

**MEETING OF THE FORT LAUDERDALE
COMMUNITY REDEVELOPMENT AGENCY
8TH FLOOR CONFERENCE ROOM
CITY HALL
TUESDAY, JUNE 7, 2011 – 2:30 P.M.**

Chairman Seiler called the meeting to order at approximately 7:15 p.m. Roll was called and a quorum was present.

Present: Chairman John P. "Jack" Seiler
Vice Chair Bobby B. DuBose
Member Bruce G. Roberts
Member Charlotte E. Rodstrom
Member Romney Rogers

Absent: None.

Also Present: Allyson C. Love, Acting Executive Director
John Herbst, City Auditor
Jonda K. Joseph, Secretary
Harry A. Stewart, General Counsel
Alfred Battle, Director, Community Redevelopment Agency
(Northwest)

1. April 20, 2011 and May 3, 2011 Regular Meeting Minutes

Motion made by Vice Chair DuBose and seconded by Member Rodstrom to approve the April 20, 2011 and May 3, 2011 regular meeting minutes. YEAS: Member Roberts, Member Rodstrom, Vice Chair DuBose, Member Rogers, and Chairman Seiler. NAYS: None.

2. Spending Authorization – Change Order 3 – Central Florida Equipment Rental, Inc. NE/NW 6th Street – Sistrunk Boulevard Streetscape and Enhancement

Motion made by Vice Chair DuBose and seconded by Member Rodstrom to authorize expenditure in the amount of \$91,223.64 – Change Order 3 to Central Florida Equipment Rental, Inc., in the amount of \$89,605.74 plus seven percent engineering fees - NE/NW 6th Street – Sistrunk Boulevard Streetscape and Enhancement – Project 10448.

In response to Chairman Seiler, Alfred Battle, Northwest Community Redevelopment Agency Director, explained that this project's three change orders equate to 3.1 percent of the project. He anticipates future change orders for quantity and design adjustments, including undergrounding issues as this road has not been improved in almost 50 years. He is aware of one in the pipeline. Paul Bohlander, Assistant Utility Services Director, explained that adjustments will be brought back for quantity overruns caused by the engineer's underestimations. Staff is creating a report that documents all of the change orders. He remarked on the considerable underground work. In response to Chairman Seiler and Member Rogers, he indicated that the inaccurate quantity estimates vary according to the type of underground utility. He offered to bring back a more detailed

report. This change order includes four concrete facilities built around a drainage pipe (conflict boxes) which are directly conflicting with another utility. The exact location of the underground components is unknown until digging begins; the conflict could not have been anticipated without significant, additional pre-digging. As for quantity overruns, in most cases, these quantities were part of the original contract so the prices were competitively established per contract unit pricing which ensures that what was paid for is received, regardless of whether it is in the contract or a change order. Albert Carbon, Public Works Director, pointed out that only the construction contractor will be paid additional fees based on quantity increases, not the engineer.

YEAS: Member Roberts, Member Rodstrom, Vice Chair DuBose, Member Rogers, and Chairman Seiler. NAYS: None.

3. **Funds Transfer and Spending Authorization – Change Order 1**
Tomasious Enterprises, Inc. – Eula Johnson House Renovation

In response to Member Rogers, Alfred Battle, Northwest Community Redevelopment Agency Director, explained that this change order is to accelerate the project's completion date by approximately one month, from August to on or before July 4. He explained the contract scheduling provisions and noted that despite the August deadline, staff believed it would be substantially complete by early June according to preliminary discussions with the contractor. But, the unforeseen roof issue noted in Commission Agenda Report 11-0847 impacted the schedule by approximately one month.

In response to Member Rogers and Chairman Seiler, Mr. Battle noted staff's belief that the price increase of 20 percent is commensurate with industry standards. It was reviewed by the architect. In light of the planned July 4 events at this location, Chairman Seiler questioned the original completion date in August. He thought it should have been completed by May. He also objected to the 20 percent increase. Mr. Battle clarified that the construction contract is a standardized city document which, based on the type of renovation, sets forth a certain number of days for completion. He believed that a completion date set prior to August, would have been inconsistent with policy; otherwise, the contract would have been adjusted accordingly. They thought it could be completed earlier. The roof issue now requires more time. Chairman Seiler expressed concern that the project is only 40 percent complete. Mr. Battle explained that the project's start date was March 8, and elaborated upon the work completed thus far. In further response, he noted that the privacy wall is a ULDR (Unified Land Development Regulations) bufferyard requirement which was included in the plans. It was noted to be completed by others rather than the contractor which was a mistake. All new projects along Sistrunk Boulevard are built with a privacy wall for abutting residential development. Greg Brewton, Director of Planning and Zoning, clarified that a 5-foot in height privacy wall has been a ULDR requirement since prior to 1997. A variance could be sought from the Board of Adjustment.

Chairman Seiler expressed concern that the project may not be completed on time, despite the additional cost. Discussion ensued regarding the option of a soft opening on July 4, rather than incurring the additional acceleration cost. Mr. Battle was concerned about liability issues as the structure would be incomplete. Vice Chair DuBose elaborated upon the July 4 events scheduled at this and a nearby location. He believed the completion date can hopefully be met, but it will be contingent upon the City's pace

in the inspection process. Mr. Battle remarked on staff's confidence that the work will be completed by July 4. The 2-5 percent variance is for any additional unforeseen requirements. In response to Member Rogers, he thought that if this change order is not approved, it may be possible to obtain a temporary certificate of occupancy by July 4, but a significant amount of trim and detail work would not be finished.

Chairman Seiler stressed that this project's cost is significant in relation to its scope. He suggested a July 1 deadline with a requirement that the contractor pay a fine if the deadline is not met. Mr. Battle offered to include this stipulation. He noted staff's focus to complete this project on time. In response to Chairman Seiler, he explained that staff realized the project would not be completed on time when the roof issue arose, approximately one month ago. He elaborated upon the complexity of the roof issue in terms of renovation and ULDR requirements. In response to Member Rogers' inquiry regarding the contractor's work days not being adjusted, Mr. Battle indicated that the contractor's proposal, of which he agreed to provide a copy, clearly states a guaranteed completion date of on or before July 4. The General Counsel recommended and there was consensus approval for the change order to be revised to reflect an early completion bonus, where the contractor only receives payment if the project is completed on time.

Motion made by Member Rogers and seconded by Member Rodstrom to authorize 1) transfer of \$24,306.95 from Northwest Progresso Flagler CRA Blanket Project to Project 11521 and 2) expenditure, in the amount of \$90,099.95 – Change Order 1 to Tomasiou Enterprises, Inc. – Eula Johnson House Renovation as recommended and include an early completion bonus as described above. YEAS: Member Roberts, Member Rodstrom, Vice Chair DuBose, Member Rogers, and Chairman Seiler. NAYS: None.

There being no further business to come before the board, the meeting was adjourned at 7:38 p.m.

John P. "Jack" Seiler
Chairman

ATTEST:

Jonda K. Joseph
City Clerk