth Council -July 2024](#)

- 3E. Proclamation approval for Toni Stransky.** - Vice Mayor Tina Paul

[Toni Stransky Request Form](#)

[Proclamation Toni Stransky](#)

4. Ordinances

Second Reading

- 4A1. Amending Section 70-122.** - Taxes to Constitute Special Fund. - Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 70-122, OF DIVISION 1.–“RESORT TAX”, OF ARTICLE IV.–“RESORT TAX”, CHAPTER 70 OF THE TOWN CODE, TO AMEND THE TAXES TO CONSTITUTE SPECIAL FUND; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance Amending 70-122 - Resort Tax - June 2024](#)

- 4A2. Ordinance Amending Section 90-70 Sign Code** - Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 90-70 et. seq. OF ARTICLE VI. – “SIGNS”, CHAPTER 90 OF THE TOWN CODE, TO AMEND THE EXEMPT SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE

[Ordinance Amending Sign Ordinance](#)

- 4A3. Ordinance Amending Purchasing Authority by Town Manager** - Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 3 “PURCHASING” OF THE TOWN CODE RELATING TO PURCHASING LIMITATIONS AND EXEMPTIONS FROM COMPETITIVE BIDDING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

[EGS Letter Proposal](#)
[PO# - FY21-00475 - Evergreen Solutions](#)
[Pay and Classification Study Sept 2022](#)
[Ordinance Amending Chapter 3 - Purchasing](#)

4A4. An Ordinance Amending Town Code of Ethics - Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VII. - “CODE OF ETHICS” BY AMENDING SECTIONS 2-230 EXPLOITATION OF OFFICIAL POSITION PROHIBITED; AMENDING SECTION 2-233 CONFLICT OF INTEREST; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

[Ordinance Amending Article VII - Code of Ethics - June 2024](#)

4A5. An Ordinance creating a Code provision to prohibit Nondisclosure and Non-disparagement agreements. - Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING “SECTION 2-153 – NONDISCLOSURE AGREEMENTS” UNDER “ARTICLE IV. – OFFICERS AND EMPLOYEES”, LIMITING THE USE OF NONDISCLOSURE AND/OR NON-DISPARAGEMENT AGREEMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

[Ordinance - NDA - June 2024](#)

First Reading

4B1. EAR Based Comprehensive Plan Amendments Transmittal Hearing - Scarlett Hammons, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REVIEW (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR INITIAL AND POST-ADOPTION TRANSMITTAL; PROVIDING FOR SEVERABILITY; INCLUSION IN THE COMPREHENSIVE PLAN; CONFLICTS; AND FOR AN EFFECTIVE DATE.

[Ordinance Amending Comp Plan EAR - July 2024.docx](#)
[Town of Surfside 2018 Comp Plan.pdf](#)
[Surfside FLU_2.pdf](#)

- 4B2. Amending Town Code Section 90-79 - Restricted and Prohibited Parking -**
Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 90 “ZONING” OF THE CODE OF ORDINANCES, TO REGULATE UNDERGROUND PARKING IN THE TOWN; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance - Amending Chapter 90-Regulate Underground Parking](#)

- 4B3. Amend Ordinance for Public Participation at Town Commission Meetings -**
Mark Blumstein, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 2-206 “PUBLIC PARTICIPATION”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

[Ordinance - Public Participation - July 2024.docx](#)

5. Resolutions and Proclamations

If the public wishes to speak on any matters in this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak at the beginning of this section.

- 5A. Resolution Calling for a Special Election on November 5, 2024 Amending the Town Charter and Calling for Ballot Questions -** Mark Blumstein, Interim Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A TOWN OF SURFSIDE SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE PROPOSED AMENDMENTS TO THE TOWN CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Resolution - Charter Amendments - July 9 2024-Final](#)

- 5B. Solid Waste Services Special Assessment Preliminary Rate Resolution -**
Marisol Vargas, Acting Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024; DIRECTING THE PREPARATION OF AN UPDATED ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

[Preliminary Rate Resolution for Solid Waste 2024](#)

- 5C. ITB 2024-01 Abbott Avenue Stormwater Improvements Project Award - Mark Blumstein, Interim Town Attorney**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING AND AWARDED A CONTRACT FOR THE ABBOTT AVENUE STORMWATER IMPROVEMENT PROJECT TO RIC MAN INTERNATIONAL FOR PURSUANT TO ITB NO. 2024-01; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE ABBOTT AVENUE STORMWATER IMPROVEMENT PROJECT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

[Exhibit "A" - Excel Tabulation for Bid Resolution - Abbott Ave Stormwater Project Sample Contract](#)
[Sample American Rescue Plan Act Addendum](#)

- 5D. Budget Amendment No. 5 - Mark Blumstein, Interim Town Attorney**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 5 FOR THE FISCAL YEAR 2024 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

[Resolution-Budget Amendment No. 5 - July 2024](#)
[Exhibit "A" - Budget Amendment](#)

- 6. Good and Welfare (Set for approximately 8:15 p.m.)**
Public comments for subjects or items not on the agenda.

- 7. Town Manager and Town Attorney Reports**

7A. Town Manager's Report - Marisol Vargas, Interim Town Manager
[2024 July Town Manager's Report](#)

7B. Town Attorney's Report - Mark Blumstein, Interim Town Attorney
[TA Report - July 9, 2024](#)

- 8. Unfinished Business and New Business**

- 9. Mayor, Commission and Staff Communications**

- 9A. **All Zoning Changes from the Last Administration 2022-2024** - Mayor Charles W. Burkett
[List of Adopted Ordinances 2022-2024-MB changes-Final](#)
- 9B. **Sister City with Chetumal, Quintana Roo Mexico** - Mayor Charles W. Burkett
[Exhibit A - 05-20-2024 Ltr Kristen Rosen Gonzalez](#)
- 9C. **Creation of an Optional Benefit for Town Employees: MDT Transit Pass Instead of Parking Pass** - Commissioner Gerardo Vildostegui
- 9D. **Creating a Municipal School Bus to Serve Ruth K. Broad K-8 Center** - Commissioner Gerardo Vildostegui
- 9E. **Fractional Home Ownership** - Mark Blumstein, Interim Town Attorney
[Ordinance 2023-4547 \(co-owned housing unit manager\)](#)
- 9F. **Discussion of Traffic-Control Measures in the Residential District** - Commissioner Gerardo Vildostegui
- 9G. **Town Gazette** - Commissioner Nelly Velasquez
[Town Gazette - April 12, 2022](#)

10. Adjournment

Respectfully submitted,

Marisol Vargas, MPA.
Interim Town Manager

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

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

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

TWO OR MORE MEMBERS OF THE TOWN COMMISSION AND/OR 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.