Summary of Brief in Opposition to the Gummakonda Plat Amendment No.034-MP-19

The undersigned strongly oppose this plat amendment for the following summary of reasons.

1/The August 18, 2020 Fort Lauderdale City Commission approval of this plat amendment from an old gas station to 106 hotel units of infrastructure on .4 of an acre was based on a <u>Clear Error of Material Fact</u>. The <u>Clear Error of Material Fact</u> being an approval for a plat amendment allowing for a 50-fold increase in density based on the mistaken belief the infrastructure is adequate with no improvements needed while in reality the infrastructure is failing.

2/ The City of Fort Lauderdale pursuant to section 120.57(4) Florida Statutes for alleged unpermitted wastewater and effluent discharges to State water is required to comply with Amended Consent Order No. 16-1487. As recently as June 20, 2020 (which was less than two months before the City Commission approval) The City of Fort Lauderdale informed the State of Florida DEP based on an independent third-party Hazen and Sawyer Asset Management report that the Water and Sewer infrastructure specific to this plat was categorized as the highest likelihood of failure and the highest consequence of failure and of the highest risk priority.

3/ The only documents The City of Fort Lauderdale referenced during the City Commission meeting on August 18, 2020 were DRC staff reports showing that water and sewer adequacy was sufficient with "no improvements needed."

4/ The City ignored recommendations specific to this Water and Sewer infrastructure from their own CDM Smith 2007 Wastewater Master Plan, their own 2017 Comprehensive Utility Strategic Master Plan and years of Capital Investment Plans including the City Commission adopted FY 2020 Community Investment Plan that showed the need for \$4,468,253 in improvements for the B14 Sewer Basin which services this specific Plat.

5/ Instead on August 18 The City of Fort Lauderdale relied on the infrastructure opinions of their new director of public works Raj Verma. Mr. Verma was as recently as January 2020 the OWNERS representative in the private sector for the very Plat/project in question before the City Commission for approval. Mr. Verma stated that there were no infrastructure issues with pump station 14.

6/ The City Commission compounded this problem by reducing speaker time for public input from 3 minutes to 2 minutes in violation of City of Fort Lauderdale Resolution No. 14-49 which permits the public to speak for 3 minutes. The refusal by the City of Fort Lauderdale to allow the public to speak for the permitted time and then denied for the presentation of properly submitted documents that were

repeatedly referenced throughout the almost four-hour hearing essentially disenfranchising the public.

7/ Ironically after the August 18, 2020 commission approval the City's subsequent actions belie there was no need for any infrastructure improvements. The City is now investing \$365,000 for close circuit television video surveys which will facilitate the design and construction estimate of the rehabilitation of the B-14 sewer basin. The exact point of public opposition was to demand that our infrastructure be fixed before approving such an aggressive plat amendment allowing for a 50-fold increase in infrastructure density. Certainly, a very reasonable request in light of the City of Fort Lauderdale's recent 240,000,000 gallon spillage of raw sewage!

8/ The Public is aware of this and is clearly concerned about their health and safety. There was record opposition to this overdevelopment at every level. At the Central Beach Alliance opposition was 236 to 15. At Planning and Zoning 166 people opposed and at the city commission people 110 spoke in opposition!! All of these totals are either record opposition or close to record opposition for any one specific item in Fort Lauderdale history.

This will all be discussed further and documented in the brief that follows.

Brief in Support of Opposition to the Gummakonda Plat Amendment No.034-MP-19

The Florida Department of Environmental Protection has documented over 248 million gallons of unauthorized sanitary sewer overflows in Fort Lauderdale since 2014. The City and State have entered into Consent Order OGC File No. 16-1487.

On June 22, 2020 the City of Fort Lauderdale provided the State of Florida with an independent third-party Hazen and Sawyer Asset Management and Capacity Report. This was less than two months prior to the City Commission approval of the Plat amendment on August 18, 2020. The Asset Management report included a risk assessment of the wastewater collection system. "A Consequence of Failure and Likelihood of Failure were established for each asset by assigning weighted scores based on various criteria. The COF and LOF were combined into an overall Risk score". As a result, the Gravity Main Risk score for the Plat was assigned a "High Risk Priority". Attached as Exhibit A is a graphic which specifically delineates the area specific to this Plat.

Yet on August 18, 2020 the Fort Lauderdale City Commission approved this Plat amendment under the assumption that everything was copacetic with the infrastructure specific to this Plat amendment.

The evidence will show that they did so based on a Clear Error of Material Fact.

The City approved this Plat amendment by relying on the infrastructure opinions of their new director of public works Raj Verma. Mr. Verma was the representative for the owner of the Plat in question as recently as January 2020!! Attached as Exhibit B is the lobbyist log for the plat in question as well as disclosures from the city commission meeting which shows that all five commissioners had met with Mr. Verma while he was the owners representative in the private sector!! Mr. Verma stated that there were no significant infrastructure issues with Sewer Basin B-14.

The only documents the City of Fort Lauderdale referenced during the City Commission meeting on August 18, 2020 were DRC staff reports which claimed that "The existing water and sewer infrastructure have the capacity to support the proposed development and no improvements are needed". Attached as Exhibit C please find this November 5, 2019 report.

With regard to Sewer Basin B-14, the City ignored their own 2017 Comprehensive Utility Master Plan which reiterated and expanded upon the recommendations from the previous decade earlier 2007 CDM Smith Wastewater Master Plan. The updated 2017 recommendation language read as follows: "The project includes the rehabilitation of mainline sewers, point repairs, minor road restoration and landscaping. Also, the use of trenchless technologies to repair sewer system components such as lining of gravity sewers manholes and sewer laterals".

Furthermore, and this is critical wording as it will re-appear later in this brief "Work also includes pre- and post-television survey, flow monitoring, traffic control and site restoration for Dolphin Isles (B14.0 & B14.2)."

The City ignored their own adopted FY 2020 Community Investment Plan that showed the need for up to \$4,468,000 million in improvements for the Sewer Basin B-14 relevant to this Plat Amendment. The Plan was passed unanimously by this current City Commission on September 17, 2019. The language used in the Plan is identical to the language in the 2017 Master Plan recommendation including the important language that will re-appear later in this brief "Work also includes pre- and post-television survey, flow monitoring, traffic control, and site restoration." Attached as Exhibit D please find the documentation.

With regard to Pump Station B-14, the City ignored their own 2017 Comprehensive Utility Master Plan. The recommendation was as follows: "Replacement of B-14 pumps with higher capacity models. Rehabilitate/replace station piping, valves and appurtenances and wet well as necessary".

The City Commission's reliance on a <u>Clear Error of Material Fact</u> can best be illustrated by the <u>applicant's attorneys statement prior to the Commission vote.</u>

" and but I do want to go back to the infrastructure. I know that Raj Verma has spoken numerous times, but I want to be very clear in what he said, and I know that there were a lot of questions and there's a lot of information about this area and this particular section of the city. But he clearly stated that there were no infrastructure issues with Pump Station 14." quote is attached as Exhibit E.

Incredulously no one on the City Commission or the City Attorney thought there was anything askew about that fact that Mr. Verma opining on behalf of the city basically amounted to him supporting a former client.

The City kept referring to the fact that Plat amendments are basically administerial.

However the evidence will show that the City violated even their own standard set by their City Attorney that evening.

Attached as *Exhibit F* please find several pages of the transcript which basically reference two important points. 1) that infrastructure is a component when approving a plat and 2) that once technical requirements have been met the act of approving a plat is generally considered ministerial. However, the city attorney that night also stated.....

"Obviously, that can always be defeated in regards to empirical data that comes back and says somehow something's inaccurate or something hasn't been met, but unless you have that it's really an administrative act by the governing body to just identify that piece of property as it's been presented." emphasis added.

The evidence in this case will show a systematic disconnect in that the city at all levels did not consider crucial empirical data in approving this plat amendment. They ignored the Hazen and Sawyer Asset capacity report that they submitted to the state of Florida under consent order 16-1487 and ignored their own 2017 comprehensive utility strategic master plan which revealed major infrastructure deficiencies specific to this Plat.

The City Commission compounded this situation by essentially disenfranchising the public at the August 18, 2020 meeting.

The Board of Directors of the Tides condominiums properly submitted an 84-page PDF in which the City ignored and in essence blocked its presentation. We worked with the City Clerk for a week prior to the meeting to determine the best way for submission. We followed their direction and the City Clerk sent a receipt that they received it. Attached *Exhibit G*.

What is most troubling is the fact we have yet to receive an explanation as to why it wasn't presented. Worst of all, other than the Mayor nobody on the dais seemed concerned or made any effort to correct it.

The only response we have received thus far is the City's Attorneys interception of the request by saying it was basically Hazen & Sawyer and CIP documents that we would not of considered anyway. <u>Essentially willfully ignoring the empirical data showing the Clear Error of Material Fact regarding the infrastructure supporting this plat/project.</u>

Augmenting this troubling aspect is the fact that Robert Owen an engineer from the Tides Condominiums who has been working on the horrible stormwater problem in front of the Tides Condominiums and Shooters waterfront restaurant for years separately submitted documents when he signed up to speak. They also failed to produce these documents for Mr. Owens presentation.

Furthermore when Mr. Robert Dhein another engineer from the Tides wanted to show a document during his speaking time and they asked for the video to be turned on. Mr. Dhein was told they couldn't do it. However, it should be noted that at the following commission meeting videos were being turned on when necessary.

This disenfranchisement of the public started at the very beginning of the meeting. The City Commission made the mistake and assumption that the over

110 people signed up were going to talk about the project and not Plat infrastructure. They basically chastised potential callers and told them they would be cut off if they deviated from talking about the Plat.

The City Commission then decided arbitrarily they would cut speaker time from 3 minutes to 2 minutes in contravention of City resolution 14-49. *Exhibit H*.

This had a horrific chilling effect on the speakers in waiting and essentially chased off dozens of potential speakers.

To the Mayors credit after hearing many speakers infrastructure concerns and realizing the City did not have any of the submitted documents the Mayor did attempt to defer the vote on this plat amendment. Nonetheless the plat amendment passed that evening by a vote of 4 to 1 with the Mayor dissenting. Specifically, Mayor Trantalis said the following:

"Right. So, okay. So Commissioner McKinzie has introduced the resolution approving the plat known as Gummakonda, located at 3001 North Ocean Boulevard. Before we take a vote, I just want to say that I'm not going to be able to support this vote, mainly because I think too many people raised too many questions about too many issues, too many points that were relevant to the infrastructure of this site. And I think at the beginning of this discussion I thought I had a clearer understanding, but by the end of the discussion I could see that there were a lot of gaps in our understanding.

Before I could feel comfortable about going forward on this, I would prefer to defer it so that we at least allow the community to have a better understanding as to the progress or lack thereof on this site and the infrastructure in and around the site, see how it impacts the neighborhood, because neighborhood compatibility, of course, is always a part of any project going forward.

So I heard the city attorney's giving us the standard upon which we are to make our decision, but in good conscience I cannot agree

to have this move forward until I feel very comfortable about seeing that all the elements upon which we are asked to approve this plat have been fully satisfied, which I don't feel they have been. So but we'll go forward. I'll ask the city clerk to proceed with the roll call". Exhibit I

Critically after the August 18, 2020 City Commission meeting the City is now scrambling to evaluate the water and sewer infrastructure that directly supports this Plat Amendment despite repeatedly saying during the August 18 City Commission approval of the Plat Amendment that the water and sewer infrastructure had already been rehabilitated.

The Director of Public Works Mr. Raj Verma has since requested funding of approximately \$3 million for this Basin 14. Yes, the same Raj Verma who three weeks prior on August 18, 2020 said that this Basin 14 had been rehabilitated and no problems existed with the infrastructure. Assertions that certainly supported his former client and were critical in misleading the City Commission into relying on a Clear Error of Material Fact in the passage of this Plat Amendment!

Since, the August 18, 2020 Commission Plat Amendment approval, City staff have identified water valves that need to be rehabilitated and tidal valves that need to be replaced. Furthermore, the City Staff have identified a 12" force main pipe that needs to be replaced. City Staff have also recognized that the gravity sewer pipes require a condition evaluation. All of these issues had been identified in annual City of Fort Lauderdale Public Works funding requests and both the 2007 CDM Smith Wastewater Master Plan and the 2017 Comprehensive Utility Strategic Master Plan. All these items were presented by the public as concerns to the City Commission but were repeatedly ignored.

The City is clearly aware of the need for these dollars in this area because ironically this dollar amount is roughly the same amount of money that the City had previously funded for this area in their annual Community Investment Plans. Attached is *Exhibit J* which from their Community Investment Plan showing monies funded in FY2018 for \$2.5 million. These monies were then removed from the budget and deferred to FY2024 in the amount of \$4 million and then finally removed entirely by this commission.

On November 5, 2020 the City Manager submitted a funding request to the City Commission in the amount of \$365,000 for Sewer Basin B-14 Rehabilitation which includes "pre-and post-closed circuit television video surveys" "which will facilitate the design and construction estimate of the rehabilitation of the B-14 sewer basin. The proposed is a high priority project because of recent sanitary sewer overflows".

The Consolidated Budget Amendment was approved 5-0 by the City Commission on November 5, 2020. Exhibit K

Please note that the Budget Amendment submitted after the Plat Amendment approval on August 18, 2020 states that the sewer infrastructure fixes are "high priority".

Please also note that the pre-and-post television surveys to determine the construction estimate of the rehabilitation is the same language that appears in annual City staff reports, the 2017 Comprehensive Utility Strategic Master Plan, and the annual Community Investment Plans. So, the solution adopted by the City after they told the public that the sewer basin had been rehabilitated at the City Commission meeting on August 18, 2020 was to employ the recommendations from years of internal and independent third-party reports to determine the construction estimate of the rehabilitation.

The City is now after the fact scrambling to fix our failing infrastructure. This was the exact point of public opposition on August 18, 2020 in demanding that our infrastructure be fixed before approving such an aggressive Plat Amendment. Aggressive is an understatement in considering the previous Plat provided for a 2000 square-foot gas station. This amendment approves infrastructure for 108 units and in this case a 105,000 square-foot hotel. All on .4 of an acre!

The public's request was certainly reasonable in light of the City of Fort Lauderdale's recent 240,000,000-gallon spillages of Raw sewage!

Spillages in Fort Lauderdale keep happening because there is a systematic disconnect between what the City actually knows and what they rely on during the approval process.

In the present case the evidence will show that the DRC the P&Z and the City Commission all ignored the following....

- 1. The above-mentioned Hazen & Sawyer report submitted to the State of Florida pursuant to Consent Order NO. 16-487 showing critical failure of the infrastructure specific to this project. *Exhibit L*
- 2. The city ignored their own 2017 comprehensive utility strategic master Plan and the adopted FY 2020 community investment plan that showed the need for between \$2.5 million and \$4 million for improvements for the B14 Sewer Basin.
- 3. Information from the cities own requested Reiss report that shows this area experiencing extremely severe infiltration and inflow. *Exhibit M.*

- 4. Reiss report findings that show sewer basin B-14 is one of the 12 worst out of the 110 in the city. *Exhibit N*.
- 5. Age of the pipes which revealed that many were from the 50s and 60s or of unknown origin. *Exhibit O*. Clear evidence was presented to the city commission demonstrating that old pipes suffered from severe "I and I" and were susceptible & vulnerable to breaking when there's an increase in volume and usage. This was exactly one of the points that the County made when they pointed out that with a project of this size and scope the flows from this plant would likely be substantial and variable and may impose additional needs for on-site and offsite components of the convenience system. *Exhibit P*.
- 6. The city only tested for capacity and clearly not functionality. In most cities' capacity would be sufficient. But in Fort Lauderdale our pipes and systems are constantly failing. Look no further than the documented 240,000,000 million gallons of Raw Sewage and the fact that the city of Fort Lauderdale is under 2 Consent Orders from the State of Florida for our sewer systems and 1 consent order for drinking water.
- 7. The Public is aware of this and is clearly concerned about their health and safety. There was record opposition to this overdevelopment at every level. At the Central Beach Alliance opposition was 236 to 15. At Planning and Zoning 166 people opposed and at the city commission people 110 spoke in opposition!! All of these totals are either record opposition or close to record opposition for any one specific item in Fort Lauderdale history.

In conclusion, the City of Fort Lauderdale ignored their own empirical data that they sent to the State of Florida and instead relied on the owners previous representatives Raj Verma asserting everything was copasetic with sewer basin B-14.

This is a Clear Error of Material Fact and their approval of this plat amendment endangers the health and safety of the residents in this area. Therefore, the undersigned respectfully urges the County Commission to deny this plat amendment.

The Tides at Bridgeside Square Condominiums Board of Directors

Jeff Tolari- President
Matthew Herman-Vice President
Guenevere Stundon- Treasurer
Carol Jardine- Secretary
Dr. Raul Cook- Director
Carmela Paladino- As Manager

Exhibits

Exhibit A



CITY OF FORT LAUDERDALE

WASTEWATER CONSENT ORDER PROGRAM

COLLECTION SYSTEM ASSET MANAGEMENT AND CAPACITY, MANAGEMENT, OPERATION, AND MAINTENANCE PROGRAM

OGC No. 16-1487 City Project No. 12367 Hazen Project No. 43194-011 June 25, 2020

FINAL





B4. Risk Assessment

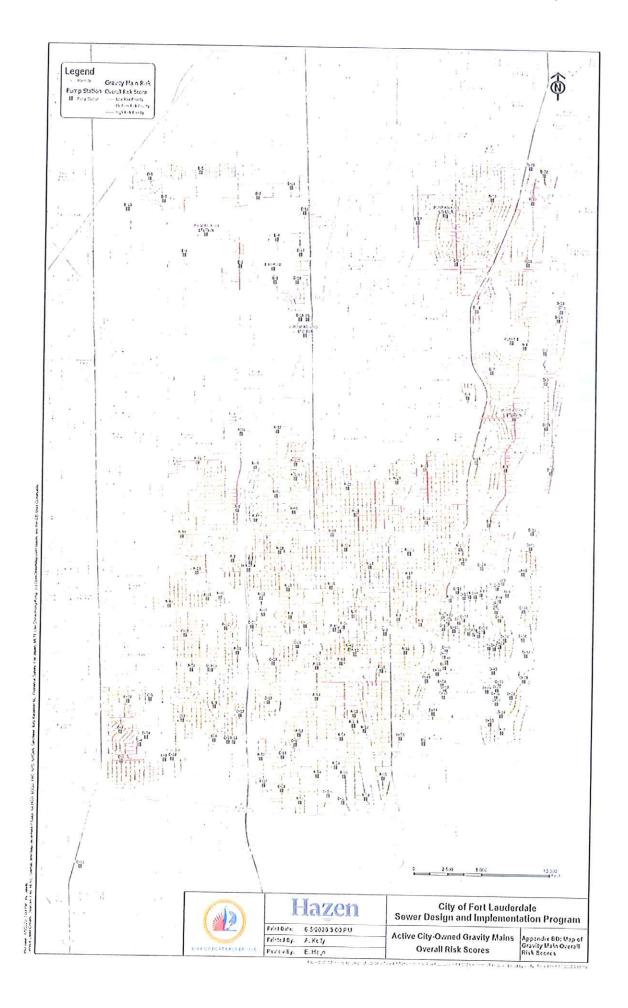
Risk is a combination of the consequence of failure (COF) and likelihood of failure (LOF) of a particular asset. The LOF provides a relative indication of the probability that an asset will fail (e.g., a pipe will undergo a collapse, a pump station will become inoperable, or some other change in an asset will occur that results in a detrimental impact on the sewer system performance, the public right-of-way, or public health). The COF provides a relative indication of the level of impact (e.g., cost impacts, social impacts, etc.) if the asset fails.

An asset-by-asset risk assessment was completed for active City-owned gravity mains and pump stations as part of the CSAMP report. A COF and LOF were established for each asset by assigning weighted scores based on various criteria. The COF and LOF were combined into an overall Risk score. These procedures and the results of the gravity main and pump station risk assessments are described below in Section 4.1 and Section 4.2, respectively.

Paragraph 6(h) of the CO requires that the City submit a Force Main Condition Assessment (FMCA) Plan to FDEP. The FMCA Plan was completed under Task Order 4. It established that the FMCA project would be completed in three phases:

- FMCA Phase 1 Development of Risk Matrix and Implementation Plan
- FMCA Phase 2 Implementation of the Force Main Condition Assessment
- FMCA Phase 3 Force Main Condition Assessment Report

Phase 1 of the FMCA was submitted to the City as a part of Task Order 12 on August 16, 2019. Under Phase 1, a Risk Assessment was completed where a COF, LOF, and Risk Score was assigned to each force main segment. The FMCA Risk Assessment is summarized in Section 4.3 and is used in the prioritization analysis presented in Section 5.0 of this report.



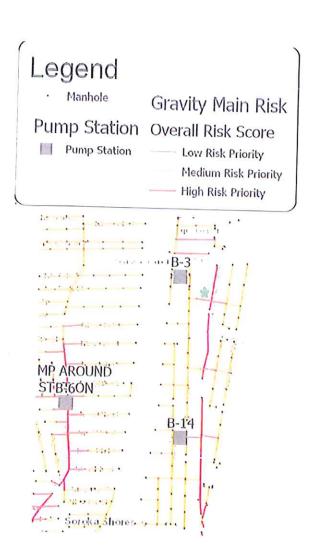


Exhibit B

COMMISSIONER MORAITIS: Let's see. On June 27, 2019 I had a call with Stephanie Toothaker, and 8/22/2019 I had a meeting with Stephanie and Raj. That's it.

MAYOR TRANTALIS: All right. Commissioner, the Vice Mayor Glassman?

VICE MAYOR GLASSMAN: Yes, thank you, Mayor.

Let's see. On December 5, 2019, I met with Eric Linder,

Jeff Tolari, and Steve Ganon. On December 16, 2019, I met
with Stephanie Toothaker. And I believe the P&Z meeting
was June 17th, so I think on the 18th I had phone
conversations with Eric Linder and Jeff Tolari. Thank
you. After the Planning and Zoning Board meeting.

MAYOR TRANTALIS: Commissioner McKinzie?

COMMISSIONER MCKINZIE: I've had several

meetings with the applicant and their representative.

MAYOR TRANTALIS: Commissioner Sorenson?

COMMISSIONER SORENSEN: August 6 with Stephanie
Toothaker. Thanks.

MAYOR TRANTALIS: I had multiple meetings with Stephanie Toothaker and her clients and have been to the site multiple times, especially as I'm exiting Athos Greek restaurant, you have to kind of go around there to get out of there because for a long time, the construction under the bridge, there was huge water flooding under the bridge. Thank you, you fixed it. Now it's really great. Thank you, Chris Lagerbloom.

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Exhibit C





November 5, 2019

Regina Bobo-Jackson Gator Engineering Associates, Inc. 11390 Temple Street Cooper City, Florida 33330

Subject:

WATER AND WASTEWATER CAPACITY AVAILABILITY LETTER

Homewood Suites - DRC Case No. R19035

3001 N Ocean Boulevard, Fort Lauderdale, Florida 33308

Dear Ms. Bobo-Jackson,

According to the information submitted, the project consists of demolishing an auto mechanic garage and constructing a 112-unit hotel. There are proposed water and sewer connections to City of Fort Lauderdale (City) utilities along NE 30th Street. According to the information submitted, this project lies within the City's Pump Station (PS) B-14 basin and will increase water and sewer demand by approximately 0.008 million gallons per day (MGD). The existing water and sewer infrastructure have the capacity to support the proposed development and no improvements are needed.

If Public Works staff issues comments on the proposed flow calculations after the issuance of this capacity availability letter, the consultant shall request a revised letter with the correct approved flow calculations. The determination of capacity availability is based upon tools and data analysis as of the date of this letter. Availability of capacities, as calculated in the attached analysis, is not guaranteed and no existing system capacity shall be considered "committed" for this project until a permit has been issued and all fees have been paid. The City reserves the right to re-evaluate the availability of capacities at the time of permit application. If sufficient capacities are not available, the City may deny the permit application or ask the Owner/Developer to submit an alternate design prior to approval. Information contained in this letter will expire one year from the date issued.

Should you have any questions or require any additional information, please contact me at (954) 828-6126.

Sincerely,

Thomas Lawrence, P.E. Project Manager II

Enclosures: Water and Wastewater Capacity Analysis

Talal Abi-Karam, P.E., Assistant Public Works Director

Omar Castellon, P.E., Chief Engineer Dennis Girisgen, P.E., City Engineer File: Water and Sewer Capacity Letters









City of Fort Lauderdale Public Works Department Water and Wastewater Capacity Analysis

Homewood Suites – DRC Case No. R19035 3001 N Ocean Boulevard, Fort Lauderdale, Florida 33308

PROJECT AND DESCRIPTION

Demolition of an auto mechanic garage and construction of a 112-unit hotel.

DESCRIPTION OF EXISTING UTILITIES

Water: The site is currently served by a 6-inch water main to the south of the project site along NE 30^{th} Street. See Figure 1.

Wastewater: The site is currently served by an 8-inch gravity sewer main to the south of the project site along NE 30^{th} Street. See Figure 2.

Pumping Station: The site is served by PS B-14 which is located south of the project site along NE 23^{rd} Street.

SUMMARY OF ANALYSIS AND REQUIRED ACTION

The existing water and sewer infrastructure have sufficient capacity to serve the project with no improvements required.







Figure 1 - City Water Atlas











Figure 2 - City Sewer Atlas







WATER CAPACITY ANALYSIS

Requested Demand: Based on the applicant's site plan and building use information, the estimated combined potable water demand is approximately 8,257 gallons per day (GPD), which equates to 0.008 million gallons per day (MGD). Water use demands are calculated based on the City's "Guidelines for the Calculations of Sanitary Sewer Connection Fees".

Evaluation of impact on existing distribution pipe (flow & capacity): According to the site plan, the applicant is proposing to utilize the 6-inch water main along NE 30th Street to the south of the project site. The InfoWater hydraulic model was analyzed to determine the impact of this project on the existing 6-inch water main and it was determined that it has capacity to serve the project.

Evaluation of impact of Permitted Water Plant Capacity: The Fiveash and the Peele Dixie Water Treatment Plants are designed to treat 70 MGD and 12 MGD of raw water respectively (82 MGD total). The total permitted Biscayne aquifer water withdrawals for these plants is limited to 52.55 MGD per the South Florida Water Management District (SFWMD) permit number 06-00123-W.

The current twelve-month rolling average production at the two plants is 39.42 MGD. The previously committed demand from development projects in the permitting or the construction stage is 4.572 MGD. Combining these figures with the demand from the proposed project of 0.008 MGD, the required production would be 44.00 MGD. This is less than the allowable withdrawal limit of 52.55 MGD. Therefore, the water plants have sufficient capacity to serve this project. See Figure 3 below.

Recommended Water Infrastructure Improvements: No improvements required.

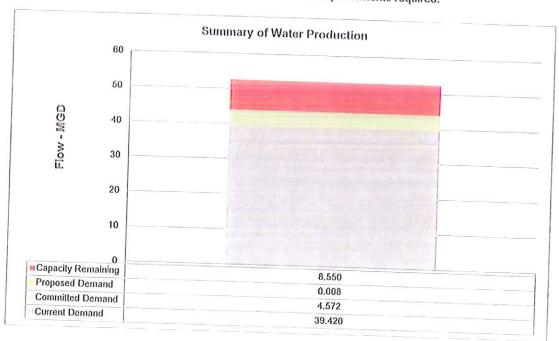


Figure 3







WASTEWATER CAPACITY ANALYSIS

Requested Demand: Based on the applicant's site plan and building use information the estimated additional potable water demand is 8,257 GPD, which equates to 0.008 MGD (although wastewater is usually 80% of the potable water, a higher, conservative figure has been used for calculations). Sewer use demands are calculated based on the City's "Guidelines for the Calculations of Sanitary Sewer Connection Fees".

Evaluation of impact on existing collection pipe (gravity system capacity): According to the site plan, the applicant is proposing to utilize the 8-inch gravity sewer main along NE 30th Street to the south of the project site.

Manual of Practice (MOP) 60, published by American Society of Civil Engineers (ASCE) for the gravity sewer design and used by the City staff, recommends that pipe diameters 15-inch or less be designed to flow half full during peak flows. The City uses a peak hourly flow factor of 3.0. Accounting for existing flows and based on the tools and information available to the City staff, it has been calculated that the 8-inch and 12-inch diameter pipes downstream of the proposed development will flow approximately 48% and 49% full, respectively, which is less than the ASCE-recommended 50%. Therefore, the gravity mains downstream of the developments are adequate to serve the project.

Evaluation of impact on pumping station: PS B-14 has a capacity of 1600 gallons per minute (GPM) and has a Nominal Average Pumping Operating Time (NAPOT) of approximately 15.8 hours per day. Based on projected sewage flows, the pumping run times would increase approximately 5 minutes per day. PS B-14 will have a NAPOT of 15.9 hours once the proposed developments are complete, more than the recommended average of 10 hours per day (see Figure 4). Discussions with Operational staff revealed that this pump station is situated in a low-lying area and collects a significant amount of stormwater runoff that results in excessive runtimes. Since the runtimes have consistently exceeded the 10-hr threshold and the impact from the proposed sanitary flow on the runtimes is negligible, it can be concluded that PS B-14 has ample capacity to serve the proposed development.

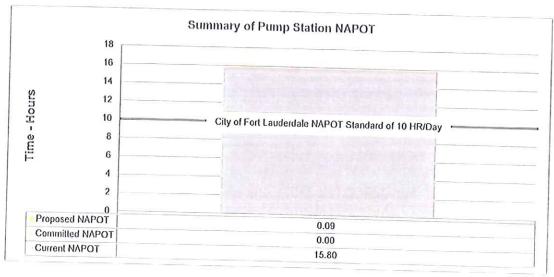


Figure 4





Evaluation of impact of Permitted Wastewater Plant Capacity: The City of Fort Lauderdale owns and operates the George T. Lohmeyer Regional Wastewater Trealment Plant (GTL), which provides wastewater treatment for the City of Fort Lauderdale. The Broward County's Environmental Protection and Growth Management Department's (EPGMD) Environmental Licensing & Building Permitting Division's licensed capacity for GTL is 48 MGD-AADF (Million Gallons per Day - Annual Average Daily Flow). The annual average daily flow (AADF) to the plant is 37.015 MGD. Combining the committed flows for previously approved projects of 4.572 MGD plus the 0.008 MGD net contribution from the project results in a total projected flow of 41.59 MGD. This is less than the permitted treatment plant capacity of 48 MGD. Therefore, the treatment plant has sufficient capacity to serve this project. See Figure 5 below.

Recommended Wastewater Infrastructure Improvements: No improvements required.

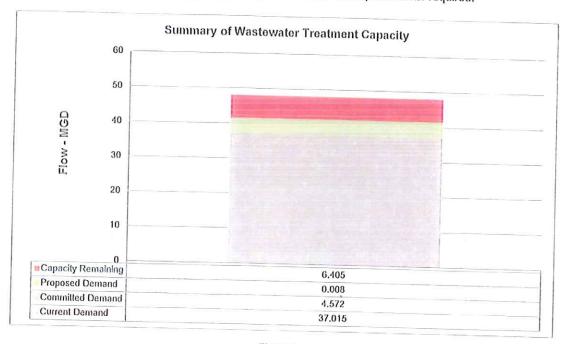
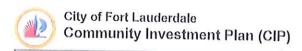


Figure 5

6.3

Exhibit D



FY 2020 - FY 2024

	ID(O)	HAHIM	RALL	量多 图	引集	SHAME		SINE	目目	(A)(B)		
						FY 20						
Project Mgr:	Luis Oliveira x5877	Department: Fund: District:		<i>N</i> ater and	Sewer M	Master Plan V	Address: City: State: Zip:	3220 NE : Fort Laud FL 33305		reel		
Description:	The project in for Dolphin I system compo post Closed (Wastewater Co	onents such a Circuit Televisi	s the li	ning of g TV) surve	ravity se	will employ wers, mant monitoring	the use noles, and traffic contra	of trenchl	ess le	chnologies to	repair sev	ve
Justification:	This project is excessive infl Treatment Plan	s based on a ow and infilt	2007	Master P	lan reco	mmendalion	This so	nitary sew vage to C	er basi Beorge	in was identif T. Lohmeye	ied as havi r Wastewa	nę te
	Justification: ding Summar	Not identified y:	l in an a	pproved p	lan			Project Ty	pe: Ut	ilities		
	A(c): AVAUA Master Plan CONS		Y.2020)	1372	(0)24 i	FY 2072	FY/2023	9 15V	(2022)	BEYOND GYEAR HORIZON	FUNDING	THE PERSON NAMED IN
154 659 Total Fund 454:										\$4,468,253		ş
GRAND TOTA	L×									\$4,468,253		\$1
	L.,											
Comments: mpact On C	perating Bud	get:								\$4,468,253		\$(

Cost Estimate Justification:

The cost estimate is based on current contract prices and addresses approximately 30% of excavated point repairs, gravity main lining, lateral lining, manhole repair and sealing with a multiplier for FY20. This project will affect approximately 2, 874 parcels.

Strategic Connections:

Comments: No Budget Impact

Quarters To Perform Each Task:

\$0

\$0

Cylinder:

TOTAL

Infrastructure

Initiation / Planning:

Strategic Goals:

Be a sustainable and resilient community

Design / Permitting: 2 Bidding / Award: 0

Objectives:

Proactively maintain our water, wastewater, road and bridge

Construction / Closeout:

infrastructure

Exhibit E

174

1	site plan, very different than a rezoning, and the
2	case law on it is extremely clear.
3	And I'm not going to ask you to rely on
4	me, I'm going to ask you to rely on your own city
5	attorney who opened with that statement because
6	it's well settled in Florida law that as it
7	relates to plats. Unfortunately, the Commission
8	just doesn't have a lot of authority to turn it
9	down if the plat complies.
10	And but I do want to go back to the
11	infrastructure. I know that Raj Verma has spoken
12	numerous times, but I want to be very clear in
13	what he said, and I know that there were a lot of
14	questions and there's a lot of information about
15	this area and this particular section of the city.
16	But he clearly stated that there are no
17	infrastructure issues with Pump Station 14.
18	The pipes are of sufficient capacity and
19	they've already been reinforced. There is a
20	flooding issue that has been acknowledged that has
21	to do with the seawall that is underneath the
22	bridge, that has nothing to do with the
23	infrastructure that would be affected by this
24	project.
25	This project, in fact, will improve the

Exhibit F

11

1	obviously. It's really an easy means for us to
2	identify the property, and the governing bodies
3	obviously are required to do that.
4	In order to plat a property there are
5	some minimal technical requirements in our ULDR,
6	and you have to check off the boxes, and
7	Mr. Fajardo can possibly but it includes a
8	variety of things, ingress, egress. There are
9	some infrastructure components there that they
10	have to satisfy.
11	Your professional Staff on this
12	particular one has reviewed it, has said that they
13	meet the technical requirements.
14	The case law is very clear that once you
15	reach and you have data that supports meeting
16	those technical requirements, at that point the
17	governing body's decision is really ministerial
18	because they've done that.
19	Obviously, that can always be defeated
20	in regards to empirical data that comes back and
21	says somehow something's inaccurate or something
22	hasn't been met, but unless you have that it's
23	really an administrative act by the governing body
24	to just identify that piece of property as it's
25	been presented.

1	MAYOR TRANTALIS: So Alain, you had
2	indicated earlier that this plat proposal is to
3	determine whether or not a hotel could be built on
4	there with 108 rooms; is that what you said?
5	CITY ATTORNEY BOILEAU: No.
6	MAYOR TRANTALIS: What did you say?
7	CITY ATTORNEY BOILEAU: I didn't say
8	that.
9	MAYOR TRANTALIS: Okay.
10	CITY ATTORNEY BOILEAU: I mean,
11	certainly, there's always consideration. If
12	you're going to look at infrastructure, there's
13	going to be some consideration as to some proposed
14	uses.
15	MAYOR TRANTALIS: Right.
16	CITY ATTORNEY BOILEAU: But the so
17	let's say they meet all the technical
18	requirements, which your professional Staff says
19	they have.
20	MAYOR TRANTALIS: Okay.
21	CITY ATTORNEY BOILEAU: And then someone
22	comes and says, you know, well, a hotel, like you
23	said in your example before, doesn't fit here,
24	it's not going to be appropriate to the
25	neighborhood, and so on and so forth. That has

1	absolutely nothing to do with it and can't be a
2	consideration for whether you approve or
3	disapprove.
4	The only way you can disapprove a plat
5	is if they have not met one of those technical
6	requirements.
7	MAYOR TRANTALIS: Well, in terms of
8	technical requirements, then, we're not really
9	looking for sewage capacity because we don't know
10	what's being built there.

- 11 CITY ATTORNEY BOILEAU: There is a component for infrastructure. Again, Mr. Fajardo 12 may have better details on that, on the nuts and 13 bolts of it. There is some consideration for 14 infrastructure there, so to some extent there's 15 16 some proposed development that has to be 17 considered for that purpose. But Mr. Fajardo 18 perhaps can... 19 VICE MAYOR GLASSMAN: Then let's ask
- VICE MAYOR GLASSMAN: Then let's ask
 Anthony.
- 21 MAYOR TRANTALIS: Anthony, can you come 22 on the line for us?
- MR. FAJARDO: This is Anthony. I

 understand the city attorney to say that there's a

 certain set of technical requirements that have to

Exhibit G

RE: [-EXTERNAL-] Re: Serv-U File Sharing Link [expires 8/25/2020 12:00:00 AM]



David Soloman adsolom in a fertil understals gover To: 'beach redey'

Et be south a 12 PM

Received

From: beach redev <beachredev@yahoo.com> Sent: Tuesday, August 18, 2020 2:54 PM To: David Soloman < DSoloman@fortlauderdale.gov>

Subject: [-EXTERNAL-] Re. Serv-U File Sharing Link [expires 8/25/2020 12.00.00 AM]

Thank you. I have uploaded the file. It is for agenda item R2 Resolution two

Regards Paul

On Tuesday August 18, 2020, 2 51.09 PM EDT. David Soloman soloman@fortlauderdale.go. wrote

Exhibit H

RESOLUTION NO. 14-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING A POLICY GOVERNING THE REASONABLE OPPORTUNITY OF MEMBERS OF THE PUBLIC TO BE HEARD BEFORE OFFICIAL ACTION IS TAKEN ON A PROPOSITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida, in its 2013 Regular Session, enacted Chapter 2013-227, Laws of Florida, creating Section 286.0114, Florida Statutes, establishing requirements with respect to the public's right to a reasonable opportunity to be heard prior to official action being taken by certain public boards and commissions; and

WHEREAS, Section 286.0114, Florida Statutes, provides that a board or commission may adopt rules or policies governing the opportunity of members of the public to be heard before official action is taken, consistent with the provisions of Section 286.0114(4), Florida Statutes; and

WHEREAS, the City Commission of the City of Fort Lauderdale is a board or commission as defined by Section 286.0114, Florida Statutes; and

WHEREAS, the City Commission is adopting the policies set forth in Section 1 of this Resolution in compliance with Section 286.0114, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

- <u>SECTION 1</u>. <u>Adoption of Policy</u>. The City Commission of the City of Fort Lauderdale (herein "City Commission") hereby adopts the following policies governing the reasonable opportunity of members of the public to be heard pursuant to Section 286.0114, Florida Statutes:
- Except as provided in Section 2 of this Resolution, before the City Commission, city boards or committees take an official action on a proposition, members of the public shall be provided a reasonable opportunity to be heard on that proposition as outlined herein.
- The following guidelines are adopted regarding the members of the public exercising their opportunity to be heard on a proposition before the City Commission, city board or committee:

RESOLUTION NO. 14-49

PAGE 2

(a) Request to be Heard Form. Individuals or representatives of groups of individuals shall make their request to be heard on a particular proposition before the City Commission, board or committee on a form provided by the City Clerk's Office. Such form shall provide space for the inputting of information such as the name of the requestor, the proposition as it is identified on the agenda, whether the requestor supports or opposes the proposition or is neutral, whether the requestor is a designated representative of a group, whether an individual has been designated to speak on the requestor's behalf, and any other items determined to be necessary by the City Clerk to fulfill the provisions of this policy.

The City Clerk shall provide the Mayor; and the city board or committee staff liaison shall provide the chairperson with all completed Request to be Heard forms prior to the time the Mayor or chairperson announces the proposition for discussion at a public meeting.

- (b) Written Comments. Individuals or representatives of groups of individuals shall have the option, in lieu of an oral communication to the City Commission, city board or committee at a public meeting, to provide written comments on any proposition before the City Commission, board, or committee for its consideration. Written comments may be submitted to the City Clerk or respective staff liaison forty-eight (48) hours prior to the public meeting by mail, hand delivery, or an electronic means designated by the City Clerk. The City Clerk or staff liaison shall forward such comments to the respective City Commission, city board or committee members. Written comments submitted in this manner shall constitute an opportunity to be heard.
- 3. The following guidelines are adopted regarding the amount of time to be given an individual speaker to address a proposition before the City Commission, city board or committee at a public meeting on behalf of themselves or a group:
 - (a) <u>Speaker</u>. A speaker will be allowed three (3) minutes to be heard on a proposition unless additional time is granted as provided in Section 3(b).
 - (b) Additional Time. Additional time may be allowed by the City Commission, city board or committee when the speaker has made a written request on the Request to be Heard form. The request shall include the reason additional time is being requested and the amount of time being

RESOLUTION NO. 14-49

PAGE 3

requested by the speaker.

- (c) The City Commission, city board or committee, shall consider the request for additional time in light of the complexity of the proposition, the reason given for the request for additional time, the amount of time requested, the length of the agenda, and the amount of time available for the meeting.
- (d) The Mayor or chairperson may limit the time for a speaker to be heard on a proposition if that speaker has exercised their opportunity to be heard at some time during the decision-making process on the proposition before the City Commission, board or committee. The exercise of the opportunity to be heard must have been within a reasonable proximity in time to the official action as determined by the Mayor or chairperson.
- 4. Prior to the City Commission, city board or committee taking an official action on a proposition, the Mayor or chairperson shall provide an opportunity for the public comment on the proposition at the time the proposition is brought before the City Commission, city board or committee. The Mayor or chairperson shall announce the names of the speakers from the forms previously provided pursuant to 2(a). above and indicate the amount of time the speaker has been given to speak.
- 5. The opportunity to be heard need not occur at the same meeting at which the City Commission, city board or committee takes official action on a proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the City Commission, city board or committee takes official action.

SECTION 2. Exceptions. The requirements in Section 1 of this Resolution do not apply to:

- 1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the City Commission, city board or committee to act; or
- 2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations; or
 - 3. A meeting that is exempt from Section 286.011, Florida Statutes; or

RESOLUTION NO. 14-49

PAGE 4

4. A meeting during which the City Commission, city board or committee is acting in a quasi-judicial capacity; provided however, that this subsection does not affect the right of a person to be heard as otherwise provided by law.

SECTION 3. Order and Decorum. The provisions of Sections 1 and 2 of this Resolution do not prohibit the City Commission, city board or committee from maintaining orderly conduct and proper decorum in a public meeting.

<u>SECTION 4.</u> <u>Validity</u>. Any action taken by the City Commission, city board or committee which is found to be in violation of this Resolution is not void as a result of that violation.

SECTION 5. Severability. The sections, subsections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Resolution shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of the Resolution.

<u>SECTION 6</u>. That all resolutions or parts of resolutions in conflict herewith, be and the same are hereby superseded.

<u>SECTION 7.</u> That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the 4th day of March, 2014.

Mayor

JOHN P. "JACK" SEILER

ATTEST:

JONDA K. JOSEPH

L:\COMM 2014\Resolutions\March 4\14-49.docx

Exhibit I

Right. So, okay. So Commissioner McKinzie has introduced the resolution approving the plat known as Gummakonda, located at 3001 North Ocean Boulevard.

Before we take a vote, I just want to say that I'm not going to be able to support this vote, mainly because I think too many people raised too many questions about too many issues, too many points that were relevant to the infrastructure of this site. And I think at the beginning of this discussion I thought I had a clearer understanding, but by the end of the discussion I could see that there were a lot of gaps in our understanding.

Before I could feel comfortable about going forward on this, I would prefer to defer it so that we at least allow the community to have a better understanding as to the progress or lack thereof on this site and the infrastructure in and around the site, see how it impacts the neighborhood, because neighborhood compatibility, of course, is always a part of any project going forward.

So I heard the city attorney's giving us the standard upon which we are to make our decision, but in good conscience I cannot agree to have this move forward until I feel very comfortable about seeing that all the elements upon which we are asked to approve this plat have been fully satisfied, which I don't feel they have been.

So but we'll go forward. I'll ask the city clerk to proceed with the roll call.

Exhibit J



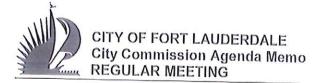
infrastructure

FY 2018 - FY 2022

DOLPHINISLES B-14 SEWER BASIN REHAB

			PRO.	JECT#:	FY 20	15021	5		
Project Mgr:	Luis Oliveira x5877	Department: Fund: District:	: Public W	orks Iter and Sewe	r Master Plan		3220 NE 23 Street Fort Lauderdale FL 33305		
Description:	components survey, flow	such as the I	ining of gra affic control	avity sewers	manholes an	d sower le	j, and the rehabil achless technologie terals. Work also the Wastewater (es to repair	sewer system
Justification:	This project excessive in Treatment Pl	is based on flow and infill ant.	a 2007 Ma Iration flow	nster Plan re s which con	commendation tributes additi	. This san ional sewaç	itary sewer basin ge to George T.	was identif Lohmeyer	ied as having Waste Water
Source Of the		Not identifie	d in an appı	roved plan		1	Project Type: Utilit	ies	
	ding Summa	CONTRACTOR OF THE PARTY OF THE							
Stillites Us			EN/MIE	EAA(033)	13/2020	137/07/	19,5055	(UNEURDEO)	TOTALIBURDER
454 659 Water and Sewer	Master Plan FOR	ISTRUCTION CE CHARGES / El	NGINEERING		\$2,085,943				\$2,085,943
454 650 Total Fund 454:	01				\$268,488				\$268,488
GRAND TOTA	1.				\$2,354,431				\$2,354,431
Comments:	perating Bu	dget:			\$2,354,431				\$2,354,431
Nisv(0)1	/AVAU	/ABI4E(5)	Taken					1007000	7111
								(unaunuau	1(0)1/1/1/1/1/10)17(6)
TOTAL									\$0
Comments: No	Budget Impact								\$0
	te Justificati								
The cost estimate i manhole repair and	s based on current I sealing with a mul	contract prices and tiplier for FY20.	l addresses ap	proximately 30%	of excavated point	repairs, gravity	main lining, lateral lining	g,	
Strategic Co	nnections:						Quarters To P	orform Ea	ob Tasto
Cylinder:	Infras	tructure							cn rask;
							Initiation / Planni		2
trategic Goals	: Be a	sustainable and	l resilient co	mmunity			Design / Permitti Bidding / Award:		2
				-			Construction / Cl		3
bjectives:	Proac	tively maintain	our water, v	/astewater, ro	ad and bridge		Common Co	- 300001	-

Exhibit K



#20-0686

TO:

Honorable Mayor & Members of the

Fort Lauderdale City Commission

FROM:

Chris Lagerbloom, ICMA-CM, City Manager

DATE:

November 5, 2020

TITLE:

Resolution Approving the Consolidated Budget Amendment to Fiscal Year

2021 - Appropriation - (Commission Districts 1, 2, 3 and 4)

Recommendation

Staff recommends that the City Commission adopt a resolution amending the Fiscal Year (FY) 2021 Budget and FY 2021 – FY 2025 Community Investment Plan (CIP).

Background

Examples of recommended actions within the budget amendment are:

- transfer between funds;
- transfer between capital and operating budgets;
- transfer between capital projects;
- acceptance and appropriation of grant funding;
- amendment to staffing level;
- appropriation from fund balance; and
- appropriation for modified revenue and related expenditures.

Staff recommends the City Commission amend the FY 2021 Final Budget and FY 2021 – FY 2025 Community Investment Plan by approving the following transfers and appropriations:

S	0	u	r	C	e	1

ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB- OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE	AMOUNT
331-P12163.331-6599	Facilities Assessment - Ext Repair/Const	Capital Outlay / Construction	\$859,000	(Character) \$615,500	\$190,000

ıc	0

ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB- OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE	AMOUNT
331-P12578.331-6599	Pool Resurfacing - Carter Pool, Croissant Pool, Riverland Pool	Capital Outlay / Construction	\$0	(Character)	\$190,000
			TOTAL AMOUNT →		\$190,000

Public Works

D. Transfer between Capital Projects, Transfer from Capital Projects to Fund Balance – Water and Sewer Master Plan 2017 Fund – Fiveash Water Treatment Plant Disinfection Improvements, Dolphin Isles B-14 Sewer Basin Rehabilitation, Bayview Drive 16-inch Force Main to Pump Station B-14, and Las Olas Marina Pump Station D-31 Projects - \$14.702.956

The City is pursuing options to construct a new water treatment plant instead of moving forward with planned long-term improvements to the Fiveash Water Treatment Plant. Following mentioned strategy, City staff is proposing to reject all bids for the Fiveash Water Treatment Plant Disinfection Improvements Project and re-scoping the original work to support only the highest priority improvements, which include short-term repairs, addition of a pH control system, improvements to the lime delivery system, and necessary upgrades that will help keep the Fiveash Water Treatment Plant operating for the next seven (7) years.

The project scope was revised to exclude the construction of the hypochlorite disinfection system building, a storm-hardened storefront entryway, a new emergency generator building and equipment, replacement of freight and passenger elevators, valves, and pumps. Mentioned project exclusions result in estimated project savings of \$14,702,956.

Staff recommends using the \$14,702,956 to fund the following unbudgeted expenses:

- Dolphin Isles B-14 Sewer Basin Rehabilitation Project, \$365,000 The amount requested is for the pre- and post-closed circuit television video (CCTV) surveys and in-house project management fees, which will facilitate the design and construction estimate of the rehabilitation of the B-14 sewer basin. The proposed is a high priority project because of recent sanitary sewer overflows.
- Bayview Drive 16-inch Force Main to Pump Station B-14 Project, \$2,570,000 The amount requested is for the rehabilitation and replacement of 3,450 linear feet of 12-

inch sewer force main with a 16-inch sewer force main on Bayview Drive to Pump Station B-14, which will increase the capacity of the City's sewer system. The cost includes estimated consultant design fees, construction contract award and in-house project management fees. This force main was identified as medium to high risk of failure in the Force Main Condition Assessment completed in 2020.

- Las Olas Marina Pump Station D-31 Project, \$2,500,000 The amount requested is
 for the relocation and reconstruction of pump station D-31, which is currently
 incompatible with the site of the new Las Olas Marina, which is scheduled for
 construction in the near future.
- The balance of \$9,276,956 is recommended to be returned to the Water and Sewer Master Plan 2017 Fund Balance.

Staff recommends the City Commission amend the FY 2021 – FY 2025 Community Investment Plan (CIP) in the amount of \$14,702,956 to facilitate the reduction of the Fiveash Water Treatment Plant Disinfection Improvements scope and the funding of priority infrastructure projects. There is an associated CAM 20-0752.

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Funds available as of O	ctober 23, 2020				
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE	AMOUNT
495-P11589.495-6599	Fiveash Water Treatment Plant Disinfection Improvements	Capital Outlay / Construction		(Character) \$31,093,956	\$14,702,956
	2		TOT	AL. →	\$14,702,956

Use:

ACCOUNT NUMBER	(Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	АМОИЛТ
495-P12618.495-6599	Dolphin Isles B-14 Sewer Basin Rehabilitation	Capital Outlay / Construction	\$0	\$0	\$365,000
495-P12619.495-6599	Bayview Drive 16" Force Main to Pump Station B-14	Capital Outlay / Construction	\$0	\$0	\$2,570,000
495-P12620.495-6599	Las Olas Marina Pump Station D-31	Capital Outlay / Construction	\$0	\$0	\$2,500,000
495-FD495.01-GL101	Water and Sewer Master Plan 2017 Fund		N/A	N/A	\$9,267,956
			TOTAL →		\$14,702,956

BEFORE THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST DISTRICT
OGC FILE NO. 16-1487

AMENDED CONSENT ORDER

On September 27, 2017 Consent Order OGC File No. 16-1487 (First Order) between the State of Florida Department of Environmental Protection (Department) and City of Fort Lauderdale (Respondent) became final and effective. This Amended Consent Order (Amended Order) is entered into between the Department and Respondent to reach settlement of certain matters at issue between the Department and the Respondent. This Amended Order supersedes and replaces the First Order.

The Department finds and the Respondent neither admits nor denies the following:

- 1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (F.S.), and the rules promulgated and authorized in Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Amended Order.
- 2. The Respondent is a municipal corporation in the State of Florida and a person within the meaning of Section 403.031(5), F.S.
 - The Respondent is the owner and is responsible for the operation of the following:
- a) The G.T. Lohmeyer Wastewater Treatment Plant, a 56.6 million gallons per day, pure oxygen activated sludge facility with secondary effluent disposed of via 5 deep injection wells (Facility). The Facility is operated under Wastewater Permit No. FLA041378-014 (Permit), which was issued by the Department on May 4, 2016, and will expire on September 6, 2021. The Facility is located at 1765 SE 18th Street, Fort Lauderdale, Florida, 33309, in Broward County, Florida (Property). The Respondent owns the Property on which the Facility is located.
- b) The domestic wastewater collection and transmission system (Collection System) serves the Respondent and its customers. The Collection System delivers the collected wastewater to the Facility for treatment and disposal.
 - 4. The Department makes the following findings of fact and conclusions of law to which the

Respondent neither admits nor denies:

a) During the periods from January 1, 2014 to August 31, 2017 and December 10, 2019 to February 14, 2020, the City released untreated wastewater from the Collection System into surface waters and/or groundwaters of the State as follows:

Date	Volume (gallons)	
02/05/17	123,041	
4/28/17	1,500	
4/30/17	1,350	
5/19/17	9,874	
5/26/17	154,270	
6/14/17	3,000	
6/19/17	3,900	
6/30/17	3,000	
8/4/2017	2,000	
8/28/2017	100,000	
8/30/2017	1,000	
8/31/2017	23,730	

Date	Volume (gallons)
12/30/16	17,460
12/19/16	145,887
12/17/16	2,545,560
12/01/16	4,820
07/18/16	79,800
06/23/16	10,620,000
06/23/16	3,217,501
6/23/16	852,499
06/22/16	1,000
03/18/16	94,828
02/16/16	1,820,000
02/14/16	1,000
01/07/16	6,525

Date	Volume (gallons)	
10/29/15	177,250	
10/26/15	100,965	
10/23/15	279,930	
10/20/15	13,500	
10/14/15	1,000	
10/08/15	2,000	
09/28/15	76,308	
09/20/15	2,000	
09/06/15	10,000	
08/19/15	8,000	
07/31/15	3,600	
07/05/15	5,000	
06/29/15	3,335	
05/09/15	50,400	
04/30/15	25,000	
01/26/15	1,500	
01/22/15	12,900	

Date	Volume (gallons)
12/22/14	73,815
11/16/14	4,200
07/16/14	46,575
07/10/14	24,480
05/18/14	212,500
05/06/14	4,000
03/31/14	1,600

<u>Date</u>	Volume (gallons)
12/10/19	35,400,000
12/20/19	77,570,000
12/21/19	769,533

12/27/19	154,600
12/30/19	44,620
12/30/19	8,075
1/30/20	84,720,000
2/14/20	20,520,000

The Department finds that the foregoing releases in Paragraph 4(a) violate Rules 62-604.130, 62-330 and 62-302, F.A.C., as well as Section IX, General Condition 5 of Wastewater Permit No. FLA041378-014 and Part I.D. of Phase I Municipal Stormwater Permit No. FLS000017-004. Furthermore, the releases from December 10, 2019 violate Consent Order OGC Case No.: 16-1487.

5. This Amended Order has been entered into by the Respondent for the purposes of settlement only. Accordingly, neither the recitals nor the Department's findings in this Amended Order, nor the terms and conditions of this Amended Order, nor the Respondent's compliance with those terms and conditions, shall be construed in any legal or administrative action, proceeding or litigation, as an admission that the Respondent has violated any statute, regulation, or ordinance or has otherwise committed a breach of any duty at any time, or of any fact, inference or conclusion of law.

Having reached a resolution of the matter, the Respondent and the Department mutually agree, and it is hereby ORDERED:

- Respondent shall comply with the following corrective actions within the stated time periods:
- a) No later than February 28th, 2018, the Respondent shall replace approximately 1900 linear feet (If) of 12" diameter force main at high risk of failure along Las Olas Blvd. The cost of this project is estimated at \$1,500,000.00.
- b) No later than May 31st, 2018, the Respondent shall replace approximately 11,620 If of failing 30" diameter force main that connects Repump Station A, located on Sistrunk Blvd, to the force main located at the intersection of SW 6th Ave and 7th St. The cost of this project is estimated at \$8,700,000.00.
- c) No later than September 30th, 2020, the Respondent shall complete the pump station rehabilitation and replacement projects listed in *Exhibit A: Phase I Projects*, in order to facilitate existing flows capacity and future projected increase in demands.
- d) No later than September 30th, 2020, the Respondent shall complete the infiltration/inflow (I/I) projects listed in *Exhibit B: Phase I Projects*, in order to reduce flows and lower

Exhibit M





4.4 Previous Effort Summary

In the 2014 I/I monitoring study, a total of 12 rehabilitated pump station basins were evaluated using flow monitors and rain gauges. Table WW4-1 compares the two studies completed previously in 2001 and 2013, which shows the percent difference in BI and RDII of each station to evaluate whether there was improvement from the rehabilitation efforts on the pump station basins.

Table WW4-1, 2001 to 2013 N-BI and N-RDI/I Comparison for Flow Monitored Basins

Basin	N-BI 2001	N-BI 2013	% N - BI	N - RDI/I 2001	N - RDI/I 2013	% N - RDI/I
Dasili	(gpd/in-mi)	(gpd/in-mi)	(%)	(gal/LF/in)	(gal/LF/in)	(%)
A-11-0	10080	9799	-3%	17.7	3.65	-79%
A-12-1	11746	5541	-53%	12	1.56	-87%
A-12-2	59995	7461	-88%	88.1	1.59	-98%
A-12-3	17	1056	6124%	0.1	0	-100%
A-17-1	4114	7424	80%	7.9	3.26	-59%
A-17-2	2468	1098	-55%	8.9	2.19	-75%
A-20-1	5970	2848	-52%	14.7	2.28	-84%
A-20-2	2690	2109	-21%	9.2	1.71	-81%
A-23-1	2261	4552	102%	6.5	1.51	-77%
A-23-2	5099	4882	-4%	4.1	1.23	-70%
A-27-1	6578	2569	-61%	11.3	1.39	-88%
A-27-2	6888	6880	0%	18.9	3.6	-81%
A-27-3	5999	6522	8%	23.7	3.69	-84%
A-29-1	6423	5985	-7%	9.3	2.03	-78%
A-29-3	10817	2321	-79%	8.2	1.71	-79%
A-29-4	5533	3263	-41%	6.1	2.08	-66%
A-29-5	-	2467	×	U 7	4.16	-
B-04-1	8678	4870	-44%	3.1	1.19	-62%
B-04-2	6712	19589	192%	18.4	0	-100%
B-10-1	3191	3076	-4%	12.7	2.14	-83%
B-10-2	677	1059	56%	3.6	0.6	-83%
B-10-3	606	748	23%	7.5	0	-100%
B-11-1	3066	3244	6%	13.8	0.88	-94%
B-11-2	2702	8841	226%	12.4	6.44	-48%
B-14-1	3900	6464	65%	11	1.62	-85%
B-14-2	8133	8203	1%	5.6	2.31	-59%
D-37-1	3991	3186	-20%	6.4	4.76	-26%

Note:

- 1. N-BI = BI (gpd) / (Pipe Diameter (in) * Pipe Length (mi))
- 2. % N-BI: (N-BI 2013 N-BI 2001)/ N-BI 2001
- % N-RDI/I: (N-RDI/I 2013 N-RDI/I 2001)/ N-RDI/I 2001
- 4. N-RDI/I in the previous studies was calculated based on measured flow during the rainfall events. N-RDI/I in this study was calculated based on the average daily flow from the monthly pump runtime and pump curve.

Exhibit N

Wastewater System



Table WW3-5, Pump	Station Consoitu	
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		Pump Station Area		
Α	В	C	D	E
	Upgrade Prior	ily 1 (Not pumping in I	ydraulic model)	
A33		C1		E4, E8
		Total No. of P	riority 1 Pump Stations:	4
	Uį	ograde Priority 2 (1%7		
A28, A38, A56	B1, B14, B5, B8	C10	D34, D40	E5
	_	Total No. of P	riority 2 Pump Stations:	11
	Acce	ptable Capacity (75%	500%)	3 8
A1, A10, A104, A105, A106, A11, A12, A14, A15, A17, A19, A2, A20, A21, A23, A27, A29, A31, A32, A34, A40, A42, A45, A47, A53, A55, A59, A7, A8, A9, A18, A35	B10, B11, B13, B16,B18, B2, B4, B6, B9	C12, C13, C15, C19, C2, C20, C21, C22, C26, C27, C5, C6, C7, C8, C9, C28	D31, D32, D33, D35, D36, D37, D41, D43, D44, D54, D55	E1, E14, E2, E3, E7
			"Acceptable Capacity":	73
	Exc	essive Capacity (>500	0%)	
A22, A36, A37, A39 A46, A48, A50, A51, A54, A57, A58, A60	B23, B7	C11, C14, C32		E6, E12, E13, E16
		Total No. of Stations	"Excessive Capacity":	21

The "N-1" Capacity evaluation groups pump stations into four individual categories:

- Upgrade priority 1 pumps: pumps that are not able to operate in the model due to the high head.
- Upgrade priority 2 pumps: pumps that have an "N-1" Capacity of 1% 75% indicate that
 the pump station likely operates with "N" both pumps on during peak flow events and
 limited redundancy.
- Pumps with acceptable capacity: Pumps with an "N-1" Capacity of 75% 500% indicates
 that the pump stations have enough capacity to operate sufficiently without the spare
 pump "on". All pumps running at the same time likely only occurs during severe weather
 conditions.
- 4. Pumps with excessive capacity. Pumps with an "N-1" Capacity of more than 500% indicates that the pump station is oversized and is unlikely to operate with "N" pumps on at the same time. Several of the larger stations are equipped with variable frequency drives that can adjust the speed of the pump as needed. Oversized stations could be considered for downsizing to reduce power costs and maintenance.

The pump stations with categorized analysis results are presented in Figure WW3-5.

Exhibit O

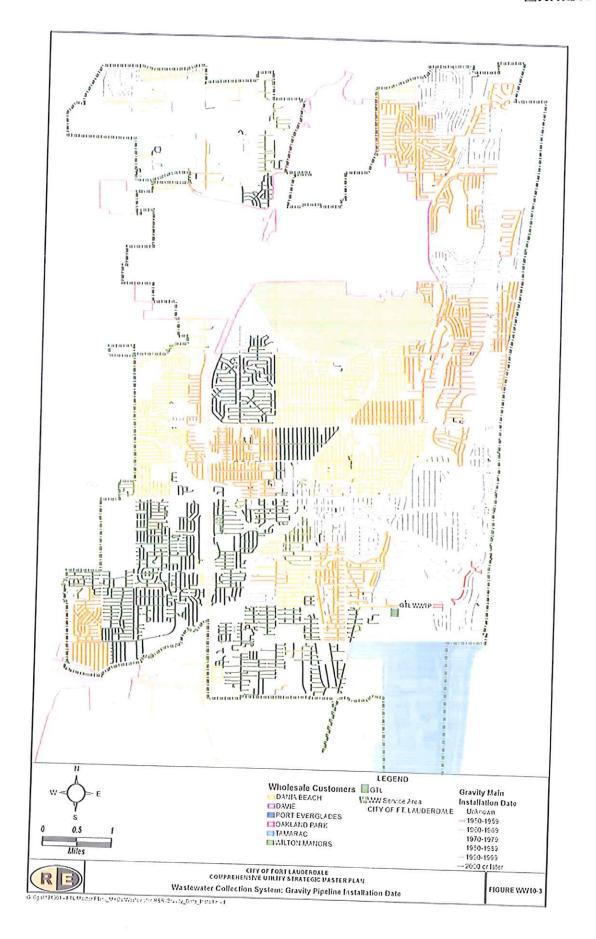


Exhibit P



Broward County -Development Review Report

Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
1 North University Drive, Suite 102-A • Plantation, Florida 33324 • 954-357-6666 • FAX 954-357-6521

SUBJECT:

Response to Letter of Objection(s)

(REVISED)

James McLaughlin McLaughlin Engineering Company 1700 NW 64 Street, Suite 400 Fort Lauderdale, FL 33309

PLAT NAME:

Gummakonda

PLAT NO .:

034-MP-19

TRANSMITTAL DATE:

January 28, 2020

WRITTEN AUTHORIZATION MUST BE RECEIVED BY:

October 16, 2020

TRAFFICWAYS EXPIRATION:

November 23, 2020

Dear Mr. McLaughlin:

As per the requirements Section 5-181(h)(3) of the Broward County Land Development Code, we have completed our review of your Letter of Objection(s) and after consideration, revised the Development Review Report. Specifically, the Highway Construction and Engineering Division have reviewed your requests and revised their comments accordingly. Also, corrections were made to the cover sheet with regards to applicant name, zoning designation and land uses. The local park dedication and impact fees are only for areas within the Broward County Municipal Service District (Unincorporated Broward), therefore this was not revised. In addition, Staff Comments 1 was revised as so correctly stated that there is no residential component. However, we did not want to state that it is a replat of a portion of Lauderdale Beach, because it is only a small portion (an old plat) and most of it is not specifically delineated. A copy of the updated Development Review Report is attached.

Please review the attached report carefully. Pursuant to Section 5-181(i) of the Land Development Code, a "written authorization to proceed," scheduling the application for the next available County Commission plat meeting, must be submitted to the Planning and Development Management Director on or before the above referenced date. If the "written authorization to proceed" is not received on or before the above referenced date, the application for plat approval shall be deemed withdrawn. Once the "written authorization to proceed" is submitted, it is your responsibility to ensure that it is received by this office.

If there are any objections to the Development Review Report, they must be specified in the "written authorization to proceed." However, if the letter to proceed contains any objections not previously raised in the "Letter of Objections," staff may recommend deferral of the plat at the County Commission meeting. If any new objections are raised after the submission of the letter to proceed, staff will recommend deferral of the plat at the County Commission meeting.

GUMMAKONDA 034-MP-19

STAFF COMMENTS

- Staff findings and recommendations pertaining to this plat are based on the uses being 108-rooms hotel. This property is being platted because the plat boundaries are not specifically delineated on a recorded plat.
- Trafficways approval is valid for 10 months. Approval was received on January 23, 2020.
- 3) This plat is located within a Transportation Concurrency Management Area. In accordance with Land Development Code, transportation concurrency fees will be assessed in accordance with the fee schedule specified in the ordinance during the review of construction plans submitted for County environmental review approval and must be paid on the date of building permit issuance.
- 4) At the time of plat application 2,014 square feet of service station use existed on this site, which the applicant stated will be demolished. In accordance with the credit provisions of Section 5-182(a)(4) of the Land Development Code, this structure may be eligible for credit towards transportation concurrency fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. No credit will be granted for demolition occurring more than eighteen (18) months prior to the review of construction plans submitted for County environmental review approval.
- 5) This plat is not located in a Wellfield Zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- This plat is located in the City of Fort Lauderdale and is under the jurisdiction of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division. Surface water management plans for this plat must meet the criteria contained in Chapter 27 Article V of the Broward County Code of Ordinances. The surface water management licensing requirements of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division must be met prior to any construction. Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division prior to discharge.
- 7) The Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division has advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding or altering either a gravity sanitary sewer, a sanitary force main or a pump station, per Chapter 27, Article V of the Broward County Code of Ordinances regarding Water Resource Management. Wastewater

receiving lift stations and force mains are critical components of the conveyance system. As part of the licensing process, adequate capacity will need to be demonstrated for the receiving off-site sanitary sewer conveyance system. The size and scope of flows for the proposed domestic wastewater generation from this plat will likely be substantial and variable; this may impose additional needs for advance planning, permitting, and construction for both onsite and offsite components of the conveyance system. For additional information, please contact the Water and Environmental Licensing Section at 954-519-1483.

- Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division indicates that, at this time, there are no wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Water and Environmental Licensing Section at 954-519-1483 to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.
- 9) The Water and Environmental Licensing Section of the Environmental Engineering and Permilting Division encourages all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of south Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Water and Environmental Licensing Section.
- 10) This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. Please contact Paul Krashefski of the Environmental Planning and Community Resilience Division concerning the inventory, which provides information regarding the ownership and management of each of the Protected Natural Lands. He can be reached at (954) 519-1297 or pkrashefski@broward.org
- 11) An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 for specific license requirements.