

APPROVED
Visioning Committee
Greater Fort Lauderdale Chamber of Commerce
Tuesday, July 13, 2010 at 4:00 p.m.
512 NE 3rd Avenue, Fort Lauderdale, FL 33301

MEMBER		CUMULATIVE FEB 2010/JAN 2011	
		Present	Absent
Tim Smith, Chair	P	7	0
Stanley Eichelbaum, Vice Chair	P	7	0
Peg Buchan	P	7	0
Alan L. Gabriel	P	7	0
Desorae Giles-Smith (arr. 4:28 p.m.)	P	5	2
Gloria Katz	A	6	1
Charles B. Ladd	A	6	1
Dan Lindblade	A	6	1
Gary T. Sieger	P	5	1
Wiley D. Thompson, III	P	5	2
Randall Vitale	P	6	1

Staff

Shannon Vezina, Public Information Office
 Carrie Sarver, Assistant City Attorney
 D'Wayne Spence, Assistant City Attorney

Call to Order / Roll Call

The meeting was called to order at 4:09 p.m. by Ms. Vezina. As of this date there were eleven appointed members to the Visioning Committee, which means six would constitute a quorum. Following a roll call it was determined that a quorum was present.

Ms. Vezina provided clarification regarding telephonic attendance at a Committee meeting. She brought up that the City Commission passed a resolution pertaining to Committee members participating in meetings by conference call. The resolution states that they are able to participate by telephone "if there is a physical disability, medical treatment, or other similar extraordinary circumstance." The resolution also allows the Committee to vote to determine whether or not a Committee member is able to participate by conference call, providing the person is absent for medical reasons.

Ms. Sarver, Assistant City Attorney, reported that at the City Commission meeting there was discussion whether or not vacation or other circumstances would allow conference call attendance. She reported that City Attorney Harry Stewart, based upon an opinion by the Attorney General (02-82), stated that the Attorney General's office was "reluctant to extend the participation in public meetings to public officials by electronic means to

situations other than those involving a serious medical condition and the presence otherwise of a quorum at the public meeting.”

The Resolution does provide that there has to be a quorum. Section 5 of the Resolution states that it is up to the Committee at the beginning of each meeting to decide if there is going to be an electronic communication by an absent committee member, and if that Committee member qualifies under Section One of the physical disability reason or other similar extraordinary circumstance.

It was asked about the nature of Ms. Katz’s absence, and Ms. Vezina stated that Ms. Katz will be out of town until November 1st and will not be able to participate in person until after that date.

Mr. Vitale asked about Committee attendance requirements. Ms. Vezina responded that if a person has three absences in a row, or four during a year, then the member is removed and would have to be reappointed. There was a short discussion if a member could continue to attend in that circumstance. Ms. Sarver asserted that the member could continue to attend until someone was appointed to take the position if that term had expired. Reappointment would have to be made by a City Commissioner.

Mr. Sieger asked about the meaning of “other similar extraordinary circumstances” and Ms. Sarver replied that is open to the Committee’s interpretation. It is the same policy that applies to the City Commission. The Mayor specifically requested that the language in question be included and it is up to the Committee to vote on a case-by case basis. Ms. Sarver advised that the absence should be kept under the umbrella of medical treatment, and not be for vacations or personal reasons other than medical treatment.

Chair Smith asked Ms. Vezina to communicate with the absent member, read her the policy and see if there is a case for falling under the exception.

Chairman’s Report

Chair Smith thanked Ms. Buchan for all the hard work she has done on the RFP.

Old Business

- **Approval of Minutes of the May 26, 2010 Meeting** (heard out of order)

Ms. Vezina announced that she had inadvertently omitted the approval of the minutes from the Agenda, and was going to take it up under New Business. Chair Smith called for approval at this time.

Motion by Mr. Gabriel, seconded by Mr. Thompson, to approve the minutes of the May 26, 2010 meeting. In a voice vote, the **motion** passed unanimously.

- **Trolley Tour**

Chair Smith reported that after the May meeting he received an email from Ms. Vezina noting that Legal had concerns with the Committee's proposed June trolley tour, so they had to postpone it. He continued that Ms. Sarver and Mr. Spence from the Legal Department were present at the meeting to explain their concerns.

Ms. Sarver introduced Mr. Spence, who has recently been assigned to the new Assistant City Attorney. In the future, he will be the contact for the Committee.

Ms. Sarver said that the Legal Office does not advise trolley tours based upon Sunshine Law. She distributed an opinion summarizing a case which came out a year or two ago. In this case, occurring in Seminole County, they found a violation of the Sunshine Law. The committee in question was not viewed as a fact-finding Committee, but as an ultimate decision-making authority. She understands that the Visioning Committee recommends and advises the City Commission. If the Committee still decides that the trolley tour is something it wants to do, Ms. Sarver advised that they put it together in some form of plan and have the City Commission approve it first.

Chair Smith said that individual members of the Commission were in favor of the idea, but Ms. Sarver said that they would want the City Commission as a body to approve the idea. She suggested alternatively that a map could be drafted and each Committee member could follow the route on their own time.

Chair Smith remarked that he read the case and while it did not find a Sunshine Law violation, the case did have an admonition regarding the tour not being tied to a regular meeting. He suggested the Committee admonish its members before and after the tour regarding potential Sunshine Law violations.

Ms. Sarver clarified that the (Seminole County) case did find a Sunshine Law violation but it was cured at the ensuing public hearing. Mr. Spence remarked that this case sheds some new light on the issue. The case determined that the decision-making process was important to the execution of the Sunshine Law, and that when they were on the trolley, even though the Commissioners were admonished that they were not to speak with each other, they were the ultimate decision making body and the trip itself constituted a part of that decision making process that should have been open to the public.

Chair Smith was curious if they could just open the tour to the public. Ms. Sarver noted that in 2007 their office issued an opinion on that after the City Commission decided to have the district trolley tours. The City Attorney opined against it. The Commission, however, went against that advice and decided to have trolley district tours. At the request of (former) Commissioner Teele, after such decision was already made, their office was asked to give an opinion as to what can be done to try to prevent any violation of Sunshine Law. Basically, there should be no discussion of any issues, enough space to accommodate most members of the public that would want to attend and the media and others. She added that if the Committee is set to have the tour against the advice of their office they want to put it on record that they cautioned the Committee and advised them to take those precautions, present it to the City Commission, and then leave it up to the City Commission to make the decision

Mr. Sieger asked about the other case they mentioned. Mr. Spence answered that the "new case" he referred to is the case that Ms. Vezina handed out. That was a case in 2008.

Mr. Sieger was curious about the inclusion of the City Commissioners on the tour. Mr. Spence said that was definitely not a good idea to have the Commissioners on the tour, whether they are together or not, and Ms. Sarver concurred. Their advice is to leave it to the City Commission to authorize the Committee to have the trolley tour.

There followed a discussion on whether or not to include the City Commissioners, with Mr. Gabriel suggesting it was the idea that the Commissioners would explain to the Committee what is going on in their district and Mr. Sieger questioning their presence. Chair Smith suggested a preliminary public meeting where the Commissioners talk to the Committee about their districts. Ms. Sarver said they are strongly opposed to that as well. However, if the Committee goes ahead with the trolley plan, they should do it without the Commissioners on board, have the tour be noticed to the public, and there should be enough space to accommodate whoever wanted to attend. That being said, they still strongly advise against it as it is a Sunshine Law Violation, and is not to be taken lightly.

Ms. Giles-Smith asked if by taping the meeting, they could remove some of the apprehension. When Ms. Sarver noted that would not make a difference, Ms. Giles-Smith asked what part of the trolley tour specifically violates the Sunshine Law. Mr. Spence answered that there are three requirements for the Sunshine Law:

1. Notice
2. Meeting
3. Open to the public

He said that the item of concern is #3, being open to the public, as a trolley is a confined space with limited room for individuals on the outside. The intent of the Sunshine Law is to provide for open government. Ms. Sarver added that each Committee and Advisory Board ideally should meet at City Hall. Ms. Giles-Smith pursued her line of thinking, asking what the problem would be if they advertised the tour, said it was free, taped the meeting, and anyone could attend. Mr. Spence acknowledged her point of view, but said they are just providing the case law.

Vice-Chair Eichelbaum wondered why they could not just tour one neighborhood at a time, inviting residents of that area to accompany them. Chair Smith explained that they are charged with finding the under-represented people and it would be easier for people in certain districts to attend if they were in their neighborhood. Ms. Sarver repeated they always encourage meetings at City Hall. Having a meeting outside of City Hall poses the implication that the Committee is getting closer to a violation of the Sunshine Law.

Vice-Chair Eichelbaum was curious if they could hold a meeting such as he explained earlier (in the neighborhood), and Ms. Sarver responded that she would like to research that.

Mr. Spence said it is very clear that you cannot have a meeting on the bus. The individuals on the bus should remain silent and when they come back to the meeting, and then they can discuss what they saw.

Ms. Sarver reiterated that they do not advise the tour, as it would not be fact-finding (per the case discussed), and the Committee is an ultimate decision-maker because they are recommending an ultimate visioning plan for the City Commission to adopt. She offered her office's assistance with anything else the Committee would want.

Mr. Vitale contributed that the legal opinion will not change, so the Committee should put its best recommendation together, have the City Commission weigh in on it and then move forward.

Ms. Sarver added that they can do fact-finding if it is specifically to go out and find facts. However, anything that would play into an ultimate decision that the Committee would make regarding the visioning plan is under the interpretation that Seminole Case forbids such a tour.

Motion by Mr. Gabriel, seconded by Ms. Giles-Smith, that the Committee follows Vice-Chair Eichelbaum's concept of meeting in a different District every month with a walking tour in association with it with the individual Commissioner from that District, and ask for a two-part opinion from Legal. In a voice vote, the **motion** passed unanimously.

Mr. Gabriel stressed the importance of getting to know each District and having the fact-finding missions. Mr. Sieger brought up the RFP, which is designed to help the Committee find a consultant to help them fact find. Chair Smith maintained that it would be good for the Committee members to get to know the City before the consultant comes on board.

Mr. Gabriel wondered how many people could go on a fact-finding mission, and Chair Smith said he thought they could all go as long as they do not discuss how they are going to vote on something. Mr. Gabriel stated that he knows the City extremely well, but it changes and they need to go out and see what the issues are today. Mr. Sieger emphasized having a meeting in the District with the Commissioner. Most members also liked the idea of touring the Districts.

- **RFP**

Chair Smith commented that after reworking, the RFP is now a very professional document.

Ms. Vezina reported that the RFP has been approved by Procurement in its current form, and is being reviewed by the City Attorney's office. Once the City Attorney's office has signed off on it, Procurement is prepared to put it out on the street. It would go out prior to the next Committee meeting.

Ms. Buchan expressed a concern that she has been told "on the street" that the fact that it is not a funded RFP is causing a number of potential consultant candidates to choose not to respond. She thought the Committee should consider the ramifications of putting something like this RFP out and getting no, or low quality, responses. She feared it would be embarrassing.

Vice Chair Eichelbaum stated that he has heard the same comments. Preparation of a response to an RFP will cost about \$16,000-\$18,000. He did not think any serious group would respond unless there is funding on the RFP. He suggested sourcing the money via a fund raising effort or sponsor.

Ms. Buchan commented that people may donate funds if they have an interest in the project. Such donors would even host a meeting at their venue "in exchange" for exposure. She emphasized that people who donate funds have an agenda. Vice Chair Eichelbaum said that he prefers grants as opposed to fundraising. Ms. Buchan pointed out the drawbacks of grants: they may not be funded, they roll out but may not have a finite deadline, or the timetable may be too lengthy.

Chair Smith wondered if a firm would look at the RFP and have some sort of reasonable product if the Commission would commit to \$100,000. Ms. Buchan replied that \$100,000 would buy "hours" but she was not optimistic that it would buy the results they need. She said that she does not think there is a "wrong amount" but they have to have some amount connected to it.

Mr. Vitale was curious if they are obligated to accept a poor quality response. Ms. Buchan said they would not have to accept any response if they did not want to.

She commented that the original "tiered" proposal that she has suggested has been removed by Procurement along with the weighting of various items and the timetables, but she does not know why.

Discussion continued about sending the RFP out without money attached with Mr. Gabriel expressing frustration about time being wasted, and Mr. Thompson mentioning it is common practice in government to send out a proposal without funding.

Ms. Vezina remarked that what Procurement sent back was what they thought was appropriate to go out, but she added that she thinks they would be amenable to editing the RFP before it goes out. She added that the timeline dates were taken out because they did not know when it was going to go out on the street. The Committee decided to reinsert the dates.

Motion by Mr. Sieger, seconded by Mr. Gabriel, that they accept the RFP proposal and move it to the street "as is."

Ms. Buchan made a friendly amendment to send the RFP back to Procurement and reinsert the tiered system and the timetable.

She would also like to revisit the scoring, and Chair Smith said he brought the scoring sheet with him. Ms. Buchan noted that they had voted on the scoring at their last meeting and wondered what the procedure is for changing it.

Ms. Buchan remarked that Procurement asked her what the difference was between budget and total project cost. She told Procurement that she did not set it up that way, Legal did. She had set up something called "cost efficiencies" and that is where the tiered approach was included.

Chair Smith directed the Committee's attention to page 17 of the RFP. Ms. Buchan said that wherever the Committee wants tiering, she is ok with it.

Mr. Sieger proposed that under the heading "Total Project Cost," the text should read: "total project cost including all expenses and travel; however, it is suggested that consultants submit a tiered proposal to allow the Committee and the Commission to select those alternatives that suit their needs as well as their available funding services." Ms. Giles-Smith said that she would like to see the word "required" instead of "suggested." The Committee agreed.

A **friendly amendment** was made by Ms. Giles-Smith to incorporate Mr. Sieger's amended wording into the motion on the floor. In a voice vote, the **motion** passed unanimously.

A **friendly amendment** by Ms. Buchan, seconded by Mr. Sieger, to give "Approach" a 25% weight, by taking 5% from "Clarity." In a voice vote, the **motion** passed unanimously.

Ms. Buchan brought up the timetable on page 4, commenting that the original RFP had more than 5 deadlines. Vice Chair Eichelbaum suggested the end of September as a due date to allow time for the educational institutions time to respond. Ms. Vezina noted that typically a pre-bid meeting takes place approximately one week after the release of the RFP so that the respondents have enough time to prepare a response. Typically it is a minimum of three weeks until responses are due.

Chair Smith advised lobbying the City Commission to include the funding in the next year's budget, and they do the budget in September. Ms. Buchan also noted that the colleges will be preparing budgets as well.

A **friendly amendment** was made by Vice Chair Eichelbaum, accepted by Mr. Sieger, to establish the due date as September 30th.

A **friendly amendment** was made by Chair Smith, accepted by Mr. Sieger, to change wording on page 2 to read "...recommend a process **and** lead a community-wide public..." instead of "...recommend a process **to** lead...".

Chair Smith asked the public if they could wait to speak until the Committee concludes this discussion and Chris Beck responded that he had a point to make that was salient to the current discussion. He pointed out that in the back of Terry Rooke's presentation, he advised splitting the RFP into two parts, one a statement of process and then implementation of the process. Get an RFP out on the first part, then on the second.

Chair Smith acknowledged Mr. Beck's input and the Committee returned to their discussion of the RFP and the Committee's role in the process.

Ms. Buchan stated that having the entire Committee review all of the proposals was not looked upon favorably by Legal. Ms. Vezina reported that she had consulted the Procurement Department on the issue of the Committee members serving on the RFP Evaluation Committee and their input was that the Committee members cannot constitute more than 50% of the Evaluation Committee. They recommend a small committee such as one and one, or two and two.

Ms. Buchan proposed having the entire Visioning Committee of eleven serve on the Evaluation Committee. She does not like the responsibility of one person speaking for the other ten members, as each person has unique input.

Chair Smith directed the Committee's attention to page 15, under "Upon Selection" in that paragraph where it says, "all segments and known groups active within the city will be engaged as quickly and as inclusively as possible." He proposed changing the working to: "segments and known active groups (including a list that has been compiled by the City) will be engaged as quickly and as inclusively as possible." Chair Smith noted that the list includes about 200 businesses and groups, and would be easier for the consultant to work with.

In a **friendly amendment**, Ms. Buchan proposed the following wording on page 15: "segments and known groups active within the city (including a list that will be provided to you by the City)".

On page 17, Part 5, "Consideration for Awards," Chair Smith brought up that the recommendation should be made to the City Commission, rather than the City Manager. Ms. Vezina will find out if it was a typo or a deliberate reference.

Chair Smith called for the vote, and in a voice vote, the **motion** as amended passed unanimously.

Public Comment

Alan Tinter, from the IBI Group, asked how many members were on the Selection Committee, and he was informed it had not yet been decided.

C. J. Beck, representing himself, distributed a statement from Terry Rooke. Mr. Beck expressed his admiration for the Committee's progress under their constraints, and encouraged the Committee to be strong. He then read from Mr. Rooke's statement, talking about targeted input. He reiterated his recommendation for the two-step process. His primary concern was looking for targeted audiences outside, and not just inside.

Jorg Hruschka, from Sister Cities, encouraged the Committee to take a look at what Miami and West Palm are doing by dredging the port. Vice Chair Eichelbaum and Chair Smith noted that the marine industry and comparisons with other cities is included in the RFP.

New Business

- **Planning Ahead for Possible Outcomes**

Mr. Vitale stated he has been doing a lot of research regarding process and he hopes everyone can agree that they want some type of outcome when the Committee is done with its project. He chose three attributes for the outcomes: inclusive, transparent and measurable. The Committee agreed with his conclusion.

He then showed several websites to the Committee: <http://durham.visiblestrategies.com> and www.fldashboard.com. The Durham site is one example of a place where people could go and see how they are doing on their outcomes. The site includes strategies, goals, a scoring system, information and an opportunity for community feedback. Chair Smith was curious if Mr. Vitale expected one of the proposers to produce something like that, and Mr. Vitale answered that may be, but it might also be an after-the-fact type of product.

Mr. Vitale then brought up the Florida Scorecard website, presented by the Florida Chamber of Commerce. It shows how Florida compares to national averages in areas such as unemployment and housing.

Vice Chair Eichelbaum commented that this area of reporting is where many cities fall apart. The issue is to figure out the agency responsible for preparing and updating the data.

Mr. Sieger noted that in regard to the Durham site, "Visible Strategies" is a kind of software and he wondered if they could adapt it to what the Committee is doing now.

Mr. Vitale continued that the company that puts on the Florida Chamber site is called "engage networks," and they are based in Naples. He clarified that he is not proposing that the Committee have an interactive website at this point, but he wants the Committee to be looking forward to what they are going to leave behind at the end of their job. Mr. Vitale noted that this company also has a module for contacting people via mobile text messages from the City, which works especially well with the underserved residents, who may not have email access. He reiterated that he is not vested in any of the products or companies, but merely wants to give a "heads up" to the Committee.

Mr. Vitale then showed a short video from a company which has produced a site for the City of New Orleans master plan: www.nolamasterplan.com/default.asp.

Ms. Giles-Smith thought that putting their final information on the web in a similar manner was a great idea. Chair Smith asked again who would do it and when it should be done. Mr. Vitale said they could hire a company to present the outcomes on a software platform, but the City and its agencies would be the ones responsible for the data content.

He continued to say that the goals themselves should be "lofty" but can be drilled down to specific, measurable items. For example, a goal of "everyone is safe" could boil down to crime rates, perception of safety and so forth. Mr. Vitale recommended having experts in each field such as education and public safety assist the Committee in establishing benchmarks and how to obtain the data.

Mr. Sieger remarked that now that they are further into the process, he would like to have something online for the public to follow and comment on. Chair Smith noted that their consultant should be internet-friendly.

Ms. Vezina reported that she had received emails on the City website, but something happened to the email she sent out to the Committee. She asked the Committee members to let her know if they do not receive an email from her on the Thursday prior to each meeting. She also said that if there is any specific item they want the public to comment on, let her know.

Other Matters of Interest

- **Communications to City Commission**

Motion by Mr. Vitale, seconded by Ms. Giles-Smith, to send as a Communication to the City Commission to appoint eleven Committee members as part of the Selection Committee and staff/others as appropriate. In a show of hands, the **motion** passed 5-3. Opposed were Mr. Thompson, Mr. Gabriel and Mr. Sieger.

Ms. Vezina then read a document describing the requirements for the Evaluation Committee in terms of composition and size. Ms. Buchan noted that the RFP now states that the “evaluation of the proposal submitted will be conducted by a committee made up of City staff or other persons selected by the City.”

Mr. Sieger proposed a **friendly amendment** to the motion replacing “and whatever format is required by the City for the other eleven” with “and additional staff as required by Procurement.”

There was a discussion on whether to send the request to the City Commission or straight to Procurement. (It was decided that staff would seek direction from Procurement and the Chair could contact the Mayor and/or City Manager regarding the evaluation committee before sending a communication to the Commission.)

Ms. Giles-Smith wondered what exactly was required insofar as committee makeup. Ms. Vezina cautioned that a large committee of 22 would be unwieldy. Chair Smith agreed with Ms. Vezina, noting that the meetings would go too long. Ms. Buchan laid out a plan for reviewing the proposals where committee members would score them ahead of time and then bring their scores into the meeting.

Mr. Gabriel suggested reviewing the proposals as a Committee in a workshop setting and then send their representatives to the Evaluation Committee. Mr. Vitale commented that a disadvantage to that concept would be that the representatives going into the Evaluation Committee would then be exposed to experts in city process implementation and would possibly get new information that would change their minds.

- **Confirm date of next meeting**

Chair Smith noted that the City Commission does not reconvene until August 17, 2010, and he was curious if the Committee wanted to meet in August.

He noted they should know in a week if the RFP goes out. He wanted to know when it goes out and who it goes to. Ms. Buchan said she has a list of people that she wants the RFP sent to. As it will be a public document, members of the Committee determined that they could send it out to individuals of their choice. Procurement will send out the RFP and Committee members will receive a copy from Ms. Vezina. Ms.

Vezina cautioned the Committee against assuming that Procurement would seek out any specific vendors.

Mr. Thompson asked if there had been a response sent to the public official from San Antonio who posted on the website. Ms. Vezina answered that she had sent him a generic response.

Ms. Vezina pointed out that the Committee cannot collectively discuss responses to the RFP prior to submitting score sheets. Mr. Vitale proposed that at the next meeting they discuss the process of evaluations. Chair Smith said they might be able to do a fact-finding meeting, depending on what they hear from Legal.

After discussion, Chair Smith announced the Committee will meet next on September 14, 2010, place to be announced.

Motion by Ms. Buchan, seconded by Mr. Vitale, to adjourn the meeting at 6:56 p.m. In a voice vote, the **motion** passed unanimously.