



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

**#23-0553**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** June 6, 2023

**TITLE:** Resolution Approving the Design Review Reimbursable Agreement and Authorizing the City Manager to Execute the Design Review Reimbursable Agreement and all Amendments to the Design Review Reimbursable Agreement and any Documents Associated with the Agreement with the Department of Transportation Federal Aviation Administration – \$51,017-  
**(Commission District 1)**

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**Recommendation**

Staff recommends the City Commission adopt a resolution authorizing the City Manager to execute a Design Review Reimbursable Agreement in the amount of \$51,017 and any Amendments to the Design Review Reimbursable Agreement and any documents associated with the Agreement with the Department of Transportation Federal Aviation Administration (FAA), in substantially the form attached.

**Background**

This is a Reimbursable Agreement for the Design Review by the FAA for relocation of the Runway 9/27 Localizer Antenna Array and Localizer equipment facility at Fort Lauderdale Executive Airport (FXE). The Localizer is part of the Instrument Landing System (ILS), which provides azimuth guidance for landing aircraft. More specifically the Localizer provides aircraft with precision horizontal navigation guidance information during approach and landing.

In conjunction with the proposed repaving of Runway 9-27 the FAA recommends the relocation of this equipment to further enhance overall safety and efficiency of the Airport. The FAA has identified a need for the relocation of the Localizer equipment outside of the FAA Part 77 Navigable Airspace, which identifies potential aeronautical hazards to prevent or minimize the adverse impacts to the safe and efficient use of navigable airspace.

As part of the relocation process the FAA Agreement will cover the design services that will include drawings and specifications for modification, relocation, or establishment of the Localizer equipment facility in support of this project and ensure conformance to FAA design standards.

This Agreement will require the Airport to provide the initial estimated funding cost of \$51,017.04, which will be reimbursed at a later date by a grant from the FAA. In an effort to expedite the execution of the Agreement, staff is requesting to appropriate the requested funds to cover the related expenditures for the design and review of the relocation of the Localizer antenna and equipment facility.

The City Attorney Office has reviewed the Agreement and wishes to highlight the following provisions:

- Section E. in Article 9 requires the City to commit to paying actual costs if they exceed the current estimated amount in the contract. However, the FAA will notify the City immediately if the estimated costs are exceeded. Additionally, Article 3 states that this agreement is funded in whole or in part from an AIP grant.
- Section E. in Article 9 requires the City to pay for any claims filed against the FAA that may be brought by a contractor performing work in accordance with this Agreement.
- Article 17 requires the City to indemnify the FAA against any and all causes of action, claims, or lawsuits arising out of the work performed under this Agreement. This agreement does not include a provision which limits the liability of the City in accordance with Section 768.28, Florida Statutes.

City staff have considered these provisions and are comfortable with the associated risks as City staff intends to request grant funds to cover the costs associated with this agreement.

### **Resource Impact**

Funds for this agreement in the amount of \$51,017 are available in the FY 2023 Budget in the account listed below:

<b><i>Funds available as of May 18, 2023</i></b>					
<b>ACCOUNT NUMBER</b>	<b>COST CENTER NAME (Program)</b>	<b>ACCOUNT/ ACTIVITY NAME</b>	<b>AMENDED BUDGET (Character)</b>	<b>AVAILABLE BALANCE (Character)</b>	<b>AMOUNT</b>
10-468-1460-542-30-3199	Executive Airport	Services/Materials / Other Prof Serv	\$4,071,014	\$2,300,305	\$51,017
<b>APPROPRIATION TOTAL</b>					<b>\$51,017</b>

### **Strategic Connections**

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

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Provide the best-in-class regional general aviation airport amenities and services
- Objective: Create a responsive and proactive business climate to attract emerging industries

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

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

- The Business Development Focus Area
- The Economic Development Element
- Goal 3: Recognize and include in economic development planning the role of Port Everglades and the Fort Lauderdale-Hollywood International Airport and Fort Lauderdale Executive Airports.

**Attachments**

Exhibit 1 – Design Review Reimbursable Agreement

Exhibit 2 – Resolution

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Prepared by: Rufus A. James, Airport Director

Charter Officer: Greg Chavarria, City Manager