



TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile, Hillsboro Beach, Florida 33062
October 9, 2020 | 12:30 PM

SPECIAL COMMISSION MEETING

MAYOR DEBORAH L. TARRANT
VICE MAYOR IRENE KIRDAHY
COMMISSIONER VICKY FEAMAN
COMMISSIONER BARBARA BALDASARRE
COMMISSIONER ANDREW R. BROWN

TOWN MANAGER WILLIAM 'MAC' SERDA, ICMA-CM
TOWN ATTORNEY DONALD J. DOODY, ESQ
TOWN CLERK SHERRY D. HENDERSON, CMC

LIVE ZOOM MEETING Friday, October 9, 2020 12:30 PM (Eastern) Meeting number: 864 8676 8938 Passcode: 045898 (Pursuant to the Governor's Executive Orders for COVID-19 Emergency Management of Local Government Public Meetings)

A. PROVIDING PUBLIC COMMENT

Persons desiring to provide public comment may do so by one of the methods listed below. Please be sure to include your name and address for the record. Your comments will be limited to three minutes per person.

- **VIA EMAIL** – Public comments and documents may be submitted via email to TownClerk@TownofHillsboroBeach.com. Comments will be read aloud to the Commission and public and incorporated into the record. Emails will be accepted up until the end of the Public Comment portion of the Meeting.

LIVE ZOOM PARTICIPATION – If attending via Zoom online, at the appropriate public comment period, click “raise hand” on the bottom of the “participants” tab, and your audio will be unmuted when you are recognized.

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

I. DISCUSSION & POSSIBLE ACTION

- A.** Discussion and Possible Action Concerning the Commercial Contract Between Winter Sun Investments, LLC and the Town of Hillsboro Beach to Purchase Property Located at 1205 and 1206 Hillsboro Mile, Hillsboro Beach, FL 33062

- B.** Consideration and Possible Action on the Notice of Appeal to Florida Supreme Court, Relating to Bond Validation Proceeding in Circuit Court of Broward County, Case No.: CACE-203859
- C.** Consideration to Accept FEMA Funding for a Beach Erosion Mitigation Study and Update the Beach Management Plan. FEMA's Contribution will be 75% with a Local Match of 25%, Total Cost Anticipated to be Approximately \$100,000.00

- II. TOWN MANAGER REPORT**
- III. TOWN ATTORNEY REPORT**
- IV. TOWN COMMISSION COMMENTS & REPORTS**
- V. PUBLIC COMMENTS**
- VI. ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Town Commission, Special Master or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person 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 includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing may be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact Sherry D. Henderson, Town Clerk at (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, FL 33062. Shenderson@townofhillsborobeach.com

PUBLIC NOTICE

TOWN OF HILLSBORO BEACH

SPECIAL COMMISSION MEETING FRIDAY, OCTOBER 9, 2020, 12:30 PM

NOTICE IS HEREBY GIVEN - The Town of Hillsboro Beach Mayor and Town Commissioners will Meet for a (Virtual) Special Town Commission Meeting **Friday, October 9, 2020 at 12:30 P.M.** The Virtual Meeting will be Held via Zoom Video Conference. The Meeting Agenda, Access to join the Meeting and Instructions to Offer Public Comment will be Posted on the Town Website at www.TownofHillsboroBeach.com

The Purpose of this Meeting is to Allow Discussion and Possible Action Concerning the Purchase of Property at 1205 & 1206 Hillsboro Mile, Hillsboro Beach, Florida 33062; and Consideration and Possible Action of the Appeal Pending with Florida Supreme Court, Relating to Bond Validation Proceeding in Circuit Court of Broward County.

WHAT: Town of Hillsboro Beach, Fla
Special Commission Meeting

WHEN: Friday, October 9, 2020 at 12:30 P.M.

WHERE: Zoom - Video Conference

Log-in Instructions:

<https://us02web.zoom.us/j/86486768938?pwd=QzFMRGwyM1dOS2NjU0M0UEN2dThDZz09>

Meeting ID: 864 8676 8938

Passcode: 045898

Commission Meeting Agendas can be found online at www.TownofHillsboroBeach.com

QUESTIONS CAN BE DIRECTED TO THE TOWN CLERK, SHERRY D. HENDERSON, CMC
shenderson@townofhillsborobeach.com


10-07-2020 | 9:40am



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: Discussion and Possible Action Concerning the Commercial Contract Between Winter Sun Investments, LLC and the Town of Hillsboro Beach to Purchase Property Located at 1205 and 1206 Hillsboro Mile, Hillsboro Beach, FL 33062

Submitting Dept: Town Clerk, Daniela Joseph, Administrative Assistant

Agenda Date: October 9, 2020

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: 1. RES 2020-49 Fourth Amendment to Purchase and Sale Agreement (8-13-2020)

RESOLUTION NO. 2020-49

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE FOURTH AMENDMENT TO COMMERCIAL CONTRACT BETWEEN THE TOWN OF HILLSBORO BEACH AND WINTER SUN INVESTMENTS, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission deems it to be in the best interests of the Town to approve and authorize the appropriate Town officials to execute the Fourth Amendment to Commercial Contract between the Town of Hillsboro Beach and Winter Sun Investments, LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clause is true and correct and hereby ratified and confirmed by the Town Commission. All exhibits attached hereto are hereby incorporated herein.

SECTION 2. The Town Commission of the Town of Hillsboro Beach, Florida, hereby approves and authorizes the appropriate Town officials to execute the Fourth Amendment to Commercial Contract between the Town of Hillsboro Beach and Winter Sun Investments, LLC. A copy of the Fourth Amendment is attached hereto as Exhibit "A".

SECTION 3. The appropriate Town officials are authorized and directed to execute the necessary documents to comply with this Resolution.

SECTION 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 5. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its passage and adoption.

1 **ADOPTED** by the Town Commission of the Town of Hillsboro Beach, Florida this 13
2 day of AUGUST 2020.
3
4



TOWN OF HILLSBORO BEACH, FLORIDA

10 Deborah L. Tarrant
11 Deborah L. Tarrant, Mayor

12 ATTEST:

13 Sherry D. Henderson
14 Sherry D. Henderson, CMC
15 Town Clerk
16

FOURTH AMENDMENT TO COMMERCIAL CONTRACT

This Fourth Amendment to Commercial Contract (the "Fourth Amendment") is entered into by the **Town of Hillsboro Beach, Florida**, a Florida municipal corporation (the "Buyer") and **Winter Sun Investments, LLC**, a Florida limited liability company (the "Seller" and, together with Buyer, the "Parties" and each a "Party") this 10th day of August 2020 (the "Effective Date") at Hillsboro Beach, Florida.

RECITALS

Seller is the owner of the real property legally described as Parcels A and B of Ocean Reef Condominium, according to the Plat thereof recorded in Plat Book 124 at Page 19 of the Public Records of Broward County, Florida (the "Property").

On December 3, 2019, the Parties entered into a Commercial Contract for the sale of the Property by Seller to Buyer (the "Initial Contract"). The Initial Contract provided for a due diligence period ending on April 1, 2020 and a Closing Date no later than September 30, 2020. The Contract subsequently was modified by: (i) "Amendment to Commercial Contract" dated January 2, 2020; (ii) by "Second Amendment to Commercial Contract" dated March 24, 2020, extending the due diligence period to May 27, 2020; and (iii) "Third Amendment to Commercial Contract" dated May 5, 2020, extending the due diligence period to August 17, 2020; (the Initial Contract together with the foregoing three Amendments collectively are referred to as the "Contract").

Buyer originally intended to finance its purchase of the Property through the passage of a special assessment bond issuance. Buyer brought a Complaint for Validation against the State of Florida and other defendants in case styled *Town of Hillsboro Beach, Florida v. State of Florida*, Case No. CACE-20003959 filed in the Circuit Court of the Thirteenth Judicial Circuit, in and for Broward County, Florida, seeking to have its bond issuance validated (the "Litigation"). The Court denied Buyer's complaint on June 23, 2020 and issued a Final Judgment on June 26, 2020 (the "Judgment"). Buyer has advised Seller that Buyer intends to appeal the Judgment.

Buyer now has requested that the Due Diligence Period be extended for an additional one hundred twenty (120) calendar days to allow Buyer the opportunity to appeal the Judgment (the "Appellate Contingency") and to obtain financing of its purchase of the Property (the "Financing Contingency") and Seller is willing to do so on the terms and conditions set forth in this Fourth Amendment.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) paid by each Party to the other Party, and the mutual promises and undertakings contained herein, the Parties hereby agree as follows:

1. Recitals Incorporated; Defined Terms. The foregoing Recitals are true, correct and complete and are incorporated herein by reference. All capitalized defined terms contained in the Contract shall have the same meanings in this Fourth Amendment unless otherwise specifically stated.

2. Extension of Due Diligence Period. Seller hereby extends the expiration date of the Due Diligence Period from August 17, 2020 to December 15, 2020 at 5:00 p.m. The purpose of this extension solely is to allow Buyer time to fulfill the Appellate Contingency and the Financing Contingency. If Buyer elects to proceed with the appeal of the Judgment (which decision shall be in Buyer's sole discretion), upon Buyer's filing of the appeal of the Judgment, Buyer shall provide Seller with a copy of the appellate brief filing. Buyer shall have the right to cease to pursue such appeal at any time. Section 4 of the original addendum to the Initial Contract hereby is deleted.
3. Closing Date. The Closing Date hereby is extended until a date which is the earlier of: (i) thirty (30) calendar days following the end of the Due Diligence Period; or (ii) thirty (30) calendar days following Buyer's notice given to Seller that Buyer is ready to close the Transaction.
4. Closing Prorations. Section 9(d) of the Initial Contract and Section 8 of the addendum to the Initial Contract are amended to provide that Closing prorations of *ad valorem* real property taxes and all other governmental impositions including special assessments concerning the Property (collectively "Taxes") shall be calculated as of September 30, 2020 (the original Closing Date).
5. Reimbursement for Taxes During Extension. In the event this Transaction shall not close due to Buyer's termination of the Contract or Buyer's failure to close for any reason except Seller's default, an amount equal to the Taxes for the period beginning October 1, 2020 to and through the earlier of: (i) January 15, 2021 (the re-scheduled outside Closing Date); or (ii) the date upon which the Contract shall be terminated by Buyer; shall be deducted from the Deposit and paid to Seller to compensate Seller for Taxes imposed between the original Closing Date and the date of such termination or failure to close prior to return of the Deposit to Buyer. *For example*, if Taxes for the year 2020 totaled \$147,681.12 (which was the actual 2019 Tax amount), the *per diem* amount would be \$403.50. If the Buyer terminates the Contract on December 15, 2020, the sum of \$30,262.50 would be deducted from the Deposit (October 1, 2020 to December 15, 2020 = 75 days x \$403.50 = \$30,262.50).
6. Code Fines Waiver. For the avoidance of all doubt, the Code fines waiver contained in the Initial Contract shall continue until the latest of: (i) the Closing Date; or (ii) April 28, 2021 (ninety (90) calendar days after the outside Closing Date).
7. Waiver of all Other Conditions Precedent. Except as to the Appellate Contingency and the Financing Contingency, and except as to Seller's obligation to deliver good, marketable and insurable title at Closing, Buyer hereby waives all contingencies and conditions to Closing contained in the Contract and shall accept the Property in "AS IS" condition as of the Effective Date of this Fourth Amendment.
8. Otherwise Unchanged. Except as amended by this Fourth Amendment, the Contract remains unchanged and in full force and effect.

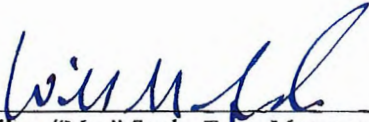
(Signatures of the Parties appear on page 3)

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment the date and year first written above at Hillsboro Beach, Florida.

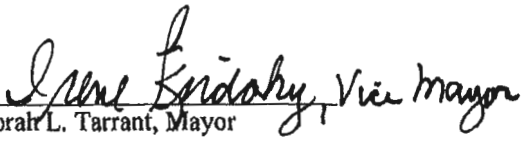
BUYER

ATTEST:

TOWN OF HILLSBORO BEACH, FLORIDA:

By: 
William "Mac" Serda, Town Manager

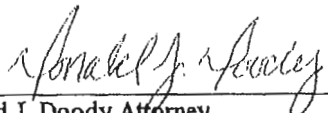
Date: 8.13.20

By: 
Deborah L. Tarrant, Mayor

Date: 8.13.20

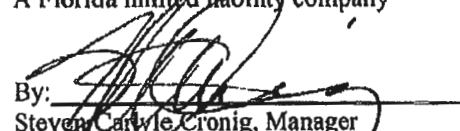
(CITY SEAL):

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


Donald J. Doody Attorney

SELLER

WINTER SUN INVESTMENTS, LLC.
A Florida limited liability company

By: 
Steven Carlyle Cronig, Manager

Date: 8-10-2020



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: Consideration and Possible Action on the Notice of Appeal to Florida Supreme Court, Relating to Bond Validation Proceeding in Circuit Court of Broward County, Case No.: CACE-203859

Submitting Dept: Town Clerk, Daniela Joseph, Administrative Assistant

Agenda Date: October 9, 2020

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

3. RECOMMENDATION

ATTACHMENTS: 1. Notice of Appeal

INTER-OFFICE CORRESPONDENCE

MEMORANDUM NO. 2020-24

TO: Mayor and Members of the Town Commission

CC: William Serda, Town Manager
Sherry D. Henderson, CMC, Town Clerk

FROM: Donald J. Doody, Town Attorney *DJD*

DATE: July 24, 2020

RE: Town of Hillsboro Beach (“Town”) / Bond Validation Proceeding
Circuit Court of Broward County, Case No.: CACE-203859

Please find attached a copy of a Notice of Appeal to Florida Supreme Court filed today, July 24, 2020, in the above captioned matter.

Should you have any questions regarding this matter, please do not hesitate to contact me.

DJD:mea
Attachment

IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

TOWN OF HILLSBORO BEACH,
FLORIDA,

CASE NO.: CACE20-003859 (08)

Plaintiff,

vs.

STATE OF FLORIDA, AND
THE TAXPAYERS, PROPERTY
OWNERS AND CITIZENS OF
TOWN OF HILLSBORO BEACH, FLORIDA
INCLUDING NON-RESIDENTS
OWNING PROPERTY OR
SUBJECT TO TAXATION
THEREIN, AND ALL OTHERS
HAVING OR CLAIMING ANY
RIGHT, TITLE OR INTEREST IN
PROPERTY TO BE AFFECTED
BY THE ISSUANCE BY
PLAINTIFF OF ITS SPECIAL
ASSESSMENT REVENUE BONDS
(BEACH RENOURISHMENT PROJECT),
OR TO BE AFFECTED IN ANY WAY THEREBY,

Defendants.

NOTICE OF APPEAL TO FLORIDA SUPREME COURT

NOTICE IS GIVEN that Plaintiff, Town of Hillsboro Beach, Florida, pursuant to Florida Rule of Appellate Procedure 9.030(a)(1)(B)(i), and section 75.08, Florida Statutes, appeals to the Florida Supreme Court this Court's Final Order and Final Judgment rendered on June 26, 2020. The nature of the orders

appealed are final orders denying bond validation. Conformed copies of the Final Order and Final Judgment designated in this Notice of Appeal are attached hereto as Exhibit "A."

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been filed and served via the Statewide E-Filing Portal to: Kathryn Heaven, Esq., Assistant State Attorney, OFFICE OF THE STATE ATTORNEY, *counsel for the State of Florida*, 201 SE Sixth Street, Ft. Lauderdale, FL 33301 at courtdocs@sao17.state.fl.us; and to MANDINA & GINSBERG, LLP, *counsel for Marc R. Ginsberg, Tali Ginsberg, Sami Ginsberg and Michael Ginsberg*, Laurel Court - Suite 107, 15500 New Barn Road, Miami Lakes, FL 33014 at marcginsberg@mg-trialattorneys.com; and to Juan-Carlos Planas, Esq., LAW FIRM OF JUAN-CARLO PLANAS, P.A., *counsel for J.R. Fishman, Anthony B. Gardner, Javier A. Garcia, and Cecilia L. Sawtelle*, 2332 Galiano Street, 2nd Floor, Coral Gables, FL 33134 at jeplanas@planaslawfirm.com this 24th day of July 2020.

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys for Town of Hillsboro Beach
3099 East Commercial Blvd., Suite 200
Ft. Lauderdale, Florida 33308
Phone: (954) 771-4500 / Fax: (954) 771-4923

By:



DONALD J. DOODY, ESQ.
Florida Bar No. 270547
DDoody@GorenCherof.com

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE20003859 DIVISION 08 JUDGE David A Haimes

Town of Hillsboro Beach Florida

Plaintiff(s) / Petitioner(s)

v.

State Of Florida

Defendant(s) / Respondent(s)

_____ /

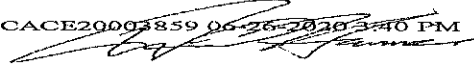
FINAL ORDER

THIS CAUSE, having come before the Court on Tuesday, June 23, 2020, on **THE TOWN OF HILLSBORO BEACH'S COMPLAINT FOR VALIDATION OF BONDS**, and the Court having reviewed and considered the Complaint for Validation, the Answers and Objections thereto, filed memoranda, submitted case law and having heard argument of counsel and being otherwise advised in the premises it is hereby

ORDERED and ADJUDGED that:

For reasons stated on the record, the Court finds the special assessment bond validation requested by the Town of Hillsboro Beach is for the purchase of real property and is not for a service or capital improvement. As such, the Town of Hillsboro Beach's Complaint for bond validation is denied and this Court enters a final judgement in favor of the Defendants, Taxpayers, Property Owners and Citizens of the Town of Hillsboro Beach.

DONE and ORDERED in Chambers, at Broward County, Florida on 06-26-2020.

CACE20003859 06-26-2020 3:40 PM


CACE20003859 06-26-2020 3:40 PM

Hon. David A Haimes

CIRCUIT JUDGE

Electronically Signed by David A Haimes

Copies Furnished To:

Donald J Doody , E-mail : maugustin@GorenCherof.com

EXHIBIT "A"

Donald J Doody , E-mail : ddoody@GorenCherof.com
Gal Betesh , E-mail : iriera@gorencherof.com
Gal Betesh , E-mail : bmcgill@gorencherof.com
Gal Betesh , E-mail : gbetesh@gorencherof.com
Juan Carlos Planas , E-mail : jcplanas@planaslawfirm.com
Kathryn Heaven , E-mail : kheaven@sao17.state.fl.us
Kathryn Heaven , E-mail : courtdocs@sao17.state.fl.us
Kathryn Heaven , E-mail : mwilliams@sao17.state.fl.us
Marc Ginsberg , E-mail : marcrginsberg@yahoo.com
Marc Ginsberg , E-mail : marcginsberg@mg-trialattorneys.com
Marc R. Ginsberg , E-mail : marcginsberg@mg-trialattorneys.com
Mark E. Raymond , E-mail : mark.raymond@mraymondlaw.com
Marshall Gordon Geisser , E-mail : lawur2003@yahoo.com
Office of the State Attorney , E-mail : courtdocs@sao17.state.fl.us
Tracey A. DeCarlo , E-mail : bmcgill@gorencherof.com
Tracey A. DeCarlo , E-mail : tdecarlo@gorencherof.com
Tracey A. DeCarlo , E-mail : iriera@gorencherof.com
Tracey A. Decarlo , E-mail : bmcgill@gorencherof.com
Tracey A. Decarlo , E-mail : iriera@gorencherof.com
Tracey A. Decarlo , E-mail : tdecarlo@gorencherof.com

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE20003859 DIVISION 08 JUDGE David A Haines

Town of Hillsboro Beach Florida

Plaintiff(s) / Petitioner(s)

v.

State Of Florida

Defendant(s) / Respondent(s)

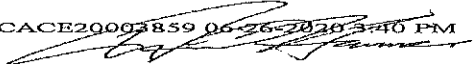
_____ /

FINAL JUDGMENT

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ORDERED and ADJUDGED that:

For reasons stated on the record, the Court finds the special assessment bond validation requested by the Town of Hillsboro Beach is for the purchase of real property and is not for a service or capital improvement as required by law. As such, the Town of Hillsboro Beach's Complaint for bond validation is denied and this Court enters a final judgement in favor of the Defendants, Taxpayers, Property Owners and Citizens of the Town of Hillsboro Beach. **DONE and ORDERED** in Chambers, at Broward County, Florida on 06-26-2020.

CACE20003859 06-26-2020 3:40 PM


CACE20003859 06-26-2020 3:40 PM

Hon. David A Haines

CIRCUIT JUDGE

Electronically Signed by David A Haines

Copies Furnished To:

Donald J Doody , E-mail : maugustin@GorenCherof.com

Donald J Doody , E-mail : ddoody@GorenCherof.com
Gal Betesh , E-mail : iriera@gorencherof.com
Gal Betesh , E-mail : bmcgill@gorencherof.com
Gal Betesh , E-mail : gbetesh@gorencherof.com
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Kathryn Heaven , E-mail : courtdocs@sao17.state.fl.us
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Tracey A. Decarlo , E-mail : Iriera@gorencherof.com
Tracey A. Decarlo , E-mail : tdecarlo@gorencherof.com

October 7, 2020

Mr. Wande Shaw
FEMA Project Specialist

Via email: wande.shaw@fema.dhs.gov

Subject: FEMA Mitigation Project – Hillsboro Beach Public Assistance Hurricane Dorian – Feasibility Study, Broward County, Florida

Dear Mr. Shaw,

This letter summarizes the scope of work and cost estimated to conduct a Feasibility Study (Study) for the Town of Hillsboro Beach (Town) as part of the Hurricane Dorian Public Assistance Request. In September 2019, Hillsboro Beach lost approximately 64,030 cubic yards of beach sand, due to Hurricane Dorian, as outlined in the Coastal Engineering Letter by Moffatt & Nichol (Engineer) dated April 15, 2020. In an effort to reduce future damages from Hurricane events, the Town would like to conduct a feasibility study to define, evaluate, and recommend mitigation measures to protect the beach and coastal infrastructure.

This letter summarizes the scope of work to be completed in the Study, as an effort to mitigate future damages from Hurricanes.

The feasibility study shall evaluate options and provide potential recommendations for ongoing and future management initiatives of the beaches and coastal infrastructure protection. Moffatt & Nichol is currently the coastal engineer for the Town and recently designed, permitted, and oversaw construction efforts for the 2020 beach nourishment project. The scope of this effort would be a task order with the Town under the current contract, which was selected through the CCNA process.

This scope of work includes the following elements, separated and defined by tasks:

- Task 1 - Existing Data Review
- Task 2 - Analytical Shoreline & Volumetric Change Analysis
- Task 3 - Mitigation Alternatives Analysis & Modeling
- Task 4 - Conceptual Design of Recommended Alternative & Reporting

Task 1 – Existing Data Review

The Study will review and summarize the existing relevant, publicly available data for the project over the last 10 years. The existing, available data sets that shall be reviewed, include:

- Aerial Imagery;
- Bathymetric survey data, to include review of data from the entire stretch of beach between Boca Raton Inlet and Hillsboro Inlet, including flood and ebb shoal systems, inlet channels, and adjacent beaches;
- Beach profiles and shoreline position data;
- CADD and GIS files related to the project area;
- Dredging records for beach nourishment and channel maintenance (Boca Inlet and Hillsboro Inlet);
- Previous studies and reports relative to the project; and

- Sediment grain size and environmental resource data.

The study shall compile and review scientific, technical, and policy-related literature relevant to the study area. The Engineer will summarize the data collected and provide a qualitative review of the morphologic history of the beach, including the adjacent shoreline and inlet response to natural coastal processes, including previous beach nourishments and coastal management initiatives.

Task 2 – Analytical Shoreline & Volumetric Change Analysis

During the Study, the Engineer will analyze the historical shoreline positions and beach volumetric changes between R-6+750 and R-12+500 (extent of Project area). This shall be accomplished by using the Beach Morphology Analysis Package (BMAP) tool of the Coastal Engineering Design & Analysis System, developed by the US Army Corps of Engineers (USACE).

In addition to the Project shoreline, the volumetric change analysis will include a desktop analysis of volume changes with respect to the shoreline's sediment budget. The analyzed shoreline changes/positions, beach volumetric changes and the volumetric changes from Boca Inlet to Hillsboro Inlet will provide a qualitative, holistic approach at reviewing the volumetric changes reported by others and provide considerations for the shoreline's sediment budget. The analytical analysis will include plan view drawings and profile analyses to visually show the migration trends experienced.

Based on the results of this Task, the Engineer will update the current Beach Management Plan.

Task 3 – Mitigation Alternatives Analysis & Modeling

Based on the historical data, metocean conditions, and volumetric change analyses, the Engineer shall conduct an alternatives analysis to evaluate and recommend the appropriate coastal solution for the Project. The alternatives analysis will include alternatives, such as No Action, implementation of soft engineered solutions (dune installation/beach restoration), and/or implementation of hard engineered solutions (coastal structures). The scenario's will be evaluated based on the state, County, and Town priorities and management goals, including environmental concerns. This mitigation analysis will be wholistic in nature, and shall evaluate the shoreline from Boca Raton Inlet to Hillsboro Inlet) to identify opportunities to mitigate sand loss.

These alternatives shall be analyzed for feasibility using the SBEACH modeling program developed by USACE. SBEACH is a numerical simulation model for predicting beach, berm, and dune erosion due to storm waves and water levels. It shall be used to determine feasibility of proposed beach fill alternatives under storm conditions and to compare the performance of different beach fill cross-sectional designs.

As part of the mitigation alternatives analysis, the Engineer shall also conduct a resiliency analysis that will summarize and recommend guidance on Sea Level Rise (SLR) and coastal hazards with respect to the current Town and County ordinance. Recommendations to assess the vulnerability to coastal hazards and to adapt mitigation strategies for the recommended concept design. This analysis will provide recommendations on mitigation measures outside of design, such as annual beach maintenance activities, preparatory actions before a storm event, and recommended recovery after a storm event.

Task 4 – Conceptual Design of Recommended Alternative and Reporting

After review of Tasks 1-3 by the Town and FEMA, the Engineer shall develop the conceptual (~10%) design of the recommended alternative. This conceptual design to be used for planning and budgeting will include preliminary engineering design of the beach, shoreline protection, and/or coastal structures. The Engineer shall provide an order of magnitude cost estimate and preliminary schedule and shall consider potential construction

methods and permitting requirements. The conceptual design will be used to budget the proposed alternative and begin initial discussions with permitting agencies.

The findings and recommendations of the study shall be reported in a Feasibility Report that will summarize the results of Tasks 1-3, provide the recommended concept design, and outline the next steps for implementation.

In summary, the Town would like to pursue a mitigation project to help prevent damages from future storm events. As part of this effort, the Town is requesting FEMA assistance for a feasibility study to determine the appropriate mitigation alternative to implement in the Project area. The feasibility study shall:

- Gather and review existing data for the Project area and for adjacent coastal systems (from Boca Inlet to Hillsboro Inlet);
- Analyze the shoreline and volumetric changes for the Project area and for adjacent coastal systems;
- Conduct an alternatives analysis for potential mitigation options, and evaluate the effectiveness of those options through numerical modelling of shoreline response during storm events;
- Develop the conceptual mitigation design, after review of the alternatives analysis with the Town and FEMA, and report the study findings, recommended mitigation, and next steps for implementation.

The feasibility study is estimated to be approximately \$99,135, and includes for meetings to review the findings with FEMA and the Town. The cost estimate is further described in the attached Opinion of Probable Cost.

Depending on the results of the feasibility study, the mitigation project could range from \$0 (no action alternative) to exceeding the Beach Nourishment Project costs (~\$4.3M).

If you have any questions, please feel free to contact Jackie Brower at (954) 622-8094 or jbrower@moffattnichol.com or me at (786) 725-4180 or tblankenship@moffattnichol.com.

Sincerely,

MOFFATT & NICHOL, Inc.



Tim Blankenship, P.E.
Business Unit Leader

I. MAN-HOUR BUDGET			CLASSIFICATION/RATES						
			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
			P-9, P-8	P-6	P-4	T-4	T-2, T-1		
Phase	Task	Title	\$250.00	\$175.00	\$139.00	\$110.00	\$85.00	HOURS	LABOR
1		Data Gather						-	
	a	Historical Document Review	5.00		40.00			45.0	\$6,810.00
	b	Metoccean & Erosion Analysis	10.00		40.00			50.0	\$8,060.00
2		Analytical Shoreline and Volumetric Change Analysis						-	
	a	BMAP Volumetric Change	10.00	10.00	60.00			80.0	\$12,590.00
	b	GIS/CAD Shoreline Analysis				15.00	40.00	55.0	\$5,050.00
	c	Update Beach Management Plan	10.00	5.00	60.00			75.0	\$11,715.00
2		Alternatives Analysis						-	
	a	Matrix of Alternatives	20.00	5.00	40.00			65.0	\$11,435.00
	b	Numerical Modeling	10.00	10.00	80.00	5.00	20.00	125.0	\$17,620.00
3		Concept Design						-	
	a	10% Design, schedule, permitting discussions	10.00	5.00	40.00		40.00	95.0	\$12,335.00
	b	Reporting	10.00	5.00	40.00			55.0	\$8,935.00
4		Meetings with Agencies/FEMA	10.00		15.00			25.0	\$4,585.00
TOTAL									\$99,135.00

Hillsboro Beach – Mitigation Funding Opportunity



October 2020

1

Background



Hurricane Dorian – Public Assistance Request (PAR)

- ✓ Broward County declared for FEMA Assistance
- ✓ Requested funding for storm related damages & sand loss
 - Beach Re-nourishment: \$4.3M@ 75% Reimbursement

 **Additional, separate funding opportunity available**

- ☐ Optional: Mitigation Project up to \$4.3M @75%
- ✓ Potential for over \$6M+ in FEMA funding for Town's beach projects

2

Mitigation Opportunity – Feasibility Study



Evaluate mitigation solutions & create implementation roadmap

- Build upon previous work (2012 Shoreline Study)
- Wholistic inlet-to-inlet approach & opportunities
- Update 2005 beach management plan (required for future FEMA funding)

Proposed Tasks

- ☐ Task 1 - Existing Data Review (includes 2012 study)
- ☐ Task 2 - Analytical Shoreline & Volumetric Change Analysis
- ☐ Task 3 - Mitigation Alternatives Analysis & Modeling
- ☐ Task 4 - Conceptual Design of Recommended Alternative & Reporting

Tasks include meetings with FEMA and additional stakeholders

3

Progress & Add to 2012 Shoreline Management Study

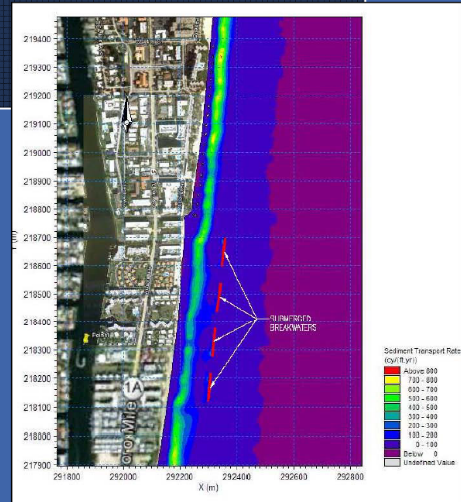
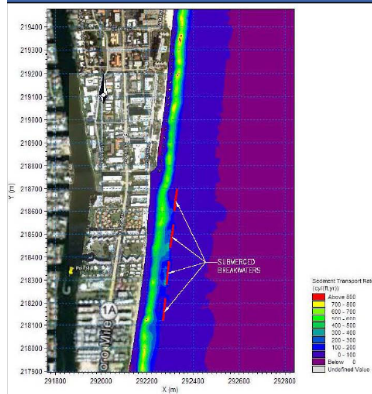


- Alternative 2 Continued Beach Renourishment
 - Evaluate Sand Sources – upland and offshore
 - Economic Analysis on nourishment Frequency, sources of funding
- Alternative 7b Coastal Structures
 - Conduct Pre-Application Meetings with Agencies
 - Outline a strategy for funding, design/permitting
 - Support needed – lobbying and legal
 - Cost/Benefit analysis for coastal structures
 - Detailed Numerical Modeling and Coastal Engineering

Example Alternative: Vegetated dune system to add elevation, stabilization, and protection

4

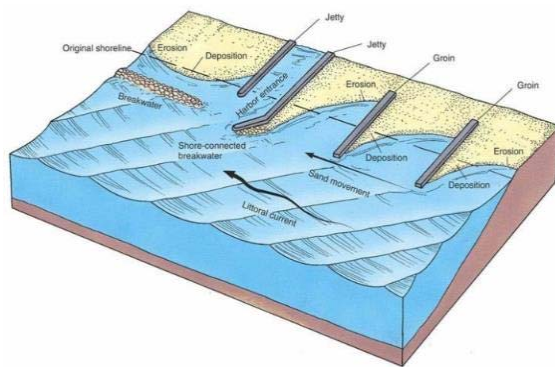
- Construction of 4 submerged breakwaters
- Simulated with coupled MIKE-21 SW and HD Models
- Reduce sediment transport 20% for Alternative 7b
- Minimal downdrift impacts
- Viable Alternative



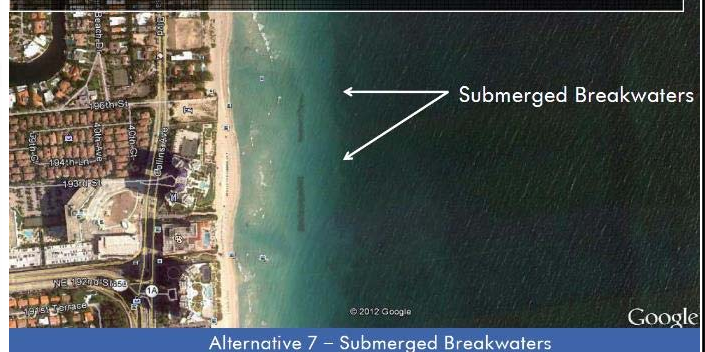
Alternatives 7a & 7b - Submerged Breakwaters

5

Evaluation of Coastal Structure Solutions



- Submerged Breakwaters - Sunny Isles - Miami-Dade County
- Aerial Photo - 2011
- Designed by the Corps of Engineers and constructed in 2001

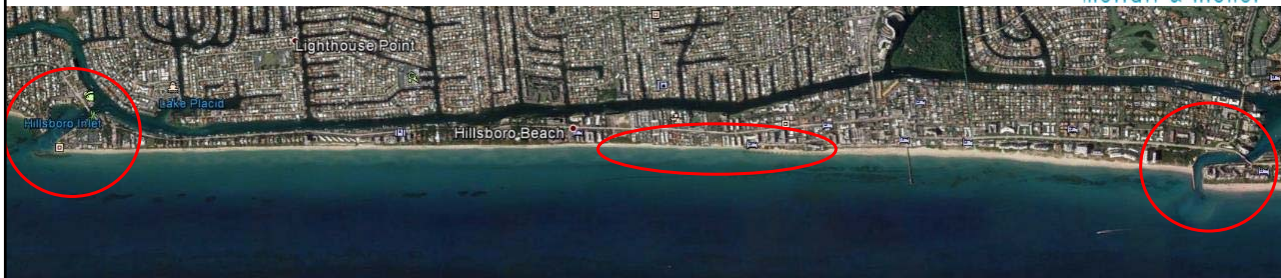


Alternative 7 - Submerged Breakwaters

Mitigation solution cannot cause adverse impacts to downdrift beaches

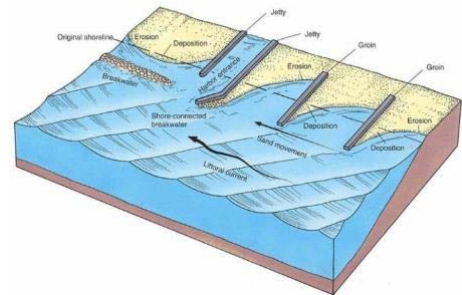
6

Wholistic inlet-to-inlet approach



Considerations

- Dredge records, sediment budgets, beach management
- Current issues
- Mitigation options & strategies
 - Push the threat away - dissipate wave energy
 - E.g., breakwater or reefs
 - Hold the line/elevate
 - E.g., Dune system (vegetated)
 - Improve retainment of sand in the littoral cell



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Questions?



Thank you!

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