



Broward County

Legislation Text

File #: 21-657, 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. 2021-285 of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive franchise to Sun Terminals, Inc., for a five-year term to provide steamship agent services at Port Everglades; providing for franchise terms and conditions; and providing for severability and an effective date.

Why Action is Necessary

Pursuant to Section 32.22 of the Broward County Administrative Code ("Administrative Code"), Broward County (the "County") must hold a public hearing prior to granting, renewing, placing on probation, suspending, or revoking a franchise under Chapter 32 of the Administrative Code.

What Action Accomplishes

Grants renewal of a nonexclusive franchise to Sun Terminals, Inc., for a five-year term, to provide steamship agent 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 May 4, 2021 (Item No. 26).

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."

Sun Terminals, Inc. ("Sun Terminals"), has been providing steamship agent services at Port Everglades under a series of approved franchise agreements since 1994. On April 26, 2016 (Item No. 2-PH), the Board granted renewal of a nonexclusive franchise to Sun Terminals to provide steamship agent services at Port Everglades for a five-year term, from June 3, 2016, through June 2, 2021. Sun Terminals has applied for renewal of the franchise.

Staff reviewed the steamship agent franchise renewal application against the enumerated renewal criteria set forth in Chapter 32 of the Administrative Code. Staff's due diligence included corresponding with Sun Terminals' representative to clarify franchise requirements and reviewing Sun Terminals' 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 the 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 activities and actions indicating that Sun Terminals has maintained a favorable service performance record in 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. Sun Terminals' environmental history was also reviewed, and no infractions were found.

While not directly related to activities covered by this franchise, on April 5, 2017, the Occupational Safety and Health Administration ("OSHA") issued a two-part citation to Sun Terminals for their marine terminal in Port Everglades. The two violations included: (1) stop signs were not posted at main entrances and exits of structures or at blind intersections where visibility was impaired; and (2) vehicular routes, traffic rules, and parking areas were not established, identified, and/or used. The citations stemmed from an incident resulting in a fatality at Sun Terminals' marine terminal in Port Everglades on October 11, 2016, when an employee driving a golf cart crossed an intersection and was struck by a tractor-trailer. In compliance with an Informal Settlement Agreement with OSHA executed on April 24, 2017, Sun Terminals installed stop signs and defined traffic and parking areas. Additionally, employees were trained in traffic safety, a new dedicated safety manager was hired, and penalties were paid totaling \$16,429. The case was closed on May 15, 2017.

No false or misleading information was submitted as part of the franchise renewal application. By submitting the signed franchise renewal application, Sun Terminals has agreed to comply with all franchise conditions set forth in Section 32.24 of the Administrative Code.

Based on the review of information provided in the franchise renewal application, staff recommends renewal of the steamship agent franchise. Steamship agent franchises may be granted for any period of time up to five years. Past practice has been for staff to recommend granting the renewal of a steamship agent franchise for a term of five years. Accordingly, staff is recommending that the franchise be renewed for a five-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 May 4, 2021 (Item No. 26), 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

Sun Terminals has paid the required annual fee of \$2,250 and will pay an additional \$9,000 in annual franchise fees over the franchise term, for a total of \$11,250.