Broward County

Legislation Text

File #: 20-1927, **Version:** 1

Broward County Commission Regular Meeting
Director's Name: Jonathan Daniels
Department: Port Everglades **Division:** Business Administration

Information

Requested Action
MOTION TO ADOPT Resolution No. 2020-672 of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive franchise to Lehigh Hanson Cement South LLC for a ten-year term to provide stevedore services at Port Everglades, retroactively commencing on May 21, 2020, through May 20, 2030; providing for franchise terms and conditions; and providing for severability and an effective date.

Why Action is Necessary
Public hearing is required pursuant to Chapter 94-429, Laws of Florida, and Section 32.22.a of the Broward County Administrative Code. Franchises are granted pursuant to Chapter 32 of the Broward County Administrative Code.

What Action Accomplishes
It allows franchisee to continue to provide stevedore services at Port Everglades.

Is this Action Goal Related
Yes

Previous Action Taken
Request to set Public Hearing was approved by the Broward County Board of County Commissioners on October 20, 2020 (Item No. 22).

Summary Explanation/Background
THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs."

On May 7, 2019 (Item No. 59), the Board granted renewal of a nonexclusive franchise to Lehigh Hanson Cement South LLC ("Lehigh") f/k/a Continental Florida Materials Inc., to provide stevedore services at Port Everglades for a term of six months, from May 21, 2019, through November 20, 2019, with an option for the Port Director to extend the franchise for an additional six months. The Port Director executed the extension of the franchise on November 19, 2019. This action allowed

Lehigh to continue operating at Port Everglades while simultaneously settling an administrative proceeding with the County for alleged cement dust emissions at Port Everglades (NOV19-0004) ("Administrative Proceeding"). Since the Administrative Proceeding was not complete when the franchise expired on May 20, 2020, the franchise was administratively extended until the Administrative Proceeding was completed. On September 22, 2020 (Item No. 13), the Board authorized the Office of the County Attorney to execute and file a Joint Motion for Agreed Final Order providing for settlement of the Administrative Proceeding. Lehigh, without admitting to the alleged violations, has executed the Joint Motion and paid all applicable fines.

Staff has reviewed the stevedore franchise renewal application against the enumerated renewal criteria set forth in Chapter 32 of the Broward County Administrative Code. Staff's due diligence included corresponding with Lehigh's representative to clarify franchise requirements and reviewing Lehigh's corporate status, resumes of executive staff and list of managerial personnel, business history/experience, litigation history, insurance, financial documents and creditworthiness, discharge of previous financial obligations to County, compliance with all franchise terms and conditions and established rules and regulations of the County, required licenses and certificates, company programs and policies, list of equipment to be used at Port Everglades, statement of intended activities and actions indicating that Lehigh has maintained a favorable service performance record at Port Everglades during the term of the franchise, and that it has promoted and developed growth in the business activities, projects, or facilities of Port Everglades. Lehigh's safety and environmental history was also reviewed, and infractions are documented in Section Q of the application. No false or misleading information was submitted as part of the franchise renewal application. Lehigh has, through the submission of the signed franchise renewal application, agreed to comply with all franchise conditions set forth in Section 32.24 of the Broward County Administrative Code.

Based on the review of information provided in the franchise renewal application, staff has determined that Lehigh meets the criteria for renewal of the stevedore franchise. Stevedore franchises may be granted for any period of time up to ten years. Past practice has been for staff to recommend granting the renewal of a stevedore franchise for a term of ten years. Accordingly, staff is recommending that the franchise be renewed for a ten-year term. The complete application and supporting documents are on file in the Port Everglades Business Administration Division.

The Resolution to Publish Notice of Public Hearing and Notice of Public Hearing from the Request to Set Public Hearing agenda item approved by the Board on October 20, 2020 (Item No. 22), are attached as Exhibit 3 and Exhibit 4.

Source of Additional Information

Jorge Hernández, Director, Business Administration Division, Port Everglades Department, (954) 468 -3501

Angela Osorno Belleme, Franchise Manager, Business Administration Division, Port Everglades Department, (954) 468-0112

Fiscal Impact

Fiscal Impact/Cost Summary

Lehigh has paid the required annual franchise fee of $4,000 and will pay an additional $36,000 in

annual franchise fees over the term of the franchise, for a total of $40,000.