



400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

<b>Meeting Date:</b>	November 19, 2018		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>  X	<b>Ordinance</b>	<b>Other</b>	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		x	<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
					x		x
<b>Funding Source:</b>	n/a		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						x	
<b>Account Balance:</b>	n/a		<b>Quasi-Judicial:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>	
						x	
<b>Project Number :</b>	n/a		<b>RFP/RFQ/Bid Number:</b>	N/A			
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Strategic Plan Priority Area:</b> <i>(Enter X in box)</i>				
	x		Safety <input type="checkbox"/>				
			Quality <input type="checkbox"/>				
			Vibrant Appeal <input checked="" type="checkbox"/>				
<b>Sponsor Name:</b>	Nydia Rafols-Sallaberry, Interim City Manager		<b>Department:</b> Parks and Recreation	Cathie Schanz, CPRE			

**Short Title:**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING AN AGREEMENT WITH THE SHABBOS COMMITTEE FOR THE CONSTRUCTION AND MAINTENANCE OF A PROPOSED ERUV AT NORTH BEACH AND SOUTH BEACH PARKS; AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS TO EFFECTUATE THE PROJECT AS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

**Staff Summary:**

**Background:**

This resolution seeks the approval of the City Commission on the revised proposal by Shabbos Committee of the Beaches, LLC.

The applicant, Shabbos Committed of the Beaches, LLC is a Florida Limited Liability Company registered in the State of Florida since August, 2017. Shabbos Committee of the Beaches, LLC, composed of volunteers, has been commissioned to oversee the project from inception to construction, including inspection during construction and maintenance once the Eruv is built. The proposed Eruv will service Jewish residents of Hallandale Beach as well as Jewish visitors to the area.

The Shabbos Committee of the Beaches, LLC contacted the City of Hallandale Beach in October, 2017 to request an Eruv enclosure at North and South City Beach Parks. At this time, staff met with representatives of the Shabbos Committee on site to discuss their proposal. In November, 2017, an initial proposal was submitted to the City to build an Eruv enclosure at North and South City Beach Parks. The proposal was updated in December, 2017 and included the installation of wooden posts along the dunes at North and South City Beach Parks (Exhibit 1).

Upon receipt of the proposal by Shabbos Committee of the Beaches, LLC, the former City Manager and current Interim City Manager met with the applicants and staff, including the Parks and Recreation, Development Services, and Public Works Directors to review the proposal and understand their requirements for the installation of the Eruv.

Staff recommended the City Commission consider the proposal at the January 31, 2018 City Commission meeting with the following conditions:

- 1) Upgraded wooden posts to match the existing dune fence posts, at a height to be determined for public safety, set in the sand on the West side of the dunes and east of the paved walkways.
- 2) The Eruv will not cross over pedestrian or vehicular areas, and it will be installed in an unobtrusive manner that does not damage or interfere with the existing vegetation.

- 3) All work will be performed by a licensed and insured contractor and the entire project will be inspected on a weekly basis by the organization. The full cost of installation, subsequent inspections, and maintenance will be funded by the organization.
- 4) While the proposed installation will not trigger City permits/ inspections, it might require state permits due to its proximity to the sand dunes. Applicant shall be responsible to contact the appropriate agencies and clear and permit requirements that might be imposed. Documentation to that effect shall be provided to the City prior to installation.
- 5) Should the project trigger City permits/ inspections due to the type of materials used for installation or due to State requirements, the organization shall be responsible for all associated costs, including permit and inspection fees.
- 6) There shall be no more than nine (9) posts installed in South City Beach Park and no more than nine (9) posts installed in North City Beach Park. These shall be installed in accordance to the proposal (Exhibit 1) or further requirements if any by the State.
- 7) Applicant shall provide a Certificate of Insurance in accordance with requirements set by the City's Risk Manager.
- 8) Applicant shall be responsible for maintenance of all structures and to ensure they meet the City's requirements.
- 9) Should the City Commission approve the proposal and staff's recommendations, this will be memorialized in an agreement to be executed by both parties.

However, earlier that day, the applicant requested the item be withdrawn from the agenda. The item was then placed on the February 21, 2018 City Commission meeting agenda with the same conditions. Again, the applicant requested the item be withdrawn from the agenda prior to the Commission Meeting.

The applicant then notified the City that they had scheduled a construction start date in March, 2018 as they believed the City did not have jurisdiction over the proposed project's location, but rather that this was under the Florida Department of Environmental Protection. At that time, the City Attorney worked diligently with the applicant to clear up their misunderstanding regarding the site's jurisdiction.

### **Current Situation:**

At the April 4, 2018 City Commission meeting, the City commission directed staff to work with the applicant to develop a project that would be acceptable by both parties and to bring it back for City Commission consideration. Meetings were held with the applicant to discuss options. On August 16, 2018 Interim City Manager Rafols, City

Attorney Merino, Assistant City Manager Parkinson, and Parks & Recreation Director Schanz, also met on site with the applicant to review their proposal which included the Eruv crossing over the vehicular and pedestrian areas.

Hallandale Beach boundary surveys were provided shortly after the meeting, and on September 17, 2018, the applicant submitted a revised Eruv proposal based on City Administration and applicant's review during the August 16, 2018 site visit. The revised proposal was updated on September 27, 2018 to include (1) missing pole, the use of the existing dune barrier at North City Beach Park, detail on the proposed pole installation type and landscaping type, and a sample fiberglass pole. The site plan included Eruv pole locations, the use of the existing dune barrier fencing and landscape plan at North City Beach Park to minimize appearance of the poles as well as a decorative welcome sign to cross the vehicular maintenance area at North City Beach Park.

While the City was negotiating a construction and maintenance agreement with the applicant, the applicant notified the City that they were unable to commit to the requested entrance signage over the maintenance pathway at North City Beach Park. Alternatively, they proposed a cap on their cost of the entry sign of \$5,000. The City had proposed a not to exceed cost of \$50,000.

Ultimately, a simplified design has been agreed to which reduces the post size and number of posts from the original proposal. Further, the posts will be placed behind palm trees and colored the shade of the tree trunk to better camouflage the structure and to reduce its impact on the view of the ocean, a valuable asset to the City.

#### **South City Beach Park:**

The revised proposal provides minimal disruption to the view at South City Beach Park and includes the placement of fiberglass poles at existing Palm Trees in the dunes. It also includes additional Palm Trees required to close the gap between the existing trees, to be planted by the applicant as necessary. The poles will be affixed to the east face of the Palm Trees, in a manner that is not harmful to the trees. The Eruv string will be installed to connect the top of the poles providing a minimum height clearance of fifteen feet (15') above all pedestrian and vehicular pathways.

#### **North City Beach Park:**

The North City Beach Park installation will also now place a minimal number of slim posts hidden behind palm trees. If the placement of a post is required where there is no palm tree, the committee has agreed to donate a palm tree to hide the placement of the post. Moving north, the second fiberglass pole will be affixed to the east face of an

existing light pole. Landscaping will continue the connection from this pole to the south end of the beach maintenance pathway.

**Recommendation:**

Staff recommends the City Commission consider the current revised proposal (exhibit A) as submitted by Shabbos Committee of the Beaches LLC with the following conditions:

- 1) The Eruv will be installed in an unobtrusive manner that does not damage or interfere with the existing vegetation per an approved proposal.
- 2) No temporary poles structures be allowed.
- 3) Should the project trigger permits/ inspections from any agency, the applicant shall be responsible to contact the appropriate agencies for permit requirements that might be imposed. The applicant shall be responsible for all associated costs, including permit and inspection fees. Documentation to that effect shall be provided to the City prior to installation.
- 4) The applicant shall be responsible for securing written permission from Beach Club for any installation on Beach Club property.
- 5) Applicant shall provide a Certificate of Insurance in accordance with requirements set by the City's Risk Manager.
- 6) Applicant shall be responsible for maintenance of all structures and to ensure they meet the City's requirements as memorialized in the construction and maintenance agreement.
- 7) Should the City Commission approve the proposal and staff's recommendations, this will be memorialized in a construction and maintenance agreement to be executed by both parties, substantially in the form attached as Exhibit B.

**Fiscal Impact:**

The proposed project will have no fiscal impact to the City as the applicant will be responsible for the design, State/County/City permitting as needed, construction, and maintenance of the Eruv.

**Why Action is Necessary:**

The Shabbos Committee of the Beaches, LLC has submitted a proposal to install an Eruv within City property located at North and South City Beach Parks. Installation of

this project is not governed by any City Code or existing policy. Therefore, City Commission approval is necessary.

**Proposed Action:**

Staff is requesting City Commission review of the current Eruv proposal (exhibit 3), with the above listed conditions, and to provide direction to staff as well as authorization to enter into a Construction and Maintenance agreement (exhibit 4) with Shabbos Committee of the Beaches LLC.

**Attachment(s):**

**EXHIBIT 1: Resolution**  
**EXHIBIT A: Revised Eruv Proposal 11/06/18**  
**EXHIBIT B: Draft Agreement**  
**EXHIBIT C: Presentation**

Prepared by:

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Cathie Schanz, Parks & Recreation Director

Reviewed by:

Reviewed by:

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Steven Parkinson  
Asst. City Manager/Public Works Director

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James Buschman  
Risk Manager