



**MEETING MINUTES
CITY OF FORT LAUDERDALE
INFRASTRUCTURE TASK FORCE ADVISORY COMMITTEE
MONDAY, DECEMBER 6, 2021 – 2:00 P.M. TO 5:00 P.M.**

CITY OF FORT LAUDERDALE

February 2021-January 2022

Attendance

| | | | |
|---------------------------|---|----|---|
| Marilyn Mammano, Chair | P | 10 | 0 |
| Gerald Angeli | P | 10 | 0 |
| Shane Grabski (arr. 2:09) | P | 10 | 0 |
| James LaBrie | P | 1 | 0 |
| Charlie Ladd | P | 8 | 2 |
| Michael Marshall | A | 8 | 2 |
| Peter Partington | P | 10 | 0 |
| Jacquelyn Scott | A | 7 | 3 |
| Roosevelt Walters | P | 9 | 1 |
| Ralph Zeltman | P | 10 | 0 |

As of this date, there are 10 appointed members to the Committee, which means 6 would constitute a quorum.

Staff

- Seemee Callier, Senior Administrative Assistant and Committee Liaison
- Patricia Jolly, Senior Administrative Assistant and Committee Liaison
- Tracy Van Cott, Senior Administrative Assistant and Committee Liaison
- Alan Dodd, Director of Public Works
- Omar Castellon, Assistant Director of Public Works – Engineering
- Victor Carosi, Chief Engineer
- Igor Vassiliev, Project Manager II
- Jeff Modarelli, City Clerk
- Lynette McIntosh, Assistant City Clerk and Advisory Board Coordinator
- Jamie Opperee, Recording Secretary, Prototype, Inc.

Communication to the City Commission

Motion made by Chair Mammano, seconded by Mr. Partington, that the Infrastructure Task Force Advisory Committee send a communication to the Commission that we discussed the Fiveash Water Treatment Plant again, and would recommend that the Commission provide us an opportunity to review the proposals to ensure that they are consistent with our previous recommendations, which are heretofore attached. In a voice vote, the **motion** passed unanimously.

1. **Call to Order**
 - i. **Roll Call**

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

ii. Approval of Agenda

Motion made by Mr. Partington, seconded by Mr. Zeltman, to approve. The **motion** passed by unanimous consent.

iii. Approval of Previous Meeting Minutes October 4, 2021 and November 1, 2021

Motion made by Mr. Partington, seconded by Mr. Angeli, to approve. The **motion** passed by unanimous consent.

2. General Discussion and Comments by Committee Members

i. City Clerk Review of Sunshine Law

City Clerk Jeff Modarelli addressed meeting minutes, explaining that there is a difference between summary, verbatim, and action minutes. The City uses summary minutes, which can lead to questions regarding what should be included or left out of the document. He noted that the intent is to capture the essence of the subject matter that comes before the Committee: if there are incorrect technical details, these can be added or amended. He recommended against adding other comments.

Mr. Zeltman stated that the issue of storm drainage, which had been addressed briefly but was important to the discussion, had been omitted from the October 4, 2021 minutes. Mr. Modarelli suggested that if there is an important item that a Committee member wishes to have included in the minutes, that member may request that it be added to the record of the current meeting. This may also apply to statements that a member may wish to clarify from the previous meeting: the clarification would appear in the minutes of the current meeting. He recommended this instead of making changes to previous minutes in cases where information is not incorrect.

Mr. Partington asserted that an item not included in previous meeting minutes should be added to those minutes rather than included as part of a discussion during the current meeting. Mr. Modarelli pointed out that the item in question would be on the record in either case. Chair Mammano added that it would be inappropriate to request that a clarification be added to previous minutes, as this would not be reflective of what was actually said.

Mr. Modarelli reiterated that the summary minutes format used by the City requires that discussions be summarized rather than reflected verbatim. He emphasized the importance of specificity for issues such as communications to the City Commission, which are sent to the City Commission for discussion. Chair Mammano noted that a

member who wishes a specific comment to be reflected in the minutes may state that they wish their comment(s) to be included in the record.

Mr. Modarelli concluded that the City offers training on Florida's Sunshine Law to all advisory body members once each year. If an individual wishes to discuss the Sunshine Law in a one-on-one format, they are urged to make an appointment with his office, or with Assistant City Clerk Lynette McIntosh.

Mr. Partington stated that he wished the record to reflect the Committee's recognition and appreciation of Mr. Modarelli's service as City Clerk, as he would be leaving this position in 2022.

Mr. Partington recalled that the Committee had previously asked Staff to prepare a report for the City Commission on the "top ten" most critical infrastructure issues existing in the City. It was clarified that this would be discussed under Item 5.ii, "Top infrastructure priorities with funding."

Mr. Partington continued that under the recently passed federal infrastructure bill, the state of Florida will receive \$245 million for bridge repairs and/or replacement. He stated that this presents an ideal opportunity for the City to secure funding for any bridges that are currently rated structurally deficient, and asserted that within four years there should be no bridges in Fort Lauderdale remaining in this category due to the availability of this funding.

Mr. Partington continued that the City should seek to secure as much of this federal funding as possible. Chair Mammano asked if the City has a strategy for the pursuit of this and other funding from the infrastructure bill, noting that other Florida municipalities are likely to request these dollars as well.

Mr. Ladd explained that there are several avenues for the pursuit of these funds, advising that Florida Congresswoman Debbie Wasserman Schultz may be able to assist Fort Lauderdale. Both the City and the Downtown Development Authority (DDA) have lobbying efforts underway. Mr. Walters noted that the Broward Metropolitan Planning Organization (MPO) will also seek funds that may be used in Fort Lauderdale.

Chair Mammano observed that the Committee should continue to focus on the City's efforts to secure some of this funding, as well as to help Staff by making suggestions on how to pursue these dollars. Mr. Partington recalled that one of the City's lobbyists had previously addressed the Committee, and proposed that they invite a representative responsible for "lobbying at the federal and state levels" to a meeting to discuss their strategy. Chair Mammano suggested that the City Manager be invited to discuss this issue further at the Committee's January 2022 meeting. She also recommended clarification of the Broward MPO's role in this process.

3. Public Comments (At Each Item)

4. Old Business

i. Improvements on 40-year inspection process

Chair Mammano noted that the Committee members had received a summary report from Broward County, including newly recommended inspection requirements in light of the recent condominium tragedy in Surfside, Florida. These recommendations include:

- Implementing a statewide inspection program
- Requiring inspections beginning at 30 years rather than 40 years
- Subsequent inspections will be required every 10 years thereafter
- Greater involvement of condominium boards in the inspection process

Building safety inspection program requirements currently address only structural and electrical inspections. The updated recommendations would include testing of concrete core samples. Florida Statutes would also be amended to require that no later than 30 days following an inspection, condominium associations must distribute information to ensure their residents are aware of any problem. Statutes would also be amended to require that the engineers performing these inspections file their reports with local governments and provide written notification to the condominium association of any life safety issues they have observed.

Another issue addressed by the update is condominium reserves. Florida Statutes could be amended to require that the list of required reserves in condominium association budgets include reserve accounts for concrete restoration and other structural items. Chair Mammano noted that at present, few condominiums have set aside reserves for this specific issue. She felt the addition of this guidance regarding which items must be included in reserves may constitute a significant improvement.

Mr. Partington observed that it is possible a condominium association may vote against making these recommended changes. Chair Mammano advised that in the future, the State Legislature may no longer permit a majority of association members to waive the requirement for reserves: the threshold for approval of this action may become significantly higher. Mr. Ladd also noted that lenders may decline to underwrite loans for buildings that do not have proper reserves.

Mr. Walters asserted that commercial buildings should be held to the same standards as condominiums. It was noted that commercial buildings must also go through the current 40-year inspection process; however, Mr. Ladd pointed out that the owner of a commercial building is responsible for liability in the event of a structural integrity issue.

Mr. Angeli explained that before a Certificate of Occupancy (CO) is issued, buildings are inspected numerous times, and must pass these inspections if a CO is to be issued. In a condominium, all activity after the CO is issued requires a vote by the unit owners. This is not the case for a commercial building, which has one owner. This means tenants or

other parties may recommend that the building's condition be looked into, but they cannot require the owner to do so, as the two parties are not on equal footing.

Mr. Ladd added that owners must secure insurance for their buildings, and insurance companies keep track of inspections and conditions before issuing insurance. If an owner does not properly maintain their building, they are at significant risk of being unable to secure insurance. By contrast, a condominium association acts as a responsible party on behalf of the condominium owners. He concluded that requirements for the 40-year structural inspections of commercial buildings are likely to be bolstered as well as the requirements for condominiums.

Chair Mammano advised that she did not feel the Committee can bring any additional value to the structural inspection process that has already been addressed at the County level. Mr. Partington noted that the documentation provided, however, also raises the issues of sea level rise and flooding risk. He expressed concern with the standards applied to drainage, floor level, and flooding issues, explaining that even though these standards have recently been increased, they may be insufficient to keep up with the effects of climate change.

Mr. Grabski stated that these requirements are dictated by the Federal Emergency Management Agency (FEMA), which recently raised the required height above base floor elevations; however, it is not possible to enforce these preliminary maps until they have been adopted by the federal government, and the adoption process is ongoing. He was not certain that the City can make any additional requirements for this reason, particularly as Broward County, not Fort Lauderdale, has jurisdiction over drainage design and requirements for commercial properties.

Mr. Ladd proposed that the Committee could add value to the discussion by producing a summary of the documentation on this topic, including what is happening at the County and state levels. Chair Mammano observed that they may also wish to include concerns regarding sea level rise. Mr. Partington added that they may also wish to invite Fort Lauderdale Building Official John Travers to a subsequent meeting to discuss whether any changes are being made with respect to commercial buildings.

Boyd Corbin, member of the public, stated that the Committee should also address the inspection of storm drains to ensure they are properly installed. Mr. Grabski noted that Broward County performs five-year inspections for all private storm drains. Mr. Corbin continued that individuals have expressed concerns with catchment basins at a specific intersection for several years, and that these concerns have not been communicated to the City Commission by Public Works. He concluded that this infrastructure was implemented years ago "without proper engineering," and there may be more examples in other locations throughout the City.

Mr. Partington requested clarification of how this issue related to the Agenda Item of 40-year structural inspections. Mr. Corbin replied that storm drains should also be inspected to ensure they were installed properly.

New Committee member James LaBrie introduced himself at this time, noting that storm drainage continues to be a major issue in the Poinsettia Heights neighborhood, along with traffic and sidewalk concerns. He has discussed stormwater issues with both the previous and current Directors of Public Works.

Mr. Walters explained that members of the public are asked to comment on issues as they are discussed by the Committee: for example, comments related to stormwater should be made when the issue of stormwater is addressed by the members.

ii. P3 communication to Commission

Chair Mammano recalled that the Committee had sent a communication to the City Commission taking a position on public-private partnerships (P3s) at the Commission's request. This followed several months of discussion and extensive review of documentation. The communication, dated November 4, 2019, stated that the Committee would only recommend considering a P3 for a water treatment plant if the City maintains ownership of the water, water quality, and rate structure. They also recommended that prior to supporting a P3, the City should hire a consultant to evaluate the different types of P3s available and determine which ones would be most beneficial to the City.

Chair Mammano continued that the City has since been approached by four separate entities proposing unsolicited P3s. On June 1, 2021, the City Commission approved a Resolution providing notice of intent to enter into a comprehensive agreement for a qualified project submitted as unsolicited proposals for the design, construction, operation, and maintenance of new water treatment plants "and associated systems."

Public Works Director Alan Dodd clarified that at present, there are no proposals that would include more than one water treatment plant or rehabilitate the existing plant in addition to the construction of a new facility. It was also clarified that "associated systems" refers to storage tanks and distribution systems.

Chair Mammano asked if the four proposals all include bids on the entire water treatment plant process, or if some of them propose only certain aspects of the process. Mr. Dodd advised that he could not provide specific details at this time on what the proposals address, but only that the City has received these unsolicited proposals.

Chair Mammano noted that following the receipt of the proposals, the City hired consultant Ernst and Young to provide external review of the proposals and compare them against one another. Because the proposals were unsolicited, they did not respond to any specific request, which means their details may differ significantly. Ernst and Young is helping the City to understand the proposals in terms that can be reviewed.

Mr. Dodd stated that at present, Staff is doing technical reviews, as is Ernst and Young. There have been no other Commission Agenda Memos (CAMs) brought forward to the City Commission to engage any other firms to perform this analysis.

Mr. Zeltman expressed concern that while the consultant may be helpful in examining the numbers associated with the unsolicited proposals, they may be less qualified to perform an examination of treatment processes and equipment associated with a water treatment plant. He recommended that this be done by an engineering firm that specializes in these types of plants.

Chair Mammano noted that the division of Ernst and Young that has been engaged by the City is Ernst and Young Infrastructure Advisors, LLC. This is a separate division of the firm from its better-known tax/audit division. She added, however, that the company has recommended a separate technical advisor. Mr. Dodd stated that City Staff members have expertise in the evaluation of the proposals and are reviewing them from a technical perspective. He reiterated that he could not provide additional details on this analysis at present, although these Staff members have sufficient expertise to compare the proposals and determine whether or not they meet the City's needs and expectations for a new water treatment plant.

Mr. Angeli commented that a solicited bid provides specifications and asks how much these specifications would cost, while an unsolicited bid offers a proposal on what the City would need. Mr. Dodd advised that the City Commission will ultimately make a decision on whether to accept one or none of the unsolicited proposals, at which time a solicitation process may begin. Mr. Angeli noted that the process for a solicited bid may be much longer, as these bids are written in a very specific manner.

Mr. Partington expressed concern that the principles specifically recommended by the Committee to the Commission in their communication – specifically, the retention of the City's ownership of water, water quality, and rate structure – may or may not be reflected in the unsolicited bids. He also noted that the recommendations of the Reiss report for the Fiveash Water Treatment Plant have been formally rejected and the pilot study has come to an end.

Chair Mammano agreed that the Committee is in no position to evaluate whether or not any of the unsolicited proposals meet their recommended principles at this time. She advised that they continue to educate themselves about the process until the proposals have been made public and can be reviewed to determine if any of them reflect these principles. Mr. Dodd explained that the proposals must remain "in the shade" until they are brought forward at a Commission meeting, at which time they will be revealed to the public.

Mr. Ladd observed that he was not certain the Commission has asked the Committee to evaluate the P3 proposals, noting that they may have more accurately asked them to

evaluate the process itself. Chair Mammano asserted that City Commissioner Heather Moraitis had specifically asked the Committee to provide guidance on the financials associated with these proposals. Mr. Ladd recommended sending a memorandum to the Commission requesting clarification of the point at which they wish the Committee to become involved in this process as well as the information that will be provided to them. Mr. Partington suggested there may be value in re-sending the communication the Committee had sent to the Commission in 2019.

Motion made by Chair Mammano, seconded by Mr. Partington, that the Infrastructure Task Force Advisory Committee send a communication to the Commission that we discussed the Fiveash Water Treatment Plant again, and would recommend that the Commission provide us an opportunity to review the proposals to ensure that they are consistent with our previous recommendations, which are heretofore attached.

Mr. Partington recommended the following **amendment** to the **motion**: to start by repeating what we had in the communication from two years ago. Chair Mammano added the phrase “which are heretofore attached” to the end of the **motion**.

In a voice vote, the **motion** passed unanimously.

Boyd Corbin, member of the public, stated that the City’s Utility Director “doesn’t know anything” about the City’s agreement with Ernst and Young. He noted that questions remain regarding the potential bromide level of source water, and asserted that the Committee should ask other individuals who were involved in the creation of these reports and other associated documents to further explain the proposed water treatment processes and their costs. Mr. Corbin concluded that he did not believe the City’s utility workers could be trusted.

Mr. Partington commented that the most recent memo from the City Manager to the City Commission has not been shared with the Committee, but could be useful in assisting the Committee’s understanding, as it summarizes what is not recommended by the Reiss report.

Mr. Walters requested clarification of the reason for Mr. Corbin’s statement that utility workers should not be trusted. Mr. Corbin replied that in his opinion, “they are crooks and this is all a big con.” He concluded that there are more questions to be asked about the proposed P3s.

5. New Business

i. 2022 meeting calendar (holidays in July and September)

Chair Mammano asked if there was any news regarding the progress on an Ordinance addressing the Committee’s continued existence. Mr. Dodd replied that this has been

written and is under review. The updated Ordinance is expected to extend the Committee's life for another three years.

Mr. Zeltman expressed concern that some of the longer-serving Committee members may eventually be termed out. Mr. Walters clarified that the typical time of service for re-appointed members is three two-year terms.

Chair Mammano recommended that no proposed 2022 meetings be scheduled on holidays. The Committee determined by consensus that they would not meet in July 2022, and that the September 5 meeting be rescheduled for September 12 so it would not conflict with Labor Day.

ii. Top infrastructure priorities with funding

Omar Castellon, Assistant Director of Public Works (Engineering), explained that this list includes projects that are either in the planning or bidding stages, but have not yet begun construction. They are separated into water and sewer projects, with some bridge and stormwater projects listed as well.

Mr. Partington asked how the list relates to the work done by consultant Hazen and Sawyer, which categorizes projects into high, medium, and low risk. He also asked if the projects' risk levels could be clarified for the City Commission as well as their funding levels.

Mr. Castellon advised that some of the projects on the list are included in the Consent Order and were identified as high-priority projects by Hazen and Sawyer; however, the list also includes projects that are not part of the Consent Order but are funded and are ready to begin.

Mr. Ladd requested clarification of whether the list includes the 14 most important projects or 14 projects the City is currently preparing for construction. Mr. Castellon replied that these 14 projects are prioritized and funded. Mr. Ladd recommended inclusion of prioritized projects that currently remain unfunded as well.

Mr. Dodd further explained that there are many more projects on the Capital Improvement Program (CIP) list which are already funded. Unfunded projects are at lower priority and are scheduled for "out years" in future budgets. In some cases, these may emerge as unexpected and urgent needs, which the City must then re-prioritize ahead of other projects. These often emerge very quickly and must be addressed right away. These often require budget amendments to provide for their funding.

Mr. Ladd asked if the funding in these cases comes through capital funding or bonds. Mr. Castellon replied that they can be funded through either method. Mr. Dodd added that there may be different potential funding sources, depending upon the type of project.

Mr. Partington recalled that 12 years ago, the City's CIP included more than \$1 billion in immediate needs. He was not certain that the City Commission had ever been explicitly informed of this, and stated that the CIP was not adequate to make all the necessary replacements. As a result, the City's infrastructure began to experience failures. He asserted that Staff should be able to show the Commission a list of the City's immediate infrastructure needs, the funding available to address them, and any funding shortfall. He concluded that the Commission should be informed of high-risk infrastructure that has not yet been funded.

Mr. Castellon replied that the CIP outlines this information, listing projects in later budget years as well as where their funding will come from. While these projects are not ranked by priority, the CIP does reflect how much money will be necessary to accomplish them.

Chair Mammano asked what would happen in the case of projects that need to be accomplished but do not have funding. Mr. Dodd stated that Staff is reviewing all projects, both funded and unfunded, to determine what should be included in the CIP in next year's budget. Depending upon urgency, existing projects may also be re-prioritized; they may also be moved from an unfunded to a funded category if they show immediate need.

Mr. Partington stated that the Committee hopes to help Staff present these projects in need of immediate funding to the Commission. Mr. Zeltman added that his particular concern was for the continuing repair/replacement of gravity sewer mains, which currently allow inflow and infiltration (I&I) into the system. The infiltration of sand remains a serious problem, as it can damage equipment.

Mr. Dodd advised that the City's top priority is infrastructure that has failed or is failing. The second priority goes to Consent Order projects, which are prioritized because they are required by the state and are very high-risk. Consent Order projects must be completed by certain deadlines. The third priority is to continue with the replacement of high-risk force mains and continue to address I&I.

Mr. Dodd continued that the City has performed approximately \$35 million worth of work on I&I over the last three years; however, this only involved certain basins, and the work must continue in other areas. Because it cannot all be funded this year, these projects have been prioritized. There are also water main projects that need to be undertaken, and as development continues, new pump stations must be constructed so their capacity will not be exceeded. The City has roughly \$25 million to \$30 million each year that can be used toward infrastructure projects.

Mr. Castellon advised that unfunded projects scheduled for five or more years out in the CIP can be included on the list with their estimated funding amounts. He also noted that Staff prepares a list of completed projects every quarter. Mr. Ladd stated that he would like to see a strategic update of this nature. Chair Mammano also requested an analysis on the progress toward meeting these goals.

Mr. Ladd asked if the quarterly updates are posted on the City's website. It was confirmed that these are available.

Mr. Dodd stated that over the past three years, based on work done since the issuance of the first Consent Order, Staff can show how much work they have completed, broken down into categories such as water mains and force mains. They can also list upcoming projects planned for the next two to three years.

Mr. Dodd continued that his priorities for Public Works include the continued improvement of Staff's capacity to deliver projects. For infrastructure, these priorities include continuing compliance with the Consent Order, decreasing the number of high-risk force mains, and long-term address of I&I as the City continues to grow.

Boyd Corbin, member of the public, stated that a recent study conducted by the city of Wilton Manors showed that up to three times as much sewage flows to each water treatment plant during heavy rains. He felt different materials should be used in force mains to decrease the impact of I&I. He also noted the potential electrical costs of operating a treatment plant using different systems.

iii. Preparing for February 6, 2022 meeting

It was determined that because the Ordinance governing the Committee is already under review, the members did not to take any specific action at this meeting.

6. Public Works Update

i. Water & Sewer 2021 Breaks Report w/Mapping

Chair Mammano suggested that this Item be reviewed in January 2022 as part of an overall review of 2021 breaks.

ii. CIP Financial Report

1. Unfunded Balance Account

iii. Impact Fees – Usage

7. Adjournment

Mr. LaBrie requested clarification of the typical life expectancy of a water treatment plant. Mr. Castellon replied that this is approximately 30 years. There are multiple reasons for this time frame: new technologies may become more efficient within that time, and the costs of materials may change. This time frame applies to the period before renovation, not replacement, of a plant becomes necessary.

Mr. LaBrie also asked if the new technologies which are being discussed for water treatment plants are proven. Mr. Castellon confirmed that nanofiltration, for example, has already been in use for 20 to 30 years. Nanofiltration can be confused with other processes, such as reverse osmosis (RO). He briefly described some of the advances in this technology which have evolved over the years, including energy-saving improvements.

Mr. Castellon further confirmed that it is possible the four unsolicited proposals use four different technologies to achieve the same result. It is also possible that they may all propose the same technology. Staff will review these proposals and make a recommendation to the Commission.

Mr. Zeltman asked if there has been any consideration of interconnecting the wellfields located west of the Walter E. Peele-Dixie Water Treatment Plant with the Prospect Wellfield in order to bring in water from another system. Mr. Castellon replied that there has been no discussion of this suggestion.

Chair Mammano asked when a study of the quality and condition of the City's wells is expected to be complete. Mr. Castellon estimated that due to delays in the study's procurement phase, it may be another six to eight months before it is complete.

There being no further business to come before the Committee at this time, the meeting was adjourned at 4:32 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.]