



Town of Surfside
Regular Town Commission Meeting
MINUTES
December 10, 2019
7 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 7:15 p.m.

B. Roll Call of Members

Town Clerk Novoa called the roll with the following members present: Mayor Dietch, Commissioner Karukin, Commissioner Paul. Vice Mayor Gielchinsky, and Commissioner Cohen (arrived at 7:18 p.m. after roll call was called)

C. Pledge of Allegiance

Chief Yero led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Paul read a statement into the record and gave a summary of events she attended.

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

Mayor Dietch suggested to move item 4B2 after item 2, item 5A and item 5B to be linked, after item 5A and item 5B to then hear item 9A and after item 9A to then hear the Consent Agenda and all other items.

A motion was made by Vice Mayor Gielchinsky to that effect. The motion received a second from Commissioner Karukin. All voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch read his community notes into the record which are available on the Town's website.

Commissioner Karukin gave an update on the Tourist Board and the amount of money that has been collected from the Resort Tax, which goes to assist in paying for the Community Center.

G. Pension Board Award Presentation – Mayor Daniel Dietch

Mayor Dietch presented the Public Pensions Standards Award to the Pension Planning Board for the Town of Surfside.

Mayor Dietch also congratulated the Tourism Department for the awards they received.

Tourist Marketing and Special Events Coordinator Trigueros gave an update on VISIT Florida Tourism and the two awards the Town won; the Henry Flagler Award in the Category of the Website and the Booking Portal and the Bronze Award for their Promotional Materials.

2. Quasi-Judicial Hearings - None

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

A motion was made by Vice Mayor Gielchinsky to add an item at the end of the agenda as item 9B the Hamsa Hamsa Contract to be discussed, seconded by Commissioner Karukin. All voted in favor.

A motion was made by Commissioner Karukin to approve the consent agenda, seconded by Vice Mayor Gielchinsky. All voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk
- November 12, 2019 Town Commission Meeting Minutes

Approved on consent.

***B. Town Manager's Report – Guillermo Olmedillo, Town Manager**

Approved on consent.

***C. Town Attorney's Report – Weiss Serota, Town Attorney**

Approved on consent.

D. Committee Reports – Guillermo Olmedillo, Town Manager

- October 7, 2019 Tourist Board Meeting Minutes
- October 17, 2019 Downtown Vision Advisory Committee Meeting Minutes
- October 28, 2019 Parks and Recreation Committee Meeting Minutes

Approved on consent.

E. USPS Annual Rent/Lease of Town Parking Spaces – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING LEASE AMENDMENTS/RENEWALS WITH THE UNITED STATES POSTAL SERVICE (USPS) FOR PARKING SPACES AT THE 94TH STREET MUNICIPAL PARKING LOT, AND PARKING SPACES AT THE 95TH STREET MUNICIPAL PARKING LOT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

F. Youth Sports Program Coaches (Soccer and Tennis) – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AGREEMENTS WITH CYCLONE SOCCER MIAMI, INC. FOR THE TOWN'S YOUTH INSTRUCTIONAL SOCCER AND COMPETITIVE SOCCER PROGRAMS; APPROVING AN AGREEMENT WITH GM SPORTS TENNIS, LLC FOR THE TOWN'S YOUTH TENNIS PROGRAM; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(2) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

G. FY 2020 Budget Amendment Resolution No. 3 – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 3 FOR THE FISCAL YEAR 2020 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

H. Office Depot Contract - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH OFFICE DEPOT, INC. FOR OFFICE SUPPLIES, PRODUCTS, AND RELATED SERVICES; FINDING THAT THE PURCHASES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

The following individual spoke on the item:
Eliana Salzhauer

Town Manager Olmedillo responded to the speaker's comments and gave clarification of the procurement process.

Finance Director Greene explained the procurement process.

I. Treasury Management Master Agreement – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PROPOSAL OF SUNTRUST BANK AND TREASURY MANAGEMENT TERMS AND CONDITIONS FOR BANKING SERVICES; FINDING THAT THE ACQUISITION OF BANKING SERVICES IS EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

J. Professional Services Agreement – ARBAB Engineering, Inc. – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH ARBAB ENGINEERING INCORPORATED FOR

STRUCTURAL PLAN REVIEW SERVICES; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE PROCUREMENT PURSUANT TO SECTION 3-13(2) OF THE TOWN CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

The following individual spoke on the item:
Eliana Salzhauer

Town Manager Olmedillo responded to the speaker's comments

Finance Director Greene explained the procurement procedure and the item.

- K. Resolution Authorizing Mutual Aid and Joint Declaration Agreements between the Town of Surfside and the City of Sunny Isles Beach - Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MUTUAL AID AGREEMENT WITH THE CITY OF SUNNY ISLES BEACH, AND A JOINT DECLARATION OF THE CHIEF OF THE CITY OF SUNNY ISLES BEACH POLICE DEPARTMENT AND THE CHIEF OF THE TOWN OF SURFSIDE POLICE DEPARTMENT PURSUANT TO MUTUAL AID AGREEMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

- L. Resolution Authorizing Mutual Aid and Joint Declaration Agreements between the Town of Surfside and the Miami Shores Village - Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A MUTUAL AID AGREEMENT WITH MIAMI SHORES VILLAGE, AND A JOINT DECLARATION OF THE CHIEF OF THE MIAMI SHORES POLICE DEPARTMENT AND THE CHIEF OF THE SURFSIDE POLICE DEPARTMENT PURSUANT TO MUTUAL AID AGREEMENT; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

**M. Work Utility Vehicle 4X4 Purchase for Public Works Department –
Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PURCHASE OF A UTILITY VEHICLE FOR THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

4. Ordinances

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

A. Second Reading Ordinances

1. Fee Increase for Structural Plan Review - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 14-29, "PERMIT FEES" OF THE TOWN'S CODE OF ORDINANCES TO ADJUST THE FEES FOR STRUCTURAL PLANS REVIEW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

Building Official Prieto gave a history of the fees and the need to increase the permit fees.

A motion was made by Vice Mayor Gielchinsky to approve the Ordinance on second reading. The motion received a second from Commissioner Karukin. All voted in favor.

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

B. First Reading Ordinances

**1. Ordinance Amending the Town's Purchasing Code (Chapter 3) -
Guillermo Olmedillo, Town Manager**

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.

Town Clerk Novoa read the title into the record.

The following individual spoke on the item:
Eliana Salzhauer

Finance Director Greene explained and introduced the item.

Discussion continued among the Commission members and Finance Director Greene regarding the item.

Commissioner Paul would like to strike through, without competitive bidding on section 3-6(a).

Finance Director Greene explained why the language was there and the allowances of competitive bidding.

A motion was made by Vice Mayor Gielchinsky to approve the Ordinance. The motion received a second from Commissioner Karukin. All voted in favor.

2. Pension Ordinance Enhancing Pension Benefits for Non-public safety Employees to Conform Maximum Benefit Limitations and Retirement Ages – Guillermo Olmedillo, Town Manager

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF THE TOWN OF SURFSIDE REGARDING THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-176(a) OF THE TOWN CODE TO LOWER RETIREMENT AGES FOR NON-PUBLIC SAFETY EMPLOYEES CONSISTENT WITH MAXIMUM BENEFIT LIMITATIONS; AMENDING SECTION 2-176(c) OF THE TOWN CODE TO INCREASE THE MAXIMUM BENEFIT LIMITATION FROM 68% TO 80% FOR GENERAL EMPLOYEES; AMENDING SECTION 2-192 OF THE TOWN CODE TO INCREASE THE COST OF LIVING ADJUSTMENT FROM 1.5% TO 2% PER YEAR FOR NON-PUBLIC

**SAFETY EMPLOYEES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; AND PROVIDING AN
EFFECTIVE DATE.**

Town Clerk Novoa read the title into the record.

Town Manager Olmedillo introduced the item and recognized Pension Board Attorney Adam Levinson, Pension Board Actuary Sherry Jones, Human Resources Director Yamileth Slate-McCloud, and Police Sergeant Julio Torres. He also recognized Pension Board member Norma Parron and Pension Board Chair Abraham Issa (who were not present).

Pension Board Attorney Adam Levinson gave a quick overview of the presentation.

The following members of the public spoke on the item:
Darlene Martinat, Town of Surfside employee.
Silace Petitcar, Town of Surfside employee.

Commissioner Karukin spoke about the dedication of the employees of Surfside and how very pleased he is with the employees.

Mayor Dietch spoke regarding the history and the disparity with the employees. He also commended the employees for all that they do as well as the administration that advocated for them and the members of the Pension Board.

A motion was made by Commissioner Paul to approve the Ordinance on first reading. The motion received a second from Commissioner Karukin. All voted in favor.

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

A. Climate Emergency Resolution – Mayor Daniel Dietch *[Item Linked to Item 5B]*

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING A CLIMATE EMERGENCY; URGING THE STATE OF FLORIDA AND THE UNITED STATES GOVERNMENT TO DECLARE A CLIMATE EMERGENCY; REQUESTING REGIONAL COLLABORATION ON A TRANSITION

PLAN AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE AND SUSTAINABLE CLIMATE; PROCLAIMING A CALL TO ACTION FOR THE TOWN TO CONTINUE EFFORTS TOWARDS ADAPTATION, MITIGATION AND RESILIENCY STRATEGIES, INCLUDING IMPLEMENTATION OF THE TOWN'S CLIMATE CRISIS REPORT; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

Mayor Dietch thanked his colleagues and presented the item.

The following individuals spoke on the item:

Julieta Rodrigo
Gabriella Marchesani
Mildred Waxman
John Paul Mejia
Victor May

Commissioner Paul thanked those that came out to speak.

Vice Mayor Gielchinsky also thanked those that came out to speak as well as their support and provided an explanation on the process.

Commissioner Karukin also thanked those that came out to speak.

Commissioner Cohen thanked the speakers and stated that the problem is China, India, Russia and the United States. He stated that those are the countries that are considered the greatest polluters and fully supports this item.

Mayor Dietch stated that this is a global issue and it is about supporting our neighboring communities. He also spoke regarding adopting the Resilience 305 initiative. He also spoke regarding the different coalitions the Town has worked with.

A motion was made by Commissioner Paul to approve the Resolution. The motion received a second from Commissioner Karukin. All voted in favor.

B. Climate Change/Climate Action Report – Guillermo Olmedillo, Town Manager *[Item Linked to Item 5A]*

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING THE TOWN OF SURFSIDE CLIMATE CRISIS REPORT (OVERVIEW, ACTIONS TAKEN

AND NEXT STEPS), FIRST EDITION, NOVEMBER 2019 (“CLIMATE CRISIS REPORT”); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Novoa read the title into the record.

Town Manager Olmedillo introduced and presented the item.

A motion was made by Commissioner Karukin for purposes of discussion. The motion received a second from Commissioner Paul. All voted in favor.

The following individuals spoke on the item:

Victor May
Eliana Salzhauer
George Kousoulas
Julieta Rodrigo
Mildred Waxman
Gabriella Merchesani
Mittar Preda
John Paul Mejia

Mayor Dietch closed public comments.

Commissioner Cohen commented on the item and the importance of it and thanked the speakers.

Commissioner Paul commented on the report and the importance of this item and thanked the speakers for leading by example.

Vice Mayor Gielchinsky addressed the comments made by the speakers.

Commissioner Karukin thanked the speakers for their comments.

Mayor Dietch addressed the item and the importance of the report.

A motion was made by Commissioner Karukin to approve the Resolution. The motion received a second from Commissioner Paul. All voted in favor.

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

The following individuals spoke on the item:

Bob Fisher spoke regarding flooding, lighting in some areas in Surfside still needs work, especially where the stop signs are. He also spoke regarding the business vacancies in the downtown area.

George Kousoulas spoke regarding the benefit of the Tourist Tax and the residential zoning code.

Jeff Rose spoke regarding single stall restrooms at the tot lot park.

Marianne Mersheid spoke regarding the Commission and what their accomplishments have been.

Eliana Salzhauer spoke regarding getting things that are broken fixed, the crosswalk by the police department is still not working correctly and keeping our residents and visitors safe.

Victor May spoke regarding the legality of accepting political declarations at city hall and if in fact it is prohibited. He also asked regarding a workshop from the elections department and that current commissioners are not allowed to promote themselves.

Vice Mayor Gielchinsky answered the concerns brought up by Mr. Rose regarding the tot lots and the reason why there are no bathrooms at tot lots is because it creates a space for sexual predators.

Commissioner Paul spoke about the lights that are out on Harding from 92nd Street to 88th Street.

Mayor Dietch addressed the concerns brought up by the speakers.

Mayor Dietch closed public comments.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent

Approved on consent.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Repeal of Ordinance 2018-1694 – Commissioner Tina Paul

Commissioner Paul introduced the item, gave her suggestions and comments and stated that this ordinance should be repealed.

A motion was made by Vice Mayor Gielchinsky for purposes of discussion. The motion received a second from Commissioner Karukin. All voted in favor.

Commissioner Karukin gave clarification of the ordinance and what would occur if the ordinance gets repealed.

Commissioner Paul asked Town Attorney Arango if the Commission repealed the ordinance would it need to go back before the Planning and Zoning Board.

Town Attorney Arango stated that it would have to go back before the Planning and Zoning Board.

Vice Mayor Gielchinsky asked Town Planner Sinatra to provide clarification and asked her if she has ever seen an instance of two lots aggregated and merged to create one big home.

Town Planner Sinatra stated that there have been homes developed on a double lot where a home was already in existence on that lot. As far as she can recall no one has purchased two (2) lots that were developed and the structures demolished. She stated that it was a big house that was on the lot and it was demolished.

Further discussion continued among Town Planner Sinatra and the Commission members regarding aggregated lots.

Vice Mayor Gielchinsky asked Town Attorney Arango if they repeal this Ordinance, would the code would go back to what was in effect prior to this ordinance. He also suggested if they repeal this Ordinance it would go back to the Commission on January 14, 2020 for their LPA and that would put the repeal into effect and bring it back to what the code was in October 2018.

Town Attorney Arango stated yes due to the fact that on January 28, 2020 there will be a Joint Meeting where both the Commission and the Planning and Zoning Board would be able to vote on the item.

Commissioner Karukin asked for clarification on the meeting dates.

Vice Mayor Gielchinsky answered Commissioner Karukin questions and gave the time line.

The following individuals spoke on the item:

Eliana Salzhauer

Dale Allen

Peter Hickey

Michelle Diener

Jennifer Zawid

George Kousoulas

Jeff Rose

After a lengthy discussion the following motion was made.

A motion was made by Vice Mayor Gielchinsky to adopt Commissioner Paul's recommendation and prepare for first reading an Ordinance repealing Ordinance Number 18-1694 for the next Town Commission meeting of January 14, 2020 and place it on the next Planning and Zoning Joint meeting for consideration, for further action to be taken at the January 14, 2020 Town Commission meeting and, if applicable, a second reading Ordinance be considered at the Joint Meeting on January 28, 2020. The motion received a second from Commissioner Paul. All voted in favor.

B. Hamsa Hamsa – Vice Mayor Gielchinsky

Vice Mayor Gielchinsky spoke regarding certain conditions that Mr. Ginsburg had to meet as part of his agreement and he spoke with Mr. Ginsburg about bringing this up at tonight's meeting. He has been informed by Town Attorney Arango that Mr. Ginsburg has not signed the agreement and reiterated what had been agreed upon at the last meeting. Mr. Ginsburg would like to change the Town's policy and the meeting minutes state it.

Vice Mayor Gielchinsky stated that he is not happy that there is not a signed contract and Mr. Ginsburg is operating without a contract. Vice Mayor Gielchinsky stated that his suggestion would be for Town Attorney Arango to either email or mail Mr. Ginsburg notification that they sent him the contract for his signature and give him until Friday at 5:00 p.m. to accept and execute the contract. If Mr. Ginsburg does not comply with the deadline, he will no longer be allowed to operate the concession.

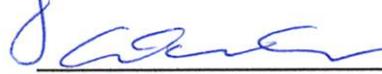
A motion was made by Vice Mayor Gielchinsky directing Town staff to draft and send a letter to Mr. Ginsburg advising him that he has until 5:00 p.m. December 13, 2019 to return the executed agreement to Town staff as given to him in order to continue his relationship with the Town; for Town staff to send the letter via email and mail, whichever notice provisions are stated in the agreement. The motion received a second from Commissioner Karukin. All voted in favor

10. Adjournment

A motion was made by Commissioner Karukin to adjourn the meeting without objection at 10:16 p.m. The motion received a second from Commissioner Paul. All voted in favor.

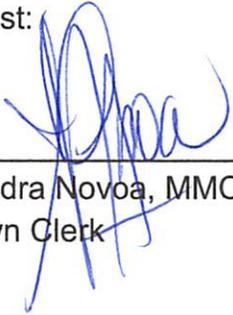
Respectfully submitted,

Accepted this 14th day of January, 2020.



Daniel Dietch, Mayor

Attest:



Sandra Novoa, MMC
Town Clerk