

**RESOLUTION NO. 2021- 2776**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING ADDITIONAL EXPENDITURE OF FUNDS TO SPECIAL COUNSEL, LEECH TISHMAN FUSCALDO & LAMPL, IN CONNECTION WITH THE APPEAL OF THE FEDERAL AVIATION ADMINISTRATION'S (FAA'S) SOUTH CENTRAL FLORIDA METROPLEX PROJECT (METROPLEX), FOR LEGAL FEES AND CONSULTANT'S SERVICES FOR PHASE 1 METROPLEX FLIGHT PROCEDURE ASSESSMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the direction of the Town Commission on November 12, 2020, the Town of Surfside ("Town") engaged special counsel, Leech Tishman Fuscaldo & Lampl ("Special Counsel"), to draft and file a Petition for Review challenging the FAA's Final Environmental Assessment and Finding of No Significant Impact issued in connection with the approval and implementation of the South Central Florida Metroplex Project ("Metroplex"); and

**WHEREAS**, in addition to legal fees incurred by the Special Counsel, it was necessary for the Special Counsel to engage a consultant or expert, JDA Aviation Technology Solutions ("Consultant"), to assess the impacts of the Metroplex on the Town and its residents (Phase 1), including an analysis and comparison between the existing flight procedures and the proposed Metroplex procedures; and

**WHEREAS**, the Consultant's fees for Phase 1 of the assessment services to the Town are estimated to be \$36,440, of which the Town has paid the Special Counsel \$20,000 to date, with a remaining balance of \$16,440 due at the end of the Phase 1 assessment; and

**WHEREAS**, the Town Commission wishes to authorize additional expenditure of funds to the Special Counsel for ongoing legal fees and the remaining balance for Phase I of the

Metroplex flight procedure assessment to be performed by the Consultant, for a total amount of \$35,000; and

**WHEREAS**, the Town Commission desires to authorize and approve additional expenditure of funds in an amount not to exceed \$35,000 for legal fees to the Special Counsel and the remainder of Consultant's fees for Phase 1 of the assessment; and

**WHEREAS**, the Town Commission finds that this Resolution is in the best interest, health and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Approving and Authorizing Expenditure of Funds to Special Counsel for Legal Fees and Consultant's Services.** The Town Commission hereby approves and authorizes the additional expenditure of funds to the Special Counsel in an amount not to exceed \$35,000 for additional legal fees and the remainder of the Consultant's fees for the Phase 1 assessment.

**Section 3. Implementation.** The Town Commission hereby authorizes the Town Manager to expend additional funds as provided in this Resolution and implement the purposes of this Resolution.


**Section 4. Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 13<sup>th</sup> day of April, 2021.

Motion By: Commissioner Kesl  
Second By: Commissioner Velasquez

**FINAL VOTE ON ADOPTION:**


Commissioner Charles Kesl	<u>Yes</u>
Commissioner Eliana R. Salzhauer	<u>Absent</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Tina Paul	<u>Yes</u>
Mayor Charles W. Burkett	<u>Yes</u>

  
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Charles W. Burkett, Mayor

**ATTEST:**

  
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Sandra N. McCready, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
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Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney