City of Fort Lauderdale

City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov

Meeting Minutes

Monday, April 30, 2018

12:00 PM

WAVE

City Commission Chambers

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor - Commissioner
BEN SORENSEN Vice Mayor - Commissioner - District IV
HEATHER MORAITIS Commissioner - District I
STEVEN GLASSMAN Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JEFFREY A. MODARELLI, City Clerk
ALAIN E. BOILEAU, Interim City Attorney

CALL TO ORDER

Mayor Trantalis called the Workshop to order at 12:15 p.m.

ROLL CALL

Commissioner Heather Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie, Vice Mayor Ben Sorensen and Mayor Dean J. Trantalis

QUORUM ESTABLISHED

Also Present: City Manager Lee R. Feldman, City Clerk Jeffrey A. Modarelli, Interim City Attorney Alain Boileau, City Auditor John Herbst

No e-comments were submitted for this Workshop.

18-0487 Joint Workshop with Florida Department of Transportation, Broward County and the Downtown Development Authority to Discuss the WAVE Streetcar Project

Mayor Trantalis gave opening remarks for The Wave (Project) Workshop, giving a brief historic overview and details involved in the Project and commenting on the amount of work and funding to date. He requested Staff give an update about the status of the bids.

City Manager Feldman gave an overview of the recent re-bid process. Two bids were received, sent to the Commission and both were in excess of the 125 percent threshold. He confirmed that Broward County (County) and the Downtown Development Authority (DDA) are in attendance and will give presentations. Florida Department of Transportation (FDOT) General Counsel advised that FDOT personnel would not attend this Workshop due to the Project being an active solicitation.

Mayor Trantalis recognized Jenni Morejon, Chief Executive Officer, Downtown Development Authority (DDA). Ms. Morejon reconfirmed the reason for FDOT not being in attendance. She introduced Greg Stuart, Director of the Broward County Metropolitan Planning Organization (MPO). Prior to beginning the presentation, Mr. Stuart discussed details of three area MPOs and how those transportation projects interconnect. He gave the MPO presentation. It focused on population increases, transportation needs, the Project's current and future regional transportation interconnectedness to alleviate traffic and connect the City

to other County and State locations.

A copy of this presentation is attached to these minutes.

Mayor Trantalis recognized Gretchen Cassini, Assistant Broward County Administrator. Ms. Cassini discussed the County's proposed surtax for transportation needs on the upcoming November 2018 ballot, confirming that the Project will serve as a connector to bus rapid transit and light rail. Ms. Cassini reviewed additional phases of the County transportation plan.

Ms. Morejon introduced Lowell Clary, President and managing member of Clary Consulting, LLC. Mr. Clary explained how the Project has been vetted through the funding process and FDOT's ongoing procurement process. He discussed the Project's context, commenting on the implications of not moving forward with the Project and his experience in this realm. Mr. Clary said that grants cannot be repurposed.

In response to Mayor Trantalis' question about implications of moving forward with an outdated project, Mr. Clary said communities nationwide are making these types of light rail investments. Mayor Trantalis discussed a similar scenario in Providence Rhode Island where TIGER Grant Funds were repurposed for transportation. Mr. Clary reiterated his position that funds for the Project cannot be repurposed. Mayor Trantalis stated this will be explored in terms of technology and affordability and logic needs to prevail. Further comments and discussions ensued on this topic.

Mayor Trantalis recognized George Platt, Esq., on behalf of Prince-Delta Railroad, JV, the low bidder for the Project. Mr. Platt gave a brief overview of his experience. He spoke in support of the Project, commenting that this is an ongoing bid process. He discussed value engineering, ways to improve this Project and the ability to lower the final bid.

Mayor Trantalis recognized Seth Platt, Esq., Prince-Delta Railroad, JV. Mr. Platt waived speaking in support of the Project.

Mayor Trantalis recognized Sherman Whitmore, 401 E. Las Olas Boulevard. Mr. Whitmore spoke in opposition to the Project, commenting that the regional master transportation plan ought be in place prior to implementing this Project.

Mayor Trantalis recognized Stan Eichelbaum, 411 N. New River Drive, and member of the Downtown Civic Association. Mr. Eichelbaum spoke

in opposition to the Project, commenting on the large percentage of residents against the Project, issues relating to planning, stating that this Project will not mitigate downtown traffic issues.

Mayor Trantalis recognized Sheila Franklin, 434 NW 1st Avenue. Ms.Franklin spoke in opposition to the Project. She commented on her Flagler Village neighbors' input regarding the Project, confirming their preference to use Uber or Lyft when commuting downtown.

Mayor Trantalis recognized Jim McGrath, Fort Lauderdale Against The Wave. Mr. McGrath noted his background in transportation relating to this Project, stating light rail systems in other areas of the country have their own dedicated right-of-way and are not in conflict with automobile travel.

Mayor Trantalis recognized Frank Schnidman, 1858 NE 34th Street. Mr. Schnidman gave a brief overview of his work with municipal transportation. He spoke in opposition to The Project recommending the Commission exercise its option not to proceeding with the project due to cost overruns.

Mayor Trantalis recognized Gonzalo Ballesteros, 12540 Vista Isles Drive. Mr. Ballesteros spoke in support of the Project, confirming that the Project will provide convenience for those who operate businesses out of FAT Village. He commented on the ways he would utilize the Project.

Mayor Trantalis recognized Marilyn Mammano, Fort Lauderdale Against The Wave. Ms. Mammano discussed the interpretation of *value engineering* as it relates to this Project to meet the 125% threshold. She also commented on the recent County Commission meeting on this Project, City costs for the enhanced vehicle maintenance facility and improving the current County bus system.

A copy of Ms. Mammano's handout to the Commission is attached to these minutes.

Mayor Trantalis recognized Bill Brown, 112 N. Birch Road. Mr. Brown spoke in opposition to The Project due to its cost, future cost overruns and outdated technology.

Mayor Trantalis recognized Rachel Pettit, 673 NE 3rd Avenue. Ms. Pettit commented on The Project and the need for public transportation, encouraging the Commission to support the Project.

Mayor Trantalis recognized Anne Hilmer, 621 Idlewyld Drive. Ms. Hilmer

read a text from Mary Fertig who was unable to attend. She urged the Commission to vote down the Project in a manner that ensures the City is not financially liable and to notify the community when a final decision is made.

Mayor Trantalis recognized David Benjamin, Better, Inc. Mr. Benjamin spoke in support of the Project, commenting that the Project could be financed privately. Mayor Trantalis requested Mr. Benjamin give the Commission information on this type of financing.

Mayor Trantalis recognized Dane Hancock, P.E. Mr. Hancock spoke in opposition to the Project, giving his review about the Project's poor engineering. He discussed the Project’s impact on soil conditions, minimum separation from utilities and the Third Avenue Bridge.

Mayor Trantalis recognized Nancy Thomas, 1924 Admirals Way. Ms. Thomas spoke in opposition to the Project, commenting on aspects of the Project that are no longer applicable, including costs, technical and construction issues, and feasibility.

Mayor Trantalis recognized Steve Newmark, 411 N. New River Drive. Mr. Newmark spoke in opposition to the Project, confirming the need for a state-of-the-art transportation system. He discussed the need to have flexible routing to accommodate mitigating future traffic issues.

Mayor Trantalis recognized Warren Sturman, 801 Ponce de Leon Drive. Mr. Sturman spoke in opposition to the Project, commenting on cost overruns, costs to the City and outdated technology. He noted the overwhelming opposition from neighborhoods.

Mayor Trantalis recognized Kristen Maus, 1778 Marietta Drive. Ms. Maus spoke in opposition to the Project, commenting on taxpayer opposition to the Project.

Mayor Trantalis recognized Dan Lindblade, 512 NE Third Avenue, and President and CEO of the Greater Fort Lauderdale Chamber of Commerce. Mr. Lindblade spoke in support of the Project. He commented on public opposition to controversial projects in the past.

Mayor Trantalis recognized Doug Coolman, designated representative of The Broward Workshop. Mr. Coolman spoke in support of the Project, commenting on the history of efforts to move the Project forward.

Mayor Trantalis recognized Glenn Cooper, Board Member and Chair of the Government Affairs Committee of the Greater Miami Chamber of

Commerce. Mr. Cooper spoke in support of the Project, commenting on the transformative effect of Brightline to mitigate traffic and the impact of rejecting the Project.

Mayor Trantalis recognized Alan Hooper, Chairman of Board of Directors of the Downtown Development Authority (DDA). Mr. Hooper spoke in support of the Project, discussing the ability to negotiate the current pricing. He thanked those who have worked on the Project.

Mayor Trantalis recognized Norm Schwartz, 401 SW 4th Avenue. Mr. Schwartz spoke in opposition to The The Project, commenting on updated transportation options available and the Project's obsolete technology.

Mayor Trantalis recognized Charles King, 105 N. Victoria Park Road. Mr. King discussed the probability of funds for the Project being returned to the taxpayers. He also commented on the Project's ability to get people around downtown, urging the Commission to support the Project.

Commissioner Moraitis discussed financial issues involved with the Project and associated consequences of not moving forward with the Project.

Commissioner McKinzie commented on his position and request for a presentation from all Project stakeholders in order to make an informed decision.

City Auditor John Herbst gave a summary of the audit prepared by his office and sent to the Commission, including the funding spent to date and future financial obligation should the Commission terminate the agreement.

In response to Commissioner McKinzie's question about Project funding sources and obligations, City Auditor Herbst explained the financial contributions and expenditures from various sources. He stated that specifically identifying all of the financial information is not possible due to South Florida Regional Transportation Association (SFRTA) and FDOT funds being fungible. He commented that this is a legal issue.

In response to Mayor Trantalis' question, City Auditor Herbst confirmed the City's contribution to SFRTA, FDOT and the County. In response to Commissioner McKinzie's question, $5,600,000 was sent to the County from the Water and Sewer Fund intended for capital cost overruns to offset water and sewer work associated with the Project. These funds have not been spent and remain with the County, commenting that a

refund is a legal question.

City Auditor continued his review of SFRTA and FDOT funds received and spent to date to date. In response to Mayor Trantalis' question, City Auditor Herbst stated that he could not confirm the methodology used to expend these funds. Commissioner McKinzie commented on the difficulty this poses when making an informed decision. Further discussions ensued on this topic. Mayor Trantalis commented on the City's ability to terminate via an "opt-out clause" should re-bids exceed the 125 percent cost threshold.

Commissioner Glassman noted that the deadline for making a decision on the "opt-out" clause is Wednesday, May 2, 2018. Commissioner Moraitis commented on waiting for the best and final bid procurement process. Further Commission comments and discussion ensued on this topic.

City Auditor Herbst gave his best estimate of funds available for recovery: approximately $7,500,000 contributed from the Northwest Progresso Flagler Heights Community Redevelopment Agency (NWPFH CRA); $5,600,000 from the Water and Sewer Fund; $2,000,000 in assessment funds turned over to the County; and $5,600,000 currently being held by the DDA. This amounts to approximately $20,000,000 of the $33,000,000 spent to date by the City.

Interim City Attorney Alain Boileau reviewed possible scenarios going forward, expounding on issues relating to the procurement process before or after the contract is accepted. Further discussions ensued on the manner in which the contract is written, a timeline for making a decision, the procurement process, the "cone of silence" in place by FDOT, the ability to recover City funds and future legal liability should the City not participate in the Project.

Commissioner Glassman stated his desire to make a decision that will send a message to the County and state on the Commisson's position. He commented about the County Commissioner's position regarding the vehicle maintenance facility. Commissioner Glassman also discussed this Project being mandated upon the City and additional transportation options acting as a connector for Andrews Avenue.

Vice Mayor Sorensen read language contained in Interim City Attorney Boileau's April 27, 2018 legal memorandum to the Commission about the City "opting out" and meeting three conditions should contract pricing exceed the 125 percent threshold. Interim City Attorney Boileau commented on legal positions regarding final contract pricing. He also

confirmed City notice requirements.

In response to Vice Mayor Sorensen's question about the word "bid" equating to "contract pricing" in case law and his experience, Interim City Attorney Boileau commented that differing procurement processes impact this interpretation. As such, he cannot state with certainty that FDOT will equate "bid price" to "contract price".

To provide a complete picture of recoverable amounts, Vice Mayor Sorensen confirmed that in addition to the recoverable amount of $20,000,000 noted by City Auditor Herbst, the City's contribution of $2,500,000 for land value should also be included in the total amount recoverable.

Mayor Trantalis thanked all attendees for their participation.

ADJOURNMENT

Mayor Trantalis adjourned the Workshop on The Wave at 2:12 p.m.

Broward MPO
Metropolitan Planning Organization

Improving Transportation: We Are Not Alone

April 30, 2018

SOUTHEAST FLORIDA REGIONAL TRANSPORTATION PLAN 2040

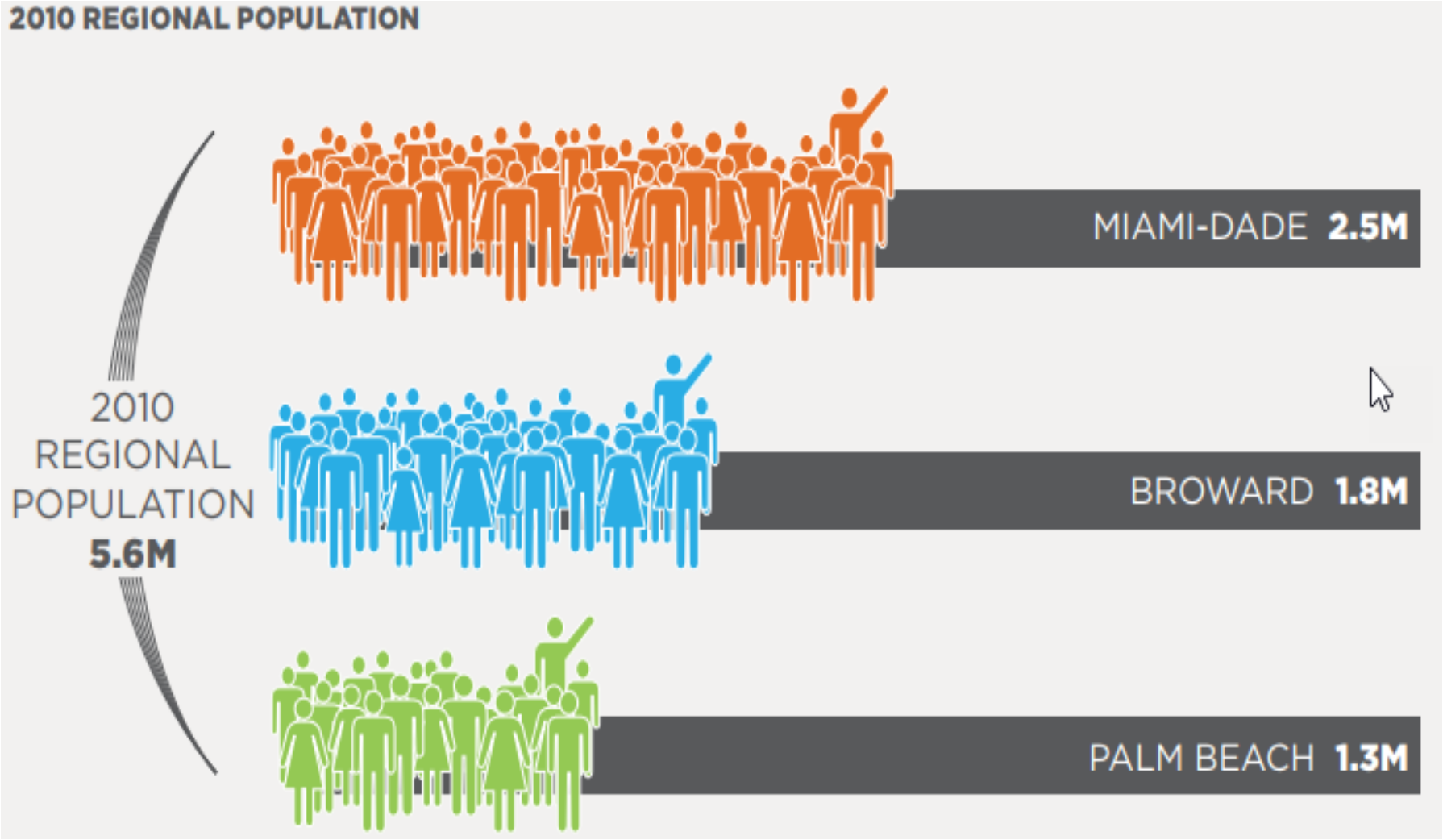
Miami-Dade • Broward • Palm Beach

COORDINATED REGIONAL PLANNING AND DECISION-MAKING THAT RESULTS IN A SEAMLESS SYSTEM OF MULTIMODAL FACILITIES TO MEET THE TRAVEL NEEDS OF PEOPLE AND FREIGHT.

TPO Miami-Dade Transportation Planning Organization

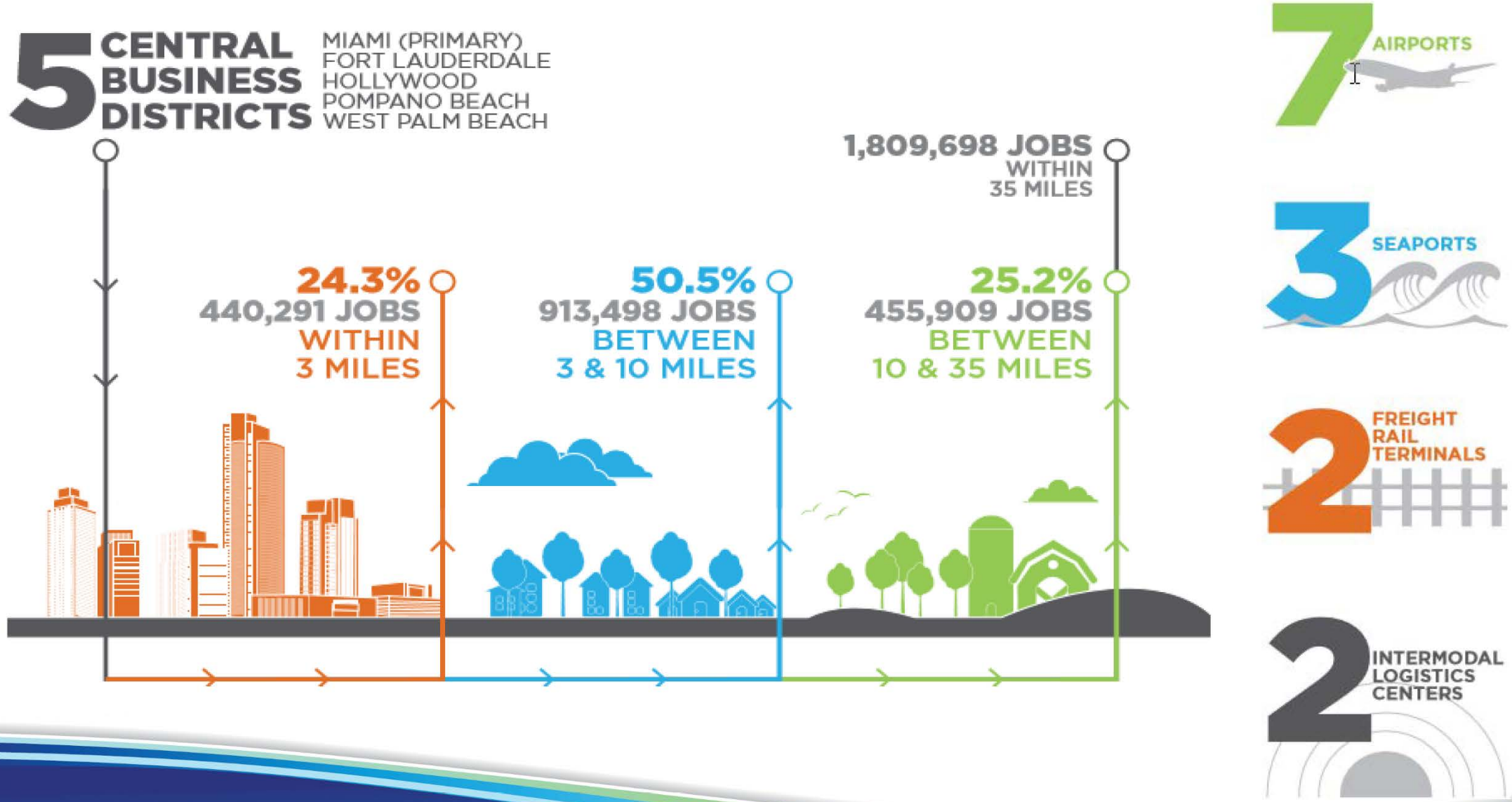
Broward MPO Metropolitan Planning Organization
Move People | Create Jobs | Strengthen Communities

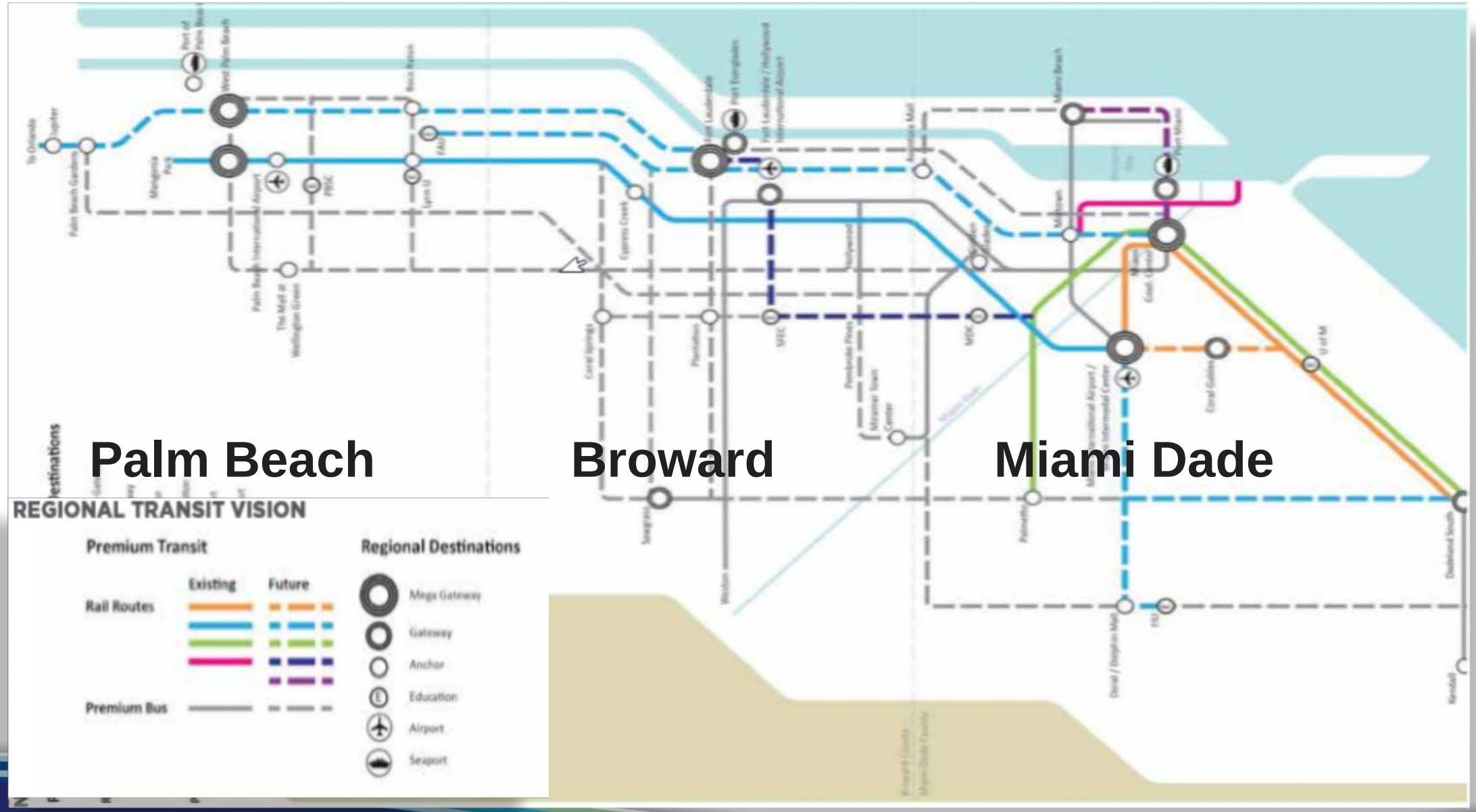
PALM BEACH Transportation Planning Agency



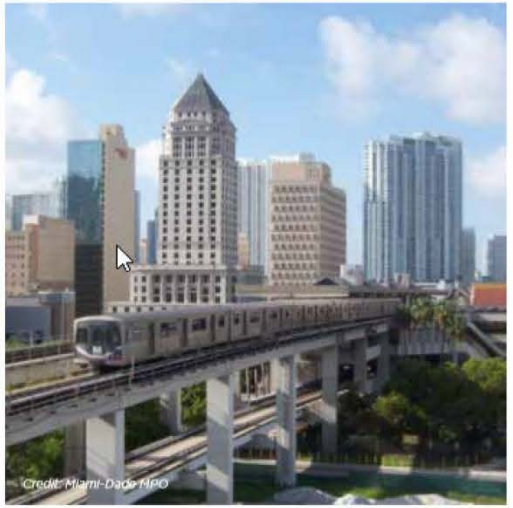
300 people are moving to South Florida each day

Tri-County population is expected to reach 6.7 million over the next five years


5 CENTRAL BUSINESS DISTRICTS
MIAMI (PRIMARY)
FORT LAUDERDALE
HOLLYWOOD
POMPANO BEACH
WEST PALM BEACH
1,809,698 JOBS WITHIN 35 MILES
24.3%
440,291 JOBS
WITHIN
3 MILES
50.5%
913,498 JOBS
BETWEEN
3 & 10 MILES
25.2%
455,909 JOBS
BETWEEN
10 & 35 MILES
7 AIRPORTS
3 SEAPORTS
2 FREIGHT RAIL TERMINALS
2 INTERMODAL LOGISTICS CENTERS


Palm Beach
Broward
Miami Dade
REGIONAL TRANSIT VISION
Premium Transit
Existing
Future
Rail Routes
Premium Bus
Regional Destinations
Mega Gateway
Gateway
Anchor
Education
Airport
Seaport

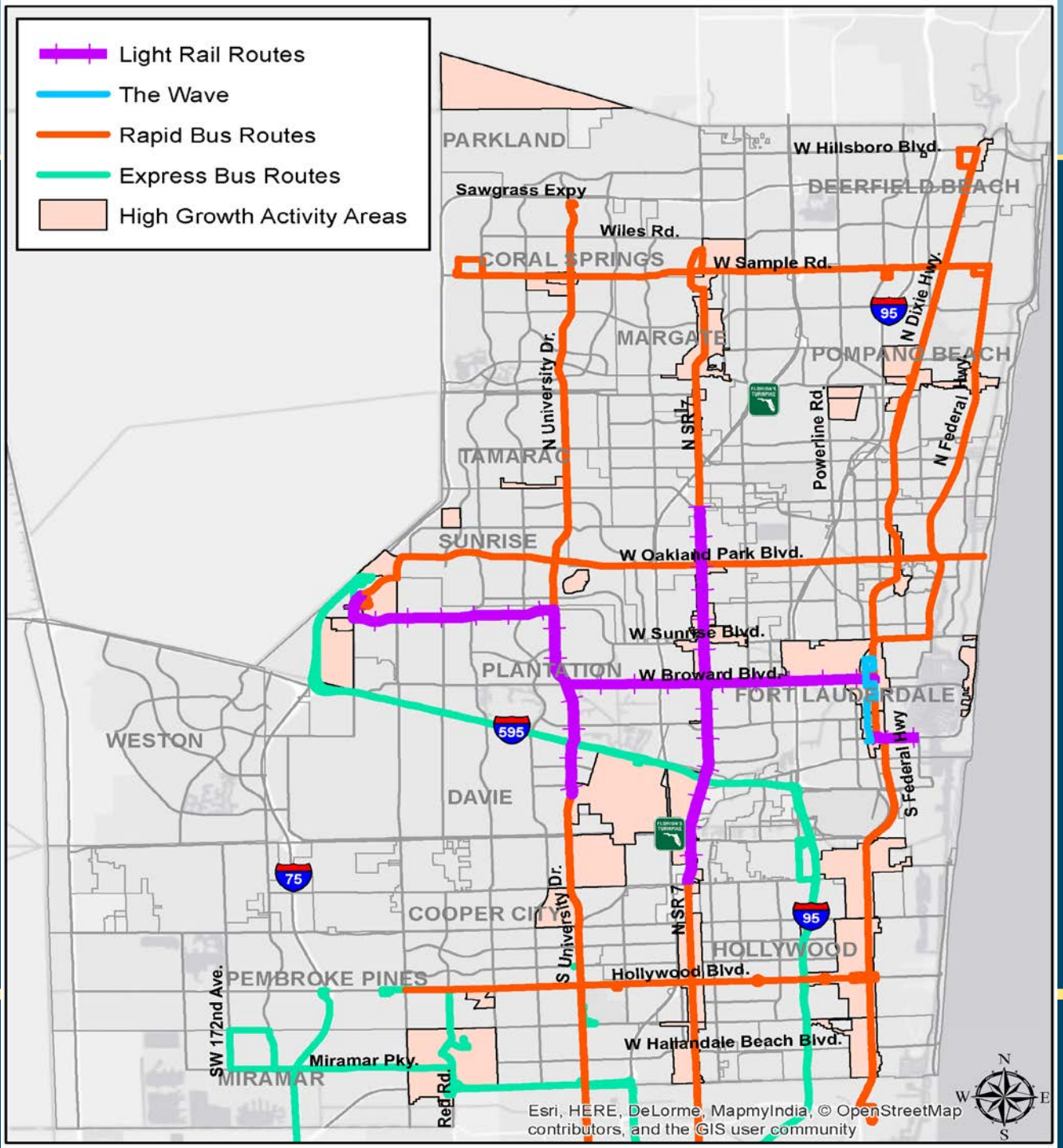
EXPRESS BUS PROJECTS



MIAMI-DADE METRORAIL EXPANSION

Broward MPO
Metropolitan Planning Organization

A Vision for Broward County's Multi-Modal, Regional Transportation System



BROWARD COUNTY FLORIDA

The Wave is planned to connect to Light Rail on High-Ridership Corridors

- **New** Light Rail Transit (LRT) Lines (27.2 Miles):
  - Broward Blvd. & SE 17th St. East-West (5 miles)
  - US 441/SR 7 Line (9.7 miles)
  - Broward Boulevard West Extension (9.7 miles)
  - University Drive-NOVA Extension (2.8 miles)

BROWARD COUNTY FLORIDA

WORKSHOP - WAVE 4/3/2018 Provided by Mari Y Mammano

BROWARD COUNTY Transit

Downtown Fort Lauderdale

Sistrunk Blvd.
NW 1st Ave.
NW 4th St.
NW 7th Ave.
NW 2nd St.
Broward Central Terminal
NW 2nd Ave.
NW 1st Ave.
Andrews Ave.
NE 1st Ave.
NE 2nd Ave.
NE 3rd Ave.
NE 5th St.
NE 4th St.
NE 3rd St.
NE 2nd St.
NE 1st St.
Broward Blvd.
Broward County Government Center
Broward County Main Library
SW 2nd St.
SW 4th Ave.
SE 3rd Ave.
S Federal Hwy
SE 2nd St.
Las Olas Blvd.

Broward Central Terminal

WEST
EAST
NORTH
SOUTH
US 1 BUS
Broward Blvd.
Pine Island Rd.
NW 12 St.

Lauderhill Transfer Facility

EAST
NORTH
SOUTH
WEST
NW 12 St.

Northeast Transit Center

Martin Luther King, Jr. Blvd.
NORTH
SOUTH
EAST
WEST

Legend

- Street
- Interstate
- State Road
- Federal Highway
- Florida's Turnpike
- Bus Route

Commuter Limited Stop Service

- Express Stop
- 95 Express Miramar (Route 104) Miramar Regional Park to Miami-Civic Center
- 95 Express Hollywood (Route 107) Hollywood to Miami-Civic Center
- 95 Express Pembroke Pines (Route 108) North Perry Airport to Miami-Civic Center
- 95 Express Pembroke Pines/Miramar (Route 109) CB Smith Park/Miami Sports Complex to Downtown Miami
- 95 Express (Route 110) Sunrise to Miami-Brickell
- 95 Express (Route 114) Sunrise to Miami-Civic Center
- Park and Ride/Lot
- Tri-Rail
- Miami-Dade Transit
- Palm Tran
- County Line

PALM BEACH COUNTY
BROWARD COUNTY
PARKLAND
MARGATE
TAMARAC
POMPANO BEACH
WESTON
PLANTATION
DAVIE
FORT LAUDERDALE
COOPER CITY
SOUTHWEST RANCHES
PEMBROKE PINES
HALLANDALE BEACH
MIRAMAR
BROWARD COUNTY
MIAMI-DADE COUNTY
LAUDERDALE BY THE SEA
Fort Lauderdale-Hollywood International Airport

BROWARD COUNTY FLORIDA
BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS
JANUARY 2017