

**APPROVED**

**City of Fort Lauderdale  
Visioning Committee**

**4:00 p.m., Tuesday, March 8, 2011**

**City Hall, 100 North Andrews Avenue, 8<sup>th</sup> floor, Fort Lauderdale, FL 33301**

<b>MEMBERS</b>		<b>REGULAR MTGS</b>		<b>SPECIAL MTGS</b>	
		<b>Present</b>	<b>Absent</b>	<b>Present</b>	<b>Absent</b>
Tim Smith, Chair	P	7	0	6	0
Stanley Eichelbaum, Vice Chair	P	7	0	6	0
Peg Buchan	P	7	0	5	1
Alan L. Gabriel	P	7	0	4	0
Desorae Giles-Smith	A	5	2	2	4
Gloria Katz	P	6	1	5	1
Charles B. Ladd	P	6	1	3	3
Dan Lindblade	A	5	2	5	1
Gary T. Sieger	P	7	0	5	1
Wiley D. Thompson, III	P	6	1	5	1
Randall Vitale	P	7	0	3	3

**Staff**

D'Wayne Spence, Asst. City Attorney

Shannon Vezina, Staff Liaison

Barbara Hartmann, Recording Secretary, Prototype, Inc.

**Communication to City Commission**

**Motion** by Mr. Gabriel, seconded by Mr. Thompson, to propose the following recommendations to the Mayor as negotiating points to reduce the comprehensive plan costs. The list includes:

- Negotiate a reduction in hourly rate between 5 and 6%
- Support the original recommendation of the Committee
- Have staff compile the Existing Conditions documentation without analysis
- Request that WRT provide the City with a prioritized list of items that could be considered for elimination from the comprehensive plan without reducing public input or compromising the overall final product
- Soliciting private donations to offset the overall costs

In a vote by a show of hands, the motion passed 7 – 1, with Mr. Ladd opposed.

**Call to Order**

The meeting was called to order at 4:12 p.m. by Chair Smith.

- **Roll Call**

(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.

- **Approval of minutes from the Jan. 25, 2011 meeting**

**Motion** by Mr. Gabriel, seconded by Ms. Katz, to approve the minutes of the January 25, 2011 meeting. In a voice vote, the motion passed unanimously.

Chair Smith said that Ms. Katz had an announcement. Ms. Katz reminded the Committee that Friday from 9 a.m. to noon is the Legacy Project at FAU. Experts from all over the world (as well as local experts) will be discussing the future. After the talks, there will be a question/answer period, and she invited Committee members to attend. The event is free.

[Wiley Thompson joined the meeting at 4:15 p.m.]

### **Old Business**

- **Status and Administration of RFP Contract**

Ms. Vezina said that she asked Mr. Spence, Assistant City Attorney, to join the meeting to clarify the role of the Committee in relationship to the consultant. She said that by City Charter, the vendor will be a contractor of the City and will be directed by City Staff, including herself or Procurement or other appropriate personnel. The Committee will work with the vendor, but should not directly give them work to do. Mr. Sieger wondered if the Committee would be able to give recommendations to the vendor, and Ms. Vezina said they would.

Mr. Spence commented that there will be a Contract Coordinator (staff person) to help administer the contract. The Contract Coordinator will help liaison between the contractor and the Committee. The Committee will have collaborative meetings with the vendor/contractor, and these will be arranged through the Contract Coordinator. Mr. Spence explained it is important not to violate the Charter or the provisions of the Sunshine Law. The Committee is to maintain the protocol of working through the staff liaison of the Committee and work only within the publicly noticed meetings of the Committee when interacting with the contractor.

Mr. Vitale brought up the potential procedure for negotiating changes to the contract between the Mayor and the contractor, prior to execution, and whether such changes would come back to the Committee for approval in principle. Chair Smith remarked that he did not think so, but the Mayor had asked the Committee to give him specific recommendations for his negotiations with the contractor.

Vice Chair Eichelbaum wondered if the Visioning Committee, as opposed to the Selection Committee, had the right to discuss possible amendments to the proposal. Mr. Spence said he understood that the Selection Committee looked at the RFPs and selected the individual whose proposal should be awarded. That recommendation went to the City Commission. Based on the proposal at the bid, the Selection Committee viewed that proposal as the best one, and recommended it to the City Commission. The only issue was the pricing, and the Mayor was charged with the task of negotiating the pricing down. Mr. Spence said that those negotiations may result in a change to the possible scope of work. He noted that the Selection Committee has completed their job.

Chair Smith was curious if the scope did change, if it would have any material change on the award. Mr. Spence said that if there are material changes, there is the potential that it would have to go back out for bid. He continued that after the Mayor tells the attorneys what his final recommendations are, the City Attorney will advise him whether if there are any changes that would require a re-bid or would require going to a different level of service.

Vice Chair Eichelbaum wondered if the Selection Committee could come back and meet with the Visioning Committee for evaluation of what they did at that point. Chair Smith remarked that the attorneys said that WRT cannot meet with the Visioning Committee either, but he thought WRT could meet with the Selection Committee.

Ms. Buchan pointed out that the RFP indicated that the contract would be negotiated, so she did not believe that the scope of work would be changing, but maybe the intensity of work. She found it appropriate that the group who wrote the RFP be the one to make the recommendation to the Mayor. If that recommendation changes the scope of work, then it will probably have to go back to the Selection Committee or go back to bid.

Chair Smith asked the attorneys to advise the Committee if they are going to make a recommendation to the Mayor to pare it down cost wise, or if it would be just to take a certain percentage off the bottom line or if it would be a matter of removing a category or part of a category. Mr. Spence commented that he did not think his office would be going into the actual negotiations. He thought the Committee should look at the Mayor's proposals, and make a recommendation to the City Commission on it.

In response to a question by Mr. Sieger, Mr. Spence reiterated that one staff person will administrate the contract on behalf of the City. That person will liaison with the contractor. As far as coordination with this Committee, Mr. Spence emphasized that individual members of this Committee are not to discuss the contract with the contractor. He added that the City Manager assigns the staff person. Ms. Vezina said that if the Committee wanted to recommend a person to be the liaison, they could.

**Motion** by Mr. Sieger, seconded by Vice Chair Eichelbaum, to recommend that Ms. Vezina would be the liaison for the Committee with the contractor. In a voice vote, the motion passed unanimously.

Mr. Ladd commented it is unclear to him what the Committee is supposed to do after the vendor does his work. He thought they should ask the City Commission what they want the Committee's role to be.

Mr. Vitale read Item 13 from Part I on Page 5 of the RFP, which described how the City can cut any part from the contract and correspondingly cut the fees.

Vice Chair Eichelbaum thought there was an accidental misrepresentation to the City Commissioners: the Committee voted to unanimously endorse the work of the Selection Committee, not necessarily to unanimously endorse the chosen vendor. He thought that distinction should be clarified. Mr. Sieger thought the Visioning Committee endorsed the selection of the Selection Committee, but also recommended the comprehensive plan. Vice Chair Eichelbaum noted he was comfortable with the situation if everyone else was.

### **Other Matters of Interest**

Chair Smith reported that Mayor Seiler spoke to him and said he had begun negotiations with the contractor, Wallace Roberts & Todd. The Mayor said he was sure they were the right firm, but he thought the fee was too high. The Mayor wants the amount to be 25% less, and Chair Smith wondered how they would achieve that. The Mayor asked Chair Smith to figure out what the Committee's priorities are and then he would negotiate on the items that were not priorities.

Mr. Sieger wondered if the Visioning Committee was allowed to discuss the details and make a recommendation to the Mayor. Mr. Spence replied that they are at a noticed public meeting and what they will be doing is making a recommendation to the City Commission. The Mayor, as part of that body, will receive the recommendation as one from an Advisory Board.

Mr. Gabriel was curious if anyone had asked the consultant about reducing his fee by 25% before the Committee cuts items from the contract. Chair Smith said he had mentioned that to the Mayor, but the Mayor said that he first wanted to know what items in the contract were not "necessary."

Ms. Buchan called the Committee's attention to the cost page for the Moderate Proposal. There is one thing they could ask the City staff (instead of the consultant) to do, as they have all the data. The City would participate and get buy-in by doing this. It is Item 2.1 for \$16,000, the Existing Conditions Documentation and Analysis. That would meet the 25% reduction and engage the City staff at all levels, without asking the consultant to scale back.

Chair Smith noted that Ms. Buchan had, in the past, commented on the importance of public outreach, and he wondered if she had changed her mind. Ms. Buchan replied that she had not, but they need to compromise. She said she is not comfortable “getting into the heads” of the professionals and trying to determine what is important. She thought her solution would be a win-win.

Mr. Ladd believed that the use of staff would be costly, and he questioned the validity of the data that staff had prepared in the past. He suggested instead, staying with the moderate plan and asking the consultant to reduce his hourly rate. If the Committee wants to proceed with the comprehensive plan, ask the consultant to give them incremental steps that they could cut.

Mr. Sieger thought the reason the Committee suggested going with the comprehensive plan was community outreach. There is an instant savings if the City Commission takes the moderate plan as is. He thought the negotiation point would be between the moderate and the comprehensive plan. Mr. Sieger concurred with Mr. Ladd, that the data collected by staff was inaccurate.

Ms. Vezina thought the staff could produce objective numbers if they had to identify the number of parks, acreage, buildings, and so forth.

Mr. Vitale said that debating line by line for cost savings would take too much time. He would prefer to take a more aggressive stance, tell the consultant what they want, and re-negotiate if necessary.

Chair Smith remarked that City Commissioner Rodgers wanted City staff to contribute some portion of their operating budget to the project, some amount of money from each department. If each department sent back 1/1000 of 1% of this year’s operating budget, it would be \$30,000.

Chair Smith continued that if the Committee could find some things they could all agree upon, the 1/1000 of 1% would cover the whole \$30,000. If the consultant cut his fee by 10%, that would be \$40,000 saved.

There was a brief discussion on whether the staff was capable of analyzing data objectively, with Ms. Buchan speaking on behalf of their capabilities, and Mr. Ladd questioning their objectivity.

Ms. Katz proposed that the City Commission involve the staff and take the \$16,000 either out of the comprehensive or the moderate plan. She was against the idea of going through item by item, as they do not know how the consultants work. As far as their fee is concerned, she said they picked this group partly because of their reasonable fee.

Chair Smith acknowledged the public and asked their patience for a few minutes.

Mr. Sieger commented he is not against the staff, but he has had difficulty getting responses from them. In addition, he concurred that line-iteming the bid was not the way to go.

Vice Chair Eichelbaum brought up the point that in this economy, the proposers probably do not have a lot of fluff in their budget to cut. He also spoke on behalf of the integrity of City workers. He added that he does not think it wise to go through the project item by item because it is an integrated study with many elements, and this Committee does not understand the residuals.

Vice Chair Eichelbaum continued that the firm has four architects from WRT who can assess the Existing Conditions on data already created. Chair Smith asked Vice Chair Eichelbaum if he thought it was necessary to have community forums to discuss the Existing Conditions Report, and Vice Chair Eichelbaum replied that it was "absolutely essential."

Mr. Ladd did not think it was unrealistic to ask WRT for a 6% cut on their \$125/hr charge. In addition, he suggested asking the firm for a hierarchical rating of items that could be cut (that would have the least impact on the quality of their product). He reiterated it was a waste of time for the Committee to go through the project line by line. Mr. Ladd thought money out of the staff budget was doable. Chair Smith said they could do the photo copying and similar projects to save money.

### **\*\*Public Comment**

At this point, Chair Smith opened the meeting up for public comment.

Art Seitz, from Fort Lauderdale Beach, was the first to speak. Mr. Seitz advocated for improvements at the beach, saying that most money is being spent west of the 95. He said the most important thing for the beach is a 27-mile greenway, a linear park, to accommodate pedestrians, cyclists, and skaters. He added that several great restaurants on the Intracoastal and walkway connectors to greenways would be beneficial.

Chris Beck said he is very satisfied with the quality of City staff. He also said that his goal for a visioning process is: To improve the ability of Fort Lauderdale to compete in world markets while improving living standards at home over the next 25 years. He advocated focusing on quality, not price, in regards to the visioning consulting process.

David Parker, former President of Sailboat Bend, said he thought the outreach component was very important. The future of the City depends on its diversity, and there are good neighborhood activists.

**\*\*End of Public Comment**

Chair Smith suggested putting the public input reduced from medium to comprehensive back into the moderate proposal, and go for a 5% reduction in hourly fees (that would provide \$25,000 of the money needed to put the public input back in). In addition, he suggested using in-kind donations from City staff (such as photocopying), or monetary donations in terms of budget allocations from every City department at the rate of 1/100 of 1%, which would total \$30,000. (It was noted that the previous calculation of 1/1000 of 1% should have been 1/100 of 1%.) Chair Smith suggested choosing the moderate option and having staff do the initial Existing Conditions Report (actual facts collection). That would take them back down to \$300,000.

Mr. Vitale said he had to leave soon to attend another meeting and wanted to comment that he thinks the whole effort to reduce the amount of money is political posturing. He repeated his proposal to go back to the Mayor and say that the Committee's recommendation stands: stay with the comprehensive plan, and negotiate the hourly rate if it can be done without changing the proposal.

**Motion** by Mr. Sieger, seconded by Mr. Vitale, that the Committee recommend to the City Commission that they keep the comprehensive plan and go back to the consultants and look at their ideas to reduce the labor rate and, as professionals, recommend what they can take out of the plan without reducing the product in the end.

Mr. Sieger said the alternative was to take the moderate plan and reduce it. He reiterated he did not want to go line-by-line.

Mr. Ladd said his position was to not cut the project fee by 25%, as suggested by the Mayor, but perhaps 12.5%. He suggested a 5% reduction in rate and a 7% reduction in scope, as determined by the consultant, without reducing the outreach.

Mr. Ladd made a friendly amendment to the motion on the floor: 5.5% reduction on the rate, 7% on the scope, as recommended by the consultant without impacting outreach. The amendment was accepted by Mr. Sieger. Mr. Vitale thought that was a different motion and withdrew his second.

**Motion** by Mr. Sieger, seconded by Mr. Ladd, to recommend to the City Commission that they keep the comprehensive plan, but that they negotiate a 6% reduction of labor rate and a 7% reduction in scope without impacting the citizen outreach and not affecting the quality of the product. In a vote by show of hands, the motion failed (4 - 5) with Vice Chair Eichelbaum, Ms. Buchan, Ms. Katz, Mr. Vitale and Mr. Thompson opposed; and Mr. Gabriel, Mr. Ladd, Mr. Sieger and Chair Smith in favor.

Vice Chair Eichelbaum thought they should take the whole list as negotiating points and then sort out the ones they are adamantly against.

Ms. Buchan believed it would not work to pay someone less and do less of the “bones of the project” and still get a quality product. She thought the public would be willing to participate regardless of the money spent on outreach.

**Motion** by Vice Chair Eichelbaum to take the list that Ms. Vezina has been drafting, see if there are votes against any select items, and provide that list to the Mayor as alternatives for his negotiating points. Motion withdrawn.

Chair Smith reviewed the suggestions previously made by Committee members as to what direction to take, and then led the Committee on a review of the list prepared by Ms. Vezina. He said they would have quick straw votes to see if an item is to remain on the list for the Mayor.

The items are as follows:

1. Negotiate a reduction in hourly rate somewhere between 5 and 6 percent. (A “large majority” in favor.)
2. Do not amend the plan, put forward the recommendations that were already in place. (Five out of nine in favor.)

[Mr. Vitale left the meeting at 5:53 p.m.]

3. City departments to contribute \$30,000 for overall project (in-kind services or money). (Failed due to tie vote.)
4. City departments to contribute the amount in-kind to the extent that they can. (Failed.)
5. Have City staff compile Existing Conditions Report (including documentation and analysis) to eliminate \$16,000 from cost of moderate plan. (Failed.)
6. Have City staff compile Existing Conditions Report (including documentation and analysis) to eliminate \$16,000 from cost of comprehensive plan. (Failed.)
7. Have City staff do Existing Conditions documentation, but not analysis. (Passed, five out of eight in favor.)
8. Request that WRT provide the City with a prioritized list of items that could be considered for elimination from the comprehensive plan, without compromising the overall final product. (Passed.)
9. Working from the moderate proposal, add the public input portion from the comprehensive plan. (Failed due to tie.)

Ms. Vezina recapped the items which received a favorable vote: items #1, 2, 7, 8.

Vice Chair Eichelbaum asked to re-open Item #7, as he did not understand the vote.

**Motion** by Vice Chair Eichelbaum, seconded by Ms. Buchan, to reconsider Item #7. In a vote by show of hands, the motion failed.

Chair Smith reiterated that the Mayor has asked them to cut \$100,000 out of the proposal and the Committee has so far come up with three possible ways to do that:

- get the firm to negotiate a 6% cut in the labor rate (savings of \$24,000)
- have staff do the Existing Conditions Report without analysis (savings of approximately \$16,000)
- do nothing

Chair Smith wondered why the Committee members were opposed to having the City departments contribute money. Ms. Buchan pointed out it was trading one packet of City money for another.

Chair Smith suggested that the Mayor find some private donations to offset the costs. Mr. Ladd suggested saying that the Committee would like to stay with the comprehensive plan in order to attempt to get to the Mayor's goal of a 25% reduction in cost, and they have looked at 6% reduction in the labor rate. The consultant would provide a 6% reduction in the scope, those items being cut being the least harmful to the program. The balance would be made up with private contributions.

Mr. Ladd pointed out that shaving 7% off the scope would save another \$28,000. The total would be \$52,000, with a remainder of \$48,000 to be eliminated.

**Motion** by Mr. Ladd, seconded by Ms. Buchan, that the Committee recommends that the City Commission stay with the comprehensive proposal, that in order to meet the Mayor's goal of a 25% reduction, the best places to find it would be a 6% reduction in the hourly rate of the consultant, the consultant to identify a 7% deduction in scope that would have the least impact on the quality of the plan, without taking away from citizen involvement, and the balance of the 25% be reached through private contributions.

After discussion, the motion was restated as follows:

**Motion** by Mr. Ladd, seconded by Mr. Sieger, that the Visioning Committee recommends that the City Commission stick with the comprehensive program, and in order to reach the Mayor's goal of a 25% reduction in costs, that the City Commission look to a 6% reduction in the hourly labor rate, that the consultant provide 7% reduction in scope that the consultant feels would have the least impact on the product without reducing expenditures for public input, that the consultant would provide an estimate of any savings that could be gained from using a staff-provided Existing Conditions

Report, and that any additional savings needed to meet the 25% goal will be provided by private contributions.

Mr. Gabriel pointed out that the way the motion was worded was different than the way the items were previously identified.

The motion was restated once again:

**Motion** by Mr. Ladd, seconded by Ms. Buchan, that the Committee recommends that the City Commission accept the comprehensive plan and the 25% goal be reached by the following:

1. Six percent reduction in the consultant's hourly rate;
2. Consultant to provide a 7% reduction in scope with items that the consultant feels will not negatively impact the quality of the report and not reduce public input;
3. Consultant to provide any savings that can be gained by utilizing a staff-provided Existing Conditions Report to begin their analysis;
4. Any additional savings to reach the 25% would be provided by private contributions solicited by the Mayor/City Commissioners.

In a show of hands, the motion failed.

Chair Smith explained that the above motion would be in lieu of the list.

**Motion** by Mr. Gabriel, seconded by Mr. Thompson, to forward the list to the Mayor/City Commissioners.

Ms. Vezina repeated the list:

- Negotiate a reduction in hourly rate between 5 and 6%
- Support the original recommendation of the Committee
- Have staff compile the Existing Conditions documentation without analysis
- Request that WRT provide the City with a prioritized list of items that could be considered for elimination from the comprehensive plan without compromising the overall final product and without reducing public input

Mr. Sieger pointed out that there was nothing in the list about private funding.

Mr. Gabriel amended the motion to include that this affects the comprehensive plan. The Committee agreed by consensus to add to the list the item to look for other savings via private donations.

- **Communication to City Commission**

The motion was restated as follows:

**Motion** by Mr. Gabriel, seconded by Mr. Thompson, to propose the following recommendations to the Mayor as negotiating points to reduce the comprehensive plan costs. The list includes:

- Negotiate a reduction in hourly rate between 5 and 6%
- Support the original recommendation of the Committee
- Have staff compile the Existing Conditions documentation without analysis
- Request that WRT provide the City with a prioritized list of items that could be considered for elimination from the comprehensive plan without reducing public input or compromising the overall final product
- Soliciting private donations to offset the overall costs

In a vote by a show of hands, the motion passed 7 – 1, with Mr. Ladd opposed.

Chair Smith commended the Committee for all the work they have done so far on this project.

- **Confirm date of next meeting**

Chair Smith said the Committee would have to wait and see if their recommendation passes. He thought their next meeting would be with the consultant.

Ms. Vezina commented that the contract has to go back to the Commission, so it would probably be at least a month before the next Committee meeting.

Ms. Katz asked how the Committee would know what the Mayor negotiated. Ms. Vezina said they would see the information in an agenda item. Ms. Katz asked if the Committee could be advised when the agenda item was available. Ms. Vezina said yes.

### **Adjourn**

**Motion** by Ms. Buchan, seconded by Ms. Katz, to adjourn the meeting at 6:34 p.m.

[Minutes prepared by J. Rubin, Prototype, Inc.]