



**Town of Surfside
Special Town Commission Meeting
MINUTES**

September 26, 2018

6 p.m.

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 6:02 p.m.

B. Roll Call of Members

Deputy Clerk Riera called the roll with the following members present: Mayor Dietch, Vice Mayor Gielchinsky, Commissioner Paul, Commissioner Karukin and Commissioner Cohen

C. Pledge of Allegiance

Chief Yero led the Pledge of Allegiance

2. Public Private Partnership (P3) - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING EVALUATION AND NEGOTIATION OF AN UNSOLICITED PUBLIC-PRIVATE PARTNERSHIP (P3) PROPOSAL FOR THE DESIGN, CONSTRUCTION, FINANCING, OPERATION AND MAINTENANCE OF "SURFSIDE CIVIC CENTER" ON THE CURRENT TOWN HALL SITE, LOCATED AT 9293 HARDING AVENUE, AND THE MUNICIPAL PARKING LOT IMMEDIATELY NORTH OF TOWN HALL, LOCATED ON 93RD STREET, INCLUDING A NEW TOWN HALL, POLICE STATION, AND MIXED-USE RETAIL/RESTAURANT, OFFICE SPACE, PARKING GARAGE AND COMMUNITY RECREATIONAL SPACE ("PROJECT"); AUTHORIZING AND DIRECTING THE TOWN MANAGER TO IMPLEMENT THE PROCEDURES OF SECTION 255.065, FLORIDA STATUTES, APPLICABLE TO THE EVALUATION AND NEGOTIATION OF THE P3 PROPOSAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

Deputy Clerk Riera read the title of the resolution.

Commissioner Paul made a motion for discussion purposes and public input. The motion received a second from Commissioner Cohen.

Town Manager Olmedillo and Town Attorney Mehaffey presented the Town Commission with a PowerPoint presentation.

Alex Tachmes from Shutts & Bowen LLP representing Pointe Development Company presented a PowerPoint presentation to the Town Commission.

Mayor Dietch opened the meeting to the public for public comments.

The following speakers spoke on the item:

- Michael Dranoff
- Johanna Ostrander
- Oliver Sanchez
- Judy Martinez
- Jalil Thurber
- Jeffrey Platt
- Paul Novack
- Nathale Benamon
- Eliana Salzhauer
- Patricia Fernandez
- Peter Neville
- Lou Cohen
- George Kousoulas
- Marianne Meischeid
- Jennifer Rotker
- Robin Hopkins
- Andre Souloff Miranda
- Stuart Batten read a statement on behalf of Tricia Fowley
- Pamela Salem O'Hagan
- Michael Vatur
- Galen Bakken
- Anthony Blate
- Clara Diaz-Leal
- Alan Rubin
- Steven Dunn
- Chana Afron
- Bernie Wallman
- Sol Colon
- Benton Launerts
- Yolanda Gonzalez
- Eliana Salzhauer read a statement on behalf of Victoria Saife
- Sindy Posso
- Randi MacBride
- John Proni
- David Epstein
- David Epstein
- Retta Logan
- Mauricio Rodriguez
- Sasha Plutno

- Frank MacBride
- Elizabeth Cimadevilla
- Joshua Epstein
- Raul Cobo
- Sheryl Goldberg

In response to the public comments, Alex Tachmes stated that this is the first public meeting of a series of public meetings and that they look forward to meeting the community and educating everyone about the project. They will honor the same parking fee currently paid by the residents. He spoke about the site plan process that the project will have to undergo if it goes forward.

Mayor Dietch stated that there were letters submitted by residents regarding their opinions on the project and that such letters are public record and may be requested through the Town Clerk.

Mayor Dietch spoke about the process and stated that what was before them is just a concept. What was submitted is a concept and due to the Florida Statutes regarding P3s, the Town was unable to share the information with the public until the actual agenda was published which was a week before the meeting. He believes this is a controversial item with many emotions and invited his colleagues to share their thoughts.

Commissioner Paul asked the legal team about the resolution presented and what the implications were of rejecting, tabling or deferring the resolution. Town Attorney Arango responded that the resolution was intended in the event the will of the Commission was to give additional direction to move forward and continue the evaluation process of the P3 proposal pursuant to the State statutes. It is the Commission's will, if they wish, to continue to evaluate the proposal and provide administration with further direction and how to proceed.

Commissioner Cohen spoke about democracy and the interested electorate and citizens that the Town has. He stated that it is the people's decision to make, but to have in mind that per the scientists, the Town will be under water in 20 years. It's a commissioner's job is to do what is best for the Town and this is the first step of a long journey.

Vice Mayor Gielchinsky spoke about the different Town boards and committees and the difficulties in finding residents to volunteer and urged everyone to be involved and to be civic minded. He stated that sometimes when residents attend meetings and provide feedback it helps shape their minds.

He spoke about the background of how the Town got to this point. After not deciding where to build after various meetings, Vice Mayor Gielchinsky advised to put out a Request of Expression of Interest (RFEI).

The Town advertised and went through an RFEI process with very poor responses. After that, the suggestion that Vice Mayor Gielchinsky had as an experienced land use attorney was to allow the developers to submit to the Town ideas. The way a partnership works is that

the Town will have to contribute with land so that there is no tax increase to the property owners. He stated that the concept is a parking structure with no cost to the Town.

Vice Mayor Gielchinsky spoke about the two unsolicited proposals that the Town has received which included Town Hall and one for the Abbott Lot that it is still pending. He stated that he has the same information and handouts that the residents have and that this is the first public meeting to present the project. He also mentioned that one of the perks about a P3 project is that all the analysis, professionals and experts that the Town uses for the evaluation process, will be paid by the developers. He also spoke about sea level rise and the future of Surfside

Commissioner Karukin stated that he came into the meeting thinking that they could come to a middle ground but after hearing all the comments he believes in the preservation of a small town feel which he feels has been eroded. The P3 idea in his opinion is a giveaway and he does not like the idea and they are only necessary if there is a compelling need which he does not see here. He stated that if the resolution is adopted he will do everything in his power to make sure this goes to a referendum. He believes that this is all premature until the visioning process for Surfside is complete; which they allocated \$100,000 during the budget process. This process will give the residents a new opportunity since the Town has a new generation. He also believes that the Town is built out enough and this project is too big of an impact for the small-town feel. The project will bring more traffic and congestion and it is not right for the Town. He likes the building but it is not right for the Town and he will not vote in favor of the resolution.

Commissioner Paul asked for legal direction regarding the resolution. She stated that when she received the packet, and saw the resolution, she didn't think that was what the meeting was going to be about. She believes that it is a beautiful project and some residents do support it but there are way more residents that do not support it. She stated that she agreed with former Mayor Novak's comments and Commissioner Karukin's and she is looking for legal direction on what to do.

Mayor Dietch spoke about a Miami Herald article that speaks about the parking shortage in Surfside back in 1986. He spoke about their responsibility to listen to the constituents and set policies that they believe is in the best interest of the community. He spoke about the solution provided back in 1986 of putting a second deck on the Abbott Lot to fix the issue. He stated that the code requires certain businesses to provide certain amounts of parking and in the multi family district there is a shortage of parking. He spoke about what they have done as policy makers. They have turned to a process that is prescribed by the state that is fair and that if you are not paying attention you will think it was sprung on you.

The Town Commission has been discussing this process for a good part of a year which brings them to today. He stated that the project today requires a referendum, and we are at the beginning of the process. What the developers have proffered is to have communication with the community so that there is a better understanding of the project. He understands that there is no comfort among the community and he is certain that there is no comfort on the developer's side.

Mayor Dietch asked the community to be open minded and to learn more before they reach a conclusion, recognizing that the way the law is written today, the ultimate decision lays on the electorates. He stated he has a lot confidence in the people and he would like to give this opportunity a fair chance.

Commissioner Cohen commended the Mayor on a great meeting and spoke about a video with the mayor regarding sea level rise. He stated that this is the beginning of the process and that no one knows where it is going to end. He spoke about the charrette and how people were not in favor and at the end everyone came together and came up with a beautiful design. He asked everyone to be open minded and address the issue. We have an obligation to do what's necessary to retrofit our Town when dealing with sea level rise.

Commissioner Paul stated that she has attended some sea level rise meetings and that this project has nothing to do with sea level rise. She thinks it is a beautiful project and she is trying to look at it with an open mind but she feels that the resolution has been placed in front of them to decide today and she is not prepared to do that on the first day of discussion. She stated that she does not want to be the person who is not the visionary and is not progressive because she believes in progression and that there is a vision there. She does not want to be the one to shut the doors on them but at the same time the residents have spoken.

Commissioner Karukin spoke about the impact of such a big project and believes the item should be tabled or do nothing with it until the visioning process is completed.

Vice Mayor Gielchinsky stated that he would like to see more reports done. He would like a traffic analysis, a planning report, and a feasibility study.

After some discussion amongst the members of the Town Commission, Commissioner Karukin made a motion to disregard the resolution. The motion received a second from Commissioner Paul.

Commissioner Paul suggested to write a full-page article in the Gazette explaining the project because half of the community is not aware of it.

Mayor Dietch provided a few amendments to the resolution as follows:

Page 3 - first WHEREAS clause:

WHEREAS, the Town Commission directs that the Town Manager and administration continue to evaluate the Proposal and negotiate with Surfside Town Center Group for the Project., ~~including the engagement of all necessary advisors or consultants needed or required, in accordance with Section 255.065, Florida Statutes, to properly evaluate the P3 Proposal, and analyze the cost effectiveness and public benefit for the purpose of negotiating and entering into a comprehensive agreement with Surfside Town Center Group for the Project.~~

Section 2. Finding of Public Purpose. The Town Commission finds that the Project, including the construction of a parking garage facility, ~~will~~ may serve a public purpose and benefit and may constitutes a “qualifying project” as defined in Section 255.065, Florida Statutes, for public-private partnerships, and finds that further evaluation of the P3 Proposal is necessary in accordance with Section 255.065, Florida Statutes.

Page 3 and 4

Section 23. Direction to Town Manager and Administration; Implementation. The Town Manager and Administration are directed to continue to evaluate the Proposal, ~~and negotiate with Surfside Town Center Group for the Project, including the engagement of all necessary advisors or consultants needed or as required by Section 255.065, Florida Statutes, to properly evaluate the P3 Proposal, and analyze the cost effectiveness and public benefit for the purpose of negotiating and entering into a comprehensive agreement with Surfside Town Center Group for the Project.~~ The Town Manager and Administration are further directed to implement the procedures of Section 255.065, Florida Statutes, applicable to the evaluation of an unsolicited proposal ~~and negotiation of a comprehensive agreement for the Project,~~ and to take all action necessary to accomplish the purposes of this Resolution.

Section 34. Effective Date. This Resolution shall take effect immediately upon its adoption.

Resolution Title:

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING EVALUATION ~~AND NEGOTIATION~~ OF AN UNSOLICITED PUBLIC-PRIVATE PARTNERSHIP (P3) PROPOSAL FOR THE DESIGN, CONSTRUCTION, FINANCING, OPERATION AND MAINTENANCE OF “SURFSIDE CIVIC CENTER” ON THE CURRENT TOWN HALL SITE, LOCATED AT 9293 HARDING AVENUE, AND THE MUNICIPAL PARKING LOT IMMEDIATELY NORTH OF TOWN HALL, LOCATED ON 93RD STREET, INCLUDING A NEW TOWN HALL, POLICE STATION, AND MIXED-USE RETAIL/RESTAURANT, OFFICE SPACE, PARKING GARAGE AND COMMUNITY RECREATIONAL SPACE (“PROJECT”); AUTHORIZING AND DIRECTING THE TOWN MANAGER TO IMPLEMENT THE PROCEDURES OF SECTION 255.065, FLORIDA STATUTES, APPLICABLE TO THE EVALUATION ~~AND NEGOTIATION~~ OF THE P3 PROPOSAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

Page 2 – second WHEREAS clause:

WHEREAS, in response to the published Notice of Receipt of Unsolicited Proposal, the Town did not receive other proposals for the Project, and wishes to proceed to further evaluate the P3 Proposal ~~and negotiate in good faith a comprehensive agreement with the Surfside Town Center Group;~~ and

Town Attorney Arango stated that there was a previous motion and a second and a vote must be called. Mayor Dietch asked the Deputy Clerk to call the roll on the motion. The motion failed 2-3 with Commissioner Cohen, Vice Mayor Gielchinsky and Mayor Dietch voting in opposition.

Vice Mayor Gielchinsky made a motion to adopt the resolution as prepared by the Town Attorney but with the Mayor's amendments. The motion received a second from Commissioner Cohen. The motion carried 3-2 with Commissioner Karukin and Commissioner Paul voting in opposition.

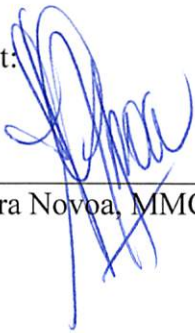
3. Adjournment

Commissioner Cohen made a motion to adjourn. The motion received a second from Vice Mayor Gielchinsky and the meeting adjourned at 10:17 p.m.

Respectfully submitted,

Accepted this 9th day of October, 2018

Attest:



Sandra Novoa, MMC



Daniel Dietch, Mayor