

**MEETING OF THE FORT LAUDERDALE  
COMMUNITY REDEVELOPMENT AGENCY  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
CITY HALL  
TUESDAY, AUGUST 23, 2011 – 2:30 P.M.**

Chairman Seiler called the meeting to order at approximately 5:05 p.m. Roll was called and a quorum was present.

Present: Chairman John P. "Jack" Seiler  
Member Bruce G. Roberts  
Member Charlotte E. Rodstrom  
Member Romney Rogers

Absent: Vice Chair Bobby B. DuBose

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

**1. June 7, 2011, June 21, 2011 and July 6, 2011 Regular Meeting Minutes**

**Motion** made by Member Rodstrom and seconded by Member Roberts to approve the June 7, 2011, June 21, 2011 and July 6, 2011 regular meeting minutes. YEAS: Member Rogers, Member Roberts, Member Rodstrom, and Chairman Seiler. NAYS:

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**2. Funding Request for Eclipse Phase II**

Robert Wojcik, Community Redevelopment Agency Planner III, highlighted the background information as set forth in Commission Agenda Report 11-1174. In response to Member Roberts, he explained the funding for Phase I. In response to Chairman Seiler, the City Auditor advised that his prior questions concerning the tax payment amount were resolved.

**Motion** made by Member Rodstrom and seconded by Member Roberts to authorize transfer of \$186,300 from Northwest Progresso Flagler CRA Capital Improvement Program to pay for Eclipse park impact fees. YEAS: Member Rogers, Member Roberts, Member Rodstrom, and Chairman Seiler. NAYS: None.

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Note: The Community Redevelopment Agency Board of Directors recessed at 5:09 p.m. and reconvened at 10:39 p.m.

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**3. Authorization to Utilize Funds – Change Order 4 - \$336,317.04  
NE/NW 6<sup>th</sup> Street – Sistrunk Boulevard Streetscape and Enhancement**

In response to Chairman Seiler, Alfred Battle, Northwest Community Redevelopment Agency Director, explained that this change order is necessary because of unplanned width limitations in some areas of the road. Being that multiple utilities are being worked on in the same location, there is limited remaining space to install the decorative light bases. The proposal allows for installation and maintains the integrity of the design. In further response, Mr. Battle noted that a main conflict is caused by the new fiber optic system being installed by AT&T which was not made known until after construction began. Chairman Seiler reasoned that a fiber optic system would still be installed in the same given area. He and Member Rogers expressed concern about multiple change orders. Chairman Seiler stressed that a comprehensive (underground) inventory should be done before the design phase. Mr. Battle explained that staff maintains weekly communication to manage and resolve issues. When the last change order came forward, he predicted there would be this type of utility conflict and the change order would probably be the largest thus far. Chairman Seiler was concerned that existing underground utilities were disregarded in the design process. Mr. Battle noted that some of the utility locations provided to staff were incorrect. Some changes are anticipated, but others are resolved in the field. In further response, he indicated that Jacobs Engineering designed this project with City staff providing as much information as possible, including utility locations.

In response to Member Roberts, Mina Samadi, Northwest Community Redevelopment Agency Engineering Design Manager, indicated that the mast arms are a new item; the originals were credited for \$259,000; some portions are being provided by Broward County free of charge. Some items in the change order became necessary because of Broward County's conversion to a fiber optic system. Many changes were needed as a result of the County's conversion request. Also, the survey used for the light pole installation was approximately six years old, and, therefore, did not include up-to-date utility information.

Member Rogers felt an eleven-month period for a three-block area between 3 Avenue and Federal is unacceptable and detrimental to area businesses. Ms. Samadi explained that the delay for this section was caused by FP&L's failure to provide necessary conduits for the conversion to underground wiring in a timely fashion. The Executive Director agreed it is unacceptable, and went on to note that there are systemic change order issues. As an entity, numerous change orders are being brought forward, and corrective measures will be taken to, either, minimize or eliminate them. He did not think it is a best practice to identify the amount of available funds for change orders when the project is awarded. Member Rogers emphasized that time is of the essence.

Ms. Samadi responded to Member Rodstrom's question about the geographic scope of the change order. In further response, she explained that the change order includes miscellaneous pay items for harmonization of private property (page 3, Exhibit 3) because sidewalk renovations will be necessary in order to match private property elevations. There may be similar additional projects.

Ms. Samadi responded to Member Rogers's question confirming that the contract includes a \$2,500 penalty if the contractor does not complete the work on time; however, the contractor will be requesting an extension to cover the delays caused by the change

order. Member Rogers did not feel it is a good practice to grant a change order without first establishing whether the project's timeline will be adjusted. Ms. Samadi noted that staff has requested the contractor submit the extension request as part of the change order, but it has not yet been provided. Chairman Seiler stressed that a change order should not be scheduled on the agenda until the contractor has provided a timeline. Some discussion ensued about the previous change orders wherein Ms. Samadi confirmed that time extensions were not submitted with the prior change orders. The Executive Director advised that he will not bring forward a recommendation for any time extension. Discussion ensued between Member Rogers, the Executive Director and Chairman Seiler regarding the project's design, a possible phasing modification and the lengthy construction time.

The City Auditor expressed agreement with the Executive Director. He recalled addressing this issue with the Assistant Utilities Services Director. Although some unforeseen conditions are to be expected, he believed there are some items that should have been identified during the design stage. It is the City Consultant's error that correct quantities were not included in the original contract. He expressed concern that the total impact of recurring change orders is often not apparent because they are dealt with individually. In response to Chairman Seiler, Albert Carbon, Public Works Director, specified the duties being completed by the project's construction manager, Craven Thompson and Associates, which include construction monitoring and taking measures to minimize delays and increase to the project scope. He confirmed that staff holds weekly meetings with the construction manager. In further response to Chairman Seiler, Ms. Samadi explained that, including all four change orders, this project's cost has increased from approximately \$12,992,757 million to \$13,732,128 million. Chairman Seiler was opposed to including a change order budget. Mr. Battle confirmed that a contingency and contract is approved at one time. In further response to Chairman Seiler, Mr. Carbon indicated that there are instances where contractors do not seek to utilize all of the budgeted contingencies. He explained that \$15.1 million was budgeted for this project because that was the estimated cost. The Executive Director reiterated his concern that contingency amounts are identified and appropriated when contracts are awarded. It is not about how much is actually budgeted. He would prefer not to appropriate additional funds in advance. In response to Chairman Seiler, Ms. Samadi noted that the contractor's current projected completion date is May, 2012; no time extensions have been awarded. The deadline for requesting an extension was the same as that of the change order. Chairman Seiler believed an extension should not be granted as it was not submitted in time to meet the deadline. The City Auditor pointed out that, including all change orders, the project's cost has increased by approximately \$740,000 which is just under 6 percent of the total original budgeted amount for construction work. Ms. Samadi noted that the project is 35 to 40 percent complete.

At the request of the Executive Director, the item was deferred to September 7, 2011. The City Attorney noted this would mean that Item M-25 on the regular meeting agenda, City Commission approval of the change order, is also deferred.

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There being no further business to come before the board, the meeting was adjourned at 11:10 p.m.

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John P. "Jack" Seiler  
Chairman

ATTEST:

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Jonda K. Joseph  
Secretary