

# City of Fort Lauderdale

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## Meeting Minutes

Thursday, August 5, 2021

3:00 PM

City Commission Chambers

100 North Andrews Avenue, Fort Lauderdale, FL 33301

## **CITY COMMISSION - SPECIAL MEETING**

*FORT LAUDERDALE CITY COMMISSION*

*DEAN J. TRANTALIS Mayor*

*HEATHER MORAITIS Vice Mayor - Commissioner - District I*

*STEVEN GLASSMAN Commissioner - District II*

*ROBERT L. McKINZIE Commissioner - District III*

*BEN SORENSEN Commissioner - District IV*

*CHRIS LAGERBLOOM, City Manager*

*JOHN HERBST, City Auditor*

*JEFFREY A. MODARELLI, City Clerk*

*ALAIN E. BOILEAU, City Attorney*

## CALL TO ORDER

Mayor Trantalis called the meeting to order at 3:02 p.m.

## Pledge of Allegiance

Mayor Dean J. Trantalis

## ROLL CALL

**Present** 4 - Vice Mayor Heather Moraitis, Commissioner Steven Glassman, Commissioner Ben Sorensen, and Mayor Dean J. Trantalis

**Excused** 1 - Commissioner Robert L. McKinzie

## QUORUM ESTABLISHED

**Also Present:** City Manager Chris Lagerbloom, City Clerk Jeffrey A. Modarelli, City Attorney Alain E. Boileau and City Auditor John Herbst

## RESOLUTIONS

### R-1 [21-0798](#)

Resolution Waiving the Mandatory Commission Approval Amount and the Competitive Solicitation and Selection Processes Contained in the City of Fort Lauderdale Procurement Ordinance for Procuring Rio Vista Parks Improvements, Including Final Installation and Inspection of New Playground Equipment and Artificial Turf, and Additional Necessary Milling and Paving along Ponce de Leon Drive, SE 11th Street, and SE 9th Ave - (Commission District 4)

City Manager Lagerbloom provided an overview and background details related to Agenda items R-1 and R-2.

The Commission approved stormwater work with the contractor, *Hinterland Group, Inc. ("Hinterland")*, in the *Rio Vista Neighborhood (Neighborhood)*. Before completion of this stormwater work, the *Neighborhood* experienced two (2) major sewer force main (sewer main) breaks adjacent to *Virginia S. Young Park* and *Hector Park (Parks)*. Subsequently, stormwater work was stopped, and the *Parks* were closed and used as construction areas for sewer main repairs. Following completion of sewer main repairs, remediation of the *Parks* began.

The Chief Procurement Officer signed off on paperwork to use

*Hinterland* for restoration of the *Parks*. Following submission of a *change order*, in an amount exceeding City Manager Lagerbloom's approval authority, Staff initiated a review. Restoration of the *Parks* was not within the scope of *Hinterland* stormwater contract work. There is no contract in place or funding for the project restoration.

*Neighborhood* area traffic was impacted, and ingress and egress were restricted. The *Neighborhood* requires roadway repaving, sidewalk and swale repairs and related harmonizing in addition to a playground playset requiring final punch list installation. City Manager Lagerbloom explained *Neighborhood* safety concerns resulting from sewer main breaks and the adverse impact on the *Neighborhood* during the last two (2) years.

City Manager Lagerbloom explained, after discussions with City Auditor Herbst and City Attorney Boileau, the only viable path moving forward to address outstanding items is to waive procurement rules and bring this item before the City Commission. Two contractors are needed to complete outstanding items, one for playground equipment installation and another to address driveways, road pavement and sidewalks.

City Auditor John Herbst expounded on Staff efforts to address the situation and confirmed there is no path forward under the existing contract with *Hinterland*. He concurred with City Manager Lagerbloom's comments regarding the continued adverse impact on the *Neighborhood* should the usual procurement process be followed.

City Auditor Herbst said the outside audit firm with construction expertise used for the *Las Olas Parking Garage* and *Aquatic Complex* would be retained to conduct a forensic audit and determine how this situation occurred.

In response to Mayor Trantalis' questions, City Manager Lagerbloom said *Hinterland* was contracted to address stormwater mitigation. The Procurement Office signed off on a variation of the original stormwater mitigation contract for renovation of the *Parks* which included playground equipment and artificial turf surface.

Vice Mayor Moraitis confirmed her support of project completion. In response to Vice Mayor Moraitis' question, City Manager Lagerbloom said the sewer force main repair contract did not include language addressing related sidewalk and playground repairs due to the emergency nature of the sewer force main breaks. Further comment and discussion ensued.



In response to Vice Mayor Moraitis' questions, City Manager Lagerbloom explained funding for *Parks* renovations associated with stormwater repairs had been spent, and the project is not complete. Additional funds being requested are not to exceed \$750,000 to complete projects. City Attorney Boileau said that the scope of work in the *Hinterland* contract was exceeded. Further comment and discussion ensued.

City Manager Lagerbloom recommended using General Funds from the Fund Balance to complete the projects.

In response to Vice Mayor Moraitis' question regarding the availability of recent COVID-related Federal funding received, City Manager Lagerbloom explained details related to the revenue replacement formula.

City Attorney Boileau said approximately \$331,000 was transferred to Public Works via a budget amendment in July 2020 for *Parks* project funding. It has not been determined whether the \$1.7 million dollar task order was used. Comment and discussion ensued on utilizing *Parks Bond* funding.

City Attorney Boileau explained the need to determine what has already been paid by *Hinterland* before moving forward with other sources of funding, i.e., the *Parks Bond*. Further comment and discussion ensued.

In response to Vice Mayor Moraitis' question, City Manager Lagerbloom explained Agenda Resolutions R-1 and R-2 would impact the *current* FY 2021 Budget, not the proposed FY 2022 Budget.

In response to Commissioner Glassman's question regarding elements of the forensic audit, City Auditor Herbst explained the forensic audit investigation would include details associated with the approval trail from the inception of additional work. Inquiries would be made to both Staff and the contractor. City Auditor Herbst said Internal Controls did not function as intended and were overridden. *Hinterland* should not have moved forward without an approved Change Order. Staff should not have moved forward.

In response to Commissioner Glassman's questions, City Manager Lagerbloom explained the urgency of this item is due to concerns associated with the request for the contractor to leave and existing *Neighborhood* conditions that include safety concerns. He will review available contractors who can begin work immediately and does not

expect *Hinterland* to complete the job. Further comment and discussion ensued.

Commissioner Glassman commented on outstanding costs and playground costs. City Auditor Herbst said the forensic audit would determine answers to questions regarding costs and other items. Commissioner Glassman commented on lengthy duration of this situation. City Manager Lagerbloom agreed.

In response to Commissioner Glassman's questions, City Manager Lagerbloom explained outstanding items associated with the certification of playground equipment.

Commissioner Glassman commented on project history and language included in the Commission Agenda Memo indicating *Neighborhood* direction versus Commission approval of project items that include the cost of the lavish playground. He requested an explanation. City Manager Lagerbloom explained how the process should have occurred. Staff should have presented the Commission with Change Orders above ten percent (10%) of the contract cost before commencement of work. City Manager Lagerbloom expounded on his perspective.

Commissioner Glassman discussed the importance of following existing policies and procedures to avoid this type of situation. Further comment and discussion ensued.

Commissioner Glassman expounded on significant concerns related to the unauthorized narrowing of SE 11th Street and related funding, requesting additional information. City Manager Lagerbloom commented on his understanding that it was to eliminate roadway flooding.

Commissioner Sorensen commented on the significant impact on the *Neighborhood* during the past two (2) years.

In response to Commissioner Sorensen's questions regarding the timeline related to the expansion of *Hinterland* work that included the *Parks*, City Attorney Boileau said the initial change order was dated October 2020.

City Manager Lagerbloom noted his concern regarding the Procurement Officer signing off on the change order, expounding on related details.

In response to Commissioner Sorensen's questions regarding the



timeline for completion of project work, Omar Castellon, Department of Public Works Chief Engineer, explained the anticipated timeline. When contractors with the City are determined, it is anticipated that completion of outstanding work would happen within thirty (30) days. Further comment and discussion ensued on quickly mobilizing and ensuring all project punch list items are addressed, including road paving and catch basin elevations based on engineering needs before project completion.

In response to Commissioner Glassman's questions regarding selecting playground equipment replacement versus sanitation of existing playground equipment and related details, Mr. Castellon explained details regarding damaged playground equipment. The *Neighborhood Homeowners Association (HOA)* met with Public Works and chose a different type of playground. The landscape designer worked with the *Neighborhood HOA* to determine a design, and this is how the playground equipment was selected. City Manager Lagerbloom noted there was a public hearing on the new playground design.

In response to Commissioner Glassman's questions, Mr. Castellon confirmed *Hinterland* purchased and installed the playground equipment through a subcontractor in the initial task order. City Attorney Boileau expounded on related details.

Commissioner Glassman commented on the significant costs included in the Change Orders that were not presented to the Commission for approval. Mr. Castellon said the playground equipment was from a European manufacturer, *Kompan*. Further comment and discussion ensued on proper procedure and process to procure this equipment.

Commission Glassman commented on his anticipation of forensic audit results. City Auditor Herbst confirmed and explained the level of expertise required for a forensic audit by an outside audit firm.

Commissioner Glassman reiterated his concerns and perspective and expounded on the importance of following policies and procedures to prevent this from occurring in the future and ensuring fairness to all stakeholders.

In response to Vice Mayor Moraitis' question regarding having standard language in contracts addressing Change Orders in excess of ten percent (10%) of the contract price, City Manager Lagerbloom confirmed. Change orders over 10% require Commission approval. The City Manager has authority to approve change orders less than 10% of the contract cost. City Attorney Boileau said this is standard procedure

to address excess expenses and changes in scope of work, and contractors should know this.

In response to Mayor Trantalis' questions, City Attorney Boileau explained details of the timeline. The contract with *Hinterland* was entered into in 2017. The approximate \$1.7 million associated with the task order addressed remediation of the *Parks* that included the playground as a pass-through line item. City Attorney Boileau explained pass-through items address unforeseen project items and costs. There was one pass-through item totaling \$230,000 entitled *Pass-Through Specialized Construction Activities Allowance* that included a parenthetical description of *testing, playground* unrelated to stormwater work.

In response to Mayor Trantalis' questions, City Attorney Boileau confirmed \$230,000 was part of the \$1.7 million. City Attorney Boileau noted his understanding that *Hinterland* had been paid this amount. Mr. Castellon said *Hinterland* was paid \$1,600,000.

In response to Mayor Trantalis' questions, City Attorney Boileau commented that the July 2021 Change Order had similar line items and pass-throughs. Further comment and discussion ensued on pass-through line items and additional costs for completion of projects that include significant costs associated with raising roads.

Mayor Trantalis commented on his perspective and inquired about contractor perceived approvals. City Attorney Boileau explained his legal viewpoint regarding contractors moving forward.

In response to Mayor Trantalis' question, City Manager Lagerbloom and City Attorney Boileau confirmed the purpose of this meeting is to address outstanding project items in the *Neighborhood*.

In response to Mayor Trantalis' question, City Attorney Boileau explained his understanding that there is some work remaining due to items outside the contract scope of work. Mr. Castellon said eighty to ninety percent (80-90%) of work had been completed.

In response to Mayor Trantalis' question regarding additional costs to complete project items, City Manager Lagerbloom confirmed this request is not to exceed \$750,000 and hopes completion of the project would cost substantially less. Final costs would be provided to the Commission.



City Manager Lagerbloom said he would provide a line-item accounting of costs to the Commission. Mr. Castellon confirmed the ability to provide line-item accounting.

Commissioner Glassman commented on aspects in the Commission Agenda Memo and questioned if sidewalks and flooding mitigation were part of the original scope of work. City Attorney Boileau and Mr. Castellon confirmed it was not. Mr. Castellon said part of the original scope of work to address stormwater was to install pipes to drain the area around *Hector Park*, and raising the road was not. He said the project includes raising the roads and sidewalks and putting swales in areas where roads were narrowed. The roads were narrowed to add swales to retain water and improve drainage.

Commissioner Glassman commented on the impact of the *Neighborhood* moving forward with flooding mitigation and explained District 2 residents in need of similar improvements should be treated equally.

In response to Vice Mayor Moraitis' question, City Auditor Herbst explained Staff is working on a purchase order to retain the forensic audit firm, expounding on related details. The timeline to complete the forensic audit is anticipated to be approximately one (1) month and is dependent on available documentation and review of all information. Further comment and discussion ensued on efforts moving forward.

City Attorney Boileau clarified associated details within Section 2 of this Resolution related to City Manager Lagerbloom moving forward with various contractors to complete project work within the desired timeline that would adhere to policy and procedures regarding approval thresholds for task orders.

In response to Mayor Trantalis' question regarding the threshold amounts associated with contracts for completion of project work, City Attorney Boileau commented on City Manager Lagerbloom's task order authority for various contracts required to complete the work up to \$750,000.

Commissioner Glassman noted his reluctance but said he would vote to approve this Resolution. He commented on the need to ensure this never be allowed to happen again and the importance of finding out why it occurred. City Manager Lagerbloom concurred.

Commissioner Sorensen introduced this Resolution which was read by title only.



**ADOPTED**

**Aye:** 4 - Vice Mayor Moraitis, Commissioner Glassman, Commissioner Sorensen and Mayor Trantalis

**Excused:** 1 - Commissioner McKinzie

**R-2     [21-0797](#)**

Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2021 - Appropriation - (Commission District 4)

Mayor Trantalis explained this Budget Amendment Resolution provides City Manager Lagerbloom authority to secure funding from the Fund Balance to the Fiscal Year 2021 Budget to fund projects in Resolution R-1.

Commissioner Sorensen introduced this Resolution which was read by title only.

**ADOPTED**

**Aye:** 4 - Vice Mayor Moraitis, Commissioner Glassman, Commissioner Sorensen and Mayor Trantalis

**Excused:** 1 - Commissioner McKinzie

**Commission Discussion**

Commissioner Sorensen commented on concerns related to increasing COVID rates. He inquired about the ability to institute mask mandates in City buildings and incentivize vaccinations.

In response to Mayor Trantalis' request, City Attorney Boileau explained details related to Emergency Orders ended by Governor Ron DeSantis and State Legislative actions. The City is not permitted to restrict access to buildings based upon COVID-19 (COVID) documentation. Comment and discussion ensued regarding Miami-Dade County mandating mask wearing.

City Attorney Boileau explained that the Florida State Legislature had separated States of Emergencies into weather-related emergencies and health-related types of emergencies that require extensive data and metrics.

City Attorney Boileau explained Broward County Administrator Bertha Henry had renewed the *Broward County State of Emergency* weekly since inception. He commented on vaccination incentives and noted union-related challenges to fairness for individuals already vaccinated. Further comment and discussion ensued on ways to incentivize COVID

vaccinations, the rise in cases and related concerns.

Mayor Trantalis commented on his perspective regarding concerns related to the rise of COVID cases, the inability of the Commission to act due to senior authority, the need for personal responsibility to be vaccinated and efforts to keep everyone safe. Should data and metrics not meet criteria, Governor DeSantis has the authority to invalidate the Emergency Order. City Attorney Boileau expounded on scenarios related to mandating mask wearing and enforcement challenges. Individuals can be requested to wear masks.

Mayor Trantalis discussed the need to address area traffic mitigation caused by *Chick-fil-A* fast-food restaurant (*Chick-fil-A*) customer vehicles. Vice Mayor Moraitis said work is ongoing with the Florida Department of Transportation (FDOT) to address the situation. Ben Rogers, Department of Transportation and Mobility Director, explained Staff efforts to address traffic mitigation. Through Staff discussions with *Chick-fil-A* corporate offices, *Chick-fil-A* corporate was made aware of traffic congestion observations, i.e., traffic backing up on Federal Highway/U.S. Route 1, who indicated they would hire a consultant to improve its drive-through service model. The second option is working with FDOT, which has roadway jurisdiction over the review process, for a site plan modification adding a second curb cut for an exit lane. Currently, the entrance and exit lanes are in the same location. FDOT is proposing to create a dedicated exit lane for additional end lane capacity. Mr. Rogers explained related process details before site changes be made.

Mayor Trantalis expounded on his perspective regarding the need for new businesses to focus on traffic mitigation, citing the example of a new Publix planned in the Bal Harbour neighborhood. Further comment and discussion ensued.

Anthony Fajardo, Department of Sustainable Development Director, confirmed Publix had met all traffic requirements for its site plan. Mayor Trantalis requested a review of traffic requirements and expounded on the need to address. He cited the number one complaint in resident surveys is the need to address traffic mitigation. Commissioner Sorensen concurred on the need to address.

Mayor Trantalis commented on landscaping concerns in North Beach Village. Further comment and discussion ensued. City Manager Lagerbloom noted that weed control has diminished since the decision to stop using the pesticide *Roundup*.

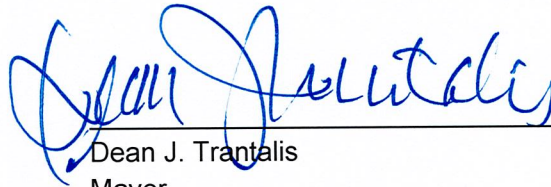


City Manager Lagerbloom announced he would be out of the City from August 7, 2021 through August 10, 2021. Tarlesha Smith, Assistant City Manager and Human Resources Director, will be Acting City Manager and the first point of contact during this time frame.

## ADJOURNMENT

### ADJOURNMENT

Mayor Trantalis adjourned the meeting at 4:28 p.m.



Dean J. Trantalis  
Mayor

ATTEST:



Jeffrey A. Modarelli  
City Clerk