



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0761

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 17, 2021

TITLE: **REVISED M-6** - Motion Authorizing Execution of a Revocable License with Rio Vista Civic Association, Inc. to Install and Maintain Two License Plate Reader Cameras in the SE 17th **7th** Street and SE 9th Street Rights-of-Way - **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider approving a motion authorizing the execution of a Revocable License with Rio Vista Civic Association, Inc. for the installation and perpetual maintenance of two privately owned License Plate Reader (LPR) cameras in the SE 7th Street and SE 9th Street rights-of-way.

Background

The applicant, Rio Vista Civic Association, Inc. is requesting approval to install two (2) license plate reader cameras within the City's public rights-of-way. Such request requires the execution of a Revocable License. The location map is attached as Exhibit 1 and the construction details are attached as Exhibit 2. The Rio Vista Civic 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 and any associated building permits. 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, 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 **civic** 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

- The Rio Vista Civic 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

Additionally, the request includes electrical power to support the LPR cameras at the City's expense. There are opportunities for the City to provision electrical power for the described LPR 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 is not funded by an enterprise fund (i.e. lift stations are funded through the Water/Sewer fund).

Should the City Commission wish support proposed effort, staff will work closely with the HOA civic association to ensure the process is streamlined. 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. If the LPR cameras need to be removed (i.e. right-of-way maintenance) for any reason by the City, the City will replace the existing equipment them at the City's cost.

It should be noted that any data captured by the cameras is not the property of the HOA civic association, 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, separate from the HOA civic association.

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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