



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0667

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

FROM: Susan Grant, City Manager

DATE: July 2, 2024

TITLE: Motion Approving a Settlement and Authorizing the City Manager to Sign the Joint Motions for Agreed Final Orders Between Broward County, City of Fort Lauderdale, and Ric-Man Construction Florida, Inc., for NOV24-0001 and NOV24-0002 and Authorizing a Settlement Payment of \$78,808 - **(Commission District 4)**

Recommendation

Staff recommends the City Commission approve a settlement and authorize the City Manager to sign the Joint Motions for Agreed Final Orders associated with the River Oaks Stormwater Improvement Project, in substantially the forms attached, and to make a settlement payment in the amount of \$78,808.

Background

The River Oaks Stormwater Improvement Project is a \$25M stormwater infrastructure project to reduce flooding for 40+ acres within the River Oaks neighborhood. The contractor, Ric-Man Construction Florida Inc. (Ric-Man) started in January 2022 with work substantially completed on February 13, 2024.

On February 24, 2023, the Broward County Environmental Permitting Division (BCEPD) issued a Notification of Potential Enforcement Action (NOPEA) for excessive turbidity associated with dewatering discharges into the Coconut Drive drainage canal. On March 21, 2023, BCEPD issued a second NOPEA for excessive turbidity associated with unauthorized discharges into the River Oaks Wetland Preserve. These NOPEAs were reported to the City Commission on April 5, 2023 (Exhibit 1, Memorandum 23-054).

On January 18, 2024, BCEPD issued Notice of Violation (NOV) 24-0001 for violations of the Broward County Code of Ordinances at the Coconut Drive drainage canal (Exhibit 2) and NOV 24-0002 for violations at the River Oaks Wetland Preserve (Exhibit 3).

The City and Ric-Man provided responses to each count contained within the NOVs, followed by settlement conferences with BCEPD on April 10, 2024, and May 29, 2024. Through negotiations, a proposed settlement was reached in the amount of \$175,450, subject to the approval of the City Commission. The settlement contains a civil penalty of \$12,400, with \$300 for administrative costs, for NOV 24-0001 and a civil penalty of \$162,450, with \$300 administrative costs, for NOV 24-0002. The Agreed Final Orders

(Exhibits 4 and 5) will resolve both NOV's without need of further hearings. This amount would be split between the City and Ric-Man, with the City paying \$78,808 and Ric-Man paying \$96,642.

Resource Impact

There is a fiscal impact to the City in the amount of \$78,808 for the settlement of the two NOV's. Funds for the resolution of the NOV's in the amount of \$78,808 are available in the FY 2024 – FY 2028 Community Investment Plan in the accounts listed below.

Funds available as of June 24, 2024					
ACCOUNT NUMBER	COST CENTER NAME (Program)	CHARACTER/ACCOUNT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)*	AMOUNT
10-470-7999-538-60-6550-P11419	River Oaks Stormwater Park	Capital Outlay/ Administration	\$4,004,691	\$311,140	\$78,808
TOTAL AMOUNT ►					\$78,808

Strategic Connections

This item is a 2024 *Commission Priority*, advancing the Infrastructure and Resilience initiative.

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

- The Infrastructure and Resilience Focus Area
- Goal 3: Be a sustainable and resilient community

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

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan specifically advancing:

- The Infrastructure Focus Area
- The Sanitary Sewer, Water & Stormwater Element
- Goal 6: Ensure that all areas of the City are reasonably protected from flooding giving due consideration to the City's natural and built environment.

Attachments

Exhibit 1 – Memorandum 23-054, River Oaks Stormwater Project

Exhibit 2 – Broward County NOV 24-0001

Exhibit 3 – Broward County NOV 24-0002

Exhibit 4 – Joint Motion for Agreed Final Order and Agreed Final Order – NOV 24-0001

Exhibit 5 – Joint Motion for Agreed Final Order and Agreed Final Order – NOV 24-0002

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