



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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: February 4, 2014

TITLE: Motion Approving an Amendment to Settlement and Remediation Agreement between the City and Fort Lauderdale Country Club (FLCC) and Accepting the Remedial Action Plan Addendum II (RAPA II)

Recommendation

It is recommended that the City Commission:

1. Authorize the proper City officials to execute an amendment to settlement and remediation agreement with FLCC.
2. Accept the RAPA II.

Background

On May 21, 2013 the City Commission approved the RAP as approved by Broward County (County) and authorized the proper City officials to execute a settlement and remediation agreement with FLCC to provide for implementation and funding.

In addition, the Commission approved exploring the feasibility of complete source removal above the residential Soil Cleanup Target Level (SCTL) of 2.1 milligram (mg)/kilogram (kg). Staff explored that feasibility in conjunction with FLCC and determined it was not cost effective. It was also discussed that a consistent remediation strategy be implemented on both properties owned by the City and FLCC. This consistent remediation strategy is in accordance with Florida Administrative Code (F.A.C.) 62-780.700 and protects the water resource. The proposed remediation strategy suggests a clean-up standard to the commercial SCTL of 12.0 mg/kg as described in Exhibit 1.

The FLCC submitted the RAPA II on December 10, 2013 to the County and subsequent information via e-mail on December 24, 2013 (Exhibit 2). The County approved the RAPA II on January 2, 2014 (Exhibit 3).

Table 1 and 2 delineates the cost differentiation between the two plans. The estimated cost savings to the City through this modified approach is approximately \$375,000. The

savings can be attributed to reducing the amount of source removal and fill, elimination of sheet piling around the buildings, and reduced monitoring and sampling needs.

Table 1: Existing Settlement and Remediation Agreement with FLCC

Description	FLCC Share	City Share	Total
RAP Implementation	\$400,000	\$400,000	\$800,000
Removal of Additional Soils to Meet Residential Criteria of 2.1 mg/kg	\$0	\$225,000	\$225,000
Total:	\$400,000	\$625,000	\$1,025,000

Table 2: Proposed Settlement and Remediation Agreement with FLCC

Description	FLCC Share	City Share	Total
RAP Implementation	\$250,000	\$250,000	\$500,000
Removal of Additional Soils to Meet Residential Criteria	\$0	\$0	\$0
Total	\$250,000	\$250,000	\$500,000

Staff is recommending changing Section 1.A. and 1.D. of the Settlement and Remediation Agreement (Exhibit 4). Section 1.A. revises the cost estimate for RAP implementation to \$500,000 vs \$800,000. Section 1.D. revises changing the maximum the City shall fund to FLCC to \$125,000 vs \$200,000 and recommending repayment of FLCC's funding portion at the rate of \$25,000 vs \$40,000 per year for 5 years. This is more in accordance with the revised cost estimates for the project.

It is estimated that work will be completed by May 2014 per current schedule.

Resource Impact

There is an estimated fiscal impact to the City in the amount of \$375,000; a reduction of the originally approved estimate of \$861,914. Funding is appropriated in the Water and Sewer Fund, P11877.454. Upon project completion there is expected to be a savings to the City.

<i>Funds available as of January 10, 2014</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	OBJECT CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Object Code)	AVAILABLE BALANCE (Object Code)	PURCHASE AMOUNT

454-P11877.454-6599	FLCC REMEDIATION ACTION PLAN	CAPITAL OUTLAY/ CONSTRUCTION	\$1,002,914.00	\$843,610.00	\$375,000.00
				PURCHASE TOTAL →	\$375,000.00

454-P11877.454-N965	FLCC REMEDIATION ACTION PLAN	REIMBURSEMENT TO PROJECTS	\$200,000.00	N/A	\$125,000.00
				REVENUE TOTAL →	\$125,000.00

Strategic Connections:

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Infrastructure Cylinder of Excellence**, specifically advancing:

- **Goal 2:** Be a sustainable and resilient community.
- **Objective 5:** Improve air and water quality and our natural environment.

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

Related CAM: #13-0745

Attachments: Exhibit 1 - Remedial Action Plan Addendum II (RAPA II)
Exhibit 2 - Supplemental RAPA II Information (e-mail w/attachments)
Exhibit 3 - RAPA II Approval Letter from Broward County
Exhibit 4 – Amendment to Settlement and Remediation Agreement

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