



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#17-1090

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: September 6, 2017

TITLE: Resolution Authorizing the City Manager to Execute a Consent Order
Between the City of Fort Lauderdale and the State of Florida, Department
of Environmental Protection Providing for the Repair and Maintenance of
the City's Wastewater Collection System

Recommendation

It is recommended that the City Commission approve a resolution authorizing the City Manager to execute a Consent Order between the City of Fort Lauderdale and the State of Florida, Department of Environmental Protection, (FDEP), OGC File No. 16-1487 and authorize payment of the civil administrative fee in the total amount of \$5,000.

Background

Since January 1, 2014, the City of Fort Lauderdale has experienced failures in its wastewater collection system resulting in releases of untreated wastewater into surface waters and/or groundwater of the State of Florida in violation of Rule 62-604.130, Florida Administrative Code (F.A.C). The proposed Consent Order provides for several repairs to the City's wastewater collection system over the next nine years. It is believed that these repairs will substantially reduce the number of sanitary sewer overflows (SSOs) and subsequent violations of Rule 62-604.130, F.A.C.

The Consent Order will require the City to prepare a complete mapping of the Wastewater Collection System and all of the fixtures and equipment associated with it in a format that will be available to field units responsible for operating and maintaining the system. In addition, the City is required to complete a Force Main Condition Assessment that will be used to prioritize repairs and replacement of aging pipes, connections, valves and appurtenances; implementation of an Asset Management and Capacity, Management, Operations, and Maintenance (AM and CMOM) Program. All of these elements are on a strict schedule for completion and violations of the Consent Order schedule could result in additional fines.

The Consent Order provides for a fine of \$310,577 in civil penalties along with the option of constructing an in-kind project of at least \$465,865.50 in lieu of the penalty.

As its in-kind project, the City plans to conduct a horizontal directional drill of 30 inch force main from SW 2nd Street and SW 8th Avenue to SW 2nd Street and SW 4th Avenue which will provide redundant service to this area. FDEP will review the proposed project once the Consent Order is executed.

The Consent Order has been negotiated between the FDEP and the City over the past 13 months. The Consent Order will resolve any and all penalties resulting from the documented discharges of untreated wastewater from January 1, 2014 to August 31, 2017. Additional discharges after August 31, 2017 will be subject to additional fines as outlined in the Consent Order.

The implementation plan is to select a single consultant to design and implement all of the projects required in the Consent Order and to assist the City in bidding each of the individual projects and managing the schedules for effective completion in total compliance with all of the deadlines. The City will have a full-time Senior Project Manager to supervise and monitor the work of the consultant and to ensure its completion.

Resource Impact

The Consent Order commits the City to an administrative fee in the amount of \$5,000 that is available in the FY 2017 operating budget in the account below. In addition, the agreement commits the City to the funding and implementation of projects and professional services that will impact future year budgets and Community Investment Plans. Funds necessary to execute contracts and/or task orders will be identified and secured as required by State statute prior to entering into agreements.

<i>Funds available as of August 30, 2017</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
450-PBS010101-3199	Public Services Directors	Services & Materials/Other Professional Services	\$674,740	\$138,959	\$5,000
TOTAL AMOUNT ►					\$5,000

Strategic Connections

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included in the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 2: Be a sustainable and resilient community.
- Objective 1: Proactively maintain our water, wastewater, road and bridge infrastructure.

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

Attachments

Exhibit 1 – Consent Order (OGC File No. 16-1487)

Exhibit 2 – Resolution

Prepared by: Christopher J. Lagerbloom, ICMA-CM, Assistant City Manager

Department Director: Lee R. Feldman, ICMA-CM, City Manager