

# City of Fort Lauderdale

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## Meeting Minutes

**Monday, September 13, 2021**

**3:00 PM**

**Joint Workshop with Infrastructure Task Force Advisory  
Committee**

**City Commission Chambers**

**100 North Andrews Avenue, Fort Lauderdale, FL 33301**

### **CITY COMMISSION WORKSHOP**

***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 3:04 p.m.

**MEETING ANNOUNCEMENT**

Mayor Trantalis announced details regarding the meeting format, including how members of the public can view and participate.

**ROLL CALL**

**Commission Members Present:** Vice Mayor Heather Moraitis, Commissioner Steven Glassman, Commissioner Robert L. McKinzie (joined the meeting at 3:21 p.m. and participated via communications technology), Commissioner Ben Sorensen (participated via communications technology) and Mayor Dean J. Trantalis

**Infrastructure Task Force Advisory Committee Members Present:** Chair Marilyn Mammano, Vice Chair Peter Partington (participated via communications technology), Gerry Angeli, Shane Grabski, Charlie Ladd, Jacquelyn Scott, Roosevelt Walters and Ralph Zeltman

**Infrastructure Task Force Advisory Committee Members Not Present:** Michael Marshall

**QUORUM ESTABLISHED**

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

**OLD/NEW BUSINESS****BUS-1** [21-0883](#)

Report of the Infrastructure Task Force Advisory Committee to the City Commission Joint Workshop

Mayor Trantalis commented on completion of the seven and one half mile Force Main Sewer Line and announced a ribbon cutting on September 30, 2021.

Mayor Trantalis recognized Infrastructure Task Force Advisory Committee (ITFAC) Chair Marilyn Mammano. Chair Mammano read the Commission Agenda Memo (CAM) providing context for meeting discussions and reviewed CAM attachments.

***A copy is part of the backup to this Agenda item.***

Vice Chair Peter Partington emphasized the Commission task with respect to the moratorium. The ITFAC unanimously passed a Resolution recommending memorializing an examination of underground infrastructure system condition (Condition) in the Ordinance. He explained the reasoning behind this ITFAC recommendation. Applications for development should include how a development's load impacts Condition. This would serve future Commissions.

In response to Mayor Trantalis' questions, City Manager Lagerbloom explained two (2) matters are in play, capacity of Fiveash Water Treatment Plant (Capacity) and Condition. Condition is the responsibility of the City. Capacity letters are issued as part of the development application process. City Manager Lagerbloom said there is an ongoing rehabilitation process to address Infiltration and Inflow (I&I) flowing into and out of the Fiveash Water Treatment Plant (Fiveash).

ITFAC Member Jacquelyn Scott concurred with Condition concerns and cited similar concerns of the Planning and Zoning (P&Z) Board. The P&Z Board understands Capacity is not the issue. The P&Z Board would like to be able to determine Condition. Including Condition in the Ordinance allows reporting.

Chair Mammano clarified the ITFAC position that a development project should not be held up due to Condition. The ITFAC recommends, administratively or by Ordinance, including Condition to allow decision makers information during the development review process. Chair Mammano cited examples. Staff including Condition in Capacity letters would make the Commission, public and P&Z Board aware of issues that need to be addressed.

Mayor Trantalis commented on developers' willingness to address items as an incentive for Commission approval.

ITFAC Member Scott said that if Condition information were reported, all stakeholders would feel more comfortable, acknowledging Mayor Trantalis' comment regarding developers stepping up.

ITFAC Member Roosevelt Walters recommended this information reflect current Condition and into the future.

In response to Commissioner Sorensen's question regarding reporting Condition not being a precondition, City Attorney Boileau explained it may not be called a precondition, but it is essentially. Staff could provide a report on Condition, but it should not be part of the development review

process. Information in a report regarding Condition could not be used to deny a development application. He expounded on his legal perspective and explained it would need to be shown that the development would directly and proportionately impact infrastructure in a way that causes it to fail.

In response to Mayor Trantalis' question regarding making Condition part of the development review process, City Attorney Boileau said he did not believe so because there is no way to quantify and qualify in a legal manner that would be defensible in court. City Attorney Boileau cited examples and explained there is no way to predict when infrastructure pipes would fail due to numerous variables. Further comment and discussion ensued.

In response to Commissioner Sorensen's questions, City Attorney Boileau explained challenges related to engineers determining the impact of a development on infrastructure pipes. City Attorney Boileau explained subjectivity in the development review process is built into the Code.

ITFAC Member Charlie Ladd said it is a question of being informed about Condition and keeping it at the forefront. It is a massive, complicated infrastructure system not easily comprehended with a billion dollar cost to replace. Mr. Ladd expounded on his perspective regarding Condition accomplishments over the past several years and cited examples. He recommended determining a way in which all stakeholders understand what has been done and future challenges.

Vice Chair Partington explained consultant *Hazen & Sawyer* has done significant work on the Condition of the sewer and force main system, categorizing low, medium and high likelihood of failure. This work is continuing on water line infrastructure. He agreed with Mr. Ladd that Condition information would keep in forefront of minds for the future.

In response to Mayor Trantalis' question regarding objectively quantifying the status of Condition and incorporating it into the decision making process going forward, Vice Chair Partington explained he envisions a report that rates Condition in terms of likelihood of failure, citing examples. Vice Chair Partington noted a development application could not be refused but everyone, including the public, would be aware of the situation.

Mayor Trantalis recalled a similar situation in District 2 and Commissioner Glassman confirmed numerous development parties contributed to infrastructure pipe remediation.

In response to Mayor Trantalis' question regarding that situation, City Attorney Boileau explained his legal perspective and noted the pipe replacement was within development boundaries. He explained details regarding the need for caution regarding requesting developers to address Condition in order to proceed with development projects.

In response to Commissioner Sorensen's questions, City Attorney Boileau explained it cannot be part of the development review process. Staff can bring this information forward to the Commission at any point, and the depth of Staff information is at the direction of the Commission. Developers pay *Impact Fees* towards addressing infrastructure.

City Attorney Boileau reiterated the need for a directionally and proportionally correlated nexus between the building and a failure that may or may not happen in the future on an infrastructure line contributed to by a variety of developments that may not be in close proximity.

In response to Commissioner Sorensen and Mayor Trantalis' question regarding the ability of Staff to develop a methodology for determining Condition the Commission could consider when making decisions. Talal Abi-Karam, Public Works-Utilities Assistant Director, explained challenges. Mr. Abi-Karam cited the example of the fifty-four inch (54") sewer force main failure in the Rio Visa neighborhood seven (7) miles away from numerous municipalities contributing to its flow. There is no way for an engineer to make an assertion regarding an underground pipe. Under the *2017 Reiss Engineering Comprehensive Utility Strategic Master Plan (CUSMP)* and the *Consent Order with the Florida Department of Environmental Protection (Consent Order)*, there were evaluations of the sewer force main system which are available to the public on the City website. Mr. Abi-Karam explained the analytical methodology was used.

Mayor Trantalis commented on the responsibility of the Commission to contemplate all infrastructure factors when considering a new development application.

ITFAC Member Ralph Zeltman submitted on a document he prepared for this meeting and passed out to Commission Members. He discussed and cited details related to the portion of the document addressing Condition and the history of zoning changes on the barrier island impacting consumption, condition and Capacity. Further comment and discussion ensued.

***A copy has been made part of the backup to this Agenda item.***

In response to Mayor Trantalis' question, Mr. Abi-Karam explained the analytical process used by *Hazen and Sawyer* to determine the sewer force main line assessment, i.e., age, material, consequence and impact of failure, but there is no way to qualify the location of a possible break.

Commissioner Sorensen recommended an evaluation of current Condition in addition to current system components and Capacity and cited examples. Mr. Abi-Karam confirmed this can be found in the *Force Main Condition Assessment*.

Mayor Trantalis noted the legal opinion of City Attorney Boileau stated earlier regarding using Condition as a determining factor for approving a development application. City Attorney Boileau reiterated this legal opinion and cited examples of possible challenges. Further comment and discussion ensued regarding evaluation of Condition and Capacity.

Mr. Zeltman commented on the need to identify variables and cited examples.

Chair Mammano clarified the ITFAC concurs with City Attorney Boileau. The ITFAC recommends Staff provide the Commission with information pertinent to the development application during Commission review.

Vice Mayor Moraitis discussed her viewpoint regarding the role of government. She confirmed the role and responsibility of the City includes maintaining infrastructure pipes. Further comment and discussion ensued.

Vice Mayor Moraitis commented on District maps indicating Condition and priorities. City Manager Lagerbloom said emergency situations are addressed.

Vice Mayor Moraitis commented on numerous surrounding municipalities serviced by the City and development approval in those areas. In response to Commissioner Sorensen's question, City Manager Lagerbloom said Public Works would need to provide information regarding the manner in which the City addresses this topic. Further comment and discussion ensued.

ITFAC Member Ladd discussed other ways to highlight Condition issues in addition to the development review process. He recommended maintaining and keeping a list of the top ten (10) areas with the most Condition issues on the forefront and addressing as soon as possible.

In response to Commissioner Sorensen's questions, City Attorney Boileau explained objections that could be raised in a *Quasi-Judicial* setting when evidence of Condition is considered.

In response to Mayor Trantalis' question, City Attorney Boileau recommended not changing the Ordinance because a decision cannot be made based on Condition.

City Attorney Boileau expounded on the topic of publishing Condition as criteria. He explained the inability to quantify the entire system and cited examples.

Mayor Trantalis noted the need and ability to address and rectify a weak area of Condition before a development is completed. City Attorney Boileau explained the need to keep this separate from the approval process and addressed separately by Public Works Staff. Chair Mammano agreed. She reiterated the ITFAC recommendation for the Commission to instruct Staff to work with the ITFAC to address this topic. Mayor Trantalis concurred.

In response to Vice Mayor Moraitis' question regarding speeding up and doing more to address Condition, City Manager Lagerbloom explained it is dependent upon what work could be done simultaneously. He confirmed discussions with the Public Works Director to bundle projects and commented on related details.

Vice Mayor Moraitis requested City Manager Lagerbloom inform the Commission if an area is approaching failure.

Chair Mammano said, as recommended by Budget Advisory Board (BAB), the ITFAC concurs with the recommendation to set aside tax revenue for capital improvement projects as a separate line item within the General Fund Budget (Budget).

In response to City Manager Lagerbloom's question, Chair Mammano said it would be set aside within the existing millage rate.

Mayor Trantalis commented on his perspective. Chair Mammano explained the reasoning behind this recommendation. ITFAC Member Scott concurred and explained her perspective. Mayor Trantalis commented on bond funding used for a specific purpose, cited examples and noted aspects of the Budget.

Vice Mayor Moraitis requested identification of projects within the *Community Investment Plan (CIP)* and confirmed her viewpoint that

water and sewer projects should be paid for by user rates due to other cities usage.

Chair Mammano noted ongoing replacement costs for bridges, roads and sidewalks are not funded by user fees.

BAB Chair Brian Donaldson clarified the BAB recommendation was not to increase the General Fund ad valorem. He said a separate line item for capital projects would inform constituents and cited examples.

BAB Chair Donaldson commented on unfunded *CIP* projects. Mayor Trantalis noted they are unfunded due to lack of funding. BAB Chair Donaldson explained budget challenges related to unknown costs of contracts in 2022.

BAB Chair Donaldson discussed the need to fund *CIPs* with a separate ad valorem tax item that would not go into the General Fund to fund *CIPs*. It would be listed as separate line item for infrastructure, not funded by user fees, i.e., seawalls, bridges, roads, sidewalks, etc.

Chair Mammano recommended making it clear for constituents in the General Fund Budget with identifiable capital projects.

Mayor Trantalis expounded on his perspective and acknowledged Commission receptiveness to this recommendation. The Commission would consider the BAB recommendation in the FY 2023 Budget.

ITFAC Member Walters requested the ITFAC be informed of where cancelled *CIP* project funding goes and where funding comes from when adding new projects to allow tracking. Mayor Trantalis acknowledged this request.

Chair Mammano confirmed an ITFAC communication requesting that information. She cited the example of the *South Ocean Bridge*, commented on related details and noted fund tracking. Mayor Trantalis concurred. City Manager Lagerbloom explained it goes into another *CIP* project and noted related details.

Chair Mammano noted the ITFAC sunsets in approximately six (6) months and requested feedback and direction from the Commission regarding its future. Open items include ITFAC input on transportation, Emergency Medical Services (EMS), public private partnerships (P3s), internet utilities, sea level rise and sustainability.



Vice Mayor Moraitis commented on Chair Mammano's summary. She requested the ITFAC review P3s at the proper time. Vice Mayor Moraitis requested ITFAC address Agenda backup information included in Appendix 6 regarding P3s and the setting water rates.

Commissioner Glassman recommended review of the ITFAC mission to determine if it is fulfilled. He agreed the Commission could use advisory committee input guidance on areas recommended by Chair Mammano. Following review of the ITFAC Mission and within six (6) months, the Commission would decide if the mission would need to be changed.

Commissioner McKinzie concurred with Commissioner Glassman's comments. He noted the ITFAC mission to oversee infrastructure bonds and monitor infrastructure. City Manager Lagerbloom confirmed ITFAC oversight of infrastructure. Chair Mammano confirmed ITFAC monitoring of infrastructure projects in addition to the development review process task.

Commissioner McKinzie agreed with ITFAC Member Ladd's recommendation regarding monitoring Condition maps when reviewing new projects. He does not favor Condition inclusion in the development review process.

In response to Commissioner Sorensen's question regarding the status of mapping all infrastructure valves and a full inventory of underground infrastructure, i.e., material, character and quality, Omar Castellon, Public Works Chief Engineer, commented on his understanding that he would need to confirm with Mr. Abi-Karam. Mr. Castellon confirmed he would provide updates.

Commissioner Sorensen requested periodic updates regarding the status of *Consent Order* items. City Manager Lagerbloom confirmed.

Chair Mammano reiterated the need for Commission direction regarding the future of the ITFAC.

Commissioner Sorensen commented on the ITFAC doing a full evaluation of the infrastructure system on an annual basis.

Mayor Trantalis requested Commission feedback regarding the ITFAC working with the City Building Official to determine City-specific Ordinance recommendations regarding additional structural issues that could materialize and not required under the current forty (40) year building inspection process, enhancing the Broward County Ordinance. Vice Mayor Moraitis and Commissioner Sorensen agreed.

In response to ITFAC Member Walter's question regarding the timeline for this determination, Mayor Trantalis confirmed his support of extending the ITFAC.

## **ADJOURNMENT**

Mayor Trantalis adjourned the meeting at 4:45 p.m.