



MINUTES

TOWN OF HILLSBORO BEACH REGULAR COMMISSION MEETING FEBRUARY 4, 2020

9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:16 a.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Deborah L. Tarrant
Commissioner Andrew R. Brown
Commissioner Barbara Baldasarre

Vice Mayor Irene Kirdahy
Commissioner Vicky Feaman

Town Staff:

Town Manager Mac Serda
DJ Doody, Town Attorney
Town Clerk Sherry D. Henderson, CMC

APPROVAL OF AGENDA

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the agenda as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

I. APPROVAL OF MINUTES

A. Minutes of the December 9, 2019 Special Commission Meeting

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve the minutes from the December 9, 2019 Special Commission Meeting as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Minutes of the December 17, 2019 Workshop Meeting

Mayor Tarrant made clarifications to the minutes.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the minutes from the December 17, 2019 Workshop Meeting as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

II. RESOLUTIONS AND CONTRACTS

A. Resolution No. 2020-10 Consideration to Authorize Proper Town Officials to Execute Bank Loan Documents with Bank United to Fund the Beach Re-Nourishment Project

Town Attorney DJ Doody asked that the first step in reviewing Resolution 2020-10 be to select the bank so he could add the vendor prior to reading the Resolution.

Stephen Bloom, Finance Director with Inframark, gave a brief presentation regarding the staff recommended five (5) year bank loan. He explained the project would be approximately \$4.4 million, and the Town would need to submit payment up front, then request reimbursement from FEMA. He stated Bank United and Centennial Bank provided offer sheets, both with a 12-month draw down and no pre-payment fee.

Mr. Bloom stated Bank United was offering the best interest rate and was the recommendation of staff. He outlined payments which may come due while waiting for FEMA reimbursement, and explained the flexibility offered with a five (5) year term.

Town Manager Mac Serda asserted the five (5) year loan cost nothing more than a two (2) year loan if FEMA reimburses within the first year.

Vice Mayor Kirdahy asked if reimbursement in the first year was likely and how firm FEMA's commitment was to the project.

Mr. Serda stated that approximately one (1) year was possible for FEMA to reimburse, which was the reason staff recommended opting for a longer term and smaller payment. He explained the project would not be moving forward if FEMA had not provided approval.

Mr. Bloom pointed out the costs of the first year of the loan and explained interest costs if the repayment continued for multiple years.

Commissioner Brown asked the timeline of the project once approved.

Mr. Serda stated if approved in Resolution 2020-11, he hoped the vendor would be on site in the next week and mobilized by the end of February. He explained weather needed to cooperate.

Mr. Doody asked if Bank United had indicated an estimated closing time.

Mr. Bloom stated there would need to be legal review on both sides and a bond counsel opinion letter, so a firm date was not in place.

Motion made by Commissioner Brown, seconded by Vice Mayor Kirdahy, to accept Bank United on a five (5) year term as recommended by staff. In a roll call vote, the **motion** passed unanimously. (5-0)

Mr. Doody read Resolution 2020-10 by title only.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adopt Resolution 2020-10.

Mayor Tarrant asked that a clause regarding application for and receipt of FEMA reimbursement be added to the Resolution.

The motion was withdrawn.

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to amend Resolution 2020-10 to include an additional Whereas clause. In a roll call vote, the **motion** passed unanimously. (5-0)

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to adopt Resolution 2020-10 as amended. In a roll call vote, the **motion** passed unanimously. (5-0)

B. Resolution No. 2020-11 Consideration to Authorize Proper Town Officials to Award and Execute Contract Agreement for RFP No. 2019-05 Hillsboro Beach Re-Nourishment Project to the Lowest, Most Responsive Bidder

Dr. Jackie Brower, Moffat & Nichols, explained the process of seeking a vendor for the beach re-nourishment project. She stated six (6) bids were received, and three (3) were lower than anticipated cost. She explained staff evaluated the three (3) lowest cost firms and are recommending approval of the lowest and most responsive bidder, Rio-Bak.

Dr. Branyon outlined staff's efforts to do due diligence on Rio-Bak, including checking references and following up on the scope of the project.

In response to a question regarding the timeline, Dr. Branyon stated Rio-Bak was present at the meeting, and they would like permission to proceed today.
The Commissioners and staff discussed the completion of the bid packet.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to accept Rio-Bak as vendor for the beach re-nourishment project, as recommended by staff. In a roll call vote, the **motion** passed unanimously. (5-0)

Mr. Doody read Resolution 2020-11 by title only.

Mayor Tarrant pointed to a typo in the Resolution for correction.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Feaman, to approve Resolution 2020-11, naming vendor for beach nourishment project, with correction. In a roll call vote, the **motion** passed unanimously. (5-0)

C. Resolution No. 2020-12 Consideration to Authorize the Proper Town Officials to Execute License Agreement for Staging Area with Dezer Hillsboro, LLC

Mr. Serda distributed a copy of the agreement, which had come in after the agenda packets were printed. He pointed out the owners were being benevolent in allowing the Town to use the land, but this license agreement underscored the need to purchase the property at 1205 and 1206 Hillsboro Mile.

Vice Mayor Kirdahy asked how the Town would regulate the use of the property by other contractors with agreements currently in place.

Mr. Serda stated the Town would be utilizing the east side of the property.

Mr. Doody read Resolution 2020-12 by title only.

Motion made by Commissioner Feaman, seconded by Vice Mayor Kirdahy, to approve Resolution 2020-12, executing an agreement for staging area, as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

IV. CONSENT AGENDA

A. INVOICES FOR APPROVAL

1. **RMA:** Invoice #4454 Services Rendered Dec 2019 \$6,975.00
2. **LSF:** Invoice #19-1231-26 Dec 2019 \$6,083.87
3. **Goren, Cherof, Doody & Ezrol:** Invoice #29598 Dec 2019-Jan 2020 \$6,833.80 (General)

4. Goren, Cherof, Doody & Ezrol: Invoice #29131 Nov-Dec 2019 \$3,082.05 (Deerfield Beach)

5. Goren, Cherof, Doody & Ezrol: Invoice #29600 Dec 2019-Jan 2020 \$6,746.90 (Purchase from Winter Sun Investments LLC 1205 and 1206 Hillsboro Mile)

Motion made by Commissioner Baldasarre, seconded by Commissioner Feaman, to approve the Consent Agenda invoices as printed. In a roll call vote, the **motion** passed unanimously. (5-0)

B. PROCLAMATIONS

1. March 2020 Problem Gambling Awareness Month

Motion made by Commissioner Brown, seconded by Commissioner Feaman, to approve the proclamation to name March 2020 Problem Gambling Awareness month. In a roll call vote, the **motion** passed unanimously. (5-0)

VI. STAFF UPDATES

A. Broward County Water & Wastewater (BCWWS) Project

Pat MacGregor, BCWWS, provided an update on completion of the wastewater project. He stated the project is coming to an end, with permanent striping to be completed next week. He said FDOT had completed inspection of the project and asked that a few items be raised, including manhole covers and air release valve structures.

Continuing, Mr. MacGregor stated completion is still planned for the end of February.

The Commissioners and staff discussed resident requests for reflectors on the highway. Mr. MacGregor said he would investigate.

B. Police Department

Police Chief T. Nagy provided the December 2019 Police Department report. He gave an update on training recently completed by the Department, and explained the felony stop training had already been put to use.

Continuing, Chief Nagy stated the Department had been busy, and officers are paying close attention to bicyclists. He shared numbers regarding observations over the past four (4) weekends, and conveyed education was ongoing. He stated FDOT recently announced they are starting an education program regarding bicyclists.

Chief Nagy stated the Department would be receiving its reaccreditation later in the month. He said now that the road is back open, his Department is happy to be back out on the road. Chief Nagy explained the boat is out for warranty work, but new hires are pending for the marine unit.

Mayor Tarrant asked for an update on the buoy situation.

Chief Nagy said the Department had collected every lost buoy they could find and would provide a list to Mr. Serda.

C. Finance Department

Stephen Bloom, Finance Director with Inframark gave a brief overview of the financial report through December. He noted this was the end of the first quarter, and the first receipts of property taxes had occurred.

Mr. Bloom reviewed spending, noting no significant variances. He discussed running totals for special funds and pointed out the beach loan has two (2) payments remaining.

Continuing, Mr. Bloom discussed the water fund, and shared a chart of usage. He noted it remained basically level and on budget. He stated spending was below budget. Mr. Bloom shared tracking of fuel spending, including usage and price per gallon.

In response to a question from Mayor Tarrant, Mr. Bloom agreed to investigate pricing.

D. Building Services Report

Steve Mitchell, Building Official with CG&A, provided his December report. He stated things were quiet and steady, and a major project had recently been completed.

The Commissioners and staff discussed the lack of progress on the Seabonay project.

E. Code Compliance Report

Mr. Mitchell presented on behalf of Mario Sotolongo, Code Supervisor with CG&A, giving an update on Code Compliance. He stated there were no new cases started. Four (4) cases were closed, including the three (3) associated with the purchase of 1205 and 1206 Hillsboro Mile and one (1) work without permit project becoming compliant. Mr. Mitchell stated the Town's unified approach to compliance is working well and said cooperation with the Police Department and Code Supervisor is working.

The Commissioners and staff discussed ongoing constructions projects in Town.

VII. TOWN MANAGER REPORT

A. Community Shuttle Update

Mr. Serda explained the County is now enforcing the rule that rides cannot be hailed along A1A, so he is working on establishing stops. He stated he reached out to the condominiums regarding collaborating on the stop related process and is working to get a list requirements for ADA compliance.

The Commissioners and staff discussed requirements of ADA compliant shuttle stops.

Commissioner Baldassarre expressed concern regarding safety implications for individual buildings in opening up to a regular shuttle stop.

Mr. Serda noted the process to change the route or add a stop requires public meetings and a lengthy County approval process.

The Commissioners and staff discussed future plans for an Uber-style ride service.

Continuing, Mr. Serda stated it was necessary to keep an open mind as the requirements are identified by staff and options are explored.

B. Hounds of Hillsboro Beach

Mr. Serda shared details of the Hounds of Hillsboro Beach event, planned for 9 a.m. on Saturday, February 22. He explained plans include a canine fashion show, photographer, and a DJ. He stated an adoption partnership is being planned in conjunction with Broward County Animal Care & Adoption Agency.

C. Other Items

Mr. Serda stated new audio/visual equipment was ordered for Town Hall to enhance the visual component of meetings. He said he expects installation to happen prior to the March Commission meeting.

Mr. Serda shared Marjory Stoneman Douglas Remembrance Day is February 14. He explained an alert would be sent out and flags will be at half-mast.

VII. TOWN ATTORNEY REPORT

A. Memo No. 2020-001 Title Search & Easement

Mr. Doody stated this memo pertained to the purchase of 1205 and 1206 Hillsboro Mile. He explained legal counsel would be going before the County Special Magistrate regarding a County-level lien for code violations. He noted Town-level liens has been released, and County staff is recommending the magistrate release the lien with recovery of administrative costs in the amount of \$1,050.65.

Mayor Tarrant expressed frustration at the way code enforcement was handled when the County was responsible for it, but stated the Town was not going to jeopardize a \$14 million purchase over \$1,000.

Mr. Doody reminded the Commission the release of all liens was a requirement of the contract to purchase the property and stated the County had been very cooperative.

The Commissioners agreed by consensus to authorize Mr. Serda to make payment for the County administrative costs relating to the 1205 and 1206 Hillsboro Mile code violation lien in an amount not to exceed \$1,050.65.

Mr. Doody explained the process for inspection to determine the condition of the property from an environmental standpoint and a title standpoint. He stated the owners have agreed to terminate the condominium and outlined the easements which were granted in 1985. Mr. Doody recommended that an easement granted to Media One for delivery of cable television and broadband be terminated and explained the process.

Continuing, Mr. Doody shared changes to the property boundary related to the erosion control line due to legislation passed since the title was originally created in 1985. He showed an area of State-owned property created by the change.

Mr. Doody shared the plat, required by the County for development, and called the Commissioners' attention to the restrictions recorded. He explained the access point to the property was limited to 40 feet and location was established by the plat. In addition, he showed a recreational area or open space was designated.

Continuing, Mr. Doody stated there is a process with the County to request amendments. He said the procedure would take approximately four (4) to six (6) months in cooperation with the County Planning Department.

B. Memo No. 2020-002 Phase I Environmental Site Assessment

Mr. Doody explained this item was also related to the purchase and dealt with the environmental condition of the property. He explained the process is standard procedure with the purchase of any commercial property.

Continuing, Mr. Doody pointed out the Phase I assessment indicated the presence of an underground storage tank on the property. He stated the seller is aware, and the tank had been used for diesel supply to the condominium's emergency backup generator but was no longer in service.

Mr. Doody stated the recommendation from the environmental auditors completing the first phase of the assessment was that the tank be removed by a duly licensed contractor.

Commissioner Feaman asked questions regarding the concrete containment and stated fuel could have seeped through the tank and containment.

Mr. Doody explained there are multiple components to addressing the issue. He explained the cost of Phase II Environmental Site Assessment was \$6,950, and soil samples to determine any contamination would be included in that process. In addition, he stated the estimate for removal of the tank was \$14,500.

Mayor Tarrant stated money budgeted for demolition of the property would include the cost to remove the tank.

Mr. Doody explained the building was identified as having asbestos behind the mirrors and in fire areas. He stated demolition would require wet conditions to contain the asbestos, and a cost of \$9,250 to dispose of the material at the time of demolition.

Continuing, Mr. Doody stated the Town used to have a tank adjacent to the north boundary line of 1206 Hillsboro Mile, used for the fueling of police cars from 1980 to 1995. It was subsequently removed, but no storage tank closure documentation was found online with the appropriate agencies, so Phase I recommended soil and groundwater samples along that boundary to analyze for petroleum parameters.

Mayor Tarrant said the site of the tank was located on property the Town currently owns, so she didn't know that there was necessity to conduct that testing.

Mr. Doody stated the engineers were being very cautious because the closure records did not exist, so there was no record that it was removed correctly.

Mr. Doody asked that the Commissioners consider authorization of the Phase II audit, particularly because of the existence of the underground tank.

The Commissioners and staff discussed the need to remove the tank.

Mr. Doody explained he would be raising the issue with the seller to consider assisting in the cost of remediation but stated since the Town was buying an issue that needed to be addressed, they should know the parameters of the issue.

The Commissioners agreed by consensus to authorize the Phase II Environmental Assessment on the east side of the property only.

C. Other Items

Mayor Tarrant asked Mr. Doody to provide residents a recap of the January 29 hearing regarding the beach dispute with Deerfield Beach.

Mr. Doody explained the hearing was to consider a motion for a partial summary judgment, and the court ruled most favorably to the Town of Hillsboro Beach. He stated it was his belief the procedural aspects of the judgment sought regarding permits in 1961 and 1963 by Deerfield Beach did not meet that legal threshold under Florida law.

Continuing, Mr. Doody stated the judge ruled from the bench that day, and the hearing was straightforward. He said the trial has been set for the week of October 13, 2020 for four (4) days.

VIII. TOWN COMMISSION COMMENTS/REPORTS

A. Commissioner Andrew R. Brown

Commissioner Brown stated the court hearing was educational, and impressive to see the Town's legal counsel in action.

B. Commissioner Barbara Baldasarre

Commissioner Baldasarre asked if there were people interested in getting together a group of property managers or condominium board members monthly. She outlined ways in which the condos might be able to work together.

The Commissioners and staff discussed previous efforts and engagement of the Town in the project, as well as the need for non-Town leadership if a movement were to occur.

Mr. Doody outlined the clear lines of distinction between the Town and the effort which would need to be followed.

C. Commissioner Vicky Feaman

Commissioner Feaman stated she was also at the court hearing, and it was good to see the attorneys at work. She commended counsel's preparation, and said they were proud of staff.

D. Vice Mayor Irene Kirdahy

Vice Mayor Kirdahy stated she would be attending the Metropolitan Planning Organization (MPO) on Thursday, February 6.

E. Mayor Deborah L. Tarrant

Mayor Tarrant stated she and Mr. Serda attended the District 4 Mayors Meeting. She shared comments made by the resiliency coordinator for Broward County, noting she said the Town needs to work with the MPO to get them to change their priority from transportation to resiliency control. She stated South Florida can't worry about bike lanes when their roads are going to be under water.

Vice Mayor Kirdahy asserted the subject is discussed at every MPO meeting but convincing them to change their concentration is going to require more. She explained fighting for a particular project will be required to get money.

IX. PUBLIC COMMENTS

None.

X. ADJOURNMENT

Motion made by Commissioner Brown, seconded by Commissioner Feaman, to adjourn the meeting at 11:22 a.m. In a roll call vote, the **motion** passed unanimously.

ADOPTED THIS 3rd DAY OF MARCH, 2020

By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

ATTEST:

Sherry D. Henderson
Sherry D. Henderson, CMC
Town Clerk