

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING ATLANTIC BEACH CLUBS-TWO, INC., A FLORIDA CORPORATION (HEREINAFTER, "ATLANTIC BEACH"), PURSUANT TO CHAPTER 8, ARTICLE V, DIVISION 3 OF THE CITY CODE OF ORDINANCES A WAIVER FOR "ATLANTIC BEACH" TO OPERATE A MOTORIZED WATERCRAFT CONCESSION ON THE PUBLIC BEACH AS DEFINED IN CITY CODE SECTIONS 8-52 AND 8-71 UPON CERTAIN TERMS AND CONDITIONS; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale issued RFP # 565-11646 for a motorized watercraft beach concession on October 6, 2015; and

WHEREAS, upon review by the Evaluation Committee "Atlantic Beach" was ranked #1; and

WHEREAS, in accordance with the scoring of the Evaluation Committee, staff recommends awarding the RFP to "Atlantic Beach" and further recommends to the City Commission authorization for the proper City officials to execute a five-year agreement for the motorized watercraft beach concession with Atlantic Beach; and

WHEREAS, Sections 8-170 through 8-178 of the City of Fort Lauderdale Code of Ordinances require that watercraft concessions operating on the public beach obtain a waiver from the City Commission to operate such watercraft within 100 yards east of the mean high water mark of the Atlantic Ocean; and

WHEREAS, the City's Parks and Recreation Department recommends granting a waiver pursuant to City Code Section 8-174 of the City and Atlantic Beach Clubs-Two, Inc. (hereinafter, "Applicant"), to provide a motorized watercraft rental concession on the public beach in a concession area located in a 50-foot wide area of beach, east of the beach access stairway at Alhambra Street; and

WHEREAS, at its meeting of January 7, 2016, the Marine Advisory Board unanimously recommended approval of the application for waiver under City Code Section 8-174, subject to certain terms and conditions; and

WHEREAS, the City Commission of the City of Fort Lauderdale has determined that a waiver should be granted to the City and Applicant authorizing the operation of a motorized watercraft concession on the public beach subject to certain terms and conditions; and

WHEREAS, the granting of a waiver serves a valid municipal purpose and is in the best public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That a waiver from the Beach Boating Restricted Area Ordinances is hereby granted pursuant to Section 8-174 of the City of Fort Lauderdale Code of Ordinances authorizing the operation of a motorized watercraft concession by “Atlantic Beach” under the following conditions:

A. “Atlantic Beach” shall operate the concession in accordance with the requirements of City Code Sections 8-170 through 8-178 and the terms and conditions of the contract with the City resulting from the award of Request for Proposal No. 565-11646 (“RFP”) to Business Operator for a Motorized Watercraft Concession (“Contract”).

B. Supplemental to the requirements of City Code Sections 8-170 through 8-178 and supplemental to the terms and conditions of the Contract with the City, “Atlantic Beach” shall operate the concession in accordance with the following conditions:

1. Corridor identification buoys shall not exceed a maximum of eight (8) buoys with up to four (4) on each side of the corridor. All buoys shall be placed equidistant between the white cylindrical buoys that identify the limitations of the 100-yard boating restricted zone, as shown in the illustration in the Business Operator’s Application for Waiver.

2. Vessel identification markings described in “Atlantic Beach’s” Application for Waiver shall be affixed to both sides of the forward portion of all rental watercraft sufficient in size to permit the identification of the watercraft from a minimum distance of 150 yards.

3. “Atlantic Beach” shall be required to post a minimum of two (2) signs daily on the high water mark at each boundary of the corridor to sufficiently warn the swimming public not to enter the watercraft launching area. Signs shall

be removed at the end of each day and stored above the high water mark at an approved site under cover in a secure location to prevent theft.

4. That the waiver granted herein shall expire upon the termination of the contract resulting from the award of RFP 565-11465.

SECTION 2. That any prior Resolutions or parts thereof in conflict with this Resolution are hereby repealed.

SECTION 3. That the granting of this waiver is contingent upon execution of the contract between the City and "Atlantic Beach" resulting from the award of the Motorized Watercraft Concession under RFP 565-11645.

SECTION 4. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the ____ day of _____ 2016.

JOHN P. "JACK" SEILER
Mayor

ATTEST:

JEFFREY A. MODARELLI
City Clerk