



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

**#16-0741**

9-7-16  
CM-10  
REVISED CAM

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

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

**DATE:** September 7, 2016

**TITLE:** Motion Approving Access Agreement for Mount Olive Gardens #1, Inc. to  
Implement Remediation Strategies and Authorize Reimbursement for  
Playground Equipment

**Recommendation**

It is recommended that the City Commission approve the access agreement (Exhibit 1) with Mount Olive Gardens. #1. Inc. ("Mount Olive") at 1601 Northwest 6<sup>th</sup> Court to implement an approved contamination remediation strategy and authorize a maximum of up to \$35,000 reimbursement for the replacement of playground equipment.

**Background**

The City is seeking access to Mount Olive Garden Apartment Complex at 1601 Northwest 6<sup>th</sup> Court to implement the approved Florida Department of Environmental Protection (FDEP) remediation strategy related to the contamination within the Lincoln Park Complex area. The remediation strategy as outlined in the Confirmation Soil Sampling Report prepared by the City's consultant, EE&G, is to install a permeable woven geotextile fabric across the impacted area of approximately 4,500 square feet. The area will then be covered with one foot of clean sand and then be re-sodded. The remediation work will require removal of the existing playground equipment, and due to its age and structural integrity, it is being recommended that the City reimburse Mount Olive Gardens up to a maximum of \$35,000 for new playground equipment that they will purchase and install in a location away from the remediated area. In addition, restrictive covenants will have to be placed on the property to document the engineering controls. During the remediation, tenants will be allowed to park in the Department of Sustainable Development ("DSD" parking lot during non-business hours (Exhibit 2) due to the temporary loss of tenant parking during the remediation and security will be provided during non-working hours including weekends to ensure safety of the work site and the neighbors.

The access agreement initially drafted by the City Attorney's Office was structured in such a manner that Mount Olive would indemnify the City against personal injury and property damage resulting from the Tenant's use of the DSD Parking Area. The attorney for Mount Olive revised the indemnification in such a manner that the

indemnification flows from the tenant signing the Tenant Parking Agreement, rather than Mount Olive.

The remediation of this property will address FDEP's concerns and will assist the City as it moves forward to obtaining closure of the Lincoln Park complex area remediation. The Mount Olive Gardens governing board approved the access agreement on 08/25/2016

### **Resource Impact**

There will be a fiscal impact to the City in an amount not to exceed \$35,000 for reimbursement of the replacement of playground equipment.

<b>Funds available as of August 30, 2016</b>					
<b>ACCOUNT NUMBER</b>	<b>INDEX NAME (Program)</b>	<b>CHARACTER CODE/ SUB-OBJECT NAME</b>	<b>AMENDED BUDGET (Character)</b>	<b>AVAILABLE BALANCE (Character)</b>	<b>AMOUNT</b>
409-PBS090101-3437	Sanitation	Services & Material/ Improvements, Repairs and Maintenance	\$582,466	\$297,233	\$35,000
<b>TOTAL AMOUNT ►</b>					<b>\$35,000</b>

### **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*.

### **Attachment**

Exhibit 1 – Access Agreement

Exhibit 2 – Tenant Parking Agreement

Prepared by: Todd Hiteshew, Public Works Department  
Dr. Nancy J. Gassman, Assistant Public Works Director - Sustainability

Department Director: Paul Berg, Acting Public Works Director