



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0703

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 17, 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 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. If the cameras have to be relocated, the city will pay for the relocation cost, the City also agrees to pay up to \$1,200 per year towards any cost associated with the electrical consumption.

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 standards, which includes criteria governing roadside safety setbacks, sight triangles, conflicts with utilities and/or topographical features, electrical service connections, and location of property lines. 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 this 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 intentional 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 or 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

- The Nurmi Isles Homeowners Association shall be responsible for paying permit fees charged by the City to process its permit applications. Notwithstanding, such fees shall not exceed the lower of (1) the hourly rate

charged for City's staff review, including any outside consultants, inspections, and processing of the permit application or (2) \$4,200.00.

- 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

In addition, the request includes power to support the cameras at the City's expense. There are opportunities for the City to power the proposed cameras, as long as the connection doesn't conflict with the blanket agreement with Florida Power and Light, which is at a fixed rate, or that a given power supply isn't supported by an enterprise fund (i.e. lift stations are funded through the Water/Sewer fund).

Should the City Commission wish to support this effort, staff will work closely with the HOA to ensure the process is as streamlined and easy as possible. All work will require the completion of the application process and any additional permits (i.e. electrical permit to connect to power) to complete the project.

It should be noted that any data captured by the cameras is not the property of the HOA, but the property of the vendor managing and monitoring the cameras. If there is an incident that requires the use of data captured by the cameras, the City would work directly with the vendor to gain access to the data, apart from the HOA.

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

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