



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0647

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: July 6, 2021

TITLE: Motion Authorizing Execution of a Revocable License with Nurmi Isles Homeowners Association, Inc. to Install and Maintain Three License Plate Reader Cameras in the Fiesta Way, Nurmi Drive and Royal Palm Drive Rights-of-Way - **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider approving a motion authorizing the execution of a Revocable License with Nurmi Isles Homeowners Association, Inc. for the installation and perpetual maintenance of three privately owned license plate reader cameras in the Fiesta Way, Nurmi Drive and Royal Palm rights-of-way.

Background

The applicant, Nurmi Isles Homeowners Association, Inc. is requesting the approval to install three license plate reader cameras within the City's public rights-of-way which requires the execution of a Revocable License. The location map is attached as Exhibit 1 and the construction details are attached as Exhibit 2. Nurmi Isles Homeowners Association will be responsible for all costs associated with the installation, as well as ongoing maintenance.

This Revocable License does not authorize construction in the right-of-way without first obtaining engineering permits prior to construction. The Department of Sustainable Development is currently reviewing the permits for the proposed installations. Such installations shall follow all applicable engineering criteria. A copy of the Revocable License is attached as Exhibit 3.

Typical Revocable License Agreements cover items such as engineering standards for installation of improvements as well as insurance and associated costs. The proposed Revocable License has been reformatted to address the unique situation where the homeowner's association is installing cameras within the right-of-way, which amount to improvements that are atypical from other applications. The following is a summary of the changes meant to address these types of applications. These can be found in Exhibit 3 under each section heading listed:

Section 3 – Revocable License (Page 3)

- This section includes language that address confidentiality of the data obtained from the cameras with clarification that this agreement doesn't permit the licensee to access the City's data, information or files collected or received by its police department or other safety and security personnel.
- The City makes no promises, assurances, or representations that the use of the cameras will either prevent crime activity or solve any known crimes or effect the City's response times to criminal activity in the area.
- The use of the camera system shall not create any additional duty for the City to respond or investigate any information provided by the camera system.
- The City shall not incur any liability to the licensee or liability for any damage to person or property that may result from any intestinal acts of other, which includes but is not limited to criminal activity.

Section 4 – Term

- Upon determination by the City Commission that this License shall be terminated revoked, the Licensee shall remove all Project Improvements and restore the Licensed Area to the condition existing prior to installation of the Project Improvements.

Section 5 – Conditions

- Sub-sections 5.6, 5.7, 5.8, 5.9, 5.10, 5.16, 5.19, 5.20, 5.21, 5.22, 5.23, 5.25, 5.26, 5.28, 5.29 have been intentionally omitted. These sections relate to typical engineering standards for signage, street markings, warning lights, barricades, construction access, staging, off-duty FLPD officers for traffic control, Traffic Control Through Work Zones signage, MOT plans, 24-hour access through a Knox Box, full time site clerk, on-site parking, and written notice to the neighboring condominium associations and neighborhood associations within 500-feet.

Section 6 – Cost Recover and Fees

- Annual Inspection Fees have been removed. Any costs associated with inspections by the City will not be charged to the Licensee.
- Recovery of Additional Costs of Administration (recovery of reasonable costs incurred by the City) have been removed. Any costs associated with administrative fees will not be charged to the Licensee.

Section 19 – Insurance

- General liability insurance requirements insuring the Licensee and the City against any and all liability for bodily injury or property damage have been removed. These typically include:
 - \$1,000,000 per occurrence
 - \$2,000,000 general aggregate
- Workers' compensation insurance to apply to all Licensee employees and employees of contractors retained by Licensee for the project has been removed. These include:
 - Compliance with "Workers' Compensation Law" of the State of Florida
 - Employer's liability with a limit of \$100,000
 - Business automobile liability for all vehicles owned by the Licensee and Licensee's contractors with limits of \$300,000 per occurrence

Resource Impact

There is no fiscal impact to the City associated with this action.

Strategic Connections

This item is a *2021 Commission Priority*, advancing the Safety initiative.

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

- The Public Safety Focus Area
- Goal 6: Build a safe and well-prepared community.
- Objective: Prevent and solve crime in all neighborhoods

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

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

- The Neighborhood Enhancement Focus Area
- The Housing Element
- Goal 2: Be a Community of strong, beautiful and healthy neighborhoods.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Construction Details

Exhibit 3 – Revocable License

Prepared by: Daniel Rey, Senior Project Manager, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development