



**MEETING MINUTES
CITY OF FORT LAUDERDALE
INFRASTRUCTURE TASK FORCE ADVISORY COMMITTEE
VIRTUAL MEETING**

CITY OF FORT LAUDERDALE MONDAY, FEBRUARY 1, 2021 – 2:00 P.M. TO 5:00 P.M.

February 2021-January 2022

Attendance

Marilyn Mammano, Chair	P	1	0
Gerald Angeli	P	1	0
Shane Grabski	P	1	0
Charlie Ladd	P	1	0
Michael Marshall	P	1	0
Peter Partington	P	1	0
Jacquelyn Scott	P	1	0
Roosevelt Walters	P	1	0
Ralph Zeltman	P	1	0

As of this date, there are 9 appointed members to the Committee, which means 5 would constitute a quorum.

Staff

- Aneisha Daniel, Deputy Director of Public Works
- Dr. Nancy Gassman, Assistant Director of Public Works – Sustainability
- Rick Johnson, Utilities Distribution and Collection Systems Manager
- Talal Abi-Karam, Assistant Director of Public Works – Utilities
- Victor Carosi, Assistant Director of Public Works -- Engineering
- Omar Castellon, Chief Engineer
- Pauline Ricketts, Senior Administrative Assistant
- Igor Vassiliev, Project Manager II
- Kymerly Holcombe, Business Operations Manager
- D’Wayne Spence, Assistant City Attorney
- Jerry Jean-Philippe, City Moderator
- Crysta Parkinson, Recording Secretary, Prototype, Inc.

Communication to the City Commission

None.

1. Call to Order

i. Roll Call

Chair Mammano called the meeting to order at 2:03 p.m.

ii. Approval of Agenda

Motion made by Mr. Walters, seconded by Mr. Partington, to approve. In a voice vote, the **motion** passed unanimously.

iii. Approval of Previous Meeting Minutes January 4, 2021

Motion made by Mr. Walters, seconded by Mr. Partington, to approve.

Ms. Daniel advised that the budget expenditure report presented at the January 4, 2021 meeting had included an error:

- P. 3, paragraph 3: change \$31 million to \$14 million

Mr. Partington also noted the following correction:

- P. 8, paragraph 3: change first sentence to “The Commission has heard input from the public suggesting that the system has sufficient capacity, but cannot accommodate greater flow through the pipes.”

In a voice vote, the **motion** passed unanimously [as corrected].

2. General Discussion and Comments by Committee Members

Mr. Partington recalled that the City had applied for a federal grant for stormwater improvements which, if successful, could be used in lieu of the \$200 million bond funding for a number of projects. Dr. Nancy Gassman, Assistant Director of Public Works (Sustainability), clarified that the application to which Mr. Partington had referred is for an infrastructure loan program at the federal level, which would permit the City to apply for a low-interest loan for the \$200 million. This loan would supplant bond funding and offer an interest rate of 0.5% to 1% lower than the bond, which would result in significant savings and prevent further entry into the bond market.

Mr. Walters asked if the same restrictions would apply to the loan as to the bond. Dr. Gassman advised that the guidelines are likely to be different, although she did not have further details at hand. The City has not yet been approved for the loan program. Mr. Walters explained that his concern was that the funds be used for specific purposes: if no restrictions apply, the funds could be used for other projects than stormwater improvements. Dr. Gassman advised that it is the City’s intent to use these funds in support of the Stormwater Master Plan.

Chair Mammano requested that a discussion of alternative funding for phase two of the Stormwater Master Plan be included on the following month’s Agenda.

3. Public Comments

None.

4. Old Business

i. Continued Discussion on Developing Moratorium

Resolution Statement – *To evaluate and provide a recommendation on the feasibility and impact of implementing a moratorium on the acceptance of an application for or issuance of a development permit within the City.*

Chair Mammano explained that she had requested the inclusion of the Committee's Resolution Statement on the Agenda. She emphasized that the Committee should remain focused on fulfilling this aspect of its mission. She has created a draft document that proposes an outline for an eventual report to be provided by the Committee to the City Commission.

Chair Mammano briefly reviewed the draft document for the Committee members, noting that it includes the following sections:

- Executive summary and recommendations
- Brief background on the earlier incarnation of the Committee, including the results of its previous recommendations
- Additional charge to review the public-private partnership (P3) approach to the Fiveash Water Treatment Plant

Chair Mammano continued that the current Infrastructure Task Force Committee (ITFC) is intended to have an 18-month lifespan. Its intent is to continue the earlier mission as well as its additional mission of evaluating and providing recommendations. Meetings planned from March 2020 to August 2020 were not held due to the COVID-19 pandemic. Since the resumption of meetings in August, the Committee has:

- Monitored the City's progress on the Consent Order, including pump stations, inflow and infiltration (I&I), Capital Improvement Program (CIP) projects, and Enterprise Funds
- Monitored progress on planning products, including the asset management plan, the Comprehensive Plan prepared by consultants Hazen and Sawyer, force main conditions, and risk analysis

Chair Mammano advised that while the Committee has continued to meet, the City has made significant progress on these issues. She recalled that the Committee has seen recent reports on fire hydrant maintenance/testing as well as valve maintenance and other improvement programs. The City is also mapping sewer line breaks. A water distribution system study is currently underway. The Parks Bond is also being implemented at this time, with community input provided through online public meetings. A number of phase two projects identified by Hazen and Sawyer have been added to the Consent Order. In addition, the Consent Order has been amended based upon sewer breaks.

Chair Mammano continued that thus far, the Committee has made the following determinations:

- Capacity is not an issue
- Several distribution projects are underway via the Consent Order or CIP
- Condition of infrastructure remains an issue, as some parts of the system have been identified as high-risk
- More transparency on impact fees may be necessary

The Chair advised that the Committee may need to make a recommendation at the end of its 18-month lifespan in addition to its additional mission. This may include providing the City Commission with a final report, or making recommendations about how the City should proceed on some issues in the future, possibly in conjunction with another advisory body. She concluded that the Committee may wish to consider her document as “a stepping-off point” to discuss how to arrange and present the information the Committee has gathered. Chair Mammano concluded that any final document should come with a comprehensive appendix, including maps and other backup materials provided by the City.

Mr. Partington noted that the report provided to the City Commission by the earlier iteration of the Committee had been brief and concentrated, and recommended that any subsequent report also be relatively short. He added that the Committee has not specifically asked the Commission to consider a moratorium. Other issues included funding and overall finances, which he did not feel the Committee has fully considered in relation to the progress report submitted by Hazen and Sawyer.

Mr. Ladd observed that the Committee should consider the possibility of implementing a moratorium versus overall repair of the system, including a major trunk line.

Mr. Zeltman stated that in its first year, the previous Committee went through a similar process, which resulted in an outline of the objectives to be achieved according to the Committee’s governing Ordinance. He had also created a chart tracking the progress of a number of projects. He suggested that these tools could be used to better organize and define the various projects and infrastructure needs the Committee has addressed.

Mr. Partington agreed that an outline could be useful, but pointed out that that Assistant City Attorney D’Wayne Spence was present to assist the Committee in its understanding of what a moratorium might mean. He proposed further discussion of this nature. Chair Mammano recommended that Attorney Spence attend the next scheduled meeting as well to provide input on this discussion.

Mr. Partington requested his input on whether or not adequacy findings can be based on a condition analysis with a subjective element. Attorney Spence advised that a subjective element would raise questions of due process and equal protection of all developments. Standards should be objective when determining whether a system has adequate capacity to accommodate proposed development.

Chair Mammano commented that Hazen and Sawyer's report ranks the risk of infrastructure based on a number of factors, including age, materials, salinity of surrounding soil, and other considerations. These were considered to have a subjective element because the consultant did not, in all cases, physically study the pipes: instead they used the aforementioned criteria as surrogates in assisting them with the determination of a pipe's risk of failure. Attorney Spence, in response to a question regarding whether or not adequacy findings can be based on a conditional risk analysis of the infrastructure, stated that such a basis for denial of a development permit would give him pause due to the lack of expert testimony or affidavits. Based on the Committee's representations, the content of the Hazen and Sawyer report would not be sufficient.

Ms. Daniel clarified that Hazen and Sawyer have attached their signature(s) to their report, which includes criteria such as age and materials used to determine the state of the infrastructure. Another part of the consultants' process was having a company go into the field with above-ground equipment to determine additional information about the infrastructure. Chair Mammano requested that this report be provided for Attorney Spence to review.

Mr. Partington asked if it would be possible to implement a moratorium within a definite time frame, such as four to six months, during which development is halted while intensive analysis is conducted to revise adequacy estimates. This would provide the City with enough time to review the issues the Committee had cited during the discussion. Attorney Spence advised that while this could conceptually be done, he would prefer to see additional direction for adequacy review implemented by Ordinance, as legal challenges from the development community are likely to arise.

Paul Chettle, member of the public, stated that the City has both wastewater capacity problems and condition problems with regard to its infrastructure. He cited examples from the Asset Management/Capacity Management, Operations, and Maintenance (AM-CMOM) report discussed at a previous meeting, which identified a number of pump stations that did not meet groundwater or elevation criteria, as well as sewer basins that did not meet I&I criteria. Many of the facilities that do not meet these criteria are located in or near Fort Lauderdale's Downtown Regional Activity Center (RAC), where significant new development is underway.

Mr. Chettle continued that seven pump stations are identified as likely to fail, while another 31 were determined to need immediate replacement and 22 are more than 50 years old. 44 stations were determined to have a high likelihood of failure. Another 18 force mains are over 50 years old and 10 have experienced two or more breaks in the last five years, with another 75 deemed to be in severely corroded condition. He concluded that capacity and condition go hand-in-hand: if one of the two is failing or does not meet basic criteria, it will have a negative effect on the other. Mr. Chettle strongly emphasized that capacity is tied to condition.

Mr. Partington asked how Chair Mammano felt the Committee should progress using her draft document. Chair Mammano replied that as the document has been shared at today's meeting, it is now a public document and copies can be provided to all members. She stated that the Committee will continue to discuss the document at subsequent meetings until they arrive at a final resolution. She anticipated that a workshop between the Committee and the City Commission may be scheduled in the future to discuss a final report or other options.

Ms. Scott observed that she would like to further discuss sidewalks and other infrastructure in the future. Chair Mammano recalled that the previous iteration of the Committee had conducted workshops with residents in the City's different districts, and roads and sidewalks were the number-one issue raised by the public. She requested that this topic be a separate Agenda Item in the future.

ii. Impact Fees Allocation Report

Ms. Ricketts informed the Committee that the Mayor and City Clerk sent a letter on January 4, 2021, thanking former Committee member Norman Ostrau for his service. His seat on the Committee has not yet been filled.

Ms. Daniel addressed the Impact Fee Allocation Report, recalling that this topic was discussed at the January 2021 meeting. She explained that the City's activity is within the guidelines established by Florida Statutes, which ensure that City projects are reasonably connected to or have a rational nexus with impact fees, capital facilities, or system expansions.

The report shows impact fee revenue received over the last two years. In 2019, \$4.6 million was generated for capital expansion or impact fees, with \$3.5 million in 2020. No corresponding projects are listed for those years because impact fee revenue is not measured on a one-to-one basis; however, over \$10 million worth of projects took place in 2019 and \$9 million in 2020.

Eligible projects were funded through the City's line items 452, 453, and 454, which include water and sewer fees as well as Enterprise Funds. In 2020 the impact fees were segregated so the City can determine how much money came from water or sewer fees.

Chair Mammano noted that in 2019, the City collected \$4.6 million in impact fees and spent significantly more than this on various projects. The manner in which funds move from impact fee collection into funding for specific projects was not broken down. Ms. Daniel reiterated that a number of these dollars came from other sources than impact fees, with no one-to-one ratio on how they will be spent in 2019. She further clarified that when impact fees are appropriated for a project, that funding is not broken down by revenue stream or fund. In 2019, over \$10 million in projects were funded using City

Enterprise Funds. In 2020, these funding streams are broken out more effectively to show how much funding from impact fees goes toward water or sewer projects specifically.

Ms. Daniel continued that Staff has had internal discussions regarding whether or not these dollars should be tracked differently in the future to have a true accounting of how they are being spent. Chair Mammano recalled that there has been action at the state legislative level which seems to be leading toward a requirement that impact fees must be shown in direct relation to projects.

Chair Mammano continued that while the information provided on impact fees clarifies how much money is brought in, there seems to be no way to track where these dollars specifically go, other than the assurance that they are being used for statutorily appropriate projects. Ms. Daniel advised that only projects with some sort of reasonable connection or nexus to these dollars are funded through impact fees. She reiterated that while there may be no a direct connection between projects and funds, over \$10 million worth of projects in 2019 were eligible for funding through impact fees. She pointed out that impact fees are not always spent in the same year in which they are received.

Mr. Partington commented that most City Commission Agenda meetings include a budget amendment item by which dollars are moved from one fund or line item to another. He asked if it would be possible to develop a similar system for the use of impact fees, with capital expenditure/impact fee dollars in one fund until a project that will use these dollars is brought forward via a budget amendment. Ms. Daniel replied that Fort Lauderdale does not use this method. She noted that Staff can continue to work toward identifying a better way to label these funds with complete transparency and show exactly which projects use impact fee dollars.

Mr. Marshall asked if in addition to a list of projects funded through impact fees, the Committee might see a list of which developments paid impact fees in a given year. Ms. Daniel stated that she did not have this type of list, but could reach out to the Department of Sustainable Development for this information.

5. New Business

i. I&I Water & Sewer Bond Expenditures Summary

Ms. Daniel referred the members to this summary document, explaining that it includes the \$200 million bond as well as approximately \$4.5 million in interest for that bond. As of January 20, 2021, 51% of I&I water and sewer bond dollars have been spent to date. The summary of expenditures shows actual dollars spent through January 20, as well as encumbrances and balances and the status of funded projects.

Chair Mammano noted that the \$205 million total on this document differs from the total of \$255 million reflected in a different document. Ms. Daniel advised that the \$205

million includes bond-funded dollars only; however, at the January meeting, the Committee had asked for more information regarding the status of Consent Order projects, which use both bond and water/sewer funds.

Chair Mammano asked if the \$255 million also reflects overages and underages on projects, as well as projects added during phase two of the Consent Order that were not included in the original bond. Ms. Daniel stated that she would look further into this issue for clarification.

Mr. Partington observed that the ongoing projects funded through the bond include a number of Consent Order projects as well as projects that use Enterprise Fund dollars. He pointed out that the major north and south redundant force main projects are included on the Consent Order list with allocations of \$24 million and \$35 million; however, these amounts are not consistent with the amounts awarded on contracts for these projects unless dollars from Enterprise Funds are added. Ms. Daniel confirmed that there are a number of projects that use both types of funds. She noted that future spreadsheets can reflect both funding sources for greater clarity.

Chair Mammano commented that the intent of reviewing this breakdown was to determine when the next tranche of bond funding will be needed and which projects will be included in it. She pointed out that 75% of I&I projects have been spent, with more of the funds for these projects already encumbered. There is roughly \$500,000 left to be done in I&I as of 2021. She asked if the City is likely to run out of Consent Order funds to be used toward I&I, leaving these projects to be funded only through Enterprise Fund dollars. Ms. Daniel noted that a budget amendment to be presented at the next City Commission meeting includes I&I projects. Staff constantly reviews and re-prioritizes I&I projects and moves funding so this type of work can continue.

Ms. Daniel continued that although 51% of bond funds have been expended, the City will spend closer to 85% after eligible transfers. They have identified a number of eligible projects for which bond funds can be used. The bond covenant includes language requiring that 85% of these dollars be spent by the three-year mark. The next report of water and sewer bond expenditures is likely to look very different, as eligible expenses are transferred, reaching the 85% target.

Chair Mammano stated that while the bond funds are intended to be spent within the five-year time frame of the Consent Order, CIP funds were also used toward a number of projects. Ms. Daniel noted that the City's published CIP document reflects projects to be accomplished up to five years out, and that bond funds and CIP dollars are separated in this documentation. The line items for bond funds are 495 and 496 and are reflected in the adopted Community Investment Plan under the annual budget. These line items are not reflected past fiscal year (FY) 2023.

Business Operations Manager Kymberly Holcombe further clarified that future tranches of bond funds are included in the Community Investment Plan forecast under line items

495 and 496. Chair Mammano requested that this issue be revisited in greater detail at the next Committee meeting. Ms. Holcombe noted that the plan is available online in spreadsheet form. Chair Mammano asserted that she would like to see this information in a “layperson-friendly” format that can be more easily understood by the public.

Ms. Daniel cautioned that the CIP document will not reflect the information on project status and expenditures to date that the Committee had requested at today’s meeting, although it will show the planning of how much the City expects to spend on projects in current and future years.

ii. Consent Order Project Enterprise Summary

Ms. Daniel advised that the list of completed I&I projects was taken directly from the Consent Order report. Mr. Castellon added that there were six I&I projects in the Consent Order, all of which have been completed. Ms. Daniel clarified that the City is working on other I&I projects not included in the Consent Order.

Ms. Daniel continued that the summary provided to the Committee members shows \$24.4 million for Consent Order projects. \$18 million has been spent thus far, with nearly \$5.5 million left in encumbrances and a balance of \$530,000 remaining. While the I&I projects included in the Consent Order have been completed, some additional work remains that is tied to these I&I projects.

iii. I&I Program Summary Report

This Item was discussed under Item 5.i, I&I Water and Sewer Bond Expenditures Summary.

The following Item was taken out of order on the Agenda.

7. Information

ii. Redundant Force Main Update

Chief Engineer Omar Castellon reported that at present, work on redundant force mains is approximately 80% complete. The contract is scheduled to end in mid-July 2021. It is hoped that the new force main project, which involves roughly 32,130 ft. of new underground pipe, will be finalized before June 2021. The portion of pipe that has been bypassed will be relined and will become the redundant line. There have been minimal complaints from residents, considering the size of the project.

Mr. Partington asked if previously existing alignments will be relined once flow has been moved over into the new force main, making the previous alignment into the redundancy. Mr. Castellon confirmed that this is the plan. Funds have not yet been set aside for relining of the previously existing pipe.

Chair Mammano asked if it would be accurate to state that “every other force main in the City” connects to the trunk line. Mr. Castellon confirmed this as well, noting that some mains will need to be re-routed in order to connect to this line.

Mr. Zeltman requested clarification of why a section along Bayview Drive south of Oakland Park Boulevard has been blocked off for approximately six months. Mr. Castellon replied that this area includes a point of connection at which significant debris coming from pump stations has resulted in delays.

Mr. Marshall commented that the maintenance of traffic (MOT) plan near his residence has been poor to nonexistent, resulting in dangerous situations in that area. He recommended additional scrutiny be given to these plans in the future.

Dr. Gassman advised that the City decided to use pulling technology on the redundant force main project in order to minimize the number of locations affected with open cuts. While this has resulted in inconvenience at certain locations, use of different technology would have resulted in the entire length of streets being cut open for a significant time, creating significantly greater traffic challenges in those areas.

Chair Mammano asked if the old collector line would be able to serve as a bypass in emergencies once it has been relined. Mr. Castellon confirmed this, adding that funds for this relining project will be in the next tranche of bond funds.

6. Public Works Update

i. Water & Sewer Breaks Report 2020 w/Mapping

Ms. Daniel reviewed the provided maps, pointing out that they include both water main and sewer main breaks from January through December 2020. These totaled 87 breaks, of which the majority were in 6 in. lines. Utilities Distribution and Collection Systems Manager Rick Johnson added that a month-by-month review of breaks shows that these began to decline in December; the three months with the highest number of breaks were September through November. There did not seem to be any correlation between colder weather and breaks.

Mr. Ladd asked if any of the breaks might be associated with the work underway in the Victoria Park neighborhood, or with the extreme high tides and rainfall events in autumn 2020. Mr. Johnson advised that there appears to be some correlation of breaks with tidal events as well as ongoing work in the Victoria Park area. A number of breaks occurred in the Cordova Road area, where a City seawall project is underway.

Chair Mammano asked if an assessment is available of the condition of pipes where most of the 2020 water main breaks occurred. Mr. Johnson replied that current American Water Works Association (AWWA) standards recommend a minimum pipe

size of 8 in., while most of the pipes affected in 2020 were 6 in. cast iron pipes. Most of the breaks occurred in areas that experience tidal influence as well.

Mr. Johnson continued that when Staff responds to a water main break, they do not always classify the break correctly: for example, what may be originally classified as a water main break may actually be a service line, valve, or other equipment. Correct classification in work orders provides more accurate data. This is the goal when responding to future breaks.

Mr. Johnson continued that the City has upcoming projects on Breakers Avenue as well as mains in the central beach area. All existing mains are cast iron and undersized in relation to the needs of incoming development. Mr. Zeltman commented that saltwater intrusion affects the condition of these pipes through both tuberculation and external deterioration.

Chair Mammano observed that residents in these areas may wish to know why any new development would be allowed there when the existing system is already under significant stress and will require upgrades in the near future. Mr. Johnson stated that recent projects coming online are being asked to make improvements to the infrastructure so they can receive their Certificates of Occupancy (COs) without any further issues. This does not, however, mean that these developments would make improvements to any infrastructure not directly serving those properties.

Ms. Daniel moved on to sewer breaks, stating that there were 12 events in 2020, six of which resulted in sanitary sewer overflows (SSOs). Various sizes of pipe were affected by these breaks. There does not appear to be a seasonal correlation.

Chair Mammano suggested creating an overlay of the map of sewer breaks with the infrastructure deemed likely to fail by the Hazen and Sawyer report. Ms. Daniel noted that Staff worked with Hazen and Sawyer to identify these areas.

7. Information

i. Capacity Flow for New Development

Igor Vassiliev, Project Manager II, advised that there was no new information to provide at this time.

Mr. Partington stated that he hoped Staff was giving consideration to the issue of infrastructure condition with regard to adequacy analysis. Mr. Vassiliev confirmed this, stating that while this consideration is not necessarily reflected in capacity letters provided for developments, it is part of the analysis. Mr. Partington continued that he would recommend providing the City Commission with a copy of the spreadsheet shown at the January 2020 meeting, which keeps track of all ongoing projects, when providing the Commission with approval packages for developments.

Chair Mammano commented that she felt the consideration of condition with regard to capacity consisted primarily of general information and knowledge about the City's systems rather than more rigorous review based upon risk analysis. She asked if there have been any changes to this consideration that would provide a more comprehensive rather than a general review. Mr. Vassiliev reiterated that consideration of infrastructure condition is not typically reflected in the capacity letters.

Chair Mammano recalled that previous discussion of water supply by the Committee included references to significant problems with the condition of pipes along a section of the Fort Lauderdale Beach. She asked if Staff would have this information at hand when asked to review capacity for projects in this area, particularly if there are no CIP projects planned to address this condition, as well as whether or not they would include that information in a capacity letter.

Mr. Vassiliev reiterated that references to condition may be included in capacity letters on a case-by-case basis. It is dependent in part on what type of project is being approved and the demands it can be expected to put on existing systems. Because maintenance of infrastructure is the City's job, not a developer's, most of this responsibility falls to the City.

Mr. Partington advised that he felt the City's adequacy letters should follow a more standardized format, with a standard sentence or paragraph addressing condition of infrastructure and any explicit requirements related to this condition. He reiterated that all capacity letters should include the City's spreadsheet reflecting all ongoing developments.

Mr. Ladd stated that his experience has been that Staff is very sensitive to the need to prevent any issues arising from lack of sufficient capacity, and they are taking the proper steps to ensure that the needs of new development are met. He pointed out that the City has invested millions of dollars in its infrastructure over the last ten years, and that many of these improvements were partially funded through private development.

8. Adjournment – Next Regular Meeting TBA

There being no further business to come before the Committee at this time, the meeting was adjourned at 4:30 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]