



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

**#19-0894**

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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** December 3, 2019

**TITLE:** Resolution Authorizing the City Manager to Execute a Community Aesthetic Feature Agreement Approving the Painting of a Mural Art Project on the Westin Hotel Pedestrian Bridge Located at 321 N. Fort Lauderdale Beach Boulevard and Authorizing the City Manager to Execute an Assumption of Liability and Hold Harmless Agreement with DiamondRock FL Owner, LLC –  
**(Commission District 2)**

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**Recommendation**

It is recommended that the City Commission adopt a resolution authorizing the City Manager to execute a Community Aesthetic Feature Agreement approving the painting of a mural art project on the Westin Hotel pedestrian bridge located at 321 N. Fort Lauderdale Beach Boulevard and authorizing the City Manager to execute an Assumption of Liability and Hold Harmless Agreement with DiamondRock FL Owner, LLC.

**Background**

In June of 2019, the City was approached by the Westin Hotel located at 321 N. Fort Lauderdale Beach Boulevard (A1A) in relation to painting a mural art project on the pedestrian bridge connecting the hotel on the west side of A1A to the beach on the east side of A1A. The pedestrian bridge is located at 321 N. Fort Lauderdale Beach Boulevard, Fort Lauderdale, Florida. Please see Exhibit 1 for a location map.

Since the pedestrian bridge is located within Florida Department of Transportation (FDOT) right-of-way, the City must enter into a Community Aesthetic Feature (CAF) Agreement with FDOT. The CAF program recognizes enhancements installed in or on FDOT's right-of-way, structures, or facilities for the sole purpose of representing, reflecting, or recognizing nearby community cultural and/or natural values and resources, or to enhance the sense of place through which a highway passes.

The CAF permits a mural to be painted on the pedestrian bridge. The Assumption of Liability and Hold Harmless Agreement (Agreement) between the City and DiamondRock Owner FL, LLC passes the costs, liabilities, and responsibilities associated with the CAF to DiamondRock Owner FL, LLC. DiamondRock Owner FL, LLC agrees to assume the City's obligation to pay for the mural and maintain the mural in the right of way in accordance with the agreement.

This proposed mural concept consists of a colorful graphic representation of betta fish and hibiscus flowers. The Westin Hotel states the following as part of the CAF submission to FDOT:

*How can we create a mural that fits in the area, creates awe, adds life and color to the atmosphere, and be seen as an opportunity for a picture? - And let's not forget: it must allow itself to grow into something bigger that can take over the bridge/walkway for what could possibly be a larger mural.*

*Betta fish and Hibiscus was my solution.*

*A bright and happy color palette will be used for the background, hinting the idea of everything that Florida – and in this case, the Westin Hotel – is all about: color, life and fun in the sun.*

The Westin is seeking approval of this resolution to continue this effort and complete the CAF application. The CAF states the following:

*The City of Ft. Lauderdale shall be responsible for the maintenance of the paint areas as per the attached Project Plans. Inspect the artwork on regular intervals for discoloration. To keep the artwork and colors fresh, the City will pressure wash the artwork up to one (1) time each year. The City will inspect the artwork for graffiti and make corrections. Upon termination of agreement, the City of Ft. Lauderdale will, at the request of the State, repaint the wall(s). Please see attached cost estimate from the Permittee.*

To review the FDOT CAF submittal package, which includes loose sketches and concepts for the bridge, as well as potential future expansion of the art to the Westin Hotel Building, please see Exhibit 2.

In order to move forward with the request, the City must issue a check in the amount of \$9,975.00 to FDOT as part of the application process. These funds are intended to cover the estimated cost of the removal of the mural to restore the right-of-way to its original condition. FDOT will not accept a check from the Westin Hotel; however, the hotel has agreed to reimburse the City for the full amount.

### **Resource Impact**

There is a neutral fiscal impact associated with this action. A subsidiary account has been created to track the original expense and reimbursement, as outlined in the following table.

| Funds available as of November 27, 2019 |                      |   |                            |                               |        |
|---|----------------------|---|----------------------------|-------------------------------|--------|
| ACCOUNT NUMBER                          | INDEX NAME (Program) | CHARACTER CODE/ SUB-OBJECT NAME             | AMENDED BUDGET (Character) | AVAILABLE BALANCE (Character) | AMOUNT |
| 001-219-013008                          | General Fund         | Westin Hotel FDOT PB<br>321 N FT L BCH BLVD | \$9975                     | \$9975                        | \$0    |
|   |                      |   |                            | <b>APPROPRIATION TOTAL</b>    | \$0    |

**Strategic Connections**

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community
- Objective: Enhance the City’s identity through public art, well-maintained green spaces, and streetscapes

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Here*.

**Attachments**

- Exhibit 1 – Location Map
- Exhibit 2 – FDOT Community Aesthetic Feature and Concept Art
- Exhibit 3 – Hold Harmless Agreement
- Exhibit 4 – Resolution

Prepared by: Anthony Fajardo, Director Sustainable Development

Department Director: Anthony Fajardo, Sustainable Development