



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#25-0736

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Rickelle Williams, City Manager

DATE: November 4, 2025

TITLE: Motion Authorizing a First Amendment to the Seawall Improvements Development Agreement Between the City of Fort Lauderdale and Las Olas SMI OpCo, LLC for Repairs to the City's Crane Pad and Increasing the City Contribution by \$980,868.14, for a total of \$3,853,451.71 - **(Commission District 2)**

Recommendation

Staff recommends the City Commission approve the First Amendment to the Seawall Development Agreement with Las Olas SMI OpCo, LLC (Suntex), in substantially the form attached, for repairs to the City's crane pad, as provided by Section 255.20 (1)(c)(1)(a) and (b), Florida Statutes.

Background

On July 11, 2017, the City Commission adopted Resolution No. 17-154 approving a Ground Lease Agreement with Suntex for a fifty (50)-year term, plus a period not to exceed five (5) years to complete construction of the improvements for the Las Olas Marina Project. As part of the Project, Suntex is responsible for the replacement of the seawall associated with the Las Olas Marina leasehold within the demised premises and the City retained responsibility for the seawall section located outside of the demised premises.

Suntex notified the City that the seawall conditions, as identified as part of its construction project, were worse than anticipated and recommended that the City consider replacing the City's portion of the seawall at the same time. After review, and in order to replace the seawall in a cohesive and timely manner, the City entered into a development agreement with Suntex for it to manage the replacement of the City seawall (CAM #24-0038).

On January 9, 2024, the Fort Lauderdale City Commission adopted Resolution No. 24-13, waiving the competitive solicitation and selection processes outlined in the City's Procurement Ordinance and approval of a Development Agreement for Las Olas SMI OpCo, LLC to serve as the project manager for the replacement of a City-owned seawall. This action facilitated timely implementation by integrating the City's seawall improvements with the larger development effort. The procurement waiver was granted pursuant to Section 2-176(e)(17) of the City Code, allowing such exemptions when

approved by resolution.

During the seawall replacement, the City's existing crane pad, located adjacent to and upon the seawall, failed thus creating an immediate danger to public health, safety, and public property. As a result, Suntex took emergent actions to mitigate the initial dangerous conditions and secure the site. Florida Statutes Section 255.20(1)(c)(1) provides an exemption for situations to replace, reconstruct, or repair an existing building structure, or other public construction works damaged or destroyed by a sudden unexpected turn of events such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates (a) an immediate danger to the public health or safety and (b) other loss to public or private property which required emergency government action. Given the required emergent response and the existing site conditions, City staff recommends the City Commission approve the proposed amendment to mitigate public health and safety dangers.

The cost for the City's portion of the seawall replacement was originally estimated at \$2,872,583.57 (which included a 7.5% administrative fee for Suntex to manage the Project). The proposed amendment will increase the total cost by \$980,868.14 to address the emergency repairs and crane pad replacement, for a revised total of \$3,853,451.71. The development agreement identifies that Suntex will fund the Project and the City will reimburse Suntex at the final completion of the Project. The proposed amendment does not provide additional administrative fees for Suntex to manage the crane pad replacement.

Efforts to replace the crane pad were suspended pending the approval of the proposed First Amendment. After the 2025 Fort Lauderdale International Boat Show breakdown is completed, Suntex will resume its Project efforts and anticipates completion in early 2026. The proposed First Amendment requires that the City remit payment on or before December 31, 2026.

Resource Impact

This amendment to the Development Agreement will result in a fiscal impact in an amount not to exceed \$980,868.14. Funding is contingent upon the approval of the November 4, 2025 Consolidated Budget Amendment (CAM #25-0931).

<i>Funds available as of October 14, 2025</i>					
ACCOUNT NUMBER	COST CENTER NAME (Program)	CHARACTER/ACCOU NT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-331-9100-538-60-6599- P12895	Las Olas Marina Seawall Replacement	Capital Outlay / Construction	\$2,900,000	\$2,900,000	\$980,868.14
TOTAL AMOUNT ►					\$980,868.14

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029 Strategic Plan*, specifically advancing:

- The Infrastructure Focus Area
- Goal 3: Be a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure

This item advances the *Fast-Forward Fort Lauderdale Vision Plan 2035: We are Ready*.

Attachments

Exhibit 1 – Seawall Development Agreement

Exhibit 2 – Location Map

Exhibit 3 – First Amendment

Exhibit 4 – Cost Estimate

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Charter Officer: Rickelle Williams, City Manager, City Manager's Office