



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
INFRASTRUCTURE TASK FORCE ADVISORY COMMITTEE
FORT LAUDERDALE EXECUTIVE AIRPORT
RED TAILS CONFERENCE ROOM
6000 NW 21 AVENUE, FORT LAUDERDALE, FLORIDA
MONDAY, MARCH 4, 2024 – 2:00 P.M. TO 4:30 P.M.**

January-December 2024

Attendance

Marilyn Mammano, Chair	P	3	0
Peter Partington, Vice Chair	P	2	1
Gerald Angeli	P	3	0
Shane Grabski	A	2	1
James LaBrie	P	3	0
Michael Lambrechts	P	3	0
Marta Reczko	P	2	1
Roosevelt Walters	P	3	0
Ralph Zeltman	P	3	0

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

Staff

- Alan Dodd, Public Works Director
- Omar Castellon, Assistant Director of Public Works -- Engineering
- Vickie Beauvais, Senior Administrative Assistant
- Jill Prizlee, Chief Engineer
- Laura Reece, Director, Office of Management and Budget
- Ashley Doussard, Strategic Communications Manager
- Linda Short, Finance Director
- Glenn Marcos, Chief Procurement Officer and Assistant Finance Director
- Aaron Kendrick, Deputy Finance Director
- Daphnee Sainvil, Public Affairs Manager
- J. Opperee, 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 2:01 p.m. Roll was called and it was noted a quorum was present.

ii. Approval of Agenda

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

iii. Approval of Previous Meeting Minutes – February 5, 2024

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

2. Old Business

i. Reimagine City Hall Upcoming Workshop

Strategic Communications Manager Ashley Doussard recalled that the Committee had raised questions regarding attendance at the recent workshops. The City's outreach was based on an 11-point plan, including establishment of a dedicated web page with information on all the workshops. Individuals who could not attend in person could still participate in online surveys, and information on the workshops was shared on posters and flyers as well as on the web page. Direct mail postcards including workshop dates and QR codes were sent to every address in the City.

Flyers were posted at several high-traffic areas throughout the City, and press releases were issued to local newspapers and radio stations. Community stakeholders, including civic associations and the Chamber of Commerce, were encouraged to assist in the dissemination of information. Notice was also included on residents' water bills.

Ms. Doussard continued that the City has made 22 posts across all its social media platforms since the workshop series began. These posts have been seen 16,800 times and generated 422 engagements and 16 comments. She requested further information from the Committee regarding what they would like to see.

Chair Mammano requested more information on social media posts. Ms. Doussard explained that the City's main social media platforms are Instagram, Facebook, Twitter/X, NextDoor, and YouTube. Posts have been shared across these platforms.

Mr. LaBrie asked for additional information on the comments generated by these posts. Ms. Doussard noted that these posts have not generated as much conversation as other social media posts. The City has spent approximately \$300 to \$400 in social media ad dollars.

Mr. Walters asked what can be done to encourage residents who care about City Hall but are not currently participating in the workshops to become more engaged. Ms. Doussard replied that while the information is reaching these residents, they may be

less inclined to participate. She noted that the standard open rate of City emails is roughly 18%, while the open rate for emails related to the workshops is approximately 50%. Residents are seeing this communication, and the City has taken all possible steps toward informing the public of the workshops.

Chair Mammano commented that although the public is being provided with information, there is not a way to excite them about the ongoing process. She suggested that communications should have told residents why this information is important to them and why they should attend the workshops. She noted, however, that the time for emphasizing the importance of the process may have already passed and the City has provided as much information as possible.

Vice Chair Partington suggested that additional public outreach could be made closer to the time of the old City Hall's demolition. He added that most residents may not be aware that the existing City Hall has closed, and its demolition would generate additional media coverage that could stimulate interest. Ms. Doussard confirmed that the City plans to capitalize on the existing building's demolition in this way, although it may not be scheduled for several months.

Mr. Lambrechts asked if the City has ever undertaken outreach of this nature before. Ms. Doussard replied that there have not been similarly expansive efforts such as this in the past, although she recalled that a telephone Town Hall meeting was held with regard to the new water treatment plant. It was suggested that one way to generate a greater response could be to propose a range of estimated costs for the new City Hall, as there are several options for the types of services and facilities that could be housed there.

Chair Mammano recalled that the telephone Town Hall on the water treatment plant had been very effective. Ms. Doussard explained that this type of outreach is typically used to share information rather than to collect feedback, and could be an option later in the process. Another option would be a virtual Town Hall, which would allow viewers to submit questions at the end of the event. Chair Mammano noted that these options could be considered once draft recommendations have been compiled.

Sheryl Dickey, president of Dickey Consulting Services, showed a PowerPoint presentation on plans for the next workshop. She reviewed the meeting format, including a recap of information gathered from other Broward County municipalities and facilities, surveys, and breakout sessions.

Ms. Dickey recalled that the previous workshops included discussions of open/park space, services provided at City Hall, and consideration of the facility as a collaborative hub. 28 people attended the most recent workshop. The recap of that workshop will include a summary of previously gathered feedback on what the public wants from City Hall, which included the following:

- Consideration of outdoor facilities

- Community resources
- Local historical exhibits
- Spaces for collaborative and business organizations
- Welcoming space
- Services for youth
- Accessibility/security

Ms. Dickey also reviewed responses to the survey at the last workshop, which indicated an interest in including a cafeteria at City Hall, creating a space for historic exhibits and cultural information, and providing information on City services. Lease space was another proposal for the facility, as were meeting space for community organizations, day care, nonprofit/homeowners' association meeting space, small business incubator space, outdoor space for activities, and space for other governments.

Ms. Dickey continued that most respondents indicated they would like the new City Hall to remain Downtown, either in the central Downtown, at the federal courthouse, near the library, or replacing the existing building, among other suggestions. Other respondents wished to move the facility away from Downtown.

Chief Procurement Officer Glenn Marcos showed a PowerPoint presentation on the key items of various construction delivery methods that could be used for a new City Hall. These include the following:

- Traditional design/bid/build
- Design/build
- Construction management at risk
- Public-private partnership (P3)

Project delivery is a comprehensive process including a planning phase, a design/construction phase, and completion of the facility or project. Each delivery system determines the procurement method, type of contract, and contract pricing.

In the design/bid/build process, a contract is awarded to the lowest responsible bidder and results in a fixed-price or lump sum contract. The design/build process typically involves a qualification or best value system, with a fixed-price, lump sum, or negotiated-price contract. Construction management at risk involves a qualification process, selection of a construction manager, and management of subcontractors at a guaranteed maximum price. P3s a qualification-based system, project delivery with a financed operations and maintenance component, and establishes a targeted price.

The design/bid/build process has three sequential project phases:

- Design phase: establishment of a design of record
- Bid phase: selection of a contractor
- Construction phase: construction begins on the project

There are three primary entities in this process: the owner, designer, and contractor. In the case of City Hall, the owner is the City. There are two separate contracts, one with the designer and one with the contractor.

The design/build method uses a single contract with a designer and builder. This process involves a design/build firm which assumes the liability for the project. While this method may lead to faster completion of the project, there are additional liabilities to consider. There is also typically less competition among firms for this type of contract, which may include joint responses.

The construction management at risk process involves selection of a construction manager (CM) through the request for proposal (RFP) or request for qualifications (RFQ) process. Pricing is not involved when hiring a CM at risk, as that manager becomes involved in the design phase and then puts out bids to subcontractors. This leads to a fixed price, lump sum, or guaranteed maximum price contract.

A P3 involves an agreement between a public agency and a private sector partner for the design, construction, financing, and often long-term operation and maintenance of one or more infrastructure assets over a specified term. This method always includes a financing component and involvement of equity when procurement takes place. Most types of liability are transferred to the City when they take ownership of the facility.

Ms. Reczko requested information on a progressive design delivery method. Mr. Marcos advised that while some cities have used this method, he was not familiar with how it was accomplished. Fort Lauderdale has discussed whether or not this method is allowable, as it is not currently recognized by state law. This method would require the City to work with the City Attorney's Office to ensure they are comfortable with that process.

Ms. Reczko explained that under the progressive design method, a project is constructed with controlled costs. The design may change progressively throughout the building process as a result. She further clarified that this method resulted from supply chain issues in recent years following the COVID-19 pandemic, as some designs had to be modified because products were not available. It involves close work with the engineering and construction teams, and is similar to the design/build process. Mr. Marcos advised that another aspect of the progressive design process is that the design continues to progress throughout the project and is reevaluated as that project moves forward.

Vice Chair Partington requested clarification of whether or not progression occurs prior to the beginning of construction. Ms. Reczko confirmed that most of the design is completed before construction begins.

A question was asked regarding the role of an owner's representative in the different methods. Public Works Director Alan Dodd stated that regardless of the construction method selected, an owner's representative is hired if there is not sufficient in-house capacity to manage the project.

Vice Chair Partington asked if any of the methods discussed would be constrained by the manner in which a new City Hall may be funded. Laura Reece, Director of the Office of Management and Budget, replied that a P3 may involve constraints, as the private partner may come forward with their own financing.

Mr. Marcos advised that of the methods presented, the design/bid/build process would likely be the preferred method to result in the most cost-effective completion of a new City Hall.

Vice Chair Partington explained that his concern was that the City may be reaching its limits with regard to bonding capability. If it is not possible to bond for City Hall, this could eliminate the design/bid/build method. Director of Finance Linda Short stated that the City is not approaching the limit of its bonding capacity. She advised that she had presented information to the City Commission at their January 9, 2024 meeting which indicated that this capability will depend on the method used to finance a project. While general obligation (GO) bonds would require a referendum, there is still sufficient non-ad valorem revenue to issue \$200 million in debt if necessary.

Vice Chair Partington asked if the Finance Director saw a need for the City to pursue a P3 for a new City Hall. Ms. Short recalled that in the case of the new water treatment plant, that P3 required the City to come up with \$533 million in bonds to support the facility. She advised that the City may still have to come up with a portion of the financing for a new City Hall.

Mr. Marcos advised that as owner, the City will have input on all the prospective methods, with the greatest input on the design/bid/build method.

Mr. Lambrechts asked what effect an incremental amount of debt might have on the City's credit rating. Ms. Short replied that the City is currently rated AAA, and if its financials remain strong and the City remains within the parameters of its debt management policies, no downgrade is expected.

Deputy Finance Director Aaron Kendrick explained that the City has the ability to issue debt on qualifying projects. Its current debt portfolio includes multiple subcategories and formats, which he briefly reviewed. Some debts are based on revenues the City collects as part of its operations, such as the gas tax. Enterprise funds, such as stormwater, water, and sewer, pay for a separate subcategory of debt.

Ms. Reczko requested clarification of whether or not governmental debt is paid out of the City's taxes. Mr. Kendrick explained that general obligation bonds are paid by ad

valorem taxes and are backed by the City government. The other subcategories of debt may be paid out of other non-ad valorem revenues that come into the City.

Chair Mammano requested additional information on special obligation bonds. Ms. Reece advised that it is less likely residents would approve the issuance of more debt using general obligation bonds, which would mean the cost of the debt must be absorbed in the budget. This means the City identifies revenues that are part of its ongoing operating budget, such as shared revenues, which would be used to secure a special obligation bond.

Chair Mammano asked what would be used to secure a bond for the construction of City Hall. Ms. Short stated non-ad valorem revenue would be used to secure either a bond or a loan. She reiterated that she was confident there would be sufficient revenue capacity in to cover another \$200 million bond, as the City earns close to \$370 million in revenue, of which \$120 million is ad valorem. Chair Mammano pointed out, however, that there are already claims on the \$370 million in non-ad valorem revenue. Ms. Short confirmed that there would have to be adjustments to projects funded by non-ad valorem revenue to accommodate financing for City Hall.

Mr. Kendrick continued the review of different types of bonds, pointing out that the City currently does not have any outstanding conduit bonds or certificates of participation. He also reviewed federal grant funds which can be used for various purposes, such as transit-oriented development or transportation infrastructure. Ms. Short further clarified that some of these funds are loans rather than grants and must be repaid.

Mr. Lambrechts asked if the terms of these loans are typically better than what the City can procure by issuing bonds. Mr. Kendrick replied that only the rates are slightly better; the issue can be whether or not it is beneficial to the City to enter into the requirements of these loans.

Chair Mammano asserted that a P3 is not truly an alternative funding source, but should more accurately be described as a delivery method. Mr. Kendrick explained that a P3 can be a funding method, as some private partners bring private sector expertise to the agreements, as well as innovation and financing that the City, as a government, may not be able to access on its own. Chair Mammano stated that there is no free money and any dollars a private partner would bring to a project must be repaid plus profit,

Chair Mammano reiterated that information at this level would not be useful to provide to attendees at a workshop, and that it would be sufficient to show that the City can seek funding from other sources without including a significant level of detail. There was additional discussion of modifying and simplifying some of the slides included in the presentation.

Ms. Dickey reviewed the questions that would be discussed during the breakout sessions. The Committee also discussed potential survey questions addressing procurement and financing methods and how quickly the project could be constructed.

3. New Business

i. Status of Class Law Action

James Ferraro, attorney, explained that his firm was retained to represent the City of Fort Lauderdale in litigation related to PFAS. The firm also represents several other public water systems in South Florida as well as in other states.

Mr. Ferraro advised that his firm was hired in August 2022 and filed a PFAS complaint in multi-district litigation. The suit named roughly 32 defendants, including DuPont and 3M, both of which are participating in settlements. The claims brought in this suit are primarily related to drinking water; however, there are also claims involving property damage, actual and potential soil contamination, and potential wastewater treatment, among others. Any settlements that have been made thus far apply only to drinking water claims.

Mr. Ferraro continued that his firm has worked with the City's Public Works Department to gather information about the existing system as well as the new water treatment plant. The information required for the case and its settlements includes flow rates, how much water the system is treating and pulling from the Biscayne Aquifer, and PFAS test results from wells.

Mr. Ferraro stated that the City has filed its own case; however, the two settlements with DuPont and 3M are being settled as a class, as there are a great many potential plaintiffs across the country. DuPont has already put \$1.185 billion into a qualified settlement fund for affected public water systems. The 3M settlement will pay between \$10.5 billion and \$12.5 billion, as they have significantly larger liability, having manufactured a specific type of PFAS which is found worldwide. Any public water system in the country which has detected PFAS may receive funds through the settlement.

With respect to the new water treatment plant, the City is in a good position, as its use of ion exchange technology can treat for PFAS. Once the new plant is complete, the City expects to be able to comply with PFAS regulations. The settlement funds are expected to be able to offset some of the cost of this treatment.

Mr. Zeltman commented that the Environmental Protection Agency (EPA) has not yet established criteria for PFAS. Mr. Ferraro stated that at present, the maximum allowable contaminant level for PFAS is expected to be four parts per trillion. He acknowledged that there has been some discussion of raising this limit to 10 parts per trillion, which would be much more manageable than four parts per trillion.

Mr. Ferraro continued that he expected settlement offers from the settlement administrators within the next six months, after which time payments may be made by the end of the calendar year through early 2025. The level of participation will determine the amount available through the settlements.

Chair Mammano recalled that at a previous Committee meeting, there had been discussion of spending more money on the new water treatment plant to ensure removal of PFAS. Mr. Dodd explained that while nanofiltration and ion exchange technology will be used, the plant was not designed specifically to meet the new requirements for PFAS, as the proposed limit of four parts per trillion did not exist at that time. Now that the proposed limit is known, the City is reviewing plans to ensure that the new plant will fully meet these requirements.

ii. SB0104 and HB0047 Utility Rates

Public Affairs Manager Daphnee Sainvil advised that she serves as the City's in-house lobbyist while also managing economic and business development. The current Florida legislative session is in its final week. The City has secured five projects, including \$2.5 million for Breakers Avenue, \$1.5 million for sidewalk improvements related to the Americans with Disabilities Act (ADA), \$175,000 to address housing for homeless persons experiencing mental health issues, \$175,000 for stormwater pump generators, and \$60,000 for traffic calming measures at intersections.

While many of these projects received less funding than requested, the City is in a good position because it actually received some funding. Ms. Sainvil added that the State Legislature has not yet issued its supplemental list of funding for projects by exiting legislators. If no funds are received from this supplemental list, the City's next step will be to reach out to the Governor's Office once more. The budget will not be signed into law until June 2024, at which time all state funding allocations will be finalized.

Ms. Sainvil also provided an update on federal appropriations. The U.S. Congress has agreed on how to proceed with a Continuing Resolution (CR) for six pieces of legislation, which include the City's community funding requests for three projects. These projects were funded through the U.S. Department of Housing and Urban Development (HUD) and include \$720,000 for Lauderdale Manors Park multimodal connections, \$850,000 for Breakers Avenue, and \$850,000 for critical homeless support services at "hot spots" where homeless individuals congregate.

Ms. Sainvil concluded that the City's state and federal funding reflect a greater diversification among requested projects. This cuts down on instances in which projects compete with one another for the same dollars.

A bill addressing vacation rental properties is not currently scheduled on the state legislative calendar, although it may be added with 24-hour notice. The Senate and

House sponsors of the bill were unable to reconcile their differences. Another bill of concern has been the municipal utility rate bill, of which there are two versions of three bills: Senate Bill (SB) 0104 and House Bill (HB) 0047, neither of which would affect the City, as Fort Lauderdale does not serve other municipalities through utility plants located in those municipalities.

One bill which would affect Fort Lauderdale is HB 1277, which would eliminate the City's ability to implement a 25% surcharge to the individuals to whom it sells water. The City and the Broward League of Cities continue to monitor any inclusion of that language in proposed bills. Ms. Sainvil noted, however, that this is the third consecutive year in which this type of utility bill has been proposed in the Florida Legislature. It is also hoped that the incoming Speaker of the House will listen to the City's concerns on this issue.

4. Public Works Update

i. CIP Financial Report

5. General Discussion and Comments

i. Committee Members

Mr. LaBrie recalled that at a recent City Commission Conference Agenda meeting, there was discussion of permitting lobbyists to serve on City advisory boards or committees. It was noted that the Commission did not make any changes to the City's policy at this time.

Vice Chair Partington requested an update on a sewer issue on Commercial Boulevard. Mr. Dodd replied that the affected pipe leading to a pump station has been repaired. There was no larger issue with the pipe beyond this area.

Vice Chair Partington also asked if the City has any expectation of what will come from an Urban Land Institute (ULI) discussion of flooding elevations. Mr. Dodd recalled that some months ago, the City Commission directed Staff to study the potential need to raise roadway elevations and bring a policy recommendation back to them. Items to be discussed will include criteria for raising roads, the height to which they would need to be raised, and how this would be funded and prioritized. The process will also include a public comment period and stakeholder interviews. This will be a policy discussion and will not address specific projects.

ii. Public Comments

None.

6. Adjournment – NEXT SCHEDULED MEETING DATE: Monday, April 1, 2024

Infrastructure Task Force Advisory Committee

March 4, 2024

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There being no further business to come before the Committee at this time, the meeting was adjourned at 4:23 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.]