



Town of Surfside
Regular Town Commission Meeting

SUPPLEMENTAL NO. 1

AGENDA

February 13, 2018

7 p.m.

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

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 corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

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

** 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.*

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
- G. Tree City USA Nomination** – Mayor Daniel Dietch
- H. Certificate of Achievement for Excellence in Finance Reporting from the Government Finance Officers Association (GFOA)** – Mayor Daniel Dietch

2. Quasi-Judicial Hearings

- 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.*

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

- A. Minutes** – Sandra Novoa, MMC, Town Clerk
 - **January 9, 2018 Regular Town Commission Meeting Minutes**

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

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

- D. Committee Reports** – Guillermo Olmedillo, Town Manager
 - **November 9, 2017 Pension Board Meeting Minutes**
 - **December 4, 2017 Tourist Board Meeting Minutes**
 - **January 8, 2018 Tourist Board Meeting Minutes**

E. Limousines of South Florida, Inc. Municipal Bus Services Renewal – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH LIMOUSINES OF SOUTH FLORIDA, INC. FOR MUNICIPAL BUS SERVICES; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Installation and Service Agreement with Triad Security Group, Inc. – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE INSTALLATION AND SERVICE AGREEMENT WITH TRIAD SECURITY GROUP, INC. FOR AN ACCESS CONTROL SYSTEM AT TOWN HALL; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

- G. Procurement of Video Surveillance and Recording Camera System – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE INSTALLATION AND SERVICE AGREEMENT WITH TRIAD SECURITY GROUP, INC. FOR AN IP CAMERA SYSTEM AT THE ABBOTT AVENUE PARKING LOT; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION OF THE AGREEMENT; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE.

- H. Sand Sourcing Study Urging Resolution – Mayor Daniel Dietch**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE UNITED STATES CONGRESS TO FUND THE STUDY OF FOREIGN SAND USE IN BEACH NOURISHMENT PROJECTS IN MIAMI-DADE COUNTY; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS STATED HEREIN; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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I. South Atlantic Coastal Study Urging Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE UNITED STATES CONGRESS TO SUPPORT LANGUAGE IN THE FY 2018 FEDERAL APPROPRIATIONS BILL AND THE 2018 DISASTER RECOVERY SUPPLEMENTAL PROVIDING FOR 100 PERCENT FEDERAL FUNDING OF THE SOUTH ATLANTIC COASTAL STUDY AUTHORIZED IN SECTION 1204 OF THE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT, WITH THE NECESSARY LANGUAGE AND FUNDING TO ENSURE INCLUSION OF THE PREVIOUSLY AUTHORIZED CENTRAL AND SOUTH FLORIDA FLOOD CONTROL PROJECT AND ITS AREA AS PART OF THIS STUDY; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS STATED HEREIN; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Zero Emission/Clean Energy Bus Goal Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE MAYOR AND TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SETTING A GOAL FOR ALL TOWN BUSES TO BE ZERO-EMISSION AND POWERED BY CLEAN ENERGY BY 2025; URGING MIAMI-DADE COUNTY AND ALL MUNICIPALITIES IN THE COUNTY TO ADOPT THE SAME GOAL; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS STATED HEREIN; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

K. Water Conservation Month (April 2018) – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE DECLARING APRIL AS WATER CONSERVATION MONTH IN THE TOWN OF SURFSIDE, FLORIDA, AND SUPPORTING THE NATIONAL “WYLAND MAYOR’S CHALLENGE FOR WATER CONSERVATION” IN THE TOWN OF SURFSIDE; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA LEGISLATURE, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, AND ALL THE

MUNICIPALITIES OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. Freeboard Modification – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 “FLOODS”, SECTION 42-92 “SPECIFIC STANDARDS” TO ADDRESS LOWEST FLOOR ELEVATION REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Roof Height Modification – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” SECTION 90-2 “DEFINITIONS,” TO REVISE THE MEASUREMENT OF ROOF HEIGHT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Ordinance Amending Chapter 3, “Purchasing”, Town Code – Second Reading. Purchase of Equipment and Repair and Maintenance of Public Works and Utilities Infrastructure – 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 FOR PURCHASES OF EQUIPMENT AND REPAIR AND MAINTENANCE OF PUBLIC WORKS AND UTILITIES INFRASTRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Ordinance Amending Section 35(14) of Town Charter – Second Reading. Requirement for Sealed Bids for Purchases Exceeding \$8,500 – Guillermo Olmedillo, Town Manager**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 35(14) OF THE CHARTER OF THE TOWN OF SURFSIDE RELATING TO A REQUIREMENT FOR SEALED BIDS FOR PURCHASES OF \$8500 OR MORE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Ordinance Permitting Law Enforcement to Consider Potential Anti-Semitic Motivation for Criminal Offenses – Commissioner Daniel Gielchinsky**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING ARTICLE I, “IN GENERAL,” OF CHAPTER 54, OFFENSES AND MISCELLANEOUS PROVISIONS,” TO CREATE SECTION 54-2. – “CONSIDERATION OF ANTI-SEMITISM AND HATE CRIMES IN ENFORCING LAWS;” PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Temporary Signs – Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 90-69 “DEFINITIONS”; SPECIFICALLY AMENDING SECTION 90-74 “TEMPORARY SIGNS”; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Pension Amendment Clarifying Definition of Senior Management Employee – 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 2-171 OF THE TOWN CODE TO CLARIFY THE DEFINITION OF THE TERM SENIOR MANAGEMENT EMPLOYEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

(Set for approximately 8:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Maintenance in the Right-of-Way, Including Trees and Mulch - Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING ARTICLE III, PROPERTY MAINTENANCE STANDARDS, OF CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, AND CHAPTER 90, ZONING, TO PROHIBIT USE OF MULCH IN THE RIGHT-OF-WAY AND ADDRESS PROPERTY OWNER MAINTENANCE RESPONSIBILITIES FOR PUBLIC RIGHT-OF-WAY ADJACENT TO PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

2. Amending Section 2-235 “Lobbying” First Reading. – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 2-235 – “LOBBYING”

REGARDING LOBBYISTS' APPEAL OF FINES FOR EXPENDITURE REPORTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 3. Driveway Modifications - Guillermo Olmedillo, Town Manager**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," SECTION 90-61 "PAVING IN FRONT AND REAR YARDS IN H30 AND H40 DISTRICTS," TO ADDRESS DRIVEWAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4. Plastic Straw Ordinance – Lily Arango, Town Attorney**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 34 "ENVIRONMENT" OF THE TOWN'S CODE OF ORDINANCES TO CREATE SECTION 34-11, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 5. Solar Photovoltaic Incentives – Guillermo Olmedillo, Town Manager**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 14-29. – "PERMIT FEES" – TO PROVIDE FOR WAIVER OF PERMIT FEES AND EXPEDITED PERMIT AND DEVELOPMENT REVIEW TO BE ADOPTED BY RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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5. Resolutions and Proclamations

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

- A. Approval for Work Authorization No. 102 to Calvin Giordano & Associates, Inc. for Services Related to the Surfside Traffic Signal Modifications at the Intersection of 95th Street and Harding Avenue – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A WORK AUTHORIZATION TO CALVIN GIORDANO & ASSOCIATES, INC. TO PROVIDE GENERAL ENGINEERING SERVICES FOR TRAFFIC SIGNAL MODIFICATIONS AT THE INTERSECTION OF 95th STREET AND HARDING AVENUE; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE WORK AUTHORIZATION; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE WORK AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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.

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 that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. One-Way Street Project Update – Guillermo Olmedillo, Town Manager**
B. Artificial Grass - Guillermo Olmedillo, Town Manager
C. Recommendations on the Beach Furniture Ordinance and Administrative Policy
- Guillermo Olmedillo, Town Manager
D. Surfboard Prohibition – Mayor Daniel Dietch
E. Resiliency Fund Requirements for Commercial Development – Mayor Daniel Dietch
F. Social Media Responses – Guillermo Olmedillo, Town Manager

- G. Unsolicited Proposal Update – Seeking Direction** – Guillermo Olmedillo, Town Manager
- H. Quality of Life Improvement Initiatives** – Commissioner Tina Paul
- I. Plastic Bag Legislation** – Lily Arango, Town Attorney
- J. Zoning in Progress – New Applications or Site Plan Amendments for Properties within H30 and H40** – Guillermo Olmedillo, Town Manager
- K. Unsolicited Proposal Received for Development of “Surfside Civic Center” Located at Town Hall Site and Municipal Parking Lot at 269 93rd Street** – Guillermo Olmedillo, Town Manager

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

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

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

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

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

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



**Town of Surfside
Town Commission Meeting
February 13, 2018
7:00 pm**

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

DISCUSSION ITEM

Supplemental Agenda #: 9K

Date: February 13, 2018
From: Guillermo Olmedillo, Town Manager
Subject: Unsolicited Proposal Received for Development of "Surfside Civic Center"
Located at Town Hall Site and Municipal Parking lot at 269 93rd Street

Consideration: On February 12, 2018, the Town received an Unsolicited Proposal from the Surfside Town Center Group, LLC for a qualifying public-private partnership project pursuant to Section 255.065, Florida Statutes, for the development of a new Surfside Town Hall and Civic Center on the current Town Hall lot and the municipal surface parking lot immediately north of Town Hall and located at 269 93rd Street. The proposed project is multi-faceted and consists of a new Town hall, police station, high-end retail/restaurant, Class "A" office space, parking garage, and a rooftop public park and sports area.

Pursuant to Section 255.065(15), Florida Statutes, the unsolicited proposal is exempt and is not a public record until such time as the Town provides notice of an intended decision for the project.

Exhibit A attached is previously provided overview and information on the Florida Statute governing the Public-Private Partnership (P3) Process.

Budget Impact: Costs associated with noticing and evaluation of the Unsolicited Proposal will be paid for by the Proposer. Presently, the Town holds a deposit of \$25,000 from the Proposer to cover the costs of processing the unsolicited proposal.

Growth Impact: TBD

Staff Impact: Considerable staff time will be incurred to notice, review and evaluate the proposal, as well as work with the evaluation committee and expert consultants. Substantially all costs should be recovered from the proposer.

Recommendation: The Town Manager and administration are seeking direction from the Commission on whether to proceed with review of the unsolicited proposal pursuant to the statutory process set forth in Section 255.065, Florida Statutes, including noticing of the proposal and evaluation thereof.

P3 Statute – Public-Private Partnerships

General Overview.

Section 255.065, Florida Statutes, effective July 1, 2013, creates statutory authority to local governments for public-private partnerships or P3s. The statute makes legislative findings that there is a public need for the construction or upgrading of facilities used predominantly for public purposes, public need for timely and cost effective public projects that may not be served or satisfied by existing procurement methods, and encouraging private investment and funding for the development and operation of qualifying projects.

The Town of Surfside is a “responsible public entity” under the P3 Statute authorized to develop or operate a qualifying project. A “qualifying project” eligible under the P3 statute is any facility or project that serves a public purpose (including, but not limited to, a vehicle parking facility). A procurement under the P3 Statute serves the public purpose if such procurement facilitates the timely development or operation of a qualifying project.

Under the P3 Statute, proposals for public-private partnerships for qualifying projects may be solicited by the Town or the Town may receive unsolicited proposals.

Solicited Projects. Solicited projects require procurement pursuant to the Town’s procurement procedures and the requirements of the P3 Statute. If the solicited project includes design work, the Town’s solicitation must include a design criteria package prepared by an architect or engineer licensed in the state sufficient to allow a private entity to prepare a bid or response to the solicitation.

Unsolicited Proposal Process. Unsolicited proposals may be received by the Town and reviewed and evaluated using the procedures outlined in the P3 Statute:

- Application Fee. The Town may establish a reasonable application fee.
- Required Content of Unsolicited Proposal. An unsolicited proposal must include the following materials or information, unless waived by the Town as the responsible public entity: project description, including conceptual design and proposed project schedule; how property interests will be secured, if applicable; plans for financing the project, including sources for the private entity’s funds; proposed user fees, lease payments or other service payments; and other additional information as may be requested by the responsible public entity.
- Publication of Notice and Seeking Competing Proposals. The Town shall publish a notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the public entity has received a proposal and will accept other proposals for the same project. The Town must allow at least 21 days, but no more than 120 days, after the date of publication for receipt of proposals.
- Notice to Affected Local Jurisdictions. A copy of the Notice must be mailed to each local government in the affected area.

- Review, Evaluation and Ranking of Unsolicited Proposals Received.
 - Town may charge a reasonable fee to cover the costs of processing, reviewing and evaluating the request, including reasonable attorneys' fees and fees of financial, technical and other necessary advisors or consultants.
 - If the Proposal involves architecture, engineering or landscape architecture, Town must ensure professional review and evaluation of design and construction performed by an architect or licensed engineer in the state qualified to perform the review.
 - The private entity or the Town must meet the minimum standards contained in the Town's guidelines for qualifying professional services and contracts for traditional procurement projects (design and engineering services).
 - In ranking proposals, the Town may consider factors or criteria that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, and finance plans. Town may establish other evaluation criteria.
 - The Town must perform an independent analysis of the proposed P3 project which demonstrates the cost effectiveness and overall public benefit before the contract is awarded (include financing analysis).
 - The Town must find or determine the following in order to approve and award the contract: there is public need or benefit derived from the project; ownership of the facility will ultimately be with the Town upon completion, expiration or termination of the contract and amounts financed; adequate safeguards to ensure that additional costs or services disruptions will not be imposed on the public in the event of material default or cancellation of the contract by the Town; the estimated cost of the project is reasonable in relation to similar facilities; and, the private entity's plans will result in the timely acquisition, design, construction, improvement and maintenance and operation of the project.

- Negotiations with Highest Ranked Firm. The Town may begin negotiations for a comprehensive agreement (ground lease and development agreement) with the highest ranked firm in the order of ranking. If only one proposal is received, the Town may negotiate in good faith, and if not satisfied with the results of the negotiations, the Town may terminate negotiations with the proposer. The Town may reject all proposals at any point in the process until a contract with the proposer is executed.

- Comprehensive Agreement (Ground Lease and Development Agreement). Before development or operation of the project, the Town must enter into a comprehensive agreement with the proposer, which must contain the following terms or protections: performance and payment bonds, letters of credit or other security acceptable to the Town; review of the design for the project; inspection of the project by the Town;

maintenance of liability insurance; monitoring by the Town of maintenance practices to ensure proper maintenance of project; periodic filing by the private entity of financial statements; procedures that govern rights and responsibilities of parties during construction and operation of the project; and fees, payments or service payments, user fees. The comprehensive agreement may include such other terms and conditions as deemed necessary or appropriate by the Town. The final Comprehensive Agreement will be approved and awarded by the Town Commission.